

NORTHERN TERRITORY OF AUSTRALIA

MOTOR VEHICLES AMENDMENT BILL 1997

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NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend the *Motor Vehicles Act*

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Motor Vehicles Amendment Act 1997*.

2. PRINCIPAL ACT

The *Motor Vehicles Act* is in this Act referred to as the Principal Act.

3. REPEAL AND SUBSTITUTION

Section 20 of the Principal Act is repealed and the following substituted:

"20. SALE OR DISPOSAL OF REGISTERED MOTOR VEHICLE

"(1) Where a registered motor vehicle is sold or disposed of, the former owner must, within 14 days after the sale or disposal -

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- (a) deliver to the Registrar a notice of disposal, in the approved form, signed by both the former owner and the new owner, if any, and showing -
 - (i) the full name, address and date of birth of the new owner, if any;
 - (ii) the date of the sale or disposal of the vehicle; and
 - (iii) the price paid for the vehicle;
- (b) where the former owner was not the true owner of the vehicle, provide the Registrar with the written authority of the true owner or of his or her duly authorised agent for the sale and disposal of the vehicle; and
- (c) provide the new owner of the vehicle with a transfer application form signed by the former owner in the place for the former owner's signature.

"(2) Subject to section 21A, the new owner must, within 14 days of the sale or disposal, apply, in the approved form, to the Registrar to transfer the registration of the motor vehicle to the new owner.

"(3) If the Registrar approves the transfer, the Registrar is, on payment of the prescribed fee, to issue to the new owner a certificate of registration in respect of the vehicle.

"(4) The registration of a motor vehicle must not be transferred in any case where the Registrar is in receipt of a notice in writing from the true owner notifying that he or she does not authorise the sale or disposal.

"(5) For the purposes of this section, a registered motor vehicle is deemed to be disposed of by the owner if it is repossessed in pursuance of a hire-purchase agreement or any other agreement entered into for the purpose of providing finance in respect of the vehicle, and the person repossessing the vehicle must comply with this section as if the person was the person to whom the vehicle was disposed of."

"21. LIABILITY OF NEW OWNER

"Notwithstanding any other provision of this Act to the contrary, where a record of the details of a notice of disposal delivered to the Registrar is made at the office of the Registrar, the new owner of the motor vehicle to which the notice of disposal relates is, on

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the making of the record, liable as if the owner of the motor vehicle for any breach of this Act, the *Traffic Act*, or the *Traffic Regulations*.

"21A. REFUND WHERE NEW OWNER REGISTERS VEHICLE OUTSIDE TERRITORY

"(1) Where a registered motor vehicle is sold or disposed of and the new owner wishes to register the vehicle in a State or another Territory of the Commonwealth, the new owner is not required to apply to the Registrar to transfer the registration of the motor vehicle to him or her under section 20, but if the new owner does not do so he or she, within 14 days after the sale or disposal of the vehicle, or such longer period approved by the Registrar -

- (a) must surrender each number plate issued in connection with the registration of the motor vehicle in the Territory to the person or body responsible for the registration of motor vehicles in the State or other Territory; and
- (b) may apply to the Registrar for a refund in respect of the unexpired registration of the vehicle.

"(2) Where the Registrar receives an application for a refund under subsection (1), the Registrar is, on confirming the surrender of the number plates, to refund to the new owner the portion of the fee paid in respect of the registration of the vehicle that relates to the remainder of the period for which the vehicle is registered in the Territory."

4. SALES OF MOTOR VEHICLES ON BEHALF OF OTHER PERSONS

Section 23 of the Principal Act is amended by omitting from subsection (1)(a) "kilowattage,".

5. APPLICATION FOR REGISTRATION AND LICENCES

Section 92 of the Principal Act is amended by inserting before subsection (2)(a) the following:

"(aa) require the applicant to provide further information to support the application;".

6. APPLICATIONS MADE BY CERTAIN OFFENDERS

Section 102AA of the Principal Act is amended by omitting from subsection (5) "but without affecting the discretion of the Registrar under section 102".

7. REPEAL AND SUBSTITUTION

Section 112 of the Principal Act is repealed and the following substituted:

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"112. NUMBER PLATES NOT TO BE COVERED

"The owner of a motor vehicle must not use, or cause or permit to be used, the motor vehicle if -

- (a) the number plate allotted or authorised for the vehicle is not securely affixed to the vehicle; or
- (b) a letter or figure on the number plate is -
 - (i) not distinctly legible; or
 - (ii) obscured by an article or thing affixed to or carried on the vehicle (other than a trailer that is attached to and being pulled by the vehicle)."

8. RECORD OF REGISTRATION AND LICENCES TO BE KEPT

Section 118 of the Principal Act is amended by omitting subsection (1) and substituting the following:

"(1) Particulars of -

- (a) the registration of motor vehicles;
- (b) the grant of certificates, licences and permits; and
- (c) notices of disposal received by the Registrar under section 20,

are to be recorded at the office of the Registrar."

9. REPEAL AND SUBSTITUTION

Section 123 of the Principal Act is repealed and the following substituted:

"123. EVIDENCE OF OWNERSHIP OF MOTOR VEHICLES

"A certificate of registration in respect of a motor vehicle is, in all proceedings, prima facie evidence that the person specified on the certificate as the registered owner is the owner of the motor vehicle."
