

COMMERCIAL PASSENGER VEHICLE LEGISLATION AMENDMENT REGULATIONS 2017

Table of provisions

1	Citation	2
2	Commencement	2

3	Regulations amended.....	2
4	Regulation 2 replaced.....	2
	2 Infringement offences	
5	Regulation 3 amended	2
6	Regulation 4 replaced.....	3
	4 Electronic payment and payment by cheque	
7	Regulation 5 amended	3
8	Part 4 inserted	4
	Part 4 Further provisions for commercial passenger vehicles	
	9 Safety of vehicle	
	10 No smoking in vehicle	
	11 Animals	
	12 Lift incentive	
9	Schedule 1 replaced.....	7
	Schedule 1 Infringement offences and prescribed amounts	

10	Regulations amended.....	9
11	Regulations 6 to 9, 13 to 15, 17, 18 and 21 repealed	9

12	Regulations amended.....	9
13	Regulation 4 amended	9
14	Regulation 5 amended	10

15	Regulations 6, 7, 11 and 13 repealed.....	10
16	Regulation 15 amended	10
17	Schedule amended.....	10

Part 5 Amendment of Minibus Regulations

18	Regulations amended.....	10
19	Regulation 3 amended	11
20	Regulation 4 amended	11
21	Regulation 5 amended	11
22	Regulation 6 repealed	11
23	Regulations 7A and 7B inserted	11
	7A Driver not to charge more than operator indicates	
	7B Hiring by passenger with wheelchair	
24	Regulations 13 and 16 repealed.....	12
25	Regulation 17 amended	13
26	Regulation 18G amended.....	13
27	Regulation 20 repealed	13
28	Regulation 22 amended	13
29	Regulation 23 repealed	13
30	Schedule amended.....	13

Part 6 Repeal of Motor Omnibus Regulations

31	Regulations repealed.....	14
----	---------------------------	----

Part 7 Amendment of Motor Vehicle (Hire Car) Regulations

32	Regulations amended.....	14
33	Regulation 3 repealed	14
34	Regulation 4 amended	14
35	Regulation 6 amended	15
36	Regulation 10 replaced.....	15
	10 Driver conduct	
37	Regulation 10A amended	15
38	Regulations 11 to 31 repealed.....	15
39	Regulation 32 amended	16
40	Regulation 33, Parts IV to VII and regulations 63 to 69 repealed.....	16
41	Regulation 70 amended	16
42	Regulations 72 to 74 repealed.....	16
43	Regulation 75 amended	16
44	Schedules 1 and 3 repealed.....	16

Part 8 Amendment of Passenger Bus Regulations

45	Regulations amended.....	16
----	--------------------------	----

46	Regulation 4 amended	17
47	Regulation 5 repealed	17
48	Regulation 6 amended	17
49	Regulations 9, 10, 17 and 19 repealed	17

Part 9 Amendment of Private Hire Car Regulations

50	Regulations amended	18
51	Regulation 4 amended	18
52	Regulation 4A repealed	18
53	Regulation 5 amended	18
54	Regulation 6A inserted	19
	6A Agreement in relation to private hire car fares	
55	Regulations 8 and 10 repealed	19
56	Regulation 11A amended	19
57	Regulation 12 amended	19
58	Regulation 13 repealed	19
59	Schedule amended	20

Part 10 Amendment of Special Function Vehicle Regulations

60	Regulations amended	20
61	Regulation 4 amended	20
62	Regulation 5 amended	20
63	Regulations 6 to 8 repealed	20
64	Regulation 10 amended	20
65	Regulation 12 repealed	21

Part 11 Amendment of Taxis Regulations

66	Regulations amended	21
67	Regulation 3 amended	21
68	Regulation 3A repealed	21
69	Regulation 4 amended	22
70	Regulation 4A repealed	22
71	Regulation 5 amended	22
72	Regulation 10 repealed	22
73	Regulation 11A amended	23
74	Regulations 17 and 22 repealed	23
75	Regulation 23 amended	23
76	Regulation 25 amended	23
77	Regulation 26 amended	24
78	Regulation 27G amended	24
79	Regulation 28 amended	24
80	Regulation 33 repealed	24
81	Regulation 34 amended	25

