



BERMUDA

TRAFFIC OFFENCES (PENALTIES) ACT 1976

1976 : 30

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TRAFFIC OFFENCES (PENALTIES) ACT 1976

[preamble and words of enactment omitted]

Interpretation

1 In this Act—

“auxiliary bicycle”, “motor car” and “public service vehicle” have the same meanings as in the Motor car Act 1951;

“court” means the Supreme Court or, as the case may be, a court of summary jurisdiction before which a traffic offence is heard and determined;

“demerit points” means demerit points recorded under section 4A;

“the Director” means the Director of Transport Control;

“driver’s licence” means a driver’s licence issued under section 73 of the Motor Car Act 1951 [*title 21 item 4*], a learner’s permit issued under section 76 of that Act, a driver’s licence issued under section 9 of the Auxiliary Bicycles Act 1954 or a Bermuda youth licence issued under section 9A of the Auxiliary Bicycles Act 1954 [*title 21 item 7*];

“impaired driving traffic offence” means an offence against any of the following provisions specified in head 2 of Schedule 1, being provisions of the Act specified in head 1 of that Schedule, namely, section 35, section 35AA, section 35A, section 35B, section 35C(7) and section 35F(3);

“the Minister” means the Minister of Transport;

“traffic offence” means an offence against a provision specified in head 2 of Schedule 1 being a provision of an Act specified in head 1 of that Schedule.

[Section 1 amended by 1997:28 effective 16 January 1998; “demerit points” inserted by 2005:44 s.2 effective 1 November 2007; Section 1 amended by 2009 : 22 s. 10 effective 1 April 2010; “impaired driving traffic offence” amended by 2012 : 18 s. 15 effective 5 October 2012]

Prosecution and punishment of traffic offences

2 (1) Schedule 1 shall have effect with respect to the prosecution and punishment of traffic offences.

(2) In relation to any traffic offence—

(a) head 3 of the Schedule indicates the general nature of the offence;

(b) head 4 of the Schedule shows whether the offence is punishable on summary conviction or on indictment or either in one way or the other;

(c) head 5 of the Schedule shows the maximum punishment by way of fine or imprisonment which may be imposed on a person convicted of the offence in the way specified in relation thereto in head 4, any reference in head 5 to a period of months or years being construed as a reference to a term of imprisonment of that duration;

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- (d) head 6 of the Schedule shows the type and length of disqualification in relation to which offences the court is required or empowered to order the person convicted to be disqualified from holding or obtaining a driver's licence, any reference in head 6 to obligatory disqualification importing such a requirement and any reference therein to discretionary disqualification importing such a power;
- (e) head 7 of the Schedule shows the demerit points to be recorded under section 4A in respect of a person convicted of the offence.

(3) Where in head 5 of Schedule 1 different penalties are specified for second, third or subsequent offences against the same section committed within two years of the date of conviction of a first offence, only offences committed—

- (a) within the two years immediately preceding the coming into operation of this Act; or
- (b) after the coming into operation of this Act,

shall be taken into account for the purpose of determining whether the offence in question is to be treated as a first, second, third or subsequent offence, as the case may be, and any offence committed at an interval of more than 2 years after the date of conviction of a previous offence shall for such purposes be treated as a first offence:

Provided that nothing in this subsection shall be construed to derogate from any rule of law under which evidence of previous convictions may be given to a court.

[Section 2 amended by 1993:30 effective 29 June 1993; subsection (2)(e) inserted by 2005:44 s.3 effective 1 November 2007]

Reckonable offences

3 (1) In this section "reckonable offence" means an offence against a provision of law specified in heads 1 and 2 of Schedule 2 of a description specified in head 3 of Schedule 2.

(2) Where—

- (a) a person is charged with a reckonable offence; and
- (b) he has within the two years preceding the date of commission of such offence been convicted of a previous reckonable offence,

such previous conviction shall, for the purpose only of determining the period of disqualification that may be imposed on his conviction of the offence charged, be deemed to be a previous conviction of the offence charged and the court may disqualify him accordingly:

Provided that in each group of Schedule 2 the offences therein specified shall be reckonable inter se, the offences specified in group 1 shall be reckonable with the offences specified in group 2 but not conversely.

