

MOTOR VEHICLES ORDINANCE

(No. 3) 1973

1583

No. 49 of 1973

An Ordinance to amend the *Motor Vehicles Ordinance* 1949 as amended

[Assented to 18 July, 1973]

BE it ordained by the Legislative Council for the Northern Territory of Australia as follows:—

1. This ordinance may be cited as the *Motor Vehicles Ordinance* (No. 3) 1973. Short title
2. The *Motor Vehicles Ordinance* 1949 as amended is in this Ordinance referred to as the Principal Ordinance. Principal Ordinance
3. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice published in the *Gazette*.^{*} Commencement
4. Section 19 of the Principal Ordinance is amended by omitting "twenty-two" and substituting "22 or 27B". Use of number plates restricted
5. Section 26 of the Principal Ordinance is amended by omitting sub-section (6). Licences of public motor vehicles
6. Section 27 of the Principal Ordinance is amended by omitting sub-section (5). Licence to use motor car as a private hire car
7. After section 27 of the Principal Ordinance the following sections are inserted:
"27A.(1) In this section—
 'hire car' means a motor vehicle in respect of which a licence has been granted under section 26 or 27 or transferred under section 27B.
 'hire car licence' means a licence granted under section 26 or 27 or transferred under section 27B;

^{*} The date fixed was 1 October, 1973 (see *Northern Territory Government Gazette* No. 39 of 27 September, 1973, page 330).

“(2) The Registrar shall not grant a hire car licence—

- (a) to a person who has been convicted of an offence punishable by imprisonment for a period exceeding six months;
- (b) except to a person who holds a licence to drive a car;
- (c) except with the consent of the Administrator to a person who—
 - (i) already holds a hire car licence or an interest in a hire car licence;
 - (ii) previously held a licence to drive a motor vehicle and it was suspended or cancelled; or
 - (iii) has been convicted of an offence against this Ordinance;
- (d) to a person who within the preceding period of 5 years has transferred a hire car licence or an interest in a hire car licence to another person; or
- (e) except to a person whom he considers to be a fit and proper person to hold the licence.

“(3) The Registrar shall not grant a hire car licence to a body corporate unless—

- (a) the body corporate is, by its memorandum of association, authorized to carry on the business of the holder of a hire car licence; and
- (b) each of the directors of the body corporate would be entitled under sub-regulation (2) as an individual to have the hire car licence granted to him.

“(4) Where the Registrar proposes to grant a new hire car licence, he shall, by advertisement published in the *Gazette* and in a newspaper published and circulating in the Northern Territory, call tenders for the purchase, at a price not less than the price determined by him to be the current market value of a hire car licence, of the new hire car licence.

“(5) An advertisement under sub-section (4) shall state the particulars of the proposed new hire car licence and may require a tender to be accompanied by a deposit of a specified amount.

“(6) The Registrar shall, subject to this section, grant the new hire car licence to the person tendering the higher or highest price for its purchase.

“(7) Where 2 or more applicants tender the same price for the purchase of a hire car licence and the applicants are considered by the Registrar to be equally fit and proper persons to

hold such a licence, the Registrar shall decide between them by ballot.

“(8) A tender for the grant of a hire car licence shall be in accordance with such form as the Registrar approves.

“(9) A hire car licence shall be granted only in respect of a motor vehicle constructed and equipped as prescribed for hire cars and approved by the Registrar for the purpose.

“(10) The registration number of a motor vehicle approved for the purpose under sub-section (9) shall be specified in the licence.

27B.(1) In this section—

- (a) ‘A class’, in relation to a hire car licence, means a hire car licence other than a Z class hire car licence;
- (b) ‘Z class’, in relation to a hire car licence means a hire car licence—
 - (i) granted before 1 April 1971; or
 - (ii) granted after that date and in force after the expiration of 10 years after the date on which it was granted; and
- (c) other expressions used have the same meanings as in section 27A.

Transfer of
public and
private hire car
licences

“(2) The Registrar may, in accordance with this section, on application by a person who holds a Z class hire car licence, being a licence that he has held as an A class or Z class hire car licence for not less than 3 years, and on payment of the prescribed fee, transfer the hire car licence.

“(3) The Registrar may, in accordance with this section, on application by a person who holds an A class hire car licence and has held the hire car licence for not less than 5 years, and on payment of the prescribed fee, transfer the hire car licence.

“(4) Notwithstanding sub-sections (2) and (3), the Registrar may transfer a hire car licence from a licensee who is not otherwise eligible so to transfer the licence if—

- (a) the licensee is deceased; or
- (b) the Administrator is satisfied that exceptional circumstances warrant the transfer.

“(5) The Registrar shall not transfer a hire car licence—

- (a) to a person who has been convicted of an offence punishable by imprisonment for a period exceeding six months;
- (b) except to a person who holds a licence to drive a hire car;

(c) except with the consent of the Administrator, to a person who—

- (i) already holds a hire car licence or an interest in a hire car licence;
- (ii) previously held a licence to drive a motor vehicle and it was suspended or cancelled; or
- (iii) has been convicted of an offence against this Ordinance;

(d) unless he considers that the proposed transferee is a fit and proper person to hold the licence; or

(e) to a person who has, within the preceding 5 years, transferred a hire car licence or an interest in a hire car licence to another person.

“(6) The Registrar shall not transfer a hire car licence to a body corporate unless —

- (a) the body corporate is, by its memorandum of association, authorized to carry on the business of the holder of the hire car licence; and
- (b) each of the directors of the body corporate would be entitled under sub-regulation (5) as an individual to have the hire car licence transferred to him.

“(7) An application for transfer of a hire car licence shall be in accordance with a form approved by the Registrar and shall be lodged with the Registrar not less than 21 days before the proposed date of the transfer.

“(8) An application for the transfer of a hire car licence shall be accompanied by the licence, and shall be made jointly by the proposed transferee and by—

- (a) the licensee;
- (b) where the licensee has died—his legal personal representative;
- (c) where the licensee has become insane—the person administering his property; or
- (d) where the licensee has become bankrupt—the person in whom his property is vested.

“(9) An application for the transfer of a hire car licence shall be accompanied by a statutory declaration by the transferee setting out—

- (a) whether the transferor is transferring with the licence the motor vehicle in respect of which he was granted the licence;
- (b) the amount to be paid by the transferee in respect of the transfer of the licence; and

- (c) such other matters as the Registrar considers relevant.

“(10) The fee for the transfer of an A class hire car licence shall be 5 per cent of the amount paid by the transferee in respect of the transfer and the fee for the transfer of a Z class hire car licence shall be 2½ per cent of the amount paid by the transferee in respect of the transfer.

“(11) On the transfer of a hire car licence under this section—

- (a) the Registrar shall amend the hire car licence and the certificate of registration in respect of the motor vehicle for which the transferor was granted the licence and the certificate of registration in respect of the motor vehicle for which the licence is transferred; and
- (b) if his motor vehicle for which the transferor was granted the licence is not transferred with the licence, the transferor shall forthwith give to the transferee the number-plates issued for the motor vehicle for which the transferor was granted the licence and the transferee shall affix them to the motor vehicle in respect of which the licence is transferred.”.

8. The First Schedule to the Principal Ordinance is amended— First Schedule

- (a) by omitting from Form F
“NOT TRANSFERABLE”; and
 - (b) by omitting from Form H
“Not Transferable”.
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