

MOTOR VEHICLE DEALERS AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Motor Vehicle Dealers Act 1975. Its principal purpose is to establish a Motor Vehicle Dealers Licensing Board, which is to assume responsibility for the licensing of motor vehicle dealers, and related matters. At present, these functions are performed by Magistrates' Courts.

Clause 1 relates to the Short Title and commencement of the Bill, which is to come into force on 1 April 1980.

Clause 2 is an interpretative provision. To avoid confusion with the new Board, the present Motor Vehicle Salesmen Registration Board is renamed the Motor Vehicle Salesmen Registration Authority: see *clause 14 (1)* of the Bill. Hence the need for a definition of the term "Authority" in *subclause (1)*.

Subclauses (2), (4), and (5) are straightforward.

Subclause (3) renders inclusive the present exclusive definition of the term "finance company".

Subclause (6) makes it clear that the provisions of the principal Act relating to the selling of motor vehicles apply to sales by way of hire purchase. This was the original intention, but some doubt has arisen on the point.

Clause 3 removes the present requirements relating to car-fair operators.

Clause 4 inserts in the principal Act a new Part relating to the Motor Vehicle Dealers Licensing Board. The Part comprises *sections 6A to 6R*.

PART I

MOTOR VEHICLE DEALERS LICENSING BOARD

Constitution and Jurisdiction of Board

Section 6A constitutes the Board. It is to comprise 5 persons, of whom one shall be a barrister and solicitor and shall be the Chairman of the Board. Two members are to be appointed on the recommendation of the Council (of the Motor Vehicle Dealers Institute). Of the other two, only one may be a licensee or person qualified to hold a licence.

Section 6B provides for the appointment of deputies where members of the Board are unable to fulfil their duties.

Section 6c sets out the principal functions of the Board. These relate to the granting of licences and certificates of approval (for unregistered salesmen), and the disciplining of licensees and the holders of certificates of approval.

Section 6d provides for meetings of the Board, and *subsection (4)* is of some importance. It provides that a full attendance of Board members (or their deputies) is required when the Board is exercising its disciplinary powers under Part VIII of the principal Act. In other cases, the quorum is 3 members.

Section 6e provides that, as a general rule, the Board must conduct its business in public, but prescribes a number of circumstances in which the Board may act in private.

Section 6f provides that, except where the Act otherwise provides, parties to proceedings before the Board have a right to attend and be heard. They may, if they wish, be represented, and may produce evidence and cross-examine witnesses.

Section 6g relates to the taking of evidence. The Board may admit any matter in evidence notwithstanding that it would not be admissible in a Court of law, and provision is made for the swearing of witnesses and related matters.

Section 6h provides that whenever the Board declines an application, it must, on request by the disappointed party, supply to him a written statement of the reasons for its decision.

Section 6i specifies a number of matters that may, unless the Board otherwise directs, be dealt with by the Chairman acting alone.

Administrative Provisions

Section 6j provides for the payment of fees and allowances to members of the Board out of the funds of the Institute.

Section 6k provides that all money received by the Board is to be held by the Institute.

Section 6l provides for the Board to have a seal, which is to be judicially noticed for all purposes.

Section 6m provides for the appointment of a Registrar of Motor Vehicle Dealers, *section 6n* requires him to set up and maintain a Register of Motor Vehicle Dealers, and *section 6o* specifies the matters that are to be recorded in the Register. *Section 6p* provides for corrections to be made to the Register in appropriate cases.

Section 6q provides a penalty of \$1,000 for wrongfully procuring the issue of a licence or certificate of approval, and other related matters.

Section 6r provides for the issue of a duplicate where a licence or certificate of approval has been lost.

Clause 5 relates to the provision of evidence that an applicant for a licence has satisfied certain prerequisites relating to the service of notice on, and the payment of fees to, the Institute. At present, provision is made for a certificate of compliance to be given by the secretary of the local Branch of the Institute. Under the amendment, this function is transferred to an authorised officer of the Institute.

Clause 6 relates to the qualifications required of an applicant for a licence. The principal qualification is, and remains, registration and experience as a motor vehicle salesman. However, the licensing authority (until now, a Magistrate) has a discretion to waive this if he is satisfied, among other things, that the applicant has had sufficient "relevant business experience". The amendment changes this to require business experience "in some facet of the motor vehicle industry".

Clause 7 provides that an application for the renewal of a licence is not to be dealt with until the Board is satisfied that certain prerequisites relating to the service of notice on, and the payment of fees to, the Institute have been satisfied. Again, provision is made for the issue of a certificate of compliance under the hand of the appropriate officer of the Institute.

Clause 8 relates to officers of licensee companies. Broadly, no person is permitted to act as an officer of a licensee company unless he has been approved by the Board. However, provision is made for temporary authority to act, pending the final determination of an application for the Board's approval.

The amendment provides, in effect, that where such temporary authority is sought, the applicant must notify the Institute. If the Institute objects, only the Board may grant such authority. In the absence of any such objection, the Registrar may grant the authority.

Clause 9 does two things. First, it redefines the circumstances in which a finance company can, and those in which it cannot, claim against the Motor Vehicle Dealers Fidelity Guarantee Fund. At present, a finance company can claim in any case where it suffers loss—

- (a) Because of a rubber cheque given by a motor vehicle dealer; or
- (b) Because of a failure by a motor vehicle dealer to properly account for money had and received as agent.

Under the amendment, such a claim will lie at the suit of a finance company only where the loss arises from an ordinary hire purchase transaction entered into with the purchaser of the motor vehicle. Put another way, finance companies will not be able to claim where loss arises from stock-in-trade or floor-plan financing transactions with licensees.

Secondly, the clause provides that no claim against the Fund may be made by licensees, manufacturers, or wholesalers of motor vehicles.

Clauses 10, 11, and 12 should be read together. They relate to the power of the Council of the Institute to investigate and audit a licensee's business records where there is reason to believe that all may not be well. At present, the Council has only limited power to seize such records without prior approval of the Court. *Clauses 10 and 11* remove the requirement for Court approval.

Some doubt has arisen as to whether the licensee is, in fact, obliged to hand over his books in such cases. *Clauses 10, 11, and 12* remove that doubt.

Clause 13 redefines and amplifies the present requirements of the principal Act relating to the supervision, management, and control of a licensee's business. The basic rules are set out in *subclauses (1) to (3)*.

Subclause (1) requires every licensee (other than a licensee company) to personally supervise, manage, and control the conduct of business at his principal place of business and associated subsidiary places of business.

Subclause (2) requires every licensee company to ensure that its chief executive officer, or some other person approved by the Board, personally supervises, manages, and controls the conduct of business at its principal place of business and associated subsidiary places of business.

Subclause (3) requires every licensee (including a licensee company) to ensure that every branch manager personally supervises, manages, and controls the conduct of the licensee's business at the branch office and associated subsidiary places of business.

Subclause (4) provides that a person shall not be deemed to be personally supervising, managing, and controlling the conduct of business at any place of business unless, in effect, he gives it his full-time attention.

Subclauses (5) to (9) provide for an application by a licensee company to the Board for approval to appoint someone other than its chief executive officer to run its business at its principal place of business.

Clause 14: Subclause (1) changes the name of the Motor Vehicle Salesmen Registration Board to the Motor Vehicle Salesmen Registration Authority.

Subclause (2) vests in the Minister the sole responsibility for removing any member of the Authority for disability, neglect of duty, or misconduct. At present, the Minister may only take such action on the recommendation of the Institute.

Clause 15 relates to what is called in the principal Act (section 93 (4) (b)) the betterment increment. It sometimes happens that in remedying any defect for which the licensee is liable, he necessarily remedies some other defect for which he is not liable. The result is that he has not merely put the vehicle in the condition in which it should have been at the time of the sale: he has put it in a better condition. In a sense, then, there is a possibility of unjust enrichment accruing to the purchaser.

