

South Australia

## **Motor Vehicles Variation Regulations 2009**

under the *Motor Vehicles Act 1959*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Motor Vehicles Variation Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on the day on which section 9 of the *Statutes Amendment (Transport Portfolio) Act 2008* comes into operation.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Motor Vehicles Regulations 1996***

#### **4—Insertion of regulation 13AA**

After regulation 13 insert:

##### **13AA—Return or recovery of number plates—exceptions**

- (1) The Registrar is not required to give a person a direction under section 47C(2) of the Act requiring the return of number plates issued for a motor vehicle if the Registrar is satisfied that—
  - (a) the vehicle is, or is to be, periodically registered for terms of less than 12 months on each occasion; or

- (b) the number plates are the subject of an agreement between the Registrar and the person under section 47A of the Act under which the person has acquired a right to attach the plates to any motor vehicle registered in the person's name from time to time; or
  - (c) the vehicle has been purchased by a motor vehicle dealer or auctioneer.
- (2) If the Registrar is not required to give a direction under section 47C(2) of the Act requiring the return of number plates, the Registrar, a police officer or an authorised officer is not empowered to seize the plates under section 47C(4) of the Act unless—
- (a) the Registrar has given a person such a direction in relation to the plates; and
  - (b) the person has failed to comply with the direction; and
  - (c) the person has no reasonable excuse for failing to comply.

## **5—Insertion of regulation 13B**

After regulation 13A insert:

### **13B—Exemption from section 56(b)(ii) of Act where motor vehicle dealer etc, acting as delegate of Registrar, transfers registration of vehicle sold by dealer**

If—

- (a) a motor vehicle dealer or auctioneer sells a motor vehicle in the course of his or her business; and
- (b) the Registrar has delegated to the dealer or auctioneer the Registrar's function under section 58(1) of the Act; and
- (c) the dealer or auctioneer, acting under that delegation, registers the vehicle in the name of the purchaser,

the dealer or auctioneer is exempt from the operation of section 56(b)(ii) of the Act in respect of the transfer of ownership of that vehicle.

## **6—Variation of Schedule 6—Expiation fees**

- (1) Schedule 6, Part 1, item relating to section 47(1) of the Act—delete "\$69" and substitute:  
\$500
- (2) Schedule 6, Part 1, item relating to section 47(1a) of the Act—delete "\$69" and substitute:  
\$500
- (3) Schedule 6, Part 1, item relating to section 47A(7) of the Act—delete "\$83" and substitute:  
\$500

- (4) Schedule 6, Part 1—after the item relating to section 47A(7) of the Act insert:
- |        |  |       |
|--------|--|-------|
| 47B(2) | <i>Selling or supplying number plates without approval of Minister</i>                                       | \$500 |
| 47C(3) | <i>Failing to comply with direction of Registrar under section 47C(2) of the Act to return number plates</i> | \$200 |
- (5) Schedule 6, Part 1, item relating to section 47D(1)(a) of the Act—delete "\$83" and substitute:  
\$500
- (6) Schedule 6, Part 1, item relating to section 47D(1)(b) of the Act—delete "\$83" and substitute:  
\$500
- (7) Schedule 6, Part 1, item relating to section 47D(1)(c) of the Act—delete "\$83" and substitute:  
\$500
- (8) Schedule 6, Part 1, item relating to section 47D(1)(d) of the Act—delete "\$83" and substitute:  
\$500
- (9) Schedule 6, Part 1, item relating to section 47D(2) of the Act—delete "\$83" and substitute:  
\$500
- (10) Schedule 6, Part 1—after the item relating to section 53(1a) of the Act insert:
- |           |  |       |
|-----------|--|-------|
| 56(b)(ii) | <i>Failing to lodge notice of transfer of ownership of motor vehicle within 14 days after transfer</i> | \$160 |
|-----------|--|-------|
- (11) Schedule 1, Part 1—after the item relating to section 136(2c) of the Act insert:
- |         |  |       |
|---------|--|-------|
| 136(2d) | <i>Failing to notify Registrar of change of postal address</i> | \$102 |
|---------|--|-------|

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 15 January 2009

No 1 of 2009

MTR07/023CS