

SOUTH AUSTRALIA

**SECOND-HAND MOTOR VEHICLES ACT, 1983**

*This Act is reprinted pursuant to the Acts Republication Act, 1967, and incorporates all amendments in force as at **10 December 1992**.*

*It should be noted that the Act has not been revised (for obsolete references, etc.) by the Commissioner of Statute Revision since its last reprinting on 21 December 1987.*

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## SECOND-HAND MOTOR VEHICLES ACT, 1983

being

Second-hand Motor Vehicles Act, 1983, No. 54 of 1983  
[Assented to 16 June 1983]<sup>1</sup>

as amended by

Second-hand Motor Vehicles Act Amendment Act, 1985, No. 17 of 1985 [Assented to 14 March 1985]  
Second-hand Motor Vehicles Act Amendment Act, 1986, No. 19 of 1986 [Assented to 20 March 1986]<sup>2</sup>  
Second-hand Motor Vehicles Act Amendment Act (No. 2), 1986, No. 116 of 1986 [Assented to 18 December 1986]<sup>3</sup>  
Statutes Amendment (Fair Trading) Act, 1987, No. 43 of 1987 [Assented to 30 April 1987]<sup>4</sup>  
Statutes Amendment (Commercial Licences) Act 1992 No. 55 of 1992 [Assented to 29 October 1992]<sup>5</sup>

<sup>1</sup> Came into operation 1 January 1986: *Gaz.* 7 November 1985, p. 1361.

<sup>2</sup> Came into operation 1 January 1986: s. 2.

<sup>3</sup> Came into operation 5 March 1987 (except s. 5): *Gaz.* 5 March 1987, p. 546; s. 5 came into operation 12 November 1987: *Gaz.* 12 November 1987, p. 1574.

<sup>4</sup> Came into operation 26 October 1987: *Gaz.* 24 September 1987, p. 940.

<sup>5</sup> Came into operation 10 December 1992: *Gaz.* 10 December 1992, p. 1752.

*Note:* 1. Asterisks indicate repeal or deletion of text.

2. For the legislative history of the Act see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

**An Act to regulate dealing in second-hand motor vehicles; and for other purposes.**

The Parliament of South Australia enacts as follows:

PART I

PRELIMINARY

**Short title**

1. This Act may be cited as the *Second-hand Motor Vehicles Act, 1983*.

\* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

\* \* \* \* \*

**Interpretation**

5. In this Act, unless the contrary intention appears—

"auctioneer" means a person who carries on the business of conducting auctions for the sale of goods, and includes a dealer who in the course of business conducts an auction for the sale of a second-hand vehicle:

"authorized officer" means an authorized officer under the *Fair Trading Act, 1987*:

"the Commissioner" means the Commissioner for Consumer Affairs:

"credit contract" means a credit contract as defined in the *Consumer Credit Act, 1972*:

"credit provider" means a credit provider as defined in the *Consumer Credit Act, 1972*:

"dealer" means a person who carries on the business of selling second-hand vehicles:

"licence" means a licence under this Act:

"licensed credit provider" means a person licensed as a credit provider under the *Consumer Credit Act, 1972*:

"licensee" means the holder of a licence:

"model designation" means the words and symbols (if any) used by the manufacturer of a vehicle to identify the model of the vehicle:

"place of repair", in relation to a dealer, means a place at which the dealer accepts delivery of vehicles for repair pursuant to Part IV (whether or not repairs are carried out at that place):

"registered", in relation to a vehicle, means registered under the *Motor Vehicles Act, 1959*, or under a corresponding Act or law of another State or a Territory of the Commonwealth:

3.

"registered place of repair", in relation to a dealer, means a place of repair registered in the name of the dealer under section 13:

"registered premises", in relation to a dealer, means premises registered in the name of the dealer under section 12:

"the Registrar" means the Commercial Registrar under the *Commercial Tribunal Act, 1982*:

"the repealed Act" means the *Second-hand Motor Vehicles Act, 1971*, repealed by this Act:

"second-hand vehicle" means a vehicle that has been used for a purpose not connected with its manufacture or sale including a vehicle that has been used for the purpose of demonstration in connection with the sale of another vehicle:

"sell" includes sell on behalf of another person and "sale", "offer for sale" and "expose for sale" have corresponding meanings:

"the Tribunal" means the Commercial Tribunal established under the *Commercial Tribunal Act, 1982*:

"vehicle" means a vehicle—

(a) that is used or capable of being used for transportation on land;

and

(b) that is designed to be wholly or partly propelled by an engine:

"vehicle leasing agreement" means an agreement under which a vehicle is let on hire for a period exceeding 4 months:

"vehicle leasing business" means a business in which vehicles are let on hire under vehicle leasing agreements:

"year of first registration", in relation to a vehicle, means the year in which the vehicle was first registered.

\* \* \* \* \*

### **Application of this Act**

**6.** (1) Where a dealer sells a second-hand vehicle to a credit provider on the understanding that it will be sold or let on hire to a third person and the vehicle is in fact sold or let on hire to the third person then—

(a) section 19 does not apply in relation to the sale by the dealer;

but

(b) for the purposes of all other provisions of this Act, the dealer will be presumed to have sold the vehicle to the third person.

4.

(2) The Governor may, by regulation, exempt (conditionally or unconditionally)—

(a) a specified vehicle or class of vehicles;

(b) a specified person or class of persons;

or

(c) a specified transaction or class of transactions,

from this Act or a specified provision of this Act.

**Non-derogation**

7. (1) The provisions of this Act are in addition to and do not derogate from the provisions of any other Act.

(2) The provisions of this Act do not limit or derogate from any civil remedy at law or in equity.

**Commissioner to be responsible for administration of Act**

8. The Commissioner is, subject to the control and direction of the Minister, responsible for the administration of this Act.

5.

PART II

LICENSING OF DEALERS

DIVISION I—GRANT OF LICENCES

**Dealer must be licensed**

**9.** (1) A person must not—

(a) carry on business as a dealer;

or

(b) hold himself or herself out as a dealer,

unless that person is a licensee.

Penalty: \$5 000.

(2) This section does not apply to—

(a) a licensed credit provider—

(i) whose business as a dealer is incidental to the credit business;

and

(ii) who, in carrying on business as a dealer, observes any requirements imposed by regulation for the purposes of this paragraph;

or

(b) an auctioneer who sells second-hand vehicles on behalf of other persons—

(i) by auction;

or

(ii) by sales negotiated immediately after conducting auctions for the sale of the vehicles,

and who does not otherwise carry on the business of selling second-hand vehicles.

**Application for a licence**

**10.** (1) An application for a licence must—

(a) be made to the Tribunal;

(b) be in writing in the prescribed form;

and

6.

(c) be accompanied by the prescribed application fee.