The present section 93 (4) attempts to strike a reasonable balance. It provides that where the cost of work required exceeds \$200, and the value of "extra improvement" (betterment increment) resulting from the work exceeds \$100, the licensee is entitled to the betterment increment.

The amendment increases the first sum mentioned to \$300, and the second to \$200.

Clause 16 (which should be read with *clauses 18 and 19*) creates a new ground on which a complaint may be made to the Institute for ultimate resolution by a Disputes Tribunal.

The problem is this. Under section 90 of the principal Act, a licensee is required to attach a notice of particulars to every secondhand motor vehicle that he offers for sale. The notice gives all the information about the vehicle that a prospective purchaser needs to know in order to make a sensible assessment of the value of the vehicle.

If it is subsequently found, after sale, that the vehicle is substantially different from that represented in the notice, a complaint may be made to the Institute, and dealt with by a Disputes Tribunal: see section 96 (1) (b) and section 101 of the principal Act.

However, it has been found that some licensees are failing to attach a notice of particulars, thereby avoiding this procedure. While this renders the licensee guilty of an offence against the principal Act, this may be small

comfort to the purchaser. Accordingly, the amendment gives the purchaser a right to make a complaint to the Institute for resolution by a Disputes Tribunal.

Clause 17 relates to the general jurisdiction of Disputes Tribunals. At present, Tribunals may handle disputes where the amount in issue does not exceed \$1,000 (or where the parties agree). This figure is raised to \$3,000 by subclause (1).

Subclause (2) prescribes time limits for bringing matters before Disputes Tribunals. In respect of vehicles covered by a warranty under the principal Act, the time period is 3 months after the expiry of the warranty. In other cases, it is 6 months after the date of the sale. However, a Disputes Tribunal may hear a dispute out of time in appropriate cases.

Clause 18 relates to cases (discussed in the note to *clause 16*) where a vehicle is alleged to be substantially different from that represented in the notice of particulars. At present, where the Disputes Tribunal finds the complaint justified, the only remedy it may award is an order for rescission of the contract. This may not be appropriate (or even desired) in some cases.

Accordingly, the clause provides for an alternative award of damages. The clause also allows the Disputes Tribunal to order rescission where the motor vehicle in dispute does not exceed \$8,000 in value: that is, it extends the jurisdiction of Tribunals in this type of case beyond the general limit of \$3,000.

Clause 19 deals with the related case where no notice of particulars was attached to the vehicle. In such a case, the Disputes Tribunal may order rescission of the contract. Again, this jurisdiction may be exercised in respect of vehicles up to \$8,000.

Clause 20 relates to cases where it is alleged that a licensee has failed to remedy any defect for which he is liable. At present, a Disputes Tribunal can make an order authorising the purchaser to have the necessary work done, and charge the cost of so doing to the licensee. However, it sometimes happens that the purchaser has already had the work done, and seeks only reimbursement. The amendment allows a Disputes Tribunal to make an order for reimbursement in such cases.

Clause 21 clarifies the relationship between Part VII of the principal Act and certain provisions of the Hire Purchase Act 1971.

One writer has pointed out that the warranty of title implied in contracts of sale of motor vehicles by section 89 of the principal Act differs from that implied by section 11 (a) of the Hire Purchase Act 1971. *Subclause (1)* provides, in effect, that section 89 is to prevail.

Subclause (2) allows parties to a dispute under certain provisions of the Hire Purchase Act 1971 (relating to title) to agree to refer the dispute to a Disputes Tribunal.

Clause 22 provides a new ground on which the cancellation of a licence or the suspension of a licensee may be sought. Cancellation or suspension may be sought where the licensee has failed to comply with section 57 of the principal Act (see *clause 13* of the Bill), relating to the supervision, management, and control of the licensee's business.

Clause 23 relates to the disciplining of officers of licensee companies, and branch managers. The clause spells out the grounds on which a complaint may be made.

Clause 24 is a transitional provision, and *clause 25* makes a number of consequential repeals and amendments.

Hon. Mr McLay

MOTOR VEHICLE DEALERS AMENDMENT

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A BILL INTITULED

An Act to establish a Motor Vehicle Dealers Licensing Board, and to make other miscellaneous amendments of the Motor Vehicle Dealers Act 1975

BE IT ENACTED by the General Assembly of New Zealand 5
in Parliament assembled, and by the authority of the same,
as follows:

1. Short Title and commencement—(1) This Act may be cited as the Motor Vehicle Dealers Amendment Act 1979, and shall be read together with and deemed part of the Motor Vehicle Dealers Act 1975* (hereinafter referred to as the principal Act). 10

(2) This Act shall come into force on the 1st day of April 1980.

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “auctioneer”, the following definition: 15

“‘Authority’ means the Motor Vehicle Salesmen Registration Authority constituted under section 63 of this Act:”. 20

(2) The said section 2 (1) is hereby further amended by omitting the definition of the term “Board”, and substituting the following definition:

“‘Board’ means the Motor Vehicle Dealers Licensing Board constituted under section 6A of this Act:”. 25

(3) The said section 2 (1) is hereby further amended by omitting from the definition of the term “finance company” the word “means”, and substituting the word “includes”.

(4) The said section 2 (1) is hereby further amended by omitting the definition of the term “register”, and substituting 30
the following definition:

*1975, No. 127
Amendment: 1976, No. 135

“Register” means the Register of Motor Vehicle Dealers set up and maintained under section 6N of this Act, or, as the case may require, the Register of Motor Vehicle Salesmen set up and maintained under section 73 of this Act:”.

(5) The said section 2 (1) is hereby further amended by inserting, after the definition of the term “registered salesman”, the following definition:

“Registrar” means the Registrar of the Board appointed pursuant to section 6M of this Act:”.

(6) The said section 2 (1) is hereby further amended by inserting in the definition of the term “sell”, after the words “in that motor vehicle;”, the words “and includes dispose, or offer to dispose, or expose for disposal that motor vehicle or any interest in that motor vehicle pursuant to a hire purchase agreement”.

3. Car-fair operators—(1) Section 6 of the principal Act is hereby repealed.

(2) Section 5 of the Motor Vehicle Dealers Amendment Act 1976 is hereby consequentially repealed.

4. New Part (relating to the Motor Vehicle Dealers Licensing Board) inserted in principal Act—The principal Act is hereby amended by renumbering Part I as “Part IA”, and by inserting, before that Part, the following Part:

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“PART I

“MOTOR VEHICLE DEALERS LICENSING BOARD

“Constitution and Jurisdiction of Board

“6A. **Constitution of Board**—(1) There is hereby constituted for the purposes of this Act a board, to be called the Motor Vehicle Dealers Licensing Board.

“(2) The Board shall consist of—

“(a) One person, being a barrister or solicitor of the Supreme Court, who shall be the Chairman of the Board:

“(b) Two persons appointed on the recommendation of the Council:

“(c) Two other persons, of whom only one shall be a licensee or a person who is eligible to hold a licence under this Act.

“(3) The Chairman and other members of the Board shall be appointed by the Minister.

“(4) Subject to the succeeding provisions of this section, every member of the Board shall hold office for a term of 3 years, and may from time to time be reappointed. 5

“(5) No member of the Board shall, during his term of office, hold any elected office of the Institute.

“(6) Any member of the Board may resign his office at any time by written notice given to the Minister.

“(7) Any member of the Board may be removed from office at any time by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister. 10

“(8) If any member of the Board dies, resigns, or is removed from office, the vacancy shall be filled in the same manner as the appointment of the vacating member. Every person appointed to fill any such vacancy shall hold office for the residue of the term for which his predecessor was appointed. 15

“(9) Notwithstanding subsection (4) of this section, unless he sooner vacates his office or is removed from office under this section, every member shall continue in office until his successor is appointed. 20

“(10) The powers of the Board shall not be affected by any vacancy in its membership.