82	Schedule 2 repealed.....	25
----	--------------------------	----

**Part 12 Amendment of Tourist Vehicles
Regulations**

83	Regulations amended.....	25
84	Regulation 4 amended	25
85	Regulations 6, 9, 11 and 13 repealed.....	26

Part 13 Repeal of Regulations

86	Repeal of Regulations	26
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Schedule Repealed Regulations



NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 34 of 2017*

Commercial Passenger Vehicle Legislation Amendment Regulations 2017

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the following Acts:

Commercial Passenger (Road) Transport Act
Motor Vehicles Act

Dated 23 November 2017

V. S. O'HALLORAN
Administrator

By Her Honour's Command

N. S. MANISON
Minister for Infrastructure, Planning and Logistics

* Notified in the *Northern Territory Government Gazette* on 29 November 2017.

Part 1 Preliminary matters**1 Citation**

These Regulations may be cited as the *Commercial Passenger Vehicle Legislation Amendment Regulations 2017*.

2 Commencement

These Regulations commence on 1 December 2017.

Part 2 Amendment of Commercial Passenger (Miscellaneous) Regulations**3 Regulations amended**

This Part amends the *Commercial Passenger (Miscellaneous) Regulations*.

4 Regulation 2 replaced

Regulation 2

repeal, insert

2 Infringement offences

For section 81 of the Act:

- (a) an offence against a provision specified in Schedule 1 is an infringement offence; and
- (b) the penalty for an infringement offence is the amount equal to the monetary value of the number of penalty units specified for the offence in Schedule 1.

5 Regulation 3 amended**(1) Regulation 3**

omit

the alleged offender

insert

a person

(2) Regulation 3(a)

omit

alleged offender

insert

person

(3) Regulation 3(b) and (c)

omit

alleged offender at his or her

insert

person at the person's

6 Regulation 4 replaced

Regulation 4

*repeal, insert***4 Electronic payment and payment by cheque**

- (1) If the person uses electronic means to pay the prescribed amount, payment is not effected until the amount is credited to the Agency's bank account.
- (2) If the person tenders a cheque in payment of the prescribed amount, payment is not effected unless the cheque is cleared on first presentation.

7 Regulation 5 amended

(1) Regulation 5(1) and (2)

omit (all references)

alleged offender

insert

person

- (2) Regulation 5(2)(a)

omit

on him or her

- (3) Regulation 5(2)(b) and (c)

omit

his or her

insert

the person's

8 Part 4 inserted

After regulation 8

insert

Part 4 Further provisions for commercial passenger vehicles

9 Safety of vehicle

- (1) The operator of a commercial passenger vehicle must not allow the vehicle to be made available for hire or reward if the vehicle is unsafe.

Maximum penalty: 85 penalty units.

- (2) If the Registrar of Motor Vehicles specifies minimum maintenance that is to be carried out on a commercial passenger vehicle, the operator of the vehicle must ensure that maintenance is carried out on the vehicle in accordance with that specified.

Maximum penalty: 85 penalty units.

- (3) The driver of a commercial passenger vehicle must not drive the vehicle for hire or reward if the driver knows the vehicle is unsafe.

Maximum penalty: 85 penalty units.

- (4) In this regulation, a vehicle is **unsafe** if it is likely to endanger any of the following:

- (a) the safety of any person;

(b) public safety;

(c) any property.

10 No smoking in vehicle

(1) A person must not smoke in a commercial passenger vehicle.

Maximum penalty: 30 penalty units.

(2) Subregulation (1) does not apply in relation to a courtesy vehicle.

11 Animals

(1) The driver of a commercial passenger vehicle must not refuse a hiring of the vehicle by a person, or during a hiring refuse to allow a person to board the vehicle, only because the person is accompanied by an assistance animal.

Maximum penalty: 30 penalty units.

(2) In this regulation:

assistance animal means an animal:

(a) trained by an assistance animal training institution; and

(b) used as an assistance animal by a person who:

(i) is wholly or partially blind or deaf; or

(ii) has another form of disability requiring the use of an assistance animal.

12 Lift incentive

(1) An eligible person who requires the wheelchair capability of a relevant commercial passenger vehicle may offer a lift incentive to the driver of the vehicle.

(2) The lift incentive may be provided in the form of:

(a) a redeemable voucher approved by the Minister; or

(b) payment by a smartcard issued under the Northern Territory Transport Subsidy Scheme or other means of electronic payment; or

(c) another means of payment approved by the Minister.