(2) An applicant for a licence must furnish the Tribunal with such information (verified, if the Tribunal so requires, by statutory declaration) as the Tribunal may require.

(3) Where an application is made for a licence, the Registrar must—

(a) cause the application to be advertised in the prescribed manner and form;

and

(b) cause a copy of the application to be served on the Commissioner and the Commissioner of Police.

(4) Any person (including the Commissioner or the Commissioner of Police) may, within 10 days from the date on which an application is last advertised pursuant to subsection (3), lodge with the Registrar a written objection to the application setting out the grounds of the objection.

(5) The Tribunal may, on the application of any interested person, and subject to such terms as it thinks fit, extend the period for lodging objections.

(6) Subject to subsection (7), the Registrar must serve the applicant, the Commissioner and the Commissioner of Police with a copy of an objection lodged under subsection (4).

(7) Where the Commissioner or the Commissioner of Police has lodged an objection, a copy of the objection need not be served on the objector.

(8) Where—

(a) an objection to an application is lodged under subsection (4);

or

(b) the Tribunal does not propose to grant an application upon the basis of documentary material alone,

the Tribunal will conduct a hearing of the application and the Registrar must give the applicant, the Commissioner, the Commissioner of Police and any objector at least 7 days notice of the date for the hearing.

(9) The Tribunal must, subject to this Act, grant a licence to an applicant if the Tribunal is satisfied that—

(a) (i) in the case of an applicant who is a natural person—

(A) the applicant is of or over the age of 18 years;

(B) the applicant is a fit and proper person to hold a licence;

and

7.

(C) the applicant has sufficient knowledge and experience for the purpose of properly carrying on the business of a licensed dealer;

(ii) in the case of an applicant that is a body corporate—

(A) every person who is, in the opinion of the Tribunal, in a position to control or influence substantially the affairs of the body corporate is a fit and proper person to exercise such control or influence in respect of a body corporate that is a licensed dealer;

and

(B) the persons who are to direct and manage the business to be conducted in pursuance of the licence have (collectively) sufficient knowledge and experience for the purpose of properly carrying on the business of a licensed dealer;

(b) that the applicant has made suitable arrangements to fulfil the obligations that may arise under this Act;

and

(c) that the applicant has sufficient financial resources to carry on business in a proper manner under the licence.

(10) A licence may be granted under this section on such conditions as the Tribunal thinks fit.

(11) If the financial resources, or the knowledge and experience, of an applicant who is a natural person are in the Tribunal's opinion insufficient to justify granting a licence to the applicant under subsection (9), the Tribunal may nevertheless grant a licence but on the condition that the licensee will not carry on business as a dealer except in partnership with some other licensed dealer approved by the Tribunal.

(12) Where the Tribunal grants a licence, the licence does not come into force until the prescribed licence fee is paid.

### **Duration of licences**

**11.** (1) A licence remains in force (except for any period for which it is suspended) until—

(a) the licence is surrendered or cancelled;

or

(b) the licensee dies or, in the case of a body corporate, is dissolved.

(2) A licensee must, not later than the prescribed date in each year—

(a) pay to the Registrar the prescribed annual licence fee;

and

8.

(b) lodge with the Registrar an annual return containing the prescribed information.

(3) Where a licensee fails to pay the annual licence fee or lodge the annual return in accordance with subsection (2), the Registrar may, by notice in writing to the licensee, require the licensee to make good the default and, in addition, to pay to the Registrar the amount prescribed as a penalty for default.

(4) Where a licensee fails to comply with a notice under subsection (3) within 14 days after service of the notice, the licence is, by force of this subsection, suspended until the licensee complies with the notice.

(5) The Registrar must cause notice of a suspension under subsection (4) to be served personally or by post on the licensee.

(6) Where a licensee fails to comply with a notice under subsection (3) within six months after service of the notice, the licence is, by force of this subsection, cancelled.

(7) A licensee may, with the consent of the Tribunal, surrender the licence.

(8) Where a person carrying on business in pursuance of a licence dies, an unlicensed person may, with the consent of the Tribunal and subject to any conditions imposed by the Tribunal, continue to carry on the business until the business is sold or the expiration of 6 months, whichever first occurs, and the unlicensed person while carrying on business in accordance with the conditions imposed by the Tribunal, will be regarded for the purposes of this Act as a licensee.

(9) In this section—

"licensee" includes a licensee whose licence has been suspended otherwise than by force of this section.

#### DIVISION IA—CONDITIONS OF LICENCE

##### **Conditions of licence**

**11a.** (1) A licence is subject to any conditions attached to the licence—

(a) on the grant of the licence;

or

(b) in disciplinary proceedings under this Act.

(2) The Tribunal may, on the application of the licensee, vary or revoke conditions of a licence.

#### DIVISION II—REGISTRATION OF PREMISES

##### **Registration of dealer's business premises**

**12.** (1) Subject to this section, a licensee must not carry on business as a dealer except at premises registered in the licensee's name under this section.

Penalty: \$1 000.

9.

(2) The Tribunal may—

(a) upon an application for a licence;

or

(b) upon a separate application and payment of the prescribed fee,

register premises in the name of the applicant if the Tribunal is satisfied that the premises are suitable for the purpose of carrying on business as a dealer.

(3) A separate application for registration under this section must be in writing in the prescribed form and contain the prescribed information.

(3a) The Tribunal may, on the application of a licensee, permit the licensee on a day, or over a period, specified by the Tribunal, to carry on business as a dealer at a place (other than the registered premises of the licensee) specified by the Tribunal.

(4) A licensee must, within 14 days after ceasing to carry on business at registered premises, notify the Registrar in writing of that fact.

Penalty: \$1 000.

(5) Where the Registrar—

(a) is notified by a licensee of the cessation of business at registered premises;

or

(b) is otherwise satisfied that a licensee has ceased to carry on business at registered premises,

the Registrar may cancel the registration of the premises.

### **Registration of dealer's place of repair**

**13.** (1) A licensee must not carry on business as a dealer unless a place is registered in the licensee's name as a place of repair under this section.

Penalty: \$1 000.

(2) The Tribunal may—

(a) upon an application for a licence;

or

(b) upon a separate application and payment of the prescribed fee,

register a place in the name of the applicant as a place of repair if the Tribunal is satisfied that the place is sufficiently near the applicant's registered premises.

(3) A separate application for registration under this section must be in writing in the prescribed form and contain the prescribed information.

(4) The Registrar will, at the request in writing of a licensee, cancel the registration of a place of repair registered in the name of the licensee.

### DIVISION III—DISCIPLINARY POWERS

#### **Tribunal may exercise disciplinary powers**

**14.** (1) The Tribunal may hold an inquiry for the purposes of determining whether proper cause exists for disciplinary action against a person who has carried on, or been employed or otherwise engaged in, the business of a dealer (whether with or without a licence).

(2) An inquiry will not be held under this section except in relation to matters alleged in a complaint lodged pursuant to subsection (3) or matters disclosed by investigations conducted pursuant to subsection (4).

(3) Any person (including the Commissioner or the Commissioner of Police) may lodge with the Tribunal a complaint in the prescribed form setting out matters that are alleged to constitute grounds for disciplinary action against a person referred to in subsection (1).

(4) Where a complaint has been lodged with the Tribunal pursuant to subsection (3), the Commissioner or the Commissioner of Police must, at the request of the Registrar, investigate or further investigate any matters to which the complaint relates and report to the Tribunal on the results of the investigations.

(5) Where the Tribunal decides to hold an inquiry under this section, the Tribunal must give the person to whom the inquiry relates (in this section referred to as "the respondent") reasonable notice of the subject matter of the inquiry.

(6) If, after conducting an inquiry under this section, the Tribunal is satisfied that proper cause exists for disciplinary action, the Tribunal may exercise one or more of the following powers:

- (a) it may reprimand the respondent;
- (b) it may impose a fine not exceeding \$5 000 on the respondent;
- (c) where the respondent is a licensee, it may—
  - (i) attach conditions to the licence;
  - (ii) suspend the licence or a registration in the licensee's name for a specified period, until the fulfilment of stipulated conditions or until further order;or
  - (iii) cancel the licence or a registration in the licensee's name;
- (d) it may disqualify the respondent permanently, for a specified period, until the fulfilment of stipulated conditions, or until further order, from holding a licence under this Act.

(7) If a person has been convicted of an offence and the circumstances of the offence form, in whole or in part, the subject matter of an inquiry under this section, the convicted person is not liable to a fine under this section in respect of conduct giving rise to the offence.

(8) Where the Tribunal cancels a licence or registration under subsection (6), the Tribunal may stipulate that the cancellation is to have effect at a future time specified by the Tribunal and impose conditions as to the conduct of the business of the respondent until that time.

(9) Where a condition is imposed by the Tribunal under subsection (8) as to the conduct of the business of the respondent, the respondent must not contravene or fail to comply with the condition.

Penalty: \$5 000.

(10) There is proper cause for disciplinary action against a respondent if—

(a) the respondent—

- (i) is guilty of an offence against this Act;
- (ii) has in the course of carrying on, or being employed or otherwise engaged in, the business of a dealer committed an offence against any other Act or law, or acted negligently, fraudulently or unfairly;

(b) the respondent is a licensee and—

- (i) obtained the licence improperly;
- (ii) has failed to comply with an order of the Tribunal;
- (iii) has failed to comply with a condition of the licence;
- (iv) has insufficient financial resources properly to carry on business as a dealer;
- (v) has failed to fulfil with proper expedition obligations to a purchaser of a second-hand vehicle;
- (vi) has not maintained satisfactory arrangements for the fulfilment of obligations under this Act;

or

- (vii) has ceased to be a fit and proper person to hold a licence;

(c) the respondent is a licensee and registered premises of the licensee have ceased to be suitable for carrying on business as a dealer;

- (d) the respondent is a body corporate that holds a licence and—
- (i) a person who is in a position to control or substantially influence the affairs of the body corporate is not or has ceased to be a fit and proper person to exercise such control or influence in respect of a body corporate that holds a licence;
- or
- (ii) the knowledge or experience of those responsible to direct and manage the business conducted in pursuance of the licence is not sufficient for that purpose.

(11) The powers conferred by this section may be exercised in relation to conduct occurring before or after the commencement of this Act.

**Disqualified persons not to be involved in business of dealer**

**15.** Where a person who is disqualified from holding a licence is employed or otherwise engaged in the business of a dealer, that person and the dealer are each guilty of an offence and liable to a penalty not exceeding \$5 000.

**Record of disciplinary action to be kept**

**16.** Where the Tribunal takes disciplinary action against a person, the Registrar will—

- (a) make an entry on the register established under the *Commercial Tribunal Act, 1982*, recording the disciplinary action;
- and
- (b) by notice in writing advise the Commissioner and the Commissioner of Police of the disciplinary action and the name of the person against whom it was taken.

**Advertising suspension, cancellation or disqualification**

**16a.** Where disciplinary action taken against a person by the Tribunal consists of or includes the suspension or cancellation of the person's licence or disqualification of the person, the Registrar must cause notice of the action taken—

- (a) to be served personally or by post on that person;
- and
- (b) to be advertised in a newspaper circulating throughout the State.

PART III

DEALING IN SECOND-HAND VEHICLES

DIVISION I—SALES OTHERWISE THAN BY AUCTION

**Application of this Division**

**17.** (1) This Division does not apply in relation to—

(a) the sale of a second-hand vehicle by auction;

or

(b) the sale, or offering for sale, of a second-hand vehicle to a dealer.

(2) Except as provided in section 19, this Division does not apply in relation to the sale of a second-hand vehicle negotiated by an auctioneer immediately after the conduct of an auction for the sale of the vehicle.

**Notices to be displayed**

**18.** (1) A dealer must not offer or expose a second-hand vehicle for sale unless a notice in the prescribed form containing the required particulars and statements relating to the vehicle is attached to the vehicle.

Penalty: \$1 000.

(2) For the purposes of subsection (1), a vehicle owned by a dealer and located in a part of the dealer's premises in which other vehicles are exposed for sale will be regarded as exposed for sale by the dealer unless a notice is attached to the vehicle in a prominent position advising that the vehicle is not for sale.

(3) For the purposes of subsection (1), the required particulars and statements relating to a vehicle are—

(a) the name and business address of the dealer;

(b) where the dealer is offering or exposing the vehicle for sale on behalf of another dealer—

(i) the name and business address of the other dealer;

and

(ii) a statement that the other dealer will be liable to discharge the duty to repair under Part IV;

(c) the name and address of the last owner of the vehicle who was not a dealer;

(d) where the owner referred to in paragraph (c) carried on a vehicle leasing business and let the vehicle on hire to another person pursuant to a vehicle leasing agreement—the name and address of that other person;

14.

- (e) the price at which the vehicle (in the condition in which it is offered or exposed for sale) may be purchased for cash, including any fees and charges payable to the dealer (except prescribed fees and charges);
- (f) the year of manufacture of the vehicle;
- (g) the year of first registration of the vehicle;
- (h) the manufacturer and model designation of the vehicle;
- (i) where the vehicle is registered—the registration number of the vehicle;
- (j) where the vehicle is not registered—the engine number of the vehicle;
- (k) where the vehicle is equipped with an odometer—
  - (i) the reading of the odometer at the time the vehicle was acquired from the owner referred to in paragraph (c);

and

- (ii) (A) where it is more likely than not that the reading of the odometer is a reasonably accurate measure of the distance travelled by the vehicle—a statement that the odometer reading may be regarded as reasonably accurate;

or

- (B) where that is not the case—the statement required by the regulations;

- (l) the address of the registered place of repair of the dealer who will be liable to discharge the duty to repair under Part IV;

and

- (m) such other particulars and statements as are prescribed.

