Western Australia

Motor Vehicle Dealers Act 1973

Car Market Regulations 1981

Western Australia

Car Market Regulations 1981

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Car Market Regulations 1981

##### 1. Citation

These regulations may be cited as the *Car Market Regulations 1981*1.

##### 2. Commencement

(1) Subject to subregulation (2) these regulations shall take effect on and from the day on which they are published in the *Government Gazette* 1.

(2) Regulation 6 and Forms 16 and 17 shall take effect on and from the day on which section 15 of the *Motor Vehicle Dealers Amendment Act 1981* comes into operation 1.

##### 3. Interpretation

In these regulations, unless the contrary intention appears —

form means a form in Schedule 2 or 3;

Schedule means a Schedule to these regulations;

section means a section of the Act;

the Act means the *Motor Vehicle Dealers Act 1973* (as amended).

##### 4. Licensing forms, Schedules 1 and 2

Where a provision in the Act is specified in column 1 of Schedule 1, the form set out in Schedule 2 of which the number is specified in column 3 of Schedule 1 opposite that provision, is prescribed as the form to be used for the purposes of that provision in relation to the matter or thing described in column 2 of Schedule 1 opposite that provision.

##### 5. Register of vehicles and sales (Form 15)

The register of —

(a) vehicles offered, exposed or displayed for sale at a car market; and

(b) vehicles sold at a car market,

kept by a car market operator pursuant to section 25(2a) shall be kept in the form of a bound book the pages of which —

(c) shall be in the form of Form 15; and

(d) shall be numbered consecutively.

##### 6. Notice as to whether title is guaranteed by car market operator (Forms 16 and 17)

(1) The notice to be attached to a second‑hand vehicle under section 40B(1) shall be in the form of —

(a) Form 16 if title to the vehicle is guaranteed by the car market operator; or

(b) Form 17 if title to the vehicle is not guaranteed by the car market operator.

(2) The notice prescribed by subregulation (1) —

(a) shall be printed on white paper that is 210 mm long and 140 mm wide; and

(b) shall be printed in the type, size and manner to conform with Form 16 or 17 as the case may require.

##### 7. Particulars prescribed by forms

Where a form prescribed by these regulations requires completion by the insertion of particulars or other matters referred to in the form, those particulars or other matters are prescribed as the particulars or other matters required under the provisions of the Act for the purposes for which the form is prescribed.

##### 8. Forms to be completed as directed

A form prescribed by these regulations and containing any directions for its completion shall be completed in accordance with those directions.

##### 9. False information

A person who in any application makes a false statement or misleading statement or representation commits an offence.

Penalty: $2 000.

[Regulation 9 amended: Gazette 13 Aug 2002 p. 4152.]

[**10.** Deleted: Gazette 29 Dec 1995 p. 6349.]

Schedule 1

**List of forms**

| **Column 1** | **Column 2** | **Column 3** |
| --- | --- | --- |
| **Provision of the Act for which Form Prescribed** | **Description of Matter or Thing for which Form is to be used** | **Number of Form in Schedule 2** |

Section

| 24(1) ....................... | Form of Register of Car Market Operators and Registered Premises | 14 |
| --- | --- | --- |
| 25(2a) ...................... | Operating Forms and Registered Premises | 15 |
| 40B(1) ..................... | Form of Notice (Title Guaranteed) | 16 |
| 40B(1) ..................... | Form of Notice (Title Not Guaranteed) | 17 |

[Schedule 1 inserted: Gazette 29 Dec 1995 p. 6349.]