- (3) If the driver accepts the offer of the lift incentive:
- (a) the hiring is taken to commence only after the wheelchair, and any person in the wheelchair, is on board the vehicle and made secure; and
 - (b) the driver must not charge for any time spent:
 - (i) waiting for the hirer before the wheelchair is placed on board; or
 - (ii) placing the wheelchair on board and setting the wheelchair down again.
- (4) A driver is not obliged to accept a lift incentive and may instead charge for time spent waiting for the hirer and placing the wheelchair on board the vehicle and setting the wheelchair down again.
- (5) The Minister may, by *Gazette* notice:
- (a) determine the class or classes of persons who are eligible to participate in the lift incentive scheme; and
 - (b) determine the amount payable for a lift incentive from time to time.
- (6) A lift incentive is an incentive to the driver and, if received by an operator or a communications or dispatch network, must be passed on to the driver in full.
- (7) In this regulation:
- relevant commercial passenger vehicle*** means:
- (a) a multiple purpose minibus, as defined in regulation 3 of the *Minibus Regulations*; or
 - (b) a multiple purpose taxi, as defined in regulation 3(1) of the *Taxis Regulations*; or
 - (c) a private hire car:
 - (i) fitted to carry a passenger seated in a wheelchair; and
 - (ii) in respect of which the licence contains a condition that priority is to be given to carrying passengers in wheelchairs.

9 Schedule 1 replaced

Schedule 1

*repeal, insert***Schedule 1 Infringement offences and prescribed amounts**

regulation 2

Provision	Prescribed amount in penalty units
The Act	
section 72(2)	2
sections 21(2), 26A(2), 37B(2), 38E(2), 38K(2), 47(3) and 71(8A) and (9)	4
sections 26(2), 69(a) and (b) and 74(1)	5
section 79A(1)	7
sections 45(2) and 71(1)	10
section 71(7A)	20
Commercial Passenger (Miscellaneous) Regulations	
regulation 8(2), (3) and (4)	For an individual – 2 For a body corporate – 10
regulation 10(1)	3
regulation 11(1)	5
regulation 9(1) and (2)	For an individual – 15 For a body corporate – 25
regulation 9(3)	15
Courtesy Vehicle Regulations	
regulation 20(3)	0.5
regulations 4(1) and (2), 5, 10, 11(2), 12(1) and 16(1), (2) and (3)	1

<i>Limousine Regulations</i>	
regulations 8, 9(1), 10, 12(1) and 15(3)	3
regulation 14(1) and (2)	5
regulations 4(1) and (2) and 5	6
<i>Minibus Regulations</i>	
regulations 11(a) and 17(1) and (3)	1
regulation 12(2)	2
regulations 4(3), 9(1) and (2), 11(b) and 14(a) and (b)	3
regulations 7B(1) and (4), 11(e), 18F(1) and (2) and 18H	4
regulations 7A(1), 18C(1) and (2), 18D, 18E, 18L(1) and (3), 18M(1) and (2), 18N and 18P	5
regulations 5(1), (2) and (3), 18G(1) and 22(1) and (2)	6
<i>Passenger Bus Regulations</i>	
regulation 8(a) and (b)	1
regulation 4(1) and (2)	6
regulation 6	10
<i>Private Hire Car Regulations</i>	
regulations 5, 6(3), 7, 9(1) and 11A(3)	3
regulation 11(1) and (2)	5
regulations 4(1) and (2), 11A(3) and 12(2)	6
<i>Special Function Vehicle Regulations</i>	
regulations 9, 10(1) and 11	3
regulation 13(1) and (2)	5
regulations 4(1) and (2) and 5	6

<i>Taxis Regulations</i>	
regulations 15, 20(a), 28(1) and (3) and 32(1) and (3)	1
regulations 11A(3), (5), (6) and (7), 13, 16(1) and (2), 20(b) and 24	2
regulations 5(3), 7(1), 7A, 9, 10A(3) and 21	3
regulations 10A(1), 20(e), 23(1), 25, 27F(1) and (2) and 27H	4
regulations 26(1), 27C(1) and (2), 27D, 27E, 27L(1) and (3), 27M(1) and (2), 27N, 27P and 29(a) and (b)	5
regulations 4(1), (1A) and (2), 27G(1) and 34	6
<i>Tourist Vehicles Regulations</i>	
regulation 4(1) and (2)	6

Part 3 Amendment of Courtesy Vehicle Regulations

10 Regulations amended

This Part amends the *Courtesy Vehicle Regulations*.