(4) In proceedings for an offence relating to a failure to include in a notice all the particulars and statements required under subsection (1) or the inclusion of any incorrect particulars or statement, it is a defence to prove that the defendant having made reasonable inquiries and a proper examination of the vehicle complied with the requirements of the subsection to the best of the defendant's knowledge, information and belief.

(5) A dealer must not, in any advertisement published in connection with the sale of a second-hand vehicle, refer directly or indirectly to the odometer reading of the vehicle or the distance travelled by the vehicle unless a notice is attached to the vehicle in accordance with this section and the notice contains a statement by the dealer that the odometer reading of the vehicle may be regarded as reasonably accurate.

Penalty: \$1 000.

(6) A person from whom a dealer acquires ownership of a second-hand vehicle or on whose behalf a dealer is selling a second-hand vehicle must not give to the dealer any information as to any of the matters referred to in subsection (3) that is to that person's knowledge false or misleading in a material particular.

Penalty: \$500.

**Form of contract**

**19.** (1) A contract for the sale of a second-hand vehicle by a dealer must—

(a) be in writing;

(b) be comprised in one document;

(c) be signed by the parties to the sale;

and

(d) contain the following particulars set out in the prescribed manner:

(i) a brief description or identification of the vehicle;

(ii) where the vehicle is registered—the registration number of the vehicle;

(iii) where the vehicle is not registered—the engine number of the vehicle;

(iv) the price for which the vehicle is being sold and the amount of any other fees and charges payable by the purchaser together with a description of each such charge;

(v) where all or part of the consideration passing from the purchaser is represented by a vehicle or other thing—the monetary value ascribed to that vehicle or thing;

(vi) where a place (other than a registered place of repair) has been agreed upon as the place at which the vehicle may be delivered for the purpose of repair pursuant to Part IV—the address of the place agreed upon;

and

(vii) such other particulars as are prescribed.

(2) A contract referred to in subsection (1) that is not in writing signed by the parties is not enforceable against the purchaser.

(3) Where a contract referred to in subsection (1) does not comply with that subsection, the dealer is guilty of an offence.

Penalty: \$1 000.

(4) The dealer must ensure that a document that is intended to constitute a contract referred to in subsection (1) is not submitted or tendered to the purchaser for signature unless—

(a) it contains all the material terms of the contract including particulars required under this section;

and

(b) except where the document is to be signed by the parties in each other's presence—a copy of the document is at the same time given to the purchaser for retention.

Penalty: \$1 000.

(5) Where the parties sign a document referred to in subsection (4) in each other's presence, the dealer must ensure that a copy of the signed document is forthwith given to the purchaser for retention.

Penalty: \$1 000.

(6) Where a party to a document referred to in subsection (4) signs it when not in the presence of the purchaser, the dealer must ensure that a copy of the signed document is, within 7 days, given or sent to the purchaser for retention.

Penalty: \$1 000.

(7) This section does not apply in relation to the sale of a second-hand vehicle negotiated by an auctioneer immediately after the conduct of an auction for the sale of the vehicle except where the sale is made on the auctioneer's own behalf or on behalf of another person who is a dealer.

#### **Notices to be provided to purchasers of second-hand vehicles**

**20.** Where a second-hand vehicle is sold by a dealer, the dealer must ensure that—

(a) a copy of the notice that was required to be attached to the vehicle under section 18;

and

(b) a notice in the prescribed form,

are given to the purchaser for retention before the purchaser takes possession of the vehicle.

Penalty: \$1 000.

### **DIVISION II—SALES BY AUCTION**

#### **Interpretation**

**21.** In this Division—

"trade auction" means an auction for the sale of a second-hand vehicle at which bids are accepted only from dealers.

**Notices to be displayed in case of auction**

**22.** (1) An auctioneer must not conduct an auction for the sale of a second-hand vehicle (other than a trade auction) unless a notice in the prescribed form containing the required particulars and statements relating to the vehicle is attached to the vehicle and has been attached to the vehicle at all times when the vehicle has been available for inspection by prospective bidders.

Penalty: \$1 000.

(2) For the purposes of subsection (1), the required particulars and statements are—

- (a) the name and business address of the auctioneer;
- (b) where the auctioneer is conducting the auction on the auctioneer's own behalf—a statement that the auctioneer will be liable to discharge the duty to repair under Part IV;
- (c) where the auctioneer is conducting the auction on behalf of a dealer—
  - (i) the name and business address of the dealer;
 and
  - (ii) a statement that the dealer will be liable to discharge the duty to repair under Part IV;
- (d) where the auctioneer is conducting the auction on behalf of another person (not being a dealer)—a statement that no duty to repair will apply under Part IV;
- (e) the name and address of the last owner of the vehicle who was not a dealer;
- (f) where the owner referred to in paragraph (e) carried on a vehicle leasing business and let the vehicle on hire to another person pursuant to a vehicle leasing agreement—the name and address of that other person;
- (g) the year of manufacture of the vehicle;
- (h) the year of first registration of the vehicle;
- (i) the manufacturer and model designation of the vehicle;
- (j) where the vehicle is registered—the registration number of the vehicle;
- (k) where the vehicle is not registered—the engine number of the vehicle;
- (l) where the vehicle is equipped with an odometer—
  - (i) the reading of the odometer at the time the vehicle was acquired from the owner referred to in paragraph (e);
 and

(ii) where the auctioneer is conducting the auction on the auctioneer's own behalf or on behalf of a dealer and—

(A) it is more likely than not that the reading of the odometer is a reasonably accurate measure of the distance travelled by the vehicle—a statement that the odometer reading may be regarded as reasonably accurate;

or

(B) that is not the case—the statement required by the regulations;

(m) where a duty to repair will apply under Part IV—the address of the registered place of repair of the dealer who will be liable to discharge the duty;

and

(n) such other particulars and statements as are prescribed.

(3) In proceedings for an offence relating to a failure to include in a notice all the particulars and statements required under subsection (1) or the inclusion of any incorrect particulars or statement, it is a defence to prove that the defendant, having made reasonable inquiries and a proper examination of the vehicle, complied with the requirements of the subsection to the best of the defendant's knowledge, information and belief.

(4) An auctioneer must not, in any advertisement published in connection with an auction for the sale of a second-hand vehicle (being an auction that the auctioneer is conducting on the auctioneer's own behalf or on behalf of a dealer), refer directly or indirectly to the odometer reading of the vehicle or the distance travelled by the vehicle unless a notice is attached to the vehicle in accordance with this section and the notice contains a statement by the auctioneer that the odometer reading of the vehicle may be regarded as reasonably accurate.

Penalty: \$1 000.

