

ROAD TRAFFIC ACT 1974

ROAD TRAFFIC (WARDENS) AMENDMENT REGULATIONS 1997

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Road Traffic (Wardens) Amendment Regulations 1997*.

Commencement

2. These regulations come into operation on the day on which the *Road Traffic Amendment Act 1996* comes into operation.

Principal regulations

3. In these regulations the *Road Traffic (Wardens) Regulations 1986** are referred to as the principal regulations.

[* *Published in Gazette 28 November 1986 pp. 4382-4.*
For amendments to 15 January 1997 see 1995 Index to Legislation of Western Australia, Table 4, p. 245.]

Regulation 1A inserted

4. After regulation 1 of the principal regulations the following regulation is inserted —

“

Interpretation

1A. In these regulations —

“section” means a section of the Act.

”

Regulation 2 repealed and a regulation substituted

5. Regulation 2 of the principal regulations is repealed and the following regulation is substituted —

“

Transport wardens

2. (1) For the purposes referred to in section 7 (3), a warden appointed under section 7 (2) as a transport warden has the powers conferred on a member of the Police Force by the provisions of —

- (a) sections 53 and 58;
- (b) regulation 202 of the *Road Traffic Code 1975*;
- (c) the *Road Traffic (Licensing) Regulations 1975*; and
- (d) the *Road Traffic (Vehicle Standards) Regulations 1977*.

(2) Subregulation (1) does not limit any power conferred by the Act on a warden appointed under section 7 (2).

(3) For the purposes referred to in section 7 (3), a reference to a member of the Police Force in a provision referred to in subregulation (1) shall be read as including a reference to a transport warden.

(4) The certificate of appointment of a transport warden shall be in the form of Form 1.

”

Regulation 3 amended

6. (1) Regulation 3 (1) of the principal regulations is amended —
- (a) by inserting after “as a warden appointed” the following —
“ under section 7 (1) ”; and
 - (b) by deleting “is empowered” and substituting the following —
“ has, for the purposes referred to in section 7 (3), the powers ”.
- (2) After regulation 3 (1) of the principal regulations the following subregulation is inserted —
- “
- (1a) Subregulation (1) does not limit any power conferred by the Act on a warden appointed under section 7 (1).
- ”.
- (3) Regulation 3 (2) of the principal regulations is amended by deleting “Board.” and substituting the following —
- “ Commissioner of Police. ”.

Regulation 4 amended

7. Regulation 4 of the principal regulations is amended —
- (a) by inserting after the regulation designation “4.” the subregulation designation “(1)”;
 - (b) by inserting after “as a warden appointed” the following —
“ under section 7 (1) ”;
 - (c) by deleting “shall have” and substituting the following —
“ has, for the purposes referred to in section 7 (3), ”; and
 - (d) by inserting the following subregulations —
“
(2) Subregulation (1) does not limit any power conferred by the Act on a warden appointed under section 7 (1).
(3) For the purposes referred to in section 7 (3), a reference to a member of the Police Force in a provision referred to in subregulation (1) shall be read as including a reference to a warden appointed under section 7 (1) to perform the duties referred to in that subregulation.
”.

Regulation 5 amended

8. Regulation 5 of the principal regulations is amended —
- (a) by inserting after the regulation designation “5.” the subregulation designation “(1)”;
 - (b) by inserting after “appointed a warden” the following —
“ under section 7 (2) ”;
 - (c) in paragraph (b) —
 - (i) by deleting “has power — ” and substituting the following —
“
has, for the purposes referred to in section 7 (3), the powers —
”;

and

- (ii) by deleting subparagraphs (ii) and (iii) and substituting the following subparagraphs —

“

- (ii) conferred on a member of the Police Force by the provisions of regulations 107 and 109 of the *Road Traffic (Vehicle Standards) Regulations 1977*; and
- (iii) conferred on a member of the Police Force by the provisions of regulations 25 (2) and 26C (5) of the *Road Traffic (Licensing) Regulations 1975*.

”;

and

- (d) by inserting the following subregulations —

“

(2) Subregulation (1) does not limit any power conferred by the Act on a warden appointed under section 7 (2).

(3) For the purposes referred to in section 7 (3), a reference to a member of the Police Force in a provision referred to in paragraph (b) (ii) or (iii) of subregulation (1) shall be read as including a reference to a warden appointed under section 7 (2) to perform the duties referred to in that subregulation.

”

Regulation 6 repealed

9. Regulation 6 of the principal regulations is repealed.

Schedule amended

10. (1) Form 1 in the Schedule to the principal regulations is deleted and the following form is substituted —

“

Road Traffic Act 1974

Reg. 2

Form 1

CERTIFICATE OF APPOINTMENT OF TRANSPORT WARDEN

This is to certify that
of

is duly appointed a warden under section 7 (2) of the *Road Traffic Act 1974* to perform duties relating to the licensing provisions of the Act and has such powers as are conferred on such wardens by the Act and regulation 2 of the *Road Traffic (Wardens) Regulations 1986*.

Dated this 19

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Director General of Transport

- (2) Form 2 in the Schedule to the principal regulations is amended —

- (a) by deleting “the provisions of section 13” and substituting the following —

“ section 7 (1) ”; and

- (b) by deleting "Traffic Board" and substituting the following —
" Commissioner of Police ".
- (3) Form 3 in the Schedule to the principal regulations is amended —
 - (a) by deleting "section 13" and substituting the following —
" section 7 (1) "; and
 - (b) by deleting "Traffic Board" and substituting the following —
" Commissioner of Police ".
- (4) Form 4 in the Schedule to the principal regulations is amended —
 - (a) by deleting "the provisions of section 13" and substituting the following —
" section 7 (2) "; and
 - (b) by deleting "Traffic Board" and substituting the following —
" Director General of Transport ".
- (5) Form 5 in the Schedule to the principal regulations is deleted.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.