11 Regulations 6 to 9, 13 to 15, 17, 18 and 21 repealed

Regulations 6 to 9, 13 to 15, 17, 18 and 21

repeal

Part 4 Amendment of Limousine Regulations

12 Regulations amended

This Part amends the *Limousine Regulations*.

13 Regulation 4 amended

Regulation 4(1) and (2), penalty provision

omit

25

insert

60

14 Regulation 5 amended

Regulation 5, penalty provision

omit

25

insert

60

15 Regulations 6, 7, 11 and 13 repealed

Regulations 6, 7, 11 and 13

repeal

16 Regulation 15 amended

Regulation 15(3), penalty provision

omit

25

insert

30

17 Schedule amended

Schedule, item 1

omit

2 200

insert

300

Part 5 Amendment of Minibus Regulations

18 Regulations amended

This Part amends the *Minibus Regulations*.

19 Regulation 3 amended

Regulation 3

insert (in alphabetical order)

multiple purpose minibus means a minibus fitted to carry a passenger seated in a wheelchair and in respect of which the licence contains a condition that priority is to be given to carrying passengers in wheelchairs.

20 Regulation 4 amended

Regulation 4(3), at the end

insert

Maximum penalty: 30 penalty units.

21 Regulation 5 amended

Regulation 5(1), (2) and (3), at the end

insert

Maximum penalty: 60 penalty units.

22 Regulation 6 repealed

Regulation 6

repeal

23 Regulations 7A and 7B inserted

After regulation 7, in Part 3

insert

7A Driver not to charge more than operator indicates

- (1) The driver of a minibus commits an offence if the driver charges for a hiring a fare that is greater than the amount indicated under regulation 7.

Maximum penalty: 25 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

7B Hiring by passenger with wheelchair

- (1) The driver of a multiple purpose minibus commits an offence if the driver refuses a request for a hiring, allocated by a communications network or dispatch network, entailing the carriage of a wheelchair passenger.

Maximum penalty: 30 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) However, a driver does not commit an offence against subregulation (1) in circumstances permitted by any of the following:
- (a) these Regulations;
 - (b) a code of conduct applicable under the Act to multiple purpose minibuses;
 - (c) the multiple purpose minibus licence applicable to the minibus;
 - (d) the approval under the Act to operate the communications network or dispatch network.
- (4) The driver of a multiple purpose minibus must:
- (a) record all journeys, while he or she was the driver, entailing the carriage of a wheelchair passenger; and
 - (b) provide the records to the operator of the minibus as soon as practicable.

Maximum penalty: 30 penalty units.

- (5) Subregulation (4) does not apply if the hiring was booked through a communications or dispatch network which itemises wheelchair journeys in reports by the network.

24 Regulations 13 and 16 repealed

Regulations 13 and 16

repeal

25 Regulation 17 amended

Regulation 17(1)

omit

smoke or

26 Regulation 18G amended

Regulation 18G(1), penalty provision

omit

40

insert

60

27 Regulation 20 repealed

Regulation 20

repeal

28 Regulation 22 amended

Regulation 22(1) and (2), at the end

insert

Maximum penalty: 60 penalty units.

29 Regulation 23 repealed

Regulation 23

repeal

30 Schedule amended

(1) Schedule, item 1, after "operate minibus"

insert

, other than multiple purpose minibus,

(2) Schedule, after item 1

insert

1A Annual fee for minibus licence to operate multiple purpose minibus in minibus area

Minibus Area

Darwin	\$8 800
Alice Springs	\$7 150
Katherine	\$4 950
Tennant Creek	\$2 475
Gove	\$2 750

Part 6 Repeal of Motor Omnibus Regulations

31 Regulations repealed

The Regulations specified in the Schedule are repealed.

Part 7 Amendment of Motor Vehicle (Hire Car) Regulations

32 Regulations amended

This Part amends the *Motor Vehicle (Hire Car) Regulations*.