(5) A person from whom an auctioneer acquires ownership of a second-hand vehicle or on whose behalf a second-hand vehicle is to be auctioned must not give the auctioneer any information as to any of the matters referred to in subsection (2) that is to that person's knowledge false or misleading in a material particular.

Penalty: \$500.

### **Notices to be provided to purchasers of second-hand vehicles**

**23.** Where a second-hand vehicle is sold to a person other than a dealer—

(a) by auction;

or

19.

- (b) by a sale negotiated by an auctioneer immediately after the conduct of an auction for the sale of the vehicle,

the auctioneer must ensure that—

- (c) a copy of the notice that was required to be attached to the vehicle under section 22;

and

- (d) a notice in the prescribed form,

are given to the purchaser for retention before the purchaser takes possession of the vehicle.

Penalty: \$1 000.

**Trade auctions**

**24.** (1) An auctioneer must not conduct a trade auction unless a notice in the prescribed form is attached to the vehicle and has been attached to the vehicle at all times when the vehicle has been available for inspection by prospective bidders.

Penalty: \$1 000.

(2) A person who advertises a trade auction must include in the advertisement a statement in the prescribed form.

Penalty: \$1 000.

## PART IV

## DUTY OF DEALERS TO REPAIR SECOND-HAND VEHICLES

**Duty to repair**

**25.** (1) Subject to this Act, where a dealer sells a second-hand vehicle, the dealer is under a duty to repair any defect that is present in the vehicle or that appears in the vehicle after the sale.

(2) A dealer must in order to discharge the duty imposed by subsection (1) carry out the repairs in a manner that conforms to accepted trade standards.

(3) This section does not apply in relation to—

(a) the sale of a vehicle to a dealer;

(b) the sale of a vehicle on behalf of a person who is not a dealer, being a sale—

(i) by auction;

or

(ii) negotiated by the auctioneer immediately after the conduct of an auction for the sale of the vehicle.

(4) This section does not apply in relation to a defect that appears—

(a) in the case of a vehicle sold at a price that is below the prescribed range—

(i) after the vehicle has been driven 1 500 kilometres after the sale;

or

(ii) after the expiration of the period of 1 month after the sale,

whichever occurs first;

(b) in the case of a vehicle sold at a price that is within the prescribed range—

(i) after the vehicle has been driven 3 000 kilometres after the sale;

or

(ii) after the expiration of the period of 2 months after the sale,

whichever occurs first;

(c) in the case of a vehicle sold at a price that is above the prescribed range—

(i) after the vehicle has been driven 5 000 kilometres after the sale;

or

(ii) after the expiration of the period of 3 months after the sale,

whichever occurs first.

(5) Where a vehicle has a defect that a dealer is under a duty to repair pursuant to this section, the reference in subsection 4(a)(ii), 4(b)(ii) or 4(c)(ii), as the case may be, to a period after the sale will, in relation to the sale of that vehicle, be read as a reference to that period extended—

(a) in any case where the vehicle is delivered to the dealer in accordance with this Act and the dealer carries out the duty to repair the defect—by a period equal to that elapsing between the time the vehicle was delivered to the dealer and the time the dealer completed the repairs and made the vehicle available for recovery by the purchaser;

or

(b) in any other case—by such period as the Tribunal, upon the application of the purchaser, determines as representing the period for which the purchaser did not have the use of the vehicle by reason of the defect (as distinct from any period for which the purchaser did not have the use of the vehicle by reason of the purchaser's own failure to act expeditiously).

(6) This section does not apply in relation to—

(a) any defect resulting from damage deliberately caused to the vehicle after the sale;

(b) any defect arising from misuse of the vehicle after the sale;

(c) any defect arising from any collision, impact or accident that occurs after the sale;

(d) any defect in the paintwork or upholstery of a vehicle which was reasonably apparent at the time of sale;

or

(e) any vehicle of which the purchaser had been in possession for a period of not less than 3 months immediately preceding the date of the sale.

(7) This section does not apply in relation to—

(a) a defect in a vehicle sold at a price that is below the prescribed amount;

or

(b) a defect in the tyres or battery of a vehicle,

unless—

(c) the defect is present at the time the purchaser takes possession of the vehicle;

and

(d) by reason of the defect—

(i) the vehicle does not comply with the *Road Traffic Act, 1961*;

or

(ii) the vehicle cannot be driven safely or cannot be driven at all.

(8) Except as provided by the regulations, this section does not apply to a defect to which this section is declared by the regulations not to apply.

(9) Where a second-hand vehicle is sold by a dealer on behalf of another dealer, the duty imposed by this section must be discharged by that other dealer.

(10) In this section—

"defect" in relation to a second-hand vehicle means a defect in the vehicle—

(a) by reason of which the vehicle does not comply with the *Road Traffic Act, 1961*;

(b) by reason of which the vehicle cannot be driven safely or cannot be driven at all;

(c) by reason of which the part of the vehicle affected by the defect is not in proper working condition;

or

(d) that would not reasonably be expected to be present in the vehicle having regard to—

(i) the apparent condition of the vehicle at the time of its sale;

and

(ii) any representation by the dealer prior to the sale as to the condition of the vehicle:

"prescribed amount" means—

(a) \$500;

or

(b) where a different amount is prescribed for the purposes of this definition—the amount so prescribed:

"prescribed range" means—

- (a) from and including \$1 500 up to but not including \$3 000;
- or
- (b) where a different range is prescribed for the purposes of this definition—the range so prescribed.

**Enforcement of duty to repair**

26. (1) Where a dealer is under a duty to repair a defect in a second-hand vehicle pursuant to this Part, the purchaser must, if he or she requires the dealer to discharge the duty, deliver the vehicle to the dealer during ordinary business hours—

- (a) at the dealer's registered place of repair;
- or
- (b) where a different place has been agreed upon by the dealer and the purchaser—at that other place,

and afford the dealer a reasonable opportunity to repair the defect.

(2) Where—

- (a) the purchaser delivers the vehicle to the dealer in accordance with subsection (1) but the dealer refuses to repair the defect or fails to repair the defect with due expedition;
- or
- (b) the purchaser makes reasonable efforts to deliver the vehicle to the dealer in accordance with subsection (1) but is unable to do so by reason of the dealer's refusal to accept delivery of the vehicle or the absence of the dealer or any person acting on behalf of the dealer,

the Tribunal may, upon the application of the purchaser, make one or more of the following orders:

- (c) an order that the dealer repair the defect;
- (d) an order that the dealer pay to the purchaser the reasonable costs of repairing or completing the repairs of the defect;
- (e) an order that the dealer compensate the purchaser for any loss or damage suffered by the purchaser as a result of the dealer's conduct.

(3) The purchaser is under a duty to mitigate any loss or damage referred to in subsection (2)(e).

