

28. Order to remedy defects in second-hand vehicle

- (1) This section applies where —
 - (a) an inspecting officer is examining or testing a second-hand vehicle under section 27; and
 - (b) the officer is of the opinion that the vehicle or its equipment is defective.
- (2) The inspecting officer may make an order in the approved form —
 - (a) specifying any defect in the vehicle or its equipment; and
 - (b) requiring the owner of the vehicle, not later than the day specified in the order, at the owner's option, to either —
 - (i) remedy each defect so specified; or
 - (ii) return the number plates relating to the vehicle to the nearest licensing or registering authority in accordance with section 28A.
- (3) Where an order is made under subsection (2) in respect of a vehicle, the inspecting officer shall attach to the vehicle a notice in the approved form —
 - (a) stating that the order has been made; and
 - (b) informing the owner that the sale of the vehicle is prohibited as provided by section 29(1).
- (4) If the dealer is the owner of the vehicle, the order shall be given to the dealer.
- (5) If the dealer is in possession of the vehicle under a consignment agreement —
 - (a) the dealer shall inform the inspecting officer of the name and address of the consignor; and
 - (b) the inspecting officer shall give the order or cause it to be given to the consignor.
- (6) An order under subsection (2) and the corresponding notice under subsection (3) may be amended so far as is necessary to correct any error.
- (7) The powers in subsections (5) and (6) may be exercised by persons or classes of persons designated by the Commissioner.
- (8) An order under subsection (2) remains in force until the conditions provided for by either of the following paragraphs are met —
 - (a) the number plates are returned to the nearest licensing or registering authority —
 - (i) as required by the order and the provisions of section 28A; or
 - (ii) under section 29(3);
 - (b) the vehicle has been examined by an inspecting officer and the officer —
 - (i) is satisfied that each defect specified in the order has been remedied; and
 - (ii) cancels the order and removes the notice attached to the vehicle under subsection (3).

- (9) An inspecting officer examining a vehicle as mentioned in subsection (8)(b) may make a further order under subsection (2) in respect of the vehicle if he is of the opinion that the vehicle or its equipment is defective.
- (10) The owner of a vehicle in respect of which an order is made under subsection (2) shall comply with the order.
Penalty: \$2 000.
- (11) A person shall not wilfully remove, damage or obliterate a notice attached to a vehicle under subsection (3).
Penalty: \$2 000.
- (12) In this section —
- “consignment agreement”** has the same meaning as it has in section 32A;
- “defective”**, in relation to a vehicle, means that it requires work to be done to it, or other attention, to make it comply with any requirement of a written law that applies to the vehicle or its equipment; and **“defect”** has a corresponding meaning;
- “inspecting officer”** means a member of the Police Force or an authorised officer;
- “owner”** means —
- (a) the dealer at whose authorised premises the vehicle is being examined or tested, if he is the trade owner of the vehicle; or
 - (b) if the dealer is in possession of the vehicle under a consignment agreement, the consignor under that agreement.

[Section 28 inserted by No. 4 of 2002 s.68.]