33 Regulation 3 repealed

Regulation 3

repeal

34 Regulation 4 amended

(1) Regulation 4, heading

omit

Interpretation

insert

Definitions

(2) Regulation 4(1)

omit

(1)

(3) Regulation 4(1), definitions ***Alice Springs area, child, conversion card, Darwin area, infant, Jabiru area, Katherine area, liquor, member, Nhulunbuy area, taxi fare pre-payment scheme, taxi rank, taxi rank sign, Tennant Creek area*** and ***young person***

omit

(4) Regulation 4(2)

omit

35 Regulation 6 amended

Regulation 6, at the end

insert

Maximum penalty: 15 penalty units.

36 Regulation 10 replaced

Regulation 10

repeal, insert

10 Driver conduct

The driver of a hire car must act in an orderly manner and with civility and propriety towards a passenger or intending passenger.

Maximum penalty: 15 penalty units.

37 Regulation 10A amended

Regulation 10A, at the end

insert

Maximum penalty: 15 penalty units.

38 Regulations 11 to 31 repealed

Regulations 11 to 31

repeal

39 Regulation 32 amended

Regulation 32, at the end

insert

Maximum penalty: 15 penalty units.

40 Regulation 33, Parts IV to VII and regulations 63 to 69 repealed

Regulation 33, Parts IV to VII and regulations 63 to 69

repeal

41 Regulation 70 amended

Regulation 70, at the end

insert

Maximum penalty: 15 penalty units.

42 Regulations 72 to 74 repealed

Regulations 72 to 74

repeal

43 Regulation 75 amended

Regulations 75

omit

(other than regulation 25(1)(b))

44 Schedules 1 and 3 repealed

Schedules 1 and 3

repeal

Part 8 Amendment of Passenger Bus Regulations

45 Regulations amended

This Part amends the *Passenger Bus Regulations*.

46 Regulation 4 amended

(1) Regulation 4(1)

omit

shall

insert

must

(2) Regulation 4(1), at the end

insert

Maximum penalty: 60 penalty units.

(3) Regulation 4(2)

omit, insert

(2) The operator of a bus must ensure that the record mentioned in subregulation (1):

(a) is kept in a safe place at the principal place of business of the operator; and

(b) is produced whenever required by an inspector.

Maximum penalty: 60 penalty units.

47 Regulation 5 repealed

Regulation 5

repeal

48 Regulation 6 amended

Regulation 6, at the end

insert

Maximum penalty: 60 penalty units.

49 Regulations 9, 10, 17 and 19 repealed

Regulations 9, 10, 17 and 19

repeal

Part 9 Amendment of Private Hire Car Regulations

50 Regulations amended

This Part amends the *Private Hire Car Regulations*.

51 Regulation 4 amended

(1) Regulation 4(1)

omit

shall

insert

must

(2) Regulation 4(1), at the end

insert

Maximum penalty: 60 penalty units.

(3) Regulation 4(2)

omit, insert

(2) The operator of a private hire car must ensure that the record mentioned in subregulation (1):

(a) is kept in a safe place at the principal place of business of the operator; and

(b) is produced whenever required by an inspector.

Maximum penalty: 60 penalty units.

52 Regulation 4A repealed

Regulation 4A

repeal

53 Regulation 5 amended

(1) Regulation 5

omit

all words from "A person" to "passenger)"

insert

A driver must not use a private hire car

(2) Regulation 5(b)

omit

over the driver's mobile telephone

54 Regulation 6A inserted

After regulation 6

insert

6A Agreement in relation to private hire car fares

Before a journey by a private hire car is commenced, the owner or driver of the private hire car must advise the hirer of the amount of the fare for the hiring, including any charge for the conveyance of luggage or goods, and the fare for that hiring is to be that amount or a lesser amount agreed between the hirer and the owner or driver.

55 Regulations 8 and 10 repealed

Regulations 8 and 10

repeal

56 Regulation 11A amended

Regulation 11A(3), at the end

insert

Maximum penalty: 30 penalty units.

57 Regulation 12 amended

Regulation 12(2), at the end

insert

Maximum penalty: 60 penalty units.

58 Regulation 13 repealed

Regulation 13

repeal

59 Schedule amended

Schedule, item 3

omit

Part 10 Amendment of Special Function Vehicle Regulations**60 Regulations amended**

This Part amends the *Special Function Vehicle Regulations*.

61 Regulation 4 amended

Regulation 4(1) and (2), penalty provision

omit

25

insert

60

62 Regulation 5 amended

Regulation 5, penalty provision

omit

25

insert

60

63 Regulations 6 to 8 repealed

Regulations 6 to 8

repeal

64 Regulation 10 amended

Regulation 10(1)

omit

all words from "A person" to "passenger)"

insert

A driver must not use a special function vehicle

65 Regulation 12 repealed

Regulation 12

repeal

Part 11 Amendment of Taxis Regulations

66 Regulations amended

This Part amends the *Taxis Regulations*.