(4) Where the Tribunal makes an order under subsection (2)(c) and the dealer fails to comply with the terms of the order, the Tribunal may, upon the further application of the purchaser, make an order under subsection (2)(d) and, if appropriate, an order under subsection (2)(e).

(5) Where repairs that a dealer is under a duty to carry out pursuant to this Part are carried out by another person on behalf of the dealer and the purchaser of the vehicle pays the costs of the repair or an amount towards those costs, the Tribunal may, upon the application of the purchaser, order the dealer to reimburse the purchaser in respect of the amount paid by the purchaser.

(6) Notwithstanding subsection (1), where—

(a) a dealer is under a duty to repair a defect in a second-hand vehicle pursuant to this Part;

(b) by reason of the defect the vehicle—

(i) cannot be driven;

(ii) cannot be driven safely;

or

(iii) cannot be driven without risk of damage to the vehicle;

(c) it is unreasonable in the circumstances having regard to the nature of the defect and the distance that the vehicle would have to be transported that the purchaser be required to deliver the vehicle to the dealer at the place referred to in subsection (1);

(d) the purchaser has given to the dealer proper notice (written or oral) of the defect and afforded the dealer a reasonable opportunity to nominate a place other than that referred to in subsection (1) at which the dealer is prepared to repair the defect;

and

(e) the dealer fails to nominate another place or it is unreasonable in the circumstances having regard to the matters referred to in paragraph (c) that the purchaser be required to take the vehicle to the place nominated by the dealer,

then—

(f) the purchaser may cause the vehicle to be repaired by a person other than the dealer;

and

(g) the Tribunal may, upon the application of the purchaser, order the dealer to pay to the purchaser the reasonable costs of repairing the defect.

(7) Notwithstanding the other provisions of this section, where a dealer who is under a duty to repair a defect in a vehicle pursuant to this Part is not licensed under this Act or does not have a registered place of repair—

(a) the purchaser may cause the vehicle to be repaired by a person other than the dealer;

and

(b) the Tribunal may, upon the application of the purchaser, order the dealer to pay to the purchaser the reasonable costs of repairing the defect.

(8) The Tribunal may, upon an application under this section—

(a) make an order under this section upon such terms and conditions as it thinks just;

and

(b) make such other order as to costs, or any other matter, as it thinks just.

(9) Any determination made by the Tribunal on a question of fact is final and without appeal.

### **Conciliation**

**27.** (1) Where, before or during the course of the hearing of an application under this Part, it appears to the Tribunal upon the basis of—

(a) evidence given in the matter;

or

(b) the attitude of the parties,

that there is a reasonable possibility of the matter being resolved by conciliation, the Tribunal may refer the matter to the Commissioner or a person appointed by the Commissioner to assist the parties to resolve the matter.

(2) If, after a matter has been referred to the Commissioner or a person appointed by the Commissioner under subsection (1), either of the parties requests that the hearing be proceeded with, the Tribunal will resume the hearing as soon as practicable.

(3) Nothing said or done in the course of any attempt to resolve a matter under this section is subsequently admissible in evidence in any proceedings.

(4) Where a matter is resolved under this section, the Tribunal may embody in an order the terms upon which it has been resolved.

PART V

COMPENSATION FUND

**Second-hand Vehicles Compensation Fund**

**28.** (1) The *Second-hand Vehicles Compensation Fund* is established and will be administered by the Commissioner.

(2) The following amounts will be paid into the Fund:

- (aa) any fines recovered in pursuance of orders made by the Tribunal in disciplinary proceedings under this Act;
- (a) the contributions required to be paid in accordance with section 29;
- (b) any amounts recovered by the Commissioner under section 31;
- (c) the amounts paid from the General Revenue of the State under subsection (4);

and

(d) any amounts derived from investment under subsection (6).

(3) The following amounts will be paid out of the Fund:

- (a) any amount authorized by the Tribunal under section 30;
- (b) any expenses certified by the Treasurer as having been incurred in administering the Fund (including expenses incurred in insuring the Fund against possible claims);
- (c) any amount required to be paid into the General Revenue of the State under subsection (5);

and

(d) any amount certified by the Commissioner to have been paid into the Fund in consequence of a mistake of fact, or law, or mixed fact and law.

(4) Where the Fund is not sufficient to meet an amount that may be authorized to be paid under section 30, the Minister may, with the approval of the Treasurer, authorize the payment of an amount specified by the Minister out of the General Revenue of the State which is appropriated by this section to the necessary extent.

(5) The Minister may authorize payment from the Fund into the General Revenue of the State of any amount paid into the Fund from the General Revenue if the Minister is satisfied that the balance remaining in the Fund will be sufficient to meet any amounts that may be authorized to be paid under section 30.

(6) Any amounts standing to the credit of the Fund that are not immediately required for the purposes of this Act may be invested in a manner approved by the Minister.

**Licenses required to pay contributions**

29. (1) Every licensee must pay to the Commissioner for payment into the Fund such contribution as the licensee is required to pay in accordance with the regulations.

(2) If a licensee fails to pay a contribution within the time allowed for payment by the regulations, the licence is, by virtue of this subsection, suspended until the contribution is paid.

**Claim against Fund**

30. (1) Where—

(a) the Tribunal has made an order for the payment by a dealer of a sum of money to the purchaser of a second-hand vehicle;

and

(b) either—

(i) the dealer against whom the order was made has failed to comply with the order within 1 month from the date of the service of the order;

or

(ii) the Tribunal is satisfied that, by reason of the death, disappearance or insolvency of the dealer, there is no reasonable prospect of the order being complied with,

the Tribunal may, upon the application of the purchaser, authorize payment of the amount specified in the order to the purchaser out of the Fund.

(2) Where, upon the application of a person (not being a dealer) who has—

(a) purchased a second-hand vehicle from a dealer;

(b) sold a second-hand vehicle to a dealer;

or

(c) left a second-hand vehicle in a dealer's possession to be offered for sale by the dealer on behalf of the person,

the Tribunal is satisfied—

(d) that the person has, apart from this Act, a valid unsatisfied claim against the dealer arising out of or in connection with the transaction;

and

(e) that, by reason of the death, disappearance or insolvency of the dealer, there is no reasonable prospect of the claim being satisfied,

the Tribunal may authorize payment of the amount of the claim to that person out of the Fund.

**Right of Commissioner where claim allowed**

**31.** On payment out of the Fund of an amount authorized by the Tribunal the Commissioner is subrogated to the rights of the person to whom the payment was made in respect of the order or claim in relation to which the payment was made.

**Accounts and audit**

**32.** (1) The Commissioner must cause proper accounts of receipts and payments to be kept in relation to the Fund.

(2) The Auditor-General may at any time, and must at least once in every year, audit the accounts of the Fund.

PART VI

MISCELLANEOUS

**No waiver of rights**

**33.** (1) Subject to this section, any purported exclusion, limitation, modification or waiver of the rights conferred by this Act is void.