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Exceeding the speed limit

3A *[Repealed]*

[Section 3A amended by 1993:30 effective 29 June 1993; repealed by 2009:55 s.2 effective 22 December 2009]

Disqualification; obligatory and discretionary

4 (1) Where a person is convicted of a traffic offence in relation to which there appears in head 6 of Schedule 1—

- (a) the word “obligatory”, the court shall order him to be disqualified for such period as is specified in that head as the period of obligatory disqualification in relation to that offence unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified;
- (b) the word “discretionary”, the court may order him to be disqualified for such period as the court thinks fit, not exceeding the period specified in that head as the period of discretionary disqualification in relation to that offence;
- (c) both the word “obligatory” and the word “discretionary”, the court shall, subject to paragraph (a), order him to be disqualified for the period of obligatory disqualification and may, subject to paragraph (b), order him to be disqualified for a further period, the aggregate of such periods not exceeding the period of discretionary disqualification.

(2) Where a person is convicted of a traffic offence, other than an impaired driving traffic offence and the court orders him to be disqualified, the court may order him to be disqualified for driving the class of motor vehicle in respect of the use of which the offence is committed or may order him to be disqualified for driving all motor vehicles, including auxiliary bicycles, and may, in addition to any other order under this section, order him to be disqualified until he has, since the date of the order, passed the test of competence to drive prescribed under the Motor Car Act 1951.

(2A) Where a person is convicted of an impaired driving traffic offence and the court orders him to be disqualified, the court shall order him to be disqualified for driving all motor vehicles, including auxiliary bicycles and may, in addition to any other order under this section, order him to be disqualified until he has, since the date of the order, passed the test of competence to drive prescribed under the Motor Car Act 1951.

(3) A disqualification ordered by the court under this section may be in addition to, or in lieu of, any other punishment imposed by the court in respect of the offence.

[Section 4 amended by 1993:30 effective 29 June 1993; amended by 1997:28 effective 16 January 1998]

Recording of demerit points

4A (1) Where a person is convicted of a traffic offence, the court shall direct that the following number of demerit points be recorded in respect of the person—

- (a) the number of demerit points shown in head 7 of Schedule 1; or

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- (b) if head 7 of Schedule 1 shows a range of demerit points, a number of demerit points, specified by the court, within the range.
- (2) For the purposes of subsection (1)(b), the lowest and highest numbers of a range shall be deemed to be within the range.
- (3) If a person is charged with a traffic offence in a ticket issued under Part II of the Traffic Offences Procedure Act 1974 and pleads guilty and pays the amount of the penalty specified in the ticket, the following shall apply—
 - (a) the following number of demerit points shall be recorded in respect of the person—
 - (i) the number of demerit points shown in head 7 of Schedule 1; or
 - (ii) if head 7 of Schedule 1 shows a range of demerit points, the lowest number of the range;
 - (b) if head 7 of Schedule 1 sets out different numbers or ranges of demerit points which depend on whether the offence was a first or subsequent offence, the number or range of demerit points for the first offence shall be used for the purposes of paragraph (a).
- (4) Subject to section 4E(3), demerit points expire two years after the date of the conviction in relation to which they were recorded.
- (5) The Director shall keep a record of all demerit points.
- (6) This section does not apply with respect to a parking offence within the meaning of Part III of the Traffic Offences Procedure Act 1974.
- (7) This section applies only with respect to offences committed after this section comes into operation.

[Section 4A inserted by 2005:44 s.4 effective 1 November 2007; amended by 2009:55 s.3 effective 22 December 2009]

No points to be recorded where person disqualified

4B Notwithstanding section 4A, where a person is convicted of a traffic offence and the court, under section 4, orders the person to be disqualified in respect of that offence, the court shall not direct any demerit points to be recorded in respect of that person as a result of that offence.

[Section 4B inserted by 2009:55 s.5 effective 22 December 2009]

Number of offences committed on same occasion

4C (1) Subject to subsections (2) and (3), where a person is convicted (whether on the same occasion or not) of two or more traffic offences that are committed on the same occasion and in respect of which demerit points are required to be recorded, the total number of demerit points that shall be directed to be recorded upon conviction of those offences is determined as follows—

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- (a) if the number of points that would be required to be recorded for each offence on its own is the same, then that number shall be recorded for all the offences; and
 - (b) if there are different numbers of points that would be required to be recorded for any of the offences on their own, then, subject to section 4A(3), the number of points to be recorded for all the offences is the highest of the different numbers.
- (2) Where there is a range of demerit points for an offence, the number of points that would be required to be recorded for that offence for the purposes of subsection (1)(a) or (b) is—
- (a) in the case of a conviction by the court, the number of points determined by the court within that range; and
 - (b) in the case of a conviction as a result of a person pleading guilty and paying the amount of the penalty specified in a ticket issued under Part II of the Traffic Offences Procedure Act 1974, the lowest number in the range.
- (3) The court may if it thinks fit determine that subsection (1) shall not apply in respect of any one or more of the offences referred to in that subsection, in which case the court may order demerit points to be recorded for any of those offences on its own.

