

**111. Regulations, etc.** <sup>4</sup>

- (1) The Governor may make regulations for any purpose for which regulations are contemplated or required by this Act and may make all such other regulations as may, in his opinion, be necessary or convenient for giving full effect to the provisions of, and for the due administration of, this Act, for the licensing, equipment and use of vehicles and for the regulation of traffic, generally.
- (2) Without limiting the generality of subsection (1), the Governor may make regulations —
  - (a) empowering an authority therein named to —
    - (i) prohibit, and to authorise and regulate, processions;
    - (ii) restrict or prohibit the use of such roads, for such periods, as it may specify;
    - (iii) erect traffic signs and traffic control signals and similar devices;
    - (iiia) authorise any person or body or class of person or body to erect traffic signs and traffic control signals and similar devices, or any class or type thereof, in accordance with the instrument of authorisation;
    - (iv) seize, remove and detain obstructing or abandoned vehicles;
  - (aa) regulating or prohibiting stock on roads;
  - (b) relating to the duties, obligations, conduct and behaviour of owners, persons in charge, drivers and passengers of vehicles or of any class of vehicle;
  - (c) requiring the drivers and passengers of —
    - (i) motor vehicles;
    - (ii) 2-wheeled or 3-wheeled vehicles that are designed to be propelled through a mechanism operated solely by human power; and
    - (iii) 2-wheeled or 3-wheeled vehicles that are power assisted pedal cycles,  
to wear prescribed items of equipment, whether or not the items are items required to be fitted to the vehicles;
  - (d) prescribing standards or other requirements in respect of vehicles, including standards or requirements relating to —
    - (i) the design, construction, efficiency and performance of, and the equipment to be carried on, vehicles;
    - (ii) the attachment of operational or safety devices;
    - (iii) limits on the mass and dimensions of vehicles and their loads, the distribution of the mass over vehicle components, and how to measure the mass, dimensions or mass distribution;
    - (iv) roadworthiness;
    - (v) safety, emissions and noise;
    - (vi) the coupling of trailers and motor vehicles;
    - (vii) the identification of vehicles or components of vehicles;

- (viii) loading and unloading and securing of loads;
- (ix) security of vehicles and the equipment to be fitted to vehicles for the purposes of security; and
- (x) the keeping and production of records;
- (da) providing for the examination and testing of vehicles and without restricting the generality of the foregoing —
  - (i) empowering the Director General to authorise persons to examine and test vehicles and to cancel any such authorisation;
  - (ii) requiring the payment of fees for the examination and testing of vehicles pursuant to any regulation;
  - (iii) empowering any person who is authorised to examine and test vehicles to issue or to refuse to issue a certificate of inspection in relation to the inspection of a vehicle;
  - (iv) empowering persons to control, prohibit or restrict the use of a vehicle that does not conform to any regulation or does not fit the purpose for which the vehicle is desired to be licensed;
- (e) prohibiting or regulating the manufacture, sale or supply of —
  - (i) replicas or imitations of number plates; or
  - (ii) articles similar to number plates,
 and providing for the confiscation and disposal of such replicas, imitations or articles;
- [(f) deleted]*
- (g) enabling vehicles to be driven and tested;
- (h) regulating or prohibiting the parking or standing of vehicles;
- (i) prescribing a minimum age at which an individual may apply for the issue of a vehicle licence and providing for an applicant for a vehicle licence to provide proof of age and identity;
- (j) prescribing matters for or in respect of which fees shall be charged or charges shall be made and prescribing the amounts of such fees or charges;
- (k) imposing penalties not exceeding 24 PU for a first offence, and not exceeding 48 PU for any subsequent offence, against any regulation made under this section, not being an offence referred to in paragraph (l) or (m);
- (l) imposing for offences against regulations made pursuant to paragraph (d)(iii) or (viii) not being an offence referred to in paragraph (m) —
  - (i) minimum penalties not exceeding from 1 PU to 48 PU irreducible in mitigation notwithstanding the provisions of any other Act; and
  - (ii) maximum penalties not exceeding 120 PU,
 in accordance with a scale so prescribed according to the nature of the offences and the circumstances by which they are attended;
- (m) requiring the driver or person in charge of a vehicle to comply with any reasonable direction given by a member of the Police Force —

- (i) for the purpose of determining the mass of a vehicle and the load carried thereon and on any component thereof including a direction that the vehicle be taken to a police station or other suitable place specified by the member of the Police Force; and
- (ii) to remove or adjust the load carried by a vehicle, on any component of a vehicle or both by the vehicle and on any component thereof so that the load carried thereon does not exceed the maximum mass that is permitted to be carried under the regulations by a vehicle of that kind and on any component thereof,

and imposing with respect to any offence against any such regulations —

- (iii) penalties not exceeding 24 PU for a first offence; and
  - (iv) for any subsequent offence a minimum penalty irreducible in mitigation, notwithstanding the provisions of any other Act, of 48 PU and maximum penalties not exceeding 144 PU for any subsequent offence;
- (n) defining the previous offences that shall be taken into account in determining whether an offence is a first or subsequent offence for the purpose of the regulations.
- (2a) The circumstances referred to in subsection (2)(1) may include a reference to the amount, calculated as a percentage or otherwise, by which the mass of a vehicle and the load carried by a component thereof exceeds the maximum mass that is permitted to be carried by a vehicle of that kind or a component thereof or both under regulations made pursuant to subsection (2)(d)(iii) or (viii).
- (2b) Regulations made pursuant to subsection (2)(d)(iii) or (viii) may provide that where a person drives, stands or uses a vehicle or permits a vehicle to be driven, stood or used, in contravention of a provision of those regulations, the owner of that vehicle shall be deemed to have also contravened that provision.
- (3) The regulations may in respect of any fee or charge (whether prescribed by the Act or by the regulations) provide for —
- (a) exemptions from the requirement to pay the fee or charge;
  - (b) the fee or charge to be reduced or refunded (in whole or in part); or
  - (c) the payment of the fee or charge to be deferred.
- (4) The regulations may provide that the exemption, reduction, refund or deferral —
- (a) only applies in specified circumstances or in respect of specified classes of persons or vehicles;
  - (b) is at the discretion of the Director General or a specified person;
  - (c) applies subject to specified requirements being satisfied; or
  - (d) applies subject to conditions —
    - (i) specified in the regulations; or
    - (ii) imposed by the Director General or a specified person and specified in a licence or permit.

- (5) Without limiting subsection (4)(c), the regulations may require a matter to be verified by statutory declaration.

*[Section 111 amended by No. 17 of 1976 s. 4; No. 89 of 1978 s. 19; No. 71 of 1979 s. 17; No. 81 of 1980 s. 10; No. 71 of 1981 s. 6; No. 105 of 1981 s. 18 and 19; No. 82 of 1982 s. 28; No. 95 of 1984 s. 8; No. 11 of 1988 s. 17 and 24; No. 46 of 1991 s. 3; No. 92 of 1994 s. 40; No. 21 of 1995 s. 12; No. 76 of 1996 s. 20(3); No. 50 of 1997 s. 13; No. 57 of 1997 s. 106(3); No. 52 of 1998 s. 5; No. 27 of 2001 s. 5.]*