(2) A person (not being a minor) who proposes to purchase a second-hand vehicle may waive a right conferred by this Act if the person has obtained from the Commissioner a certificate in the prescribed form certifying that an authorized officer, having explained the effect of the waiver of that right in relation to the proposed purchase of that vehicle, was satisfied that the person understood the effect of the waiver.

(3) The Commissioner will not issue a certificate under subsection (2) unless—

(a) the prospective purchaser has supplied the prescribed particulars in relation to the proposed purchase of the vehicle together with any other information the Commissioner may require;

and

(b) an authorized officer has explained to the prospective purchaser the effect of the waiver and is satisfied that the person understands the effect of the waiver.

(4) Where a dealer purports to exclude, limit or modify any of the rights conferred by this Act, the dealer is guilty of an offence.

Penalty: \$5 000.

(5) A person who enters into an agreement or arrangement with intent either directly or indirectly to defeat, evade or prevent the operation of this Act is guilty of an offence.

Penalty: \$5 000.

(6) A dealer must not exhibit or otherwise publish a statement, notice or advertisement in connection with the sale of a second-hand vehicle—

(a) to the effect that the sale is conditional upon the purchaser obtaining a certificate under subsection (2);

or

(b) in such manner as to induce a prospective purchaser of the vehicle to obtain a certificate under subsection (2).

Penalty: \$2 000.

(7) A contract for the sale of a second-hand vehicle conditional upon the purchaser obtaining a certificate under subsection (2) is void.

**Interference with odometers prohibited**

**34.** (1) A person must not interfere with the odometer on a second-hand vehicle.

Penalty: \$2 000.

(2) For the purposes of subsection (1), a person interferes with an odometer if he or she—

(a) alters the reading on the odometer;

(b) removes or replaces the odometer;

or

(c) renders the odometer inoperative or inaccurate.

(3) A person may, with the written approval of the Commissioner, alter the reading on an odometer, or replace an odometer, in accordance with the terms of that approval.

(4) If in proceedings for an offence against subsection (1) it is proved that the defendant had possession of the vehicle and that, while it was in the defendant's possession, or shortly after it ceased to be in the defendant's possession, the odometer reading was less than the odometer reading at the time the defendant acquired possession of the vehicle, it will be presumed, in the absence of proof to the contrary, that the defendant interfered with the odometer of the vehicle.

(5) In any proceedings for an offence against subsection (1) it is a defence for the defendant to prove—

(a) that the action was not taken with the intent of enhancing the apparent value of the vehicle for the purpose of sale;

and

(b) that the action was not taken for any other fraudulent purpose.

**Evidentiary provision**

**35.** For the purposes of this Act, where it is proved that a person has sold, or offered or exposed for sale, 6 or more second-hand vehicles during a period of 12 months, the person will, unless the contrary is proved, be presumed to have been carrying on the business of selling second-hand vehicles throughout the period of that activity.

**Liability of dealers for acts or omissions of employees or agents**

**36.** For the purposes of this Act, an act or omission of an employee or agent of a dealer will be taken to be an act or omission of the dealer unless the dealer proves that the person was not acting in the course of employment or agency.

**Certain agreements to indemnify dealer void**

**37.** An agreement between a dealer and a person (other than a dealer) from whom the dealer purchases a second-hand vehicle which indemnifies the dealer in respect of any costs arising by virtue of this Act in relation to that vehicle is void.

### **Investigations**

**38.** The Commissioner or the Commissioner of Police must, at the request of the Registrar, have an investigation made and report prepared on any matter relevant to the determination of—

(a) any application or other matter before the Tribunal;

or

(b) any matter that might constitute proper cause for disciplinary action under this Act.

### **Commissioner of Police may appear in proceedings before Tribunal**

**38a.** The Commissioner of Police may, in any proceedings that are before the Tribunal in pursuance of this Act, appear personally or be represented by counsel or a member of the police force.

### **Annual report**

**39.** (1) The Commissioner must, on or before the thirty-first day of October in each year, submit to the Minister a report upon the administration of this Act during the period of 12 months ending on the preceding thirtieth day of June.

(2) The report must contain the audited statement of accounts of the Fund for the period to which the report relates.

(3) The Minister must, as soon as practicable after receipt of the report, cause a copy of the report to be laid before each House of Parliament.

### **Service of documents**

**40.** (1) Any notice or document required or authorized by this Act or the *Commercial Tribunal Act, 1982*, to be given to or served on any person is duly served if it is—

(a) served on the person personally;

(b) posted in an envelope addressed to the person's last known address or, in the case of a licensee, the licensee's address for service;

or

(c) in the case of a licensee, left for the licensee at the licensee's address for service.

(2) The address for service of a licensee is the last address for service of which notice has been given in accordance with the regulations.

### **False or misleading information**

**41.** A person must not, in furnishing any information required under this Act, make a statement that is false or misleading in a material particular.

Penalty: \$1 000.

**Name in which licensee may carry on business**

42. A licensee must not carry on business as a dealer except in the name in which the licensee is licensed.

Penalty: \$1 000.

**Return of licenses suspended or cancelled**

43. Where a licence granted to a person is suspended or cancelled under this Act, that person must, at the direction of the Tribunal or the Registrar, return the licence to the Registrar.

Penalty: \$1 000.

**Vicarious liability for offences by body corporate**

44. Where a body corporate is guilty of an offence against this Act, a member of the governing body of the body corporate is also guilty of an offence and liable to the same penalty as is prescribed for the principal offence unless it is proved that the member could not, by the exercise of reasonable diligence, have prevented the commission of the offence by the body corporate.

**Continuing offences**

45. (1) A person convicted of an offence against any provision of this Act in respect of a continuing act or omission—

- (a) is liable, in addition to the penalty otherwise applicable to the offence, to a penalty for each day during which the act or omission continued of not more than one-tenth of the maximum penalty prescribed for that offence;

and

- (b) is, if the act or omission continues after a conviction is recorded, guilty of a further offence against the provision and liable, in addition to the penalty otherwise applicable to the further offence, to a penalty for each day during which the act or omission continues after the conviction of not more than one-tenth of the maximum penalty prescribed for the offence.

(2) Where an offence against a provision of this Act consists of an omission to do something that is required to be done, the omission will, for the purposes of subsection (1), be taken to continue for so long as the thing required to be done remains undone after the expiration of the period for compliance with the requirement.

**Summary procedure**

46. The offences constituted by this Act are summary offences.

**Commencement of prosecutions**

47. (1) Proceedings for an offence against this Act must be commenced within 12 months after the date on which the offence is alleged to have been committed.

(2) Proceedings for an offence against this Act must not be commenced by a person other than the Commissioner or an authorized officer except with the consent of the Minister.