“6B. **Deputies of members**—(1) Where the Minister is satisfied that any member of the Board is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office, he shall appoint a deputy to act for the member during his incapacity. 25

“(2) The Minister shall not appoint any person as a deputy who would not be qualified in his own right to be appointed to the Board in the place of the member for whom he is to deputise. 30

“(3) Any deputy appointed under this section shall, while he acts as such, be deemed to be a member of the Board, and any deputy acting for the Chairman shall have all the powers of the Chairman. 35

“(4) No appointment of a deputy and no acts done by him as such, and no act done by the Board while any deputy is acting as such, shall in any proceedings be questioned on the grounds that the occasion for his appointment had not arisen or had ceased. 40

“6c. **Functions and powers of Board**—(1) The principal functions of the Board shall be those conferred on it—

“(a) By Part IA of this Act, relating to—

- 5 “(i) The licensing of motor vehicle dealers; and
- “(ii) The exempting, pursuant to section 7 (5) of this Act, of a licensee from the requirement to hold a licence in respect of a particular place of business; and
- 10 “(iii) The approval, pursuant to section 14 of this Act, of any person; and
- “(iv) The approval, pursuant to section 16 of this Act, of a name or style under which a licensee may conduct his business; and
- 15 “(v) The renewal, pursuant to section 18 of this Act, of licences; and
- “(vi) The approval, pursuant to section 20 of this Act, of any person as an officer of a licensee company; and
- 20 “(vii) The approval, pursuant to section 21 of this Act, of any person as a branch manager; and
- “(viii) The issue and revocation, pursuant to section 23 of this Act, of temporary licences:
- “(b) By Part VI of this Act relating to the approval of salesmen:
- 25 “(c) By Part VIII of this Act relating to the disciplining of licensees and salesmen:
- “(d) By section 132 of this Act relating to appeals from decisions of the Disciplinary Committee.
- “(2) The Board shall also have such other functions as
- 30 are conferred on it by this or any other Act.
- “(3) The Board shall have all the powers necessary to carry out its functions.

“6d. **Meetings of Board**—(1) Meetings of the Board shall be held at such times and places as the Chairman may from

35 time to time appoint.

“(2) The Chairman of the Board shall preside at all meetings he attends, and, in his absence, his deputy shall preside.

“(3) Subject to subsection (4) of this section,—

- 40 “(a) Three members shall form a quorum:
- “(b) Each application before a meeting shall be determined by a majority of the members present:
- “(c) The Chairman or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

“(4) The presence of every appointed member of the Board or his deputy shall be necessary to determine any business arising pursuant to the provisions of Part VIII of this Act (which relate to the disciplining of licensees and salesmen), except for an application for an order of interim suspension pursuant to section 113 of this Act. 5

“(5) Subject to this Act and to any regulations made under this Act, the Board may determine its own procedure.

“**6E. Business to be conducted in public except in certain circumstances**—(1) Subject to the succeeding provisions of this section, every hearing of any matter before the Board shall be held in public. 10

“(2) The Board may deliberate in private on its decision in any matter or on any question arising in the course of any proceedings before it. 15

“(3) Where the Board is satisfied that it is desirable to do so, either because of the confidential nature of any evidence or matter or because the interests of any party to the hearing in having the whole or any part of the proceedings conducted in private outweigh the public interest in having the hearing conducted in public, the Board may, of its own motion or on the application of any party to the proceedings, order that the whole or any part of the hearing shall be held in private. 20

“(4) Every application to the Board under subsection (3) of this section shall be heard in private, but other parties to the proceedings shall be entitled to be present and to make submissions in respect of the application. 25

“(5) In any case where a hearing of the Board is held in private, the Board may allow any particular person to attend the private hearing if it is satisfied that that person has a special and proper interest in the matter to be heard. 30

“**6F. Representation of parties**—(1) Subject to any provision to the contrary in this Act, every person making an application to the Board shall be entitled to appear and be heard by the Board in respect of the application. 35

“(2) Where any person is entitled under this Act to appear and be heard in relation to any proceedings before the Board, that person may appear in person or by his counsel or agent, and shall have the right to produce evidence and to cross-examine witnesses. 40

“6G. **Evidence before Board**—(1) The Board may receive in evidence any statement, document, information, or matter that may, in its opinion, assist it to deal effectively with the matter before it, whether or not the same would otherwise be
5 admissible in a Court of law.

“(2) The Board may, if it thinks fit in respect of an application before it, examine, on oath or otherwise, the applicant or any other party to the application, or require
10 any person to verify by statutory declaration any statement made by him with respect to the application.

“(3) The Chairman or his deputy if presiding, or any other member of the Board not being the deputy of a member, or the Registrar, may administer an oath to any person for the purposes of this Act.

15 “6H. **Board to provide written reasons for declining application**—Where any application under this Act is made to and declined by the Board, the applicant, or any other person to whom the application related, shall be entitled, on written request to the Board, to receive from the Board a written
20 statement of its reasons for declining the application.

“6I. **Chairman may exercise Board’s jurisdiction in respect of certain matters**—(1) Notwithstanding anything in any of the foregoing provisions of this Part of this Act, the Chairman of the Board may, on behalf of the Board, exercise the
25 Board’s jurisdiction in respect of any of the following matters:

“(a) An application, pursuant to section 16 of this Act, for the approval of a name or style under which a licensee may conduct his business:

30 “(b) An application, pursuant to section 18A of this Act, for the removal of a licence to new premises:

“(c) An application, pursuant to section 20 of this Act, for the approval of any person as an officer or the chief executive officer of a licensee company, if the application is not opposed by the Institute:

35 “(d) The authorising, pursuant to section 20 (6) of this Act, of any person to act as an officer or the chief executive officer of a licensee company pending the final determination of the application for approval of that person:

40 “(e) An application, pursuant to section 23 of this Act, for a temporary licence:

“(f) The interim suspension of a licensee, pursuant to section 113 of this Act.

“(2) Every decision of the Chairman in relation to every such matter shall be deemed for all purposes to be the decision of the Board. 5

“Administrative Provisions

“6J. Remuneration and expenses of members of Board—

(1) The Board shall pay to its members out of funds provided by the Institute, such remuneration by way of fees, salary, or allowances, and travelling expenses and allowances, as the Board, with the approval of the Minister, may from time to time determine. 10

“(2) Except as provided in this section, no member of the Board shall be entitled to receive as a member any remuneration or other payment out of the funds of the Institute. 15

“6K. Receipt of money by Board—All fees payable under Parts I and VI of this Act shall be paid to the Board and held by it on behalf of the Institute.

“6L. Seal—(1) The Board shall have a seal, which shall be judicially noticed in all Courts and for all purposes. 20

“(2) The seal shall be in the custody of the Registrar, and shall be applied to every licence and certificate of approval granted by the Board, and to such other documents of the Board as the Chairman may direct. 25

“6M. Registrar of Motor Vehicle Dealers—(1) The Board shall, from time to time, after consultation with the Institute, appoint a Registrar of Motor Vehicle Dealers.

“(2) The Institute shall pay to the Registrar, out of the funds of the Institute, such salary, fees, and allowances as it from time to time thinks fit. 30

“(3) The Registrar shall also act as the Secretary of the Board.

“6N. Register of Motor Vehicle Dealers—(1) For the purposes of this Act the Registrar shall set up and maintain a Register of Motor Vehicle Dealers. 35

“(2) The Register shall be open to inspection by the public during ordinary office hours on payment of the prescribed fee (if any).

5 “(3) On payment to him of the prescribed fee, the Registrar shall send to any person requesting the same in writing a copy of any specified entry in the Register.