67 Regulation 3 amended

- (1) Regulation 3(1), definition ***peak period taxi***

omit

- (2) Regulation 3(1), definition ***Northern Territory Taxi Subsidy Scheme***

omit

Taxi

insert

Transport

- (3) Regulation 3(2)

omit

(but subject to regulation 3A)

68 Regulation 3A repealed

Regulation 3A

repeal

69 Regulation 4 amended

- (1) Regulation 4(1), at the end

insert

Maximum penalty: 60 penalty units.

- (2) Regulation 4(1A), penalty provision

omit

30

insert

60

- (3) Regulation 4(2)

omit, insert

- (2) The operator of a taxi must ensure that the record mentioned in subregulation (1) or (1A), and any record returned to the operator under regulation 11(5):

(a) is kept in a safe place at the principal place of business of the operator; and

(b) is produced whenever required by an inspector.

Maximum penalty: 60 penalty units.

70 Regulation 4A repealed

Regulation 4A

repeal

71 Regulation 5 amended

Regulation 5(3), at the end

insert

Maximum penalty: 30 penalty units.

72 Regulation 10 repealed

Regulation 10

repeal

73 Regulation 11A amended

Regulation 11A(7)

omit

Taxi

insert

Transport

74 Regulations 17 and 22 repealed

Regulations 17 and 22

repeal

75 Regulation 23 amended

(1) Regulation 23(1)(a)

omit, insert

(a) that conforms to the specifications determined by the Director by *Gazette* notice; and

(2) Regulation 23(1)(c)

omit

76 Regulation 25 amended

(1) Regulation 25(c)

omit

or where, for any reason, the seal affixed as required by Schedule 2 is broken

(2) Regulation 25(c)(ii)

omit

seals

insert

tests

77 Regulation 26 amended

Regulation 26(2) and (3)

omit, insert

- (2) If, after inspecting and testing a taximeter fitted to a taxi, a testing officer is of the opinion that the taximeter is not operating so as to give an accurate reading of the charge payable in relation to a hiring, the testing officer must report that fact to the Director.

78 Regulation 27G amended

Regulation 27G(1), penalty provision

omit

40

insert

60

79 Regulation 28 amended

- (1) Regulation 28, heading

omit

Smoking, eating

insert

Eating

- (2) Regulation 28(1)

omit, insert

- (1) In a taxi, a person must not consume or use intoxicating liquor or a prohibited substance.

Maximum penalty: 30 penalty units.

80 Regulation 33 repealed

Regulation 33

repeal

81 Regulation 34 amended

Regulation 34, at the end

insert

Maximum penalty: 60 penalty units.

82 Schedule 2 repealed

Schedule 2

repeal

Part 12 Amendment of Tourist Vehicles Regulations**83 Regulations amended**

This Part amends the *Tourist Vehicles Regulations*.

84 Regulation 4 amended

(1) Regulation 4(1)

omit

An operator of a tourist vehicle shall

insert

The operator of a tourist vehicle must

(2) Regulation 4(1), at the end

insert

Maximum penalty: 60 penalty units.

(3) Regulation 4(2)

omit, insert

(2) The operator of a tourist vehicle must ensure that the record mentioned in subregulation (1):

- (a) is kept in a safe place at the principal place of business of the operator; and

(b) is produced whenever required by an inspector.

Maximum penalty: 60 penalty units.

85 Regulations 6, 9, 11 and 13 repealed

Regulations 6, 9, 11 and 13

repeal

Part 13 Repeal of Regulations

86 Repeal of Regulations

These Regulations are repealed on the day after they commence.

Schedule	Repealed Regulations
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regulation 31

<i>Motor Omnibus Regulations</i>	SL No. 5 of 1953
<i>Amendments of the Motor Omnibus Regulations</i>	SL No. 7, 1976
<i>Amendments of the Motor Omnibus Regulations</i>	SL No. 20, 1979
<i>Amendments of the Motor Omnibus Regulations</i>	SL No. 18, 1980
<i>Amendments of the Motor Omnibus Regulations</i>	SL No. 37, 1983