Schedule 2

[Reg. 4]

**Licensing forms**

[Forms 1-13 deleted: Gazette 29 Dec 1995 p. 6350.]

|  |  |  |  |
| --- | --- | --- | --- |
| **Form 14**  Western Australia  *Motor Vehicle Dealers Act 1973*  (s. 24(1))  **REGISTER OF CAR MARKET OPERATORS**  Licence No. ....................................  Licence holder ...........................................................................................................................................................  Registered office .......................................................................................................................................................  Personal/Firm/Body Corporate ................................................................................................................................. | Certificate of Registered Premises issued for Premises at | |  |
| Names of  Managers | |  |
| Names of Directors and Secretary | |  |
| Business Names  Listed in Application or Renewal | |  |
| Licence | Renewal Date |  |
| Granted Date |  |
| Licence | Application for Renewal Date Lodged |  |
| Application for Date Lodged |  |

[Schedule 2 amended: Gazette 29 Dec 1995 p. 6350.]

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Schedule 3  **Operating forms**  **Form 15**  Western Australia  *Motor Vehicle Dealers Act 1973*  (s. 25)  *Car Market Regulations 1981* (Reg. 5)  **CAR MARKET OPERATOR’S REGISTER OF VEHICLES OFFERED AND SOLD FOR** **REGISTERED PREMISES SITUATE AT** ............................................  (To be produced on demand by any person mentioned in section 25(2b)) | IF SALE OF VEHICLE NOTIFIED | Is Title to Vehicle Guaranteed | |  |
| To whom sold | Address |  |
| Name |  |
| Date Sold | |  |
| Date Offered For Sale | | |  |
| Vendor  Name    Address | | |  |
| Registered Owner  Name    Address | | |  |
| Vehicle | Make and Type | |  |
| Engine No. | |  |
| Identity Plate | |  |
| Register No. | | |  |

**Form 16**

Western Australia

*Motor Vehicle Dealers Act 1973*

(S. 40B(1))

*Car Market Regulations 1981*

[Reg. 6]

**CAR MARKET NOTICE**

**TITLE**

**GUARANTEED**

THIS VEHICLE IS SOLD WITHOUT STATUTORY WARRANTY UNDER THE *MOTOR VEHICLE DEALERS ACT 1973*.

THE CAR MARKET OPERATOR GUARANTEES THE VENDOR HAS UNENCUMBERED TITLE TO THE VEHICLE.

**Form 17**

Western Australia

*Motor Vehicle Dealers Act 1973*

(S. 40B(1))

*Car Market Regulations 1981*

[Reg. 6]

**CAR MARKET NOTICE**

**TITLE**

**NOT**

**GUARANTEED**

THIS VEHICLE IS SOLD WITHOUT STATUTORY WARRANTY UNDER THE *MOTOR VEHICLE DEALERS ACT 1973*.

THE VENDOR’S TITLE TO THE VEHICLE IS NOT GUARANTEED BY THE CAR MARKET OPERATOR.

[Schedule 4 deleted: Gazette 29 Dec 1995 p. 6350.]

Notes

1 This reprint is a compilation as at 5 December 2003 of the *Car Market Regulations 1981* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

| **Citation** | **Gazettal** | **Commencement** |
| --- | --- | --- |
| *Car Market Regulations 1981* | 31 Dec 1981 p. 5382‑98 | Regs other than r. 6 and Forms 16 and 17: 31 Dec 1981 (see r. 2(1) and *Gazette* 31 Dec 1981 p. 5382); r. 6 and Forms 16 and 17: 1 Feb 1982 (see r. 2(2) and *Gazette* 31 Dec 1981 p. 5364) |
| *Car Market Amendment Regulations 1995* | 29 Dec 1995 p. 6349‑50 | 1 Jan 1996 (see r. 2) |
| **Reprint of the *Car Market Regulations 1981* as at 20 Jan 1997** (includes amendments listed above) | | |
| *Car Market Amendment Regulations 2002* | 13 Aug 2002 p. 4151‑2 | 1 Sep 2002 (see r. 2 and *Gazette* 13 Aug 2002 p. 4151) |
| **Reprint 2: The *Car Market Regulations 1981* as at 5 Dec 2003** (includes amendments listed above) | | |

Defined terms

*[This is a list of terms defined and the provisions where they are defined. The list is not part of the law.]*

**Defined term Provision(s)**

form 3

Schedule 3

section 3

the Act 3