“60. Registrar to record certain matters in Register—

10 (1) Whenever the Board issues, renews, or cancels a licence or certificate of approval, or suspends a licensee or the holder of a certificate of approval, the Registrar shall make an appropriate entry in the Register showing—

“(a) In the case of the issue of a licence,—

15 “(i) The name and address of the licensee; and

“(ii) The address of his principal place of business; and

“(iii) The address of any subsidiary place of business and of any branch office; and

20 “(iv) The name of the person approved by the Board to be the branch manager of every such branch office; and

“(v) The date on which the application was granted; and

25 “(vi) Where the licensee is a company, the name and address of its chief executive officer or the other person who will supervise, manage, and control the conduct of the licensee’s business as a motor vehicle dealer at its principal place of business:

30 “(b) In the case of the issue of a certificate of approval,—

“(i) The name and address of the holder; and

“(ii) The name and address of his employer; and

“(iii) The date on which the application was granted:

35 “(c) In the case of the renewal of a licence or certificate of approval, the date on which the application was granted:

40 “(d) In the case of the cancellation of a licence or certificate of approval or the suspension of a licensee or the holder of a certificate of approval,—

“(i) The grounds on which the cancellation or suspension was made; and

“(ii) The date on which it was made.

“(2) The Registrar shall also, in respect of any entry, record such other particulars as may be required by this Act or as may from time to time be prescribed.

“(3) As soon as practicable after making any entry in the Register, the Registrar shall give notice in writing to the Institute of the entry, together with all relevant particulars. 5

“6p. **Correction of Register**—(1) If any person has been issued with a licence or certificate of approval under this Act by reason of any false or fraudulent representation or statement, or if any person not entitled to be issued with a licence or certificate of approval under this Act has one issued to him, the Board shall cancel that licence or, as the case may require, that certificate, and cause the name of the licensee or holder to be removed from the Register; and the fact of the cancellation and removal shall be notified by the Registrar in the *Gazette*. 10 15

“(2) If any particulars appearing in the Register in respect of the qualifications of any licensed motor vehicle dealer are proved to the satisfaction of the Board to be, or are to the knowledge of the Board, false or erroneous in any respect, the Board shall direct the Registrar to remove those particulars from the Register, and the Registrar shall amend the Register accordingly. 20

“(3) Subsection (2) of this section shall apply notwithstanding that at the time when the entry in the Register was made the motor vehicle dealer was actually possessed of the qualifications particulars of which appear in the Register, or that at the time the entry was otherwise correct. 25

“6q. **Penalty for wrongfully procuring issue of licence, etc.**—Every person commits an offence and is liable to a fine not exceeding \$1,000 who wilfully makes or causes to be made any false entry in or falsification of the Register, or who procures or attempts to procure himself or any other person to be issued with a licence, certificate of approval, or a renewal of a licence or certificate of approval, by making or producing or causing to be made or produced, any false or fraudulent representation or statement, whether verbally or in writing. 30 35

“6r. **Lost licences or certificates**—Where the Registrar is satisfied that any licence or certificate of approval has been lost he may, on payment to him of the prescribed fee (if any), issue to the holder of the licence or certificate of approval a substitute licence or certificate of approval.” 40

5. Certificate that certain fees have been paid to Institute—

Section 12 (2) of the principal Act is hereby amended by omitting the words “under the hand of the secretary of the local Branch of the Institute”, and substituting the words “, under the hand of the officer of the Institute who is for the time being authorised by the Council to give such certificates,”.

6. Evidence of suitability required—Section 14 of the principal Act is hereby amended by repealing subsection (5), and substituting the following subsection:

10 “(5) Notwithstanding subsection (4) of this section, the Board may in any case decide not to insist on compliance or complete compliance with the requirements of that subsection if it is satisfied that the business experience in some relevant facet of the motor vehicle industry of the person whose fitness
15 is to be determined, and his judgment and general knowledge, are such that the Board would be justified in so deciding.”

7. Renewal of licence—Section 18 of the principal Act is hereby amended by inserting, after subsection (2), the following subsections:

20 “(2A) The Board shall not hear or consider an application for the renewal of a licence unless it is satisfied that the applicant has—

“(a) Served on the Institute a copy of the application in accordance with subsection (2) of this section; and

25 “(b) Paid the required contribution to the Fidelity Guarantee Fund in accordance with subsection (1) of section 35 of this Act; and

“(c) Paid to the Institute the fees required to be paid under the Rules of the Institute.

30 “(2B) For the purposes of subsection (2A) of this section, a certificate, under the hand of the officer of the Institute who is for the time being authorised by the Council to give such certificates, to the effect that the applicant has complied with the requirements of that subsection shall, in the
35 absence of proof to the contrary, be sufficient evidence of compliance.”

8. Person acting temporarily as officer, etc., of company—

(1) Section 20 of the principal Act is hereby amended by inserting in subsection (6), after the words “provisions of
40 this section”, the words “but subject to subsection (6A) of this section”.

(2) The said section 20 is hereby further amended by inserting, after subsection (6), the following subsection:

“(6A) The Registrar shall not grant any such authority pursuant to subsection (6) of this section unless he is satisfied that the applicant, on giving notice to the Institute of his application, also gave notice to that body of his intention to seek such authority, and that— 5

“(a) The Institute has not given to the Board a notice of its objection to the grant of that authority; or

“(b) The Institute has given notice of such an objection, but the Board, after considering the matter, has directed him to grant the authority.” 10

9. Claims against Fund—(1) Section 40 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsections: 15

“(4) No finance company shall be entitled to make a claim against the Fund—

“(a) Under paragraph (a) or paragraph (b) or paragraph (c) of section 39 of this Act, except in respect of any loss suffered by it and arising out of any hire purchase agreement whereby it financed in whole or in part the purchase by another person (not being a licensee) of a motor vehicle from a licensee: 20

“(b) Under paragraph (d) or paragraph (da) or paragraph (e) or paragraph (f) of that section in respect of any loss suffered by it in the ordinary course of its business as a finance company. 25

“(4A) No licensee or manufacturer or wholesaler shall be entitled to make a claim against the Fund under any of the provisions of section 39 of this Act in respect of any loss suffered by him in the ordinary course of his business as a licensee or manufacturer or wholesaler.” 30

(2) Section 89 (2) of the principal Act is hereby amended by omitting the expression “subsection (3)”, and substituting the expression “subsections (3), (4), and (4A)”. 35

(3) Section 17 (3) of the Motor Vehicle Dealers Amendment Act 1976 is hereby consequentially repealed.

10. Council may take possession of and inspect licensee's books and documents—(1) Section 46 of the principal Act is hereby amended—

- 5 (a) By omitting from subsection (2) the words “apply to the Court for an order authorising it to”;
- (b) By omitting from that subsection the words “; and in any such case the Magistrate may make such order as he thinks fit, or may refuse to make an order”.

10 (2) The said section 46 is hereby further amended by adding the following subsection:

- 15 “(3) Every person having possession or control of any such ledgers, books of account, records, deeds, or other documents who refuses or fails without lawful justification to deliver them or cause them to be delivered to the Council forthwith upon demand by the Council commits an offence and is liable to a fine not exceeding \$1,000.”

11. Further power to take possession of and inspect licensee's books—(1) Section 47 of the principal Act is hereby amended—

- 20 (a) By omitting from subsection (1) the words “apply to the Court for an order authorising it to”;
- (b) By omitting from that subsection the words “; and in any such case the Magistrate may make such order as he thinks fit, or may refuse to make an order”.

25 (2) The said section 47 is hereby further amended by adding the following subsection:

- 30 “(3) Every person having possession or control of any such ledgers, books of account, records, deeds, or other documents who refuses or fails without lawful justification to deliver them or cause them to be delivered to the Council forthwith upon demand by the Council commits an offence and is liable to a fine not exceeding \$1,000.”

12. Appointment of authorised person to investigate affairs of motor vehicle dealers—Section 50 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

- 35 “(3A) Every person having possession or control of any ledgers, books of account, records, deeds, or other documents
- 40 relating to the business of any licensee or firm of licensees

referred to in subsection (3) of this section who obstructs or hinders the person appointed under this section in the exercise of his powers under subsection (1) of this section or who refuses or fails without lawful justification to deliver them or cause them to be delivered to the person appointed under this section to examine them forthwith upon demand by that person commits an offence and is liable to a fine not exceeding \$1,000.” 5

13. Supervision of licensee’s business—(1) The principal Act is hereby amended by repealing section 57, and substituting the following section: 10

“57. (1) Every licensee (other than a licensee company) shall personally supervise, manage, and control the conduct of his business as a motor vehicle dealer at his principal place of business and at each subsidiary place of business named in the licence relating to his principal place of business. 15

“(2) Every licensee company shall ensure that its chief executive officer, or such other person as may be approved for the time being by the Board, personally supervises, manages, and controls the conduct of the company’s business as a motor vehicle dealer at the company’s principal place of business and at each subsidiary place of business named in the licence relating to its principal place of business. 20

“(3) Every licensee (including a licensee company) shall, in respect of each branch office, ensure that the branch manager personally supervises, manages, and controls the conduct of the licensee’s business as a motor vehicle dealer at the branch office and at each subsidiary place of business named in the licence relating to the branch office. 25 30

“(4) For the purposes of subsections (1) to (3) of this section, a person shall not be deemed to be personally supervising, managing, and controlling the conduct of business at any place of business unless he spends a substantial part of the working week at that place of business and is actively engaged in the conduct of that business. 35

“(5) Every licensee who fails to comply with subsection (1) or subsection (2) or subsection (3) of this section commits an offence against this Act.

“(6) A licensee company may at any time apply to the Board in the prescribed form for approval of any person for the purposes of subsection (2) of this section. 40

“**(7)** The Institute may object to or be heard in respect of an application under subsection (6) of this section; and for that purpose the provisions of sections 10, 12, and 13 of this Act, so far as they are applicable and with the necessary modifications, shall apply with respect to an application under that subsection as if it were an application for a licence.

“**(8)** The Board shall not approve of any person for the purposes of subsection (2) of this section unless it is satisfied that, having regard to the provisions of section 14 (3) of this Act, the person would, if the principal place of business were a branch office, be a proper person to be the branch manager of the branch office.

“**(9)** Notwithstanding the foregoing provisions of this section, the provisions of subsections (6), (6A), and (7) of section 20 of this Act, so far as they are applicable and with the necessary modifications, shall apply in respect of applications made under subsection (3) of this section.”

(2) Section 20 of the Motor Vehicle Dealers Amendment Act 1976 is hereby consequentially repealed.

14. Motor Vehicle Salesman Registration Authority—

(1) Section 63 of the principal Act is hereby amended by omitting from subsection (1) the words “a Board, to be known as the Motor Vehicle Salesmen Registration Board”, and substituting the words “an authority, to be known as the Motor Vehicle Salesmen Registration Authority”.

(2) The said section 63 is hereby further amended by repealing subsection (4), and substituting the following subsection:

“**(4)** Notwithstanding subsection (3) of this section, any member of the Authority may be removed from office at any time by the Minister for disability, neglect of duty, or misconduct proved to the satisfaction of the Minister.”

15. Obligations of licensee in respect of sale of secondhand motor vehicles—Section 93 (4) of the principal Act is hereby amended—

(a) By omitting from paragraph (a) the expression “\$200”, and substituting the expression “\$300”:

(b) By omitting from paragraph (b) the expression “\$100”, and substituting the expression “\$200”.

16. Procedure where dispute arises as to licensee's responsibilities, etc.—Section 96 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) A secondhand motor vehicle (other than a commercial vehicle) as sold by the licensee to the purchaser did not have a notice attached to it as required by section 90 of this Act and is substantially different from the vehicle as represented to the purchaser by the licensee; or”.

17. Jurisdiction of Disputes Tribunal—(1) Section 98 of the principal Act is hereby amended by omitting from paragraph (a) of subsection (1) the expression “\$1,000”, and substituting the expression “\$3,000”.

(2) The said section 98 is hereby further amended by adding the following subsections:

“(3) Notwithstanding anything in subsection (1) of this section, but subject to subsection (4) of this section, a Disputes Tribunal shall not exercise its jurisdiction in respect of any dispute involving an allegation that a licensee has refused or failed to carry out any obligation imposed on him by section 93 of this Act unless a complaint in respect of the matter was made to the Institute in accordance with section 96 (1) of this Act within—

“(a) Three months after the expiry of the term implied in the contract of sale by section 93 (1) of this Act, in the case of a category A motor vehicle or a category B motor vehicle or a category C motor vehicle; or

“(b) Six months after the date of the sale, in the case of a category D motor vehicle.

“(4) Where, in any case to which subsection (3) of this section applies, a Disputes Tribunal, on application made to it in that behalf, is satisfied that a party to the dispute was justified in not making a complaint to the Institute in accordance with section 96 (1) of this Act within the relevant period prescribed by subsection (3) of this section, and that, having regard to the interests of the other party to the dispute, it is just and reasonable that the dispute should be considered, the Disputes Tribunal may inquire into and deal with the dispute in all respects as if such a complaint had been properly made within the prescribed period.”

18. Determination of disputes alleging motor vehicle substantially different from that represented in notice of particulars—(1) Section 101 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsections:

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“(1) Where any dispute referred to a Disputes Tribunal under section 96 of this Act involves an allegation that a secondhand motor vehicle (not being a commercial vehicle) as sold by the licensee to the purchaser is substantially different from the vehicle as represented in the notice attached to it in purported compliance with section 90 of this Act, the Tribunal may, if it is satisfied that the vehicle is substantially different as aforesaid,—

“(a) Order that the contract of sale be rescinded in accordance with this section; or

“(b) Where, having regard to all the circumstances of the case, it considers that such an order for rescission would be unwarranted or unjust, order the licensee to pay to the purchaser, or to any other person claiming through the purchaser, such sum (not exceeding \$3,000) as the Tribunal thinks just by way of compensation in respect of the difference in value between the vehicle as represented in the said notice and the vehicle as sold by the licensee,—

and, in either such case, the Tribunal may make such further or consequential order as it thinks fit.

“(1A) Notwithstanding anything in section 98 of this Act, a Disputes Tribunal may make an order under subsection (1) (a) of this section in any case where it is satisfied that the value of the motor vehicle in dispute does not exceed \$8,000.”

“(2) The said section 101 is hereby further amended by inserting in subsection (2), and also in subsection (3), and also in subsection (4), after the expression “(1)” in each case, the expression “(a)”.

19. Determination of disputes alleging motor vehicle substantially different from that represented where no notice of particulars—The principal Act is hereby amended by inserting, after section 101, the following section:

“101A. (1) Where any dispute referred to a Disputes Tribunal under section 96 of this Act involves an allegation that a secondhand motor vehicle (not being a commercial

vehicle) as sold by the licensee to the purchaser did not have a notice attached to it as required by section 90 of this Act and is substantially different from the vehicle as represented to the purchaser by the licensee, the Tribunal, if it is satisfied that the vehicle did not have such a notice, shall, unless the licensee proves that the vehicle is not substantially different as aforesaid, order that the contract of sale be rescinded, and may make such further or consequential order as it thinks fit. 5

“(2) Notwithstanding anything in section 98 of this Act, a Disputes Tribunal may make an order under subsection (1) 10 of this section in any case where it is satisfied that the value of the motor vehicle in dispute does not exceed \$8,000.

