



Western Australia

Government Railways Act 1904

**Government Railways (Removal and Disposal of
Vehicles) By-law 1978**

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Government Railways (Removal and Disposal of Vehicles) By-law 1978

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[Heading deleted: Gazette 12 Dec 2003 p. 5046.]

1. Citation

- (1) This by-law may be cited as the *Government Railways (Removal and Disposal of Vehicles) By-law 1978*¹.
- (2) The main legislative units of this by-law are called rules, and a rule may contain 2 or more subrules (this sentence, for example, being subrule (2) of rule 1).

[Rule 1 amended: Gazette 12 Dec 2003 p. 5046.]

2. Application

This by-law applies to and in relation to any vehicle left on a railway for a period in excess of 7 days.

3. Interpretation

In this by-law unless the contrary intentions appears —
appointed place means a place appointed by the Authority under this by-law for the custody of a vehicle removed pursuant to this by-law;

authorised person means a person appointed by the Authority to exercise any powers conferred on him by this by-law;

the Act means the *Government Railways Act 1904*.

[Rule 3 amended: Gazette 12 Dec 2003 p. 5046 and 5046-7.]

4. Appointment of authorised persons

The Authority may appoint persons for the purpose of removing into custody any vehicle left on a railway for a period in excess of 7 days.

[Rule 4 amended: Gazette 12 Dec 2003 p. 5046-7.]

5. Use of force

An authorised person may use such force as is necessary to enter a vehicle for the purpose of removing it and may remove the vehicle to an appointed place.

6. Appointment of appointed place

The Authority may appoint any place or places as it thinks convenient in which vehicles removed pursuant to this by-law may be held in custody.

[Rule 6 amended: Gazette 12 Dec 2003 p. 5046-7.]

7. Disposal of uncollected vehicles

Subject to rule 8 where a vehicle is not recovered within a period of 2 months from a place in which it is held pursuant to rule 6 the Authority may sell or otherwise dispose of the vehicle.

[Rule 7 amended: Gazette 12 Dec 2003 p. 5046 and 5046-7.]

8. Prerequisites of sale

- (1) A vehicle shall not be sold under this by-law unless and until the Authority has caused —
 - (a) enquiries to be made as to the ownership of the vehicle; and
 - (b) the owner of the vehicle to be notified in writing by prepaid registered mail that it is the intention of the Authority to sell or otherwise dispose of the vehicle.
- (2) Where by reason that the whereabouts of the owner are not known or otherwise the owner of a vehicle cannot be notified of the intention of the Authority to sell the vehicle the Authority shall publish in a daily newspaper circulating throughout the State notice of intention to sell or otherwise dispose of the vehicle.

[Rule 8 amended: Gazette 12 Dec 2003 p. 5046-7.]

9. Application of proceeds of sale

Where a vehicle is sold under this by-law the proceeds of sale of such a vehicle may be applied by the Authority towards recouping the costs of the removal custody and sale of the vehicle.

[Rule 9 amended: Gazette 12 Dec 2003 p. 5046-7.]

10. Recovery of costs

- (1) Where the costs of the removal, custody and sale of the vehicle exceed the proceeds of the sale of the vehicle the amount of the excess may be recovered by the Authority from the owner in any court of competent jurisdiction.
- (2) Where the proceeds of the sale of a vehicle exceed the costs of the removal, custody and sale of the vehicle the amount of such excess shall be paid to the owner of the vehicle, or, where the identity or whereabouts of the owner is unknown, shall be

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credited to the account referred to in the *Public Transport Authority Act 2003* section 32.

[Rule 10 amended: Gazette 12 Dec 2003 p. 5046 and 5046-7.]

11. Charges

The following charges shall be paid by a person who desires to recover a vehicle held in custody under this by-law —

For the removal of the vehicle to an appointed place for custody — \$2 per kilometre.

For custody of a vehicle — \$1 for each day of custody.

Notes

- ¹ This reprint is a compilation as at 7 May 2004 of the *Government Railways (Removal and Disposal of Vehicles) By-law 1978* 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
<i>Removal and Disposal of Vehicles By-laws</i> ²	21 Jul 1978 p. 2688-9	21 Jul 1978
<i>Government Railways Amendment and Repeal By-laws 2003</i> bl. 6	12 Dec 2003 p. 5041-7	12 Dec 2003
Reprint 1: The <i>Government Railways (Removal and Disposal of Vehicles) By-law 1978</i> as at 7 May 2004 (includes amendments listed above)		

- ² Now known as the *Government Railways (Removal and Disposal of Vehicles) By-law 1978*; citation changed (see note under r. 1).

Defined terms

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)
appointed place	3
authorised person	3
the Act.....	3