



## TRAFFIC (INFRINGEMENT NOTICES)

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No. 10 of 1978

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### ANALYSIS

1. Short title and citation.
2. Service and acceptance of traffic infringement notices.
3. Withdrawal of traffic infringement notices.
4. Service of notices.
5. Transitional provision.

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**AN ACT to amend the Traffic Act 1925 in relation to traffic infringement notices.** [18 May 1978]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1—**(1) This Act may be cited as the *Traffic (Infringement Notices) Act 1978*. Short title and citation.

(2) The *Traffic Act 1925\**, as subsequently amended, is in this Act referred to as the Principal Act.

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\* 16 Geo. V No. 38. For this Act, as amended to 1975, see Appendix B to the Annual Volume of Statutes for 1974. Subsequently amended by No. 108 of 1974, Nos. 58 and 66 of 1975, Nos. 37 and 96 of 1976, and Nos. 58 and 92 of 1977.

Service and  
acceptance of  
traffic  
infringement  
notices.

**2** Section 43H of the Principal Act is amended—

(a) by inserting in subsection (4), after the word “ may ” (first occurring), the words “, subject to subsection (4A),”;

(b) by inserting after that subsection the following subsection:—

“(4A) Where a traffic infringement notice served on a person has not been accepted by him in either of the ways prescribed in subsection (4) at the expiry of the appropriate period prescribed in that subsection, the designated clerk of petty sessions specified in that behalf in the notice may, by written notification to that person, allow him an additional period of 14 days commencing on the expiry of the first-mentioned period in which to accept the traffic infringement notice.”; and

(c) by omitting from subsection (5) all the words after the word “ accepted )” and substituting the following passage:—

“ no such proceedings shall be brought within the period of—

(a) 28 days following the service of the notice, if the person has not been allowed an additional period pursuant to subsection (4A); or

(b) 42 days following the service of the notice, if the person has been allowed such an additional period,

unless the notice has been withdrawn.”.

Withdrawal of  
traffic  
infringement  
notices.

**3** Section 43J of the Principal Act is amended—

(a) by omitting from subsection (1) all the words after the word “ withdrawn ” (first occurring) and substituting the following passage:—

“ as provided in subsection (1A) at any time within the period of—

(a) 28 days following the service of the notice, if the person has not been allowed an additional period pursuant to section 43 H (4A); or

(b) 42 days following the service of the notice, if the person has been allowed such an additional period.”; and

(b) by inserting after that subsection the following subsection:—

“(1A) For the purposes of subsection (1), a traffic infringement notice served on a person shall be withdrawn by the service on that person of a notice in the prescribed form (in this Act referred to as a ‘ withdrawal notice ’) signed by the Commissioner of Police or some police officer authorized by him in that behalf stating that the traffic infringement notice has been withdrawn.”.

**4** Section 43L of the Principal Act is amended by adding at the end the following subsection:— Service of notices.

“(3) A notification under section 43H (4A) by a clerk of petty sessions shall be served on a person by sending it by post addressed to him at the place shown as his address in the relevant traffic infringement notice.”.

**5** The amendments to the Principal Act made by this Act do not apply to a traffic infringement notice served before the commencement of this Act. Transitional provision.