“(3) Where a Disputes Tribunal makes an order under subsection (1) of this section, the provisions of subsections (2) to (5) of section 101 of this Act shall apply with any necessary modifications.” 15

20. Determination of disputes alleging failure to carry out obligations, etc.—(1) Section 102 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 20

“(1) Where any dispute referred to a Disputes Tribunal under section 96 of this Act involves an allegation that the licensee has refused or failed to carry out any obligation imposed on him by section 93 of this Act, or that he has unreasonably delayed in carrying out any such obligation, the Tribunal may, if it is satisfied that the licensee has refused, failed, or unreasonably delayed as aforesaid, make an order— 25

“(a) Authorising the purchaser to cause the work that would have been necessary to carry out the obligation to be performed by any person named in the order, and to recover the cost of so doing, up to a maximum amount to be specified in the order, from the licensee; or 30

“(b) Where the purchaser has already had the necessary work done, requiring the licensee to pay to the purchaser the reasonable costs incurred by the purchaser in respect of that work, being an amount specified in the order.” 35

(2) The said section 102 is hereby further amended by inserting in subsection (2), and also in subsection (3), after the expression “(1)” in each case, the expression “(a)”. 40

21. Application of certain provisions of Hire Purchase Act 1971—(1) Section 107 (2) of the principal Act is hereby amended by inserting, after the words “Sale of Goods Act 1908”, the words “and section 11 (a) of the Hire Purchase Act 1971”.

(2) Section 108 of the principal Act is hereby amended by inserting, after the words “Sale of Goods Act 1908”, the words “or of sections 11 to 13 of the Hire Purchase Act 1971”.

22. Grounds on which licence may be cancelled or licensee suspended—Section 112 (1) of the principal Act is hereby amended by adding the following paragraph:

“(h) That the licensee has failed to comply with any requirement of section 57 of this Act (relating to the supervision, management, and control of the conduct of his or its business as a motor vehicle dealer at any place of business).”

23. Disciplining of officers and branch managers—(1) Section 118A of the principal Act (as inserted by section 33 of the Motor Vehicle Dealers Amendment Act 1976) is hereby amended by inserting in subsection (1) (b), after the expression “21”, the expression “57 (2)”.

(2) The said section 118A is hereby further amended by adding, as subsection (2), the following subsection:

“(2) An application may be made under subsection (1) of this section on either of the following grounds:

“(a) That the person concerned is no longer eligible to hold a licence in his own right:

“(b) That, in the case of the chief executive officer of a licensee company or a branch manager he has failed to personally supervise, manage, and control the conduct of the licensee’s business as a motor vehicle dealer at the principal place of business or branch office in respect of which the approval was given, and at each subsidiary place of business named in the relevant licence.”

24. Transitional provisions—(1) Where, before the commencement of this Act, a Magistrate has commenced but not completed hearing and determining any application pursuant to the principal Act, the Magistrate shall complete the hearing and determination as if this Act had not been passed.

(2) Where, before the commencement of this Act, any application has been made to a Magistrate pursuant to the principal Act but the Magistrate has not commenced to hear and determine the application, the Magistrate shall hear and determine the application as if this Act had not been passed. 5

(3) For the purposes of the principal Act, every application granted by a Magistrate pursuant to subsection (1) or subsection (2) of this section shall have effect as if it had been granted by the Board under that Act. 10

(4) Any form that was printed, before the commencement of this Act, in the form prescribed by or under the principal Act, or otherwise for the purposes of the principal Act may be used after the commencement of this Act, and it shall not be necessary, merely because of any of the provisions of this Act, to alter any printed material in any such form. 15

25. Repeals and amendments—(1) The following enactments are hereby consequentially repealed:

(a) Sections 3, 13, 47A, 51, 66 (2) (c), and 143 of the principal Act: 20

(b) Sections 3, 18, and 22 of the Motor Vehicle Dealers Amendment Act 1976.

(2) Section 48 (1) of the principal Act (as amended by section 18 (2) of the Motor Vehicle Dealers Amendment Act 1976) is hereby consequentially amended by omitting the words “any of sections 46 to 47A”, and substituting the words “section 46 or section 47”. 25

(3) Section 49 of the principal Act (as amended by section 18 (3) of the Motor Vehicle Dealers Amendment Act 1976) is hereby consequentially amended by omitting the expression “to 47A”, and substituting the expression “and 47”. 30

(4) Section 50 (3) of the principal Act (as amended by section 18 (4) of the Motor Vehicle Dealers Amendment Act 1976) is hereby consequentially amended by omitting the expression “to 47A”, and substituting the expression “and 47”. 35

(5) The provisions of the principal Act specified in the first column of the Schedule to this Act are hereby amended in the manner indicated in the second column of that Schedule. 40

SCHEDULE

Section 25 (5)

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION OF BOARD AND CHANGES IN NOMENCLATURE

Section Amended	Amendment
<p>Section 2 (1)</p>	<p>By omitting from the definition of the term "approved salesman" the word "Court", and substituting the word "Board".</p> <p>By omitting from the definition of the term "branch manager" the word "Court", and substituting the word "Board".</p> <p>By omitting from the definition of the term "chief executive officer" (as inserted by section 2 (1) of the Motor Vehicle Dealers Amendment Act 1976) the word "Court", and substituting the word "Board".</p> <p>By omitting the definition of the terms "Court", "Magistrate", and "Registrar", and substituting the following definition: "Court", in relation to the registration under section 104 of this Act of a decision of a Disputes Tribunal, means the Magistrate's Court nearest to the place of business at which the motor vehicle in respect of which the decision is given was sold:".</p>
<p>Section 4</p>	<p>By omitting from the definition of the term "Secretary" the word "Board", and substituting the word "Authority".</p> <p>By omitting from subsection (5) the word "Court", and substituting the word "Board".</p> <p>By omitting from that subsection the word "Magistrate" in both places where it occurs, and substituting in each case the word "Board".</p>
<p>Section 9 (1)</p>	<p>By omitting from that subsection the word "he", and substituting the word "it".</p>
<p>Section 9 (1)</p>	<p>By omitting the word "Court", and substituting the word "Board".</p>
<p>Section 10</p>	<p>By omitting from subsection (2) the words "file in the Court a notice", and substituting the words "give written notice to the Board".</p> <p>By omitting from subsection (3) the word "filed", and substituting the word "given".</p> <p>By omitting from that subsection the words "filing it in the Court", and substituting the words "giving it to the Board".</p>

SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION
OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 11	<p>By omitting from subsection (2) the words "file in the Court a notice", and substituting the words "give written notice to the Board".</p> <p>By omitting from subsection (4) the word "filed", and substituting the word "given".</p> <p>By omitting from subsection (5) the word "filing", and substituting the word "giving".</p> <p>By omitting from that subsection the words "filing it in the Court", and substituting the words "giving it to the Board".</p>
Section 12 (1)	<p>By omitting the words "No Magistrate shall", and substituting the words "The Board shall not".</p> <p>By omitting the word "he", and substituting the word "it".</p>
Section 14	<p>By omitting from subsection (1) the words "Magistrate hearing an application for the issue of a licence to any person other than a company shall not grant the application unless he", and substituting the words "Board shall not grant an application for the issue of a licence to any person (other than a company) unless it".</p> <p>By omitting from subsection (2) the words "Magistrate hearing an application for the issue of a licence to a company shall not grant the application unless he", and substituting the words "Board shall not grant an application for the issue of a licence to a company unless it".</p> <p>By omitting from subsection (3) (as substituted by section 10 (2) of the Motor Vehicle Dealers Amendment Act 1976) the words "Magistrate hearing an application for the issue of a licence in respect of a branch office shall not grant the application unless he", and substituting the words "Board shall not grant an application for the issue of a licence in respect of a branch office unless it".</p> <p>By omitting from subsection (4) the word "Magistrate", and substituting the word "Board".</p>

