



CRIMINAL LAW (SENTENCING) (SUSPENSION OF VEHICLE REGISTRATION) AMENDMENT ACT 1992

No. 73 of 1992

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ELIZABETHAE II REGINAE

A.D. 1992

No. 73 of 1992

An Act to amend the Criminal Law (Sentencing) Act 1988
and the Motor Vehicles Act 1959.

[Assented to 19 November 1992]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Criminal Law (Sentencing) (Suspension of Vehicle Registration) Amendment Act 1992*.

(2) The *Criminal Law (Sentencing) Act 1988* is referred to in this Act as “the principal Act”.

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Insertion of s. 61b

3. The following section is inserted after section 61a of the principal Act:

Suspension of motor vehicle registration for default by a body corporate

61b. (1) Where a body corporate (in this section referred to as “the company”) is in default of payment of a pecuniary sum imposed on it for an offence arising out of the use of a motor vehicle of which it was the registered owner at the time the offence was committed, and the default has endured for one month or more, the court may, instead of initiating any other enforcement proceedings, suspend the registration of all motor vehicles of which the company is the registered owner until the pecuniary sum has been fully satisfied.

(2) On receiving notification from the court of an order suspending registration under this section, the Registrar of Motor Vehicles must cause written notice of the order to be given personally or by post to the company in default.

(3) An order for suspension of registration takes effect 28 days after notice is given in accordance with subsection (2) unless the sum in default is paid before that time.

(4) While an order for suspension of registration is in force under this section in relation to a motor vehicle—

(a) the registration of the motor vehicle and the policy of insurance in force under Part IV of the *Motor Vehicles Act 1959* in respect of the vehicle have no force or effect;

and

(b) the Registrar of Motor Vehicles is not empowered to register or renew the registration of any motor vehicle in the name of the company to which the order relates.

(5) Nothing in this section prevents the Registrar of Motor Vehicles from recording a transfer of the registration or ownership of a motor vehicle to which an order for suspension of registration under this section relates.

(6) The court may, on application by the company in default, revoke the order for suspension, or revoke it insofar as it relates to any particular motor vehicle, if the court is satisfied that the sum in default, although not paid in full, has been reduced and that continued suspension of registration would result in undue hardship to the company.

(7) Nothing in this section prevents the court from initiating any other proceedings against a body corporate for enforcement of a pecuniary sum while an order for suspension of registration is in force under this section in respect of that sum, if the court is of the opinion that it is appropriate to do so.

(8) The court must, on a pecuniary sum in respect of which an order for suspension of registration has been made being fully satisfied (whether by payment or pursuant to any other enforcement proceedings) or on such an order being wholly or partially revoked under subsection (6), notify the Registrar of Motor Vehicles accordingly.

Amendment of Motor Vehicles Act 1959

4. The *Motor Vehicles Act 1959* is amended—

(a) by inserting in section 9 after its present contents (now to be designated subsection (1)) the following subsection:

(2) Subsection (1) does not apply to a person who drives a motor vehicle registered in the name of a company while the registration of the vehicle is suspended pursuant to a court order made on default in payment of a fine imposed on the company, if—

(a) the person did not know and could not reasonably be expected to have known that the registration was so suspended;

and

(b) the person was driving the motor vehicle with the express or implied authority of the company.;

and

(b) by inserting in section 102 after subsection (3) the following subsection:

(3a) Subsection (1) does not apply to a person who drives a motor vehicle registered in the name of a company while no policy of insurance is in force in relation to the vehicle in consequence of its registration having been suspended by a court order made on default in payment of a fine imposed on the company, if—

(a) the person did not know and could not reasonably be expected to have known that the registration had been so suspended;

and

(b) the person was driving the motor vehicle with the express or implied authority of the company.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor