

TR301*

Road Traffic Act 1974

Road Traffic (Vehicle Standards) Amendment Regulations (No. 3) 1998

Made by the Governor in Executive Council.

1. Citation

These regulations may be cited as the *Road Traffic (Vehicle Standards) Amendment Regulations (No. 3) 1998*.

2. The regulations amended

The amendments in these regulations are to the *Road Traffic (Vehicle Standards) Regulations 1977**.

[* Reprinted as at 29 July 1996.

For amendments to 29 September 1998 see 1997 Index to Legislation of Western Australia, Table 4, pp. 237-8 and Gazette 12 May and 23 June 1998.]

3. Regulation 104 amended

Regulation 104(1) is amended by inserting the following definitions in their respective alphabetical positions —

“

“**overmass vehicle**” means a vehicle or combination of vehicles that does not comply with regulation 1401;

“**oversize vehicle**” means a vehicle or combination of vehicles that does not comply with regulation 1101, 1102 or 1103;

“**specified road or route**” means a road or route that is specified in a notice under regulation 1106A or 1401A, as the case requires;

”.

4. Regulation 1106A inserted

After regulation 1106 the following regulation is inserted —

“

1106A. Roads or routes for use of oversize vehicles

- (1) The Commissioner of Main Roads may, by notice in the *Gazette*, specify a road or a route on which an oversize vehicle may be driven or used in accordance with any conditions specified in the notice.
- (2) A person who drives or uses an oversize vehicle on a specified road or route in accordance with any conditions specified in the notice does not commit an offence only because the vehicle does not comply with regulation 1102, 1103 or 1104.
- (3) If a member of the Police Force has reason to believe that an oversize vehicle is being driven or used on a specified road or route otherwise than in accordance with a condition specified in the notice, the member may require the driver —
 - (a) to discontinue driving or using the vehicle until the condition is complied with; or
 - (b) to take the vehicle by a route indicated by the member of the Police Force to the nearest police station or other suitable place and then to discontinue driving or using it until the condition is complied with.
- (4) If the driver is not the owner of the vehicle, the driver must tell the owner that the direction has been given.
- (5) If the direction is not complied with, each of the following persons commits an offence —
 - (a) the owner of the vehicle;
 - (b) the driver of the vehicle;

- (c) a person who drives or uses the vehicle except in accordance with the direction;
- (d) a person who permits another person to drive or use the vehicle except in accordance with the direction.

”.

5. Regulation 1401A inserted

After regulation 1401 the following regulation is inserted —

“

1401A. Roads or routes for use of overmass vehicles

- (1) The Commissioner of Main Roads may, by notice in the *Gazette*, specify a road or a route on which an overmass vehicle may be driven or used in accordance with any conditions specified in the notice.
- (2) A person who drives or uses an overmass vehicle on a specified road or route in accordance with any conditions specified in the notice does not commit an offence only because the vehicle does not comply with regulation 1401.
- (3) If a member of the Police Force has reason to believe that an overmass vehicle is being driven or used on a specified road or route otherwise than in accordance with a condition specified in the notice, the member may direct the driver —
 - (a) to discontinue driving or using the vehicle until the condition is complied with; or
 - (b) to take the vehicle by a route indicated by the member of the Police Force to the nearest police station or other suitable place and then to discontinue driving or using it until the condition is complied with.
- (4) If the driver is not the owner of the vehicle, the driver must tell the owner that the direction has been given.
- (5) If the direction is not complied with, each of the following persons commits an offence —
 - (a) the owner of the vehicle;
 - (b) the driver of the vehicle;
 - (c) a person who drives or uses the vehicle except in accordance with the direction;
 - (d) a person who permits another person to drive or use the vehicle except in accordance with the direction.

”.

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.