SCHEDULE—*continued*

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 14— <i>continued</i>	<p>By omitting from subsection (6) the word “Magistrate”, and substituting the word “Board”.</p> <p>By omitting from subsection (7) the words “Magistrate hearing an application for a licence to refuse to grant the application if he”, and substituting the words “Board to refuse to grant an application for the issue of a licence if it”.</p>
Section 15	<p>By omitting from subsection (1) the word “Magistrate”, and substituting the word “Court”.</p> <p>By omitting from that subsection the word “he”, and substituting the word “it”.</p> <p>By omitting from subsection (2) (c) the word “Court”, and substituting the word “Board”.</p> <p>By omitting from subsection (3) the word “Magistrate”, and substituting the word “Board”.</p>
Section 16	<p>By omitting from that subsection the word “he”, and substituting the word “it”.</p> <p>By omitting from subsection (1) the word “Court”, and substituting the word “Board”.</p> <p>By omitting from subsection (2) the word “Court”, and substituting the word “Board”.</p> <p>By omitting from subsection (3) the words “A Magistrate”, and substituting the words “The Board”.</p>
Section 18	<p>By omitting from that subsection the word “he”, and substituting the word “it”.</p> <p>By omitting from subsection (1) the words “, and shall be filed in the Court”, and substituting the words “to the Board”.</p> <p>By omitting from subsection (2) the words “After filing the application in the Court”, and substituting the words “Forthwith after making application to the Board”.</p> <p>By omitting from that subsection the word “it”, and substituting the words “his application”.</p>

SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION
OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 18— <i>continued</i>	<p>By omitting from subsection (4) the words “file in the Court a notice”, and substituting the words “give written notice to the Board”.</p> <p>By omitting from subsection (5) the words “file in the Court a notice”, and substituting the words “give written notice to the Board”.</p> <p>By omitting from paragraph (b) of that subsection the word “Court”, and substituting the word “Board”.</p> <p>By omitting from subsection (6) the words “filed in the Court”, and substituting the words “given to the Board”.</p> <p>By omitting from subsection (7) the words “filed in the Court”, and substituting the words “given to the Board”.</p> <p>By omitting from that subsection the words “a Magistrate”, and substituting the words “the Board”.</p> <p>By omitting from subsection (8) the word “filed” in both places where it occurs, and substituting in each case the word “given”.</p>
Section 18A (as inserted by section 11 of the Motor Vehicle Dealers Amendment Act 1976)	<p>By omitting from subsection (1) the word “Court”, and substituting the word “Board”.</p> <p>By omitting from subsection (2) the word “Court”, and substituting the word “Board”.</p> <p>By omitting from subsection (4) the word “Magistrate”, and substituting the word “Board”.</p> <p>By omitting from that subsection the word “he”, and substituting the word “it”.</p> <p>By omitting from subsection (5) (b) the word “Court”, and substituting the word “Board”.</p> <p>By omitting from subsection (6) all the words occurring after the words “to be revoked”.</p> <p>By repealing subsection (7).</p>

SCHEDULE—*continued*

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 20	<p>By omitting from subsection (1) the word "Court", and substituting the word "Board".</p> <p>By omitting from subsection (2) the word "Court", and substituting the word "Board".</p> <p>By omitting from subsection (3) the words "A Magistrate", and substituting the words "The Board".</p> <p>By omitting from that subsection the words "the Magistrate", and substituting the word "it".</p> <p>By omitting from subsection (6) the word "Court", and substituting the word "Board".</p>
Section 21	<p>By omitting from subsection (1) the word "Court", and substituting the word "Board".</p> <p>By omitting from subsection (2) the word "Court", and substituting the word "Board".</p> <p>By omitting from subsection (3) (as substituted by section 13 (2) of the Motor Vehicle Dealers Amendment Act 1976) the words "A Magistrate", and substituting the words "The Board".</p> <p>By omitting from that subsection the word "he", and substituting the word "it".</p>
Section 22 (1)	<p>By omitting the word "Court", and substituting the word "it".</p>
Section 23	<p>By omitting from subsection (1) the word "Court", and substituting the word "Board".</p> <p>By omitting from that subsection the word "Magistrate" in both places where it occurs, and substituting in each case the word "Board".</p> <p>By omitting from that subsection the word "he", and substituting the word "it".</p> <p>By omitting from subsection (4) the word "Court", and substituting the word "Board".</p> <p>By omitting from subsection (6) the word "Magistrate", and substituting the word "Board".</p>

SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION
OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 23— <i>continued</i>	<p>By omitting from subsection (7) the word "Court", and substituting the word "Board".</p> <p>By omitting from that subsection the words "a Magistrate", and substituting the words "the Board".</p> <p>By omitting from that subsection the word "him", and substituting the word "it".</p> <p>By omitting from subsection (8) the word "Court's", and substituting the word "Board's".</p>
Section 24	<p>By omitting from subsection (5) the word "Court", and substituting the word "Board".</p> <p>By omitting from that subsection the word "Magistrate", and substituting the word "Board".</p> <p>By omitting from subsection (7) the word "Court", and substituting the word "Board".</p>
Section 25	<p>By omitting from subsection (1) the word "Court", and substituting the word "Board".</p> <p>By omitting from that subsection the word "Magistrate", and substituting the word "Board".</p> <p>By omitting from subsection (4) the word "Court", and substituting the word "Board".</p> <p>By omitting from that subsection the word "Magistrate", and substituting the word "Board".</p> <p>By omitting from subsection (6) the word "Court", and substituting the word "Board".</p>
Section 55 (1)	By omitting the word "Court", and substituting the word "Board".
Section 56 (3)	By omitting the words "filed in the Court", and substituting the words "given to the Board".
Section 58 (1)	By omitting the word "Court", and substituting the word "Board".

SCHEDULE—continued

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION OF BOARD AND CHANGES IN NOMENCLATURE—continued

Section Amended	Amendment
Section 63	By omitting from subsection (2) the word "Board", and substituting the word "Authority". By omitting from subsection (3) the word "Board", and substituting the word "Authority". By omitting from subsection (5) the word "Board", and substituting the word "Authority".
Section 64	By omitting the word "Board", and substituting the word "Authority".
Section 65	By omitting the word "Board", and substituting the word "Authority".
Section 66	By omitting from subsection (1) (d) the word "Board", and substituting the word "Authority".
Section 67 (1)	By omitting the word "Board", and substituting the word "Authority".
Section 69	By omitting from subsection (1) the word "Board", and substituting the word "Authority". By omitting from subsection (2) the word "Board", and substituting the word "Authority".
Section 70	By omitting from subsection (1) the word "Board", and substituting the word "Authority". By omitting from subsection (3) (a) the word "Board", and substituting the word "Authority".
Section 71	By omitting from subsection (1) the word "Board", and substituting the word "Authority". By omitting from subsection (2) the word "Board", and substituting the word "Authority".
Section 72 (2)	By omitting the word "Board", and substituting the word "Authority".
Section 75	By omitting from subsection (1) the word "Board", and substituting the word "Authority". By omitting from subsection (2) the word "Board" in both places where it occurs, and substituting in each case the word "Authority".

SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION
OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 76	<p>By omitting from subsection (1) the word "Board", and substituting the word "Authority".</p> <p>By omitting from subsection (2) the word "Board", and substituting the word "Authority".</p> <p>By omitting from subsection (3) the word "Board" in both places where it occurs, and substituting in each case the word "Authority".</p>
Section 77	<p>By omitting from subsection (1) the word "Board", and substituting the word "Authority".</p> <p>By omitting from subsection (2) the word "Board" in both places where it occurs, and substituting in each case the word "Authority".</p> <p>By omitting from subsection (3) the word "Board" in both places where it occurs, and substituting in each case the word "Authority".</p>
Section 78	By omitting the word "Board", and substituting the word "Authority".
Section 80 (2)	By omitting from paragraphs (a), (b), (c), (d), (e), (f), (g), (h), (i), (q), and (r) the word "Board", and substituting in each case the word "Authority".
Section 81	<p>By omitting from subsection (1) the word "Court", and substituting the word "Board".</p> <p>By omitting from subsection (5) the words "filing the application in the Court, serve a copy of it on", and substituting the words "making application to the Board, give a copy of the application to".</p>
Section 82 (1)	<p>By omitting the words "a Magistrate", and substituting the words "the Board".</p> <p>By omitting from that subsection the word "him", and substituting the word "he".</p>
Section 83	By omitting from subsection (1) the words "file in the Court a notice", and substituting the words "given written notice to the Board".