(3) An apparently genuine document purporting to be a certificate of the Minister certifying the Minister's consent to the commencement of proceedings for an offence against this Act will be accepted, in the absence of proof to the contrary, as proof of the consent.

### **Regulations**

**48.** (1) The Governor may make such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act.

(2) Without limiting the generality of subsection (1), those regulations may—

- (a) prescribe the information and particulars that must be included in any advertising material relating to second-hand vehicles and the form and manner in which that information or those particulars must be set out;
- (b) provide for and prescribe the forms of any application, notice or certificate under this Act;
- (c) prescribe the manner in which any notice under this Act must be attached to a second-hand vehicle;
- (d) provide for and regulate the display by dealers of licences and notices at registered premises and registered places of repair;
- (e) provide for and prescribe the method of evidencing, and the documents required to effectuate, sales of second-hand vehicles between persons who carry on the business of buying and selling second-hand vehicles;
- (f) in prescribing fees for licences, provide that different fees may be paid by different classes of persons;
- (g) prescribe a code of practice for licensees;

and

- (h) provide for and prescribe penalties not exceeding \$1 000 for contravention of, or non-compliance with, any regulation.

(3) A code of practice may be prescribed for the purposes of this Act by referring to, or incorporating, in whole or in part, and with or without modifications, a code of practice for the time being, or from time to time, adopted by a body which, in the opinion of the Governor, represents the interests of a substantial section of licensees.

(4) Any regulations made under this Act may be of a general or limited application and may vary according to the persons or classes of persons, the vehicles or classes of vehicles, the times, the places or the circumstances to which they are expressed to apply.

SCHEDULE

TRANSITIONAL PROVISION

Where—

(a) a licence was in force under the repealed Act immediately before the commencement of this Act;

or

(b) a licence was in force under the repealed Act at any time during the period of 6 months immediately preceding the commencement of this Act and the holder of the licence had, in accordance with the repealed Act, applied for renewal of the licence,

the licence will be taken to be a licence granted and in force under this Act and will, subject to this Act, continue in force.

## APPENDIX

### LEGISLATIVE HISTORY

*(entries in bold type indicate amendments incorporated since the last reprint)*

#### Repeals

The *Second-hand Motor Vehicles Act, 1983*, repealed the *Second-hand Motor Vehicles Act, 1971*.

#### Legislative History

- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 21 December 1987. A schedule of these alterations was laid before Parliament on 9 February 1988.

Section 2:	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted.
Section 3(1):	deleted in pursuance of the Acts Republication Act, 1967, as its function is now exhausted.
Section 3(2):	repealed by 19, 1986, s. 3
Section 4:	repealed by 116, 1986, s. 11 (Sched.)
Section 5(1):	redesignated as s. 5 in pursuance of the Acts Republication Act, 1967 definition of "auctioneer" amended by 116, 1986, s. 11 (Sched.) definition of "authorized officer" substituted by 43, 1987, s. 22 definition of "the Commissioner" substituted by 43, 1987, s. 22 definition of "place of repair" amended by 116, 1986, s. 11 (Sched.)
Section 5(2):	repealed by 116, 1986, s. 3
Section 6:	substituted by 116, 1986, s. 4
Section 7(1) and (2):	amended by 116, 1986, s. 11 (Sched.)
Section 8:	amended by 116, 1986, s. 11 (Sched.)
Section 9(1):	substituted by 116, 1986, s. 11 (Sched.)
Section 9(2):	amended by 116, 1986, s. 5
Section 10(5) and (7):	amended by 116, 1986, s. 11 (Sched.)
Section 10(9):	substituted by 116, 1986, s. 6
Section 10(10), (11) and (12):	inserted by 116, 1986, s. 6
Section 11(1):	substituted by 55, 1992, s. 17(a)
Section 11(3) and (4):	amended by 116, 1986, s. 11 (Sched.)
Section 11(5) and (6):	substituted by 55, 1992, s. 17(b)
Section 11(7):	amended by 116, 1986, s. 11 (Sched.)
Section 11(8):	inserted by 17, 1985, s. 2; amended by 116, 1986, s. 11 (Sched.)
Section 11(9):	inserted by 55, 1992, s. 17(c)
Heading preceding section 11a:	inserted by 116, 1986, s. 7
Section 11a:	inserted by 116, 1986, s. 7
Section 12(1):	amended by 116, 1986, ss. 8(a), 11 (Sched.)
Section 12(3a):	inserted by 116, 1986, s. 8(b)
Section 12(5):	amended by 116, 1986, s. 11 (Sched.)
Section 13(1):	amended by 116, 1986, s. 11 (Sched.)
Section 14(6):	amended by 116, 1986, s. 9(a)
Section 14(10):	amended by 17, 1985, s. 3; substituted by 116, 1986, s. 9(b)
Section 16a:	inserted by 55, 1992, s. 18
Section 18(4) and (6):	amended by 116, 1986, s. 11 (Sched.)
Section 19(2):	amended by 116, 1986, s. 11 (Sched.)
Section 19(3):	substituted by 116, 1986, s. 11 (Sched.)
Section 19(4) - (7):	amended by 116, 1986, s. 11 (Sched.)
Section 20:	amended by 116, 1986, s. 11 (Sched.)
Section 22(2) - (5):	amended by 116, 1986, s. 11 (Sched.)
Section 23:	amended by 116, 1986, s. 11 (Sched.)
Section 25(5):	amended by 116, 1986, s. 11 (Sched.)

Section 26(1) and (6):	amended by 116, 1986, s. 11 (Sched.)
Section 28(2):	amended by 116, 1986, s. 10(a)
Section 28(3):	amended by 116, 1986, s. 10(b)-(d)
Section 28(4):	amended by 116, 1986, s. 11 (Sched.)
Section 29(1) and (2):	amended by 116, 1986, s. 11 (Sched.)
Section 30(2):	substituted by 19, 1986, s. 4
Section 33(1), (2) and (3):	amended by 116, 1986, s. 11 (Sched.)
Section 33(4):	substituted by 116, 1986, s. 11 (Sched.)
Section 33(7):	amended by 116, 1986, s. 11 (Sched.)
Section 34(2) and (5):	amended by 116, 1986, s. 11 (Sched.)
Sections 36, 37 and 38:	amended by 116, 1986, s. 11 (Sched.)
Section 38a:	inserted by 17, 1985, s. 4
Section 39(3):	amended by 116, 1986, s. 11 (Sched.)
Section 40(1):	amended by 116, 1986, s. 11 (Sched.)
Section 42:	amended by 116, 1986, s. 11 (Sched.)
Section 44:	substituted by 116, 1986, s. 11 (Sched.)
Section 45(1):	amended by 116, 1986, s. 11 (Sched.)
Section 47(3):	amended by 116, 1986, s. 11 (Sched.)
Schedule:	inserted by 19, 1986, s. 5