

TR301\*

Road Traffic Act 1974

## **Road Traffic Code Amendment Regulations (No. 4) 2008**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Road Traffic Code Amendment Regulations (No. 4) 2008*.

### **2. Commencement**

These regulations come into operation as follows:

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

### **3. The regulations amended**

The amendments in these regulations are to the *Road Traffic Code 2000*.

### **4. Regulation 9 amended**

- (1) Regulation 9(1a) is amended by deleting “ten penalty units (10 PU)” in the 2 places where it occurs and inserting instead in both places —

“  
the number of penalty units that could be imposed as a  
modified penalty for the particular offence  
”.

- (2) Regulation 9(2) is amended by deleting “twenty penalty units (20 PU)” and inserting instead —

“ twenty-four penalty units (24 PU) ”.

### **5. Regulation 17 amended**

- (1) The Table to regulation 17(1) is amended in the column headed “Modified Penalty” as follows:

- (a) in paragraph (c) by deleting “5 PU” in the 2 places where it occurs and inserting instead in both places —  
“ 6 PU ”;

- (b) in paragraph (d) by deleting “7 PU” in the 2 places where it occurs and inserting instead in both places —  
“ 14 PU ”.
- (2) The Table to regulation 17(2) is amended in the column headed “Modified Penalty” as follows:
  - (a) in paragraph (c) by deleting “7 PU” in the 2 places where it occurs and inserting instead in both places —  
“ 8 PU ”;
  - (b) in paragraph (d) by deleting “10 PU” in the 2 places where it occurs and inserting instead in both places —  
“ 17 PU ”.

**6. Regulation 232 amended**

Regulation 232(1) is amended by deleting the penalty provisions at the foot of that subregulation and inserting instead —

“ Points and modified penalty: *see regulation 235A.* ”.

**7. Regulation 233 amended**

- (1) Regulation 233(1) is amended by deleting “but is under 16 years of age”.

Note: The heading to regulation 233 will be altered to read “**Driver to ensure that passenger wears seat belt**”.

- (2) Regulation 233(1) is amended by deleting the penalty provisions at the foot of that subregulation and inserting instead —  
“ Points and modified penalty: *see regulation 235A.* ”.
- (3) Regulation 233(2)(b) is amended by deleting the full stop at the end of that paragraph and inserting instead —  
“  
; or  
(c) the motor vehicle was a taxi and the passenger had reached 16 years of age.  
”.

**8. Regulation 234 amended**

Regulation 234(1) is amended by deleting the penalty provisions at the foot of that subregulation and inserting instead —

“ Points and modified penalty: *see regulation 235A.* ”.

## 9. Regulation 235A inserted

In Part 16 Division 2, after regulation 235, the following regulation is inserted —

“

### 235A. Penalties for seatbelt offences by driver

- (1) The following points and modified penalties apply for the offences in this Division that refer to this regulation for their penalty, where the driver is not wearing a properly adjusted and securely fastened seatbelt.

**Table**

| Description  | Points | Modified Penalty |
|--|--------|------------------|
| r. 232(1)<br>Driver not wearing a seatbelt<br>(appropriately restrained<br>passengers or no passengers) —          |        |                  |
| (a) during a holiday period  | 8      | 10 PU            |
| (b) other than a holiday period  | 4      | 10 PU            |
| r. 232(1) with r. 233(1) or 234(1)<br>Driver not wearing a seatbelt with<br>one unrestrained passenger —           |        |                  |
| (a) during a holiday period  | 8      | 12 PU            |
| (b) other than a holiday period  | 4      | 12 PU            |
| r. 232(1) with r. 233(1) or 234(1)<br>Driver not wearing a seatbelt with<br>2 unrestrained passengers —            |        |                  |
| (a) during a holiday period  | 8      | 14 PU            |
| (b) other than a holiday period  | 4      | 14 PU            |
| r. 232(1) with r. 233(1) or 234(1)<br>Driver not wearing a seatbelt with<br>3 unrestrained passengers —            |        |                  |
| (a) during a holiday period  | 8      | 16 PU            |
| (b) other than a holiday period  | 4      | 16 PU            |
| r. 232(1) with r. 233(1) or 234(1)<br>Driver not wearing a seatbelt with<br>4 or more unrestrained<br>passengers — |        |                  |
| (a) during a holiday period  | 8      | 18 PU            |
| (b) other than a holiday period  | 4      | 18 PU            |

- (2) The following points and modified penalties apply for the offences in this Division that refer to this regulation for their penalty where the driver is wearing a properly adjusted and securely fastened seatbelt.

**Table**

| <b>Description</b>   | <b>Points</b> | <b>Modified<br/>Penalty</b> |
|--|---------------|-----------------------------|
| r. 233(1) or 234(1)<br>Driver wearing a seatbelt with<br>one unrestrained passenger —        |               |                             |
| (a) during a holiday period  | 8             | 10 PU                       |
| (b) other than a holiday period  | 4             | 10 PU                       |
| r. 233(1) or 234(1)<br>Driver wearing a seatbelt with<br>2 unrestrained passengers —         |               |                             |
| (a) during a holiday period  | 8             | 12 PU                       |
| (b) other than a holiday period  | 4             | 12 PU                       |
| r. 233(1) or 234(1)<br>Driver wearing a seatbelt with<br>3 unrestrained passengers —         |               |                             |
| (a) during a holiday period  | 8             | 14 PU                       |
| (b) other than a holiday period  | 4             | 14 PU                       |
| r. 233(1) or 234(1)<br>Driver wearing a seatbelt with 4 or<br>more unrestrained passengers — |               |                             |
| (a) during a holiday period  | 8             | 16 PU                       |
| (b) other than a holiday period  | 4             | 16 PU                       |

”.

**10. Regulation 258 amended**

Regulation 258(1), (2), (3), (4) and (6) are amended by deleting “defendant” and inserting instead —

“ accused ”.

**11. Regulation 265 amended**

Regulation 265(1) is amended in the penalty provision at the foot of that subregulation by deleting “Modified penalty: 2 PU” and inserting instead —

“ Modified penalty: 5 PU ”.

**12. Regulation 272 amended**

Regulation 272(2) is amended as follows:

- (a) by deleting “complaint” and inserting instead —  
“ prosecution notice ”;
- (b) by deleting “defendant” and inserting instead —  
“ accused ”.

**13. Regulation 274 amended**

Regulation 274(2) is amended by deleting “complaint,” and inserting instead —

“ an application ”.

**14. Regulation 285 amended**

Regulation 285 is amended in the Table to subregulation (2) after the item “Regulation 232 (Driver to wear seat belt)” by inserting the following items —

“

---

Regulation 233 (Driver to ensure that passenger wears seatbelt)

---

Regulation 234 (Driver to ensure that passenger occupies position with seat belt if available)

---

”.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

---