SCHEDULE—*continued*

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 83— <i>continued</i>	<p>By omitting from subsection (2) the words “file in the Court a notice”, and substituting the words “give written notice to the Board”.</p> <p>By omitting from subsection (4) the word “filing” where it first occurs, and substituting the word “giving”.</p> <p>By omitting from that subsection the words “filing it in the Court”, and substituting the words “giving it to the Board”.</p> <p>By omitting from subsection (5) the word “filed”, and substituting the word “given”.</p>
Section 84	<p>By omitting from subsection (1) the word “Magistrate”, and substituting the word “Board”.</p> <p>By omitting from that subsection the word “he”, and substituting the word “it”.</p> <p>By omitting from subsection (2) the word “Magistrate”, and substituting the word “Board”.</p> <p>By omitting from that subsection the word “he”, and substituting the word “it”.</p>
Section 87	<p>By inserting in subsection (1), after the words “shall be made”, the words “to the Board”.</p> <p>By omitting from that subsection the words “, and shall be filed in the Court”.</p> <p>By omitting from subsection (2) the words “After filing the application in the Court”, and substituting the words “Forthwith after making application to the Board”.</p> <p>By omitting from that subsection the word “it” where it first occurs, and substituting the words “his application”.</p> <p>By omitting from subsection (4) the words “file in the Court a notice”, and substituting the words “give written notice to the Board”.</p> <p>By omitting from subsection (5) the words “filed in the Court”, and substituting the words “given to the Board”.</p> <p>By omitting from subsection (6) the words “filed in the Court”, and substituting the words “given to the Board”.</p> <p>By omitting from that subsection the words “a Magistrate”, and substituting the words “the Board”.</p>

SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION
OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 87— <i>continued</i>	By omitting from subsection (8) the word "filed" in both places where it occurs, and substituting in each case the word "given".
Section 88	By omitting from subsection (1) the word "Court", and substituting the word "Board".
Section 112	By omitting from subsection (3) the word "Court", and substituting the word "Board".
Section 112	By omitting from subsection (1) the words "a Magistrate", and substituting the words "the Board". By omitting from that subsection the word "Court", and substituting the word "Board". By omitting from paragraph (a) of subsection (2) the word "Magistrate", and substituting the words "Board (or, as the case may require, the Magistrate)". By omitting from that paragraph the word "he", and substituting the words "it (or he)".
Section 113	By omitting from subsection (3) the word "Court", and substituting the word "Board". By omitting from subsection (1) the word "Court", and substituting the word "Board". By omitting from that subsection the words "a Magistrate", and substituting the words "the Board". By omitting from that subsection the word "he" in both places where it occurs, and substituting in each case the word "it". By omitting from subsection (2) the word "Magistrate", and substituting the word "Board". By omitting from that subsection the word "he", and substituting the word "it". By omitting from subsection (3) the word "Magistrate" in both places where it occurs, and substituting in each case the word "Board". By omitting from subsection (5) the word "Magistrate", and substituting the word "Board".

SCHEDULE—*continued*

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 114	<p>By omitting from subsection (1) the words "filed in the Court", and substituting the words "made to the Board".</p> <p>By omitting from subsection (3) the word "filed", and substituting the word "given".</p> <p>By omitting from subsection (4) (b) the word "Magistrate", and substituting the word "Board".</p>
Section 115 (1)	By omitting the word "Court", and substituting the word "Board".
Section 116 (1)	By omitting the word "Board" in both places where it occurs, and substituting in each case the word "Authority".
Section 117 (1)	By omitting the word "Court" in both places where it occurs, and substituting in each case the word "Board".
Section 118 (1)	<p>By omitting the word "Court", and substituting the word "Board".</p> <p>By omitting the word "Board", and substituting the word "Authority".</p>
Section 118A (as inserted by section 33 of the Motor Vehicle Dealers Amendment Act 1976)	By omitting from paragraph (b), and also from paragraph (c), the word "Court", and substituting in each case the word "Board".
Section 120 (2)	By omitting from paragraph (a) the word "Court", and substituting the word "Board".
Section 122	<p>By inserting, after the words "by the", the words "Board or the Authority or the".</p> <p>By inserting, after the words "between the", the words "Board or Authority or".</p>
Section 123	By inserting, before the words "Disciplinary Committee", the words "Board or the Authority or the".
Section 124	<p>By inserting in subsection (1), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p> <p>By inserting in subsection (2), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p> <p>By inserting in subsection (3), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p>

SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION
OF BOARD AND CHANGES IN NOMENCLATURE—*continued*

Section Amended	Amendment
Section 124 <i>continued</i>	<p>By inserting in that subsection, before the word "Committee" where it secondly, thirdly, and fourthly occurs, the words "Board or Authority or".</p> <p>By inserting in subsection (4), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p> <p>By inserting in subsection (5), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p>
Section 125	<p>By inserting in subsection (1), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p> <p>By inserting in subsection (2), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p>
Section 126	<p>By inserting in subsection (1), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p> <p>By inserting in paragraph (b) of that subsection, before the word "Committee", the words "Board or Authority or".</p> <p>By inserting in subsection (3), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p> <p>By inserting in that subsection, before the word "Committee" where it secondly occurs, the words "Board or Authority or".</p>
Section 127	<p>By inserting, before the words "Disciplinary Committee", the words "Board or the Authority or the".</p>
Section 128	<p>By inserting in subsection (1), before the words "Disciplinary Committee", the words "Board or the Authority or the".</p> <p>By inserting in that subsection, before the word "Committee" where it secondly occurs, the words "Board or Authority or".</p> <p>By inserting in subsection (2), before the word "Committee's", the words "Board's or Authority's or".</p>

SCHEDULE—continued

AMENDMENTS OF PRINCIPAL ACT CONSEQUENTIAL UPON CONSTITUTION OF BOARD AND CHANGES IN NOMENCLATURE—continued

Section Amended	Amendment
Section 128 <i>continued</i>	By inserting in subsection (3), before the words "Disciplinary Committee" in both places where they occur, the words "Board or the Authority or the". By inserting in that subsection, before the word "Committee" where it secondly occurs, the words "Board or Authority or".
Section 130	By omitting from subsection (1) the words "a Magistrate", and substituting the words "the Board". By omitting from subsection (2) the words "a Magistrate", and substituting the words "the Board". By omitting from subsection (3) the word "Board", and substituting the word "Authority". By omitting from subsection (6) (c) the words "Magistrate or Board", and substituting the words "Board or Authority".
Section 132	By omitting from subsection (1) the words "a Magistrate", and substituting the words "the Board". By omitting from subsection (2) the word "Magistrate", and substituting the word "Board". By omitting from subsection (3) the word "Magistrate", and substituting the word "Board". By omitting from subsection (4) the word "Magistrate's", and substituting the word "Board's".
Section 138 (2)	By repealing subsection (5). By omitting the words "Court or Board", and substituting the words "Board or Authority".
Section 140	By inserting, after the words "or the Board", the words "or the Authority". By omitting the words "Secretary of the Board", and substituting the words "Registrar of the Board or the Secretary of the Authority".
Section 141	By inserting after the words "the Board," the words "or by the Authority,".