



TRAFFIC AMENDMENT

No. 17 of 1979

TABLE OF PROVISIONS

1. Short title.
2. Amendment of section 37 of the *Traffic Act 1925* (Driving while disqualified).

AN ACT to amend the Traffic Act 1925 for the purpose of providing for the arrest of persons driving while disqualified.

[16 May 1979]

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—This Act may be cited as the *Traffic Amendment Act 1979*. Short title.

2—Section 37 of the *Traffic Act 1925** is amended as follows:— Amendment of section 37 of Principal Act (Driving while disqualified).

(a) by omitting from subsection (2) “ a person in respect of whom an order made under section 36 is in force ” and substituting “ the driving of a motor vehicle in accordance with a restricted licence referred to in section 36 ”; and

* 16 Geo. V No. 38. For this Act, as amended to 1973, see Annual Volume of Statutes for 1974, Appendix B. Subsequently amended by No. 108 of 1974, Nos. 58 and 66 of 1975, Nos. 37 and 96 of 1976, Nos. 58 and 92 of 1977, and Nos. 10, 52, and 75 of 1978.

(b) by inserting after subsection (2) the following subsections:—

(3) Where a police officer finds a person committing an offence against subsection (1) or has reasonable grounds to believe that a person has committed such an offence, he may arrest that person without warrant and may impound any vehicle in the charge of or driven by that person and remove the vehicle to a convenient place for safe keeping.

(4) Where a motor vehicle is impounded under subsection (3), any person who would, but for the impounding of the vehicle, have a right to possession of the vehicle is entitled to have the vehicle delivered to him unless a police officer notifies the person that the police officer has reasonable grounds for believing that, if that person then drove the vehicle on a public street, he would be committing an offence, whether against subsection (1) or not.

(5) In any proceedings taken against a person for an offence relating to the circumstances giving rise to the impounding of a motor vehicle under subsection (3), the court before which the proceedings are taken may order the person to pay any costs or expenses incurred in connection with the impounding, removal, or safe keeping of the vehicle if it is of the opinion that there were reasonable grounds for incurring those costs or expenses.