[Section 4C inserted by 2009:55 s.5 effective 22 December 2009]

Number of offences committed on different occasions

4D Where a person is convicted on the same occasion, or on different occasions, of two or more traffic offences that were committed on different occasions, demerit points shall be recorded in respect of each of those offences.

[Section 4D inserted by 2009:55 s.5 effective 22 December 2009]

Disqualification if too many demerit points

4E (1) Where a person is convicted of a traffic offence and the total unexpired demerit points recorded in respect of that person, including any demerit points to be recorded as a result of that offence, equals or exceeds 12 points, the court shall order the person to be disqualified from driving all motor vehicles, including auxiliary bicycles, unless the court for special reasons thinks fit to order the person to be disqualified for a shorter period or not to order the person to be disqualified.

(2) A disqualification under subsection (1) shall be for a period of 1 month for every 2 unexpired demerit points, up to a maximum period of 2 years.

(3) Where a court orders a person to be disqualified under this section, all the unexpired demerit points that are recorded in respect of that person as of the date of the disqualification shall expire.

(4) This section does not apply with respect to the following—

- (a) a conviction for a parking offence within the meaning of Part III of the Traffic Offences Procedure Act 1974; or

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- (b) a conviction where a ticket was issued under Part II of the Traffic Offences Procedure Act 1974 and the person charged pled guilty and paid the amount of the penalty specified in the ticket.

(5) A disqualification under this section may be in addition to, or in lieu of, any other punishment imposed by the court in respect of the offence and the court may provide for the disqualification to run concurrent with, or consecutive to, any other disqualification.

[Section 4B inserted by 2005:44 s.4 effective 1 November 2007; 4B amended and renumbered as section 4E by 2009:55 s.4 effective 22 December 2009]

Effect of disqualification

- 5 (1) Where a person is disqualified by an order of the court under this Act—
- (a) if he does not hold a driver's licence for the class of motor vehicle in respect of which he is disqualified, he shall be disqualified for obtaining such a licence; or
- (b) if he is the holder for a driver's licence for the class of motor vehicle in respect of which he is disqualified, such licence shall be suspended and shall be of no effect and no driver's licence shall be obtained by such person,

for so long as the disqualification continues in force.

(2) A driver's licence obtained by any person who is disqualified shall be of no effect.

(3) Where a person is disqualified by an order of the court under this Act for driving auxiliary bicycles such order shall have effect in respect of all auxiliary bicycles, whether or not a driver's licence is required by law for the driving thereof.

Period of disqualification

6 (1) Where a person is disqualified by an order of the court under this Act the period of disqualification shall, subject to subsection (2), commence on the date of conviction:

Provided that the court may suspend the disqualification pending an appeal against the order.

(2) Where a person is disqualified at the date of his commission of a traffic offence any period of disqualification ordered by the court on his conviction of that offence shall commence on the date of his conviction.

(3) In determining the expiration of the period for which a person is disqualified by an order of the court in consequence of a conviction any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

[Section 6 amended by 1993 : 30 effective 29 June 1993]

Disqualification; delivery of licence to court

7 (1) Any person convicted of a traffic offence in relation to whom an order for disqualification is made under this Act shall, if he holds a driver's licence, produce the

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licence within such time as the court may direct and deliver up the licence into the custody of the court.

(2) The appropriate officer of the court shall inform the Director and shall send to him every licence delivered under subsection (1).

(3) The Director shall, at the expiration of any period of disqualification, return the licence to the owner at his request.

(4) Where on an appeal against an order for disqualification the appeal is allowed or where on appeal the conviction is quashed, the court allowing the appeal or quashing the conviction shall inform the Director thereof and the Director shall return the licence to the owner.

Appeal against disqualification

8 A person disqualified by an order of the court under this Act may appeal against the order in the same manner as against a conviction.

Removal of disqualification

9 (1) Subject to this section, a person who is disqualified by an order of the court for a period in excess of 12 months may apply to the court to remove the disqualification and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

(2) No application shall be made under subsection (1) for the removal of a disqualification before the expiration of one half of the period of the disqualification or 12 months whichever is greater and in determining the expiration of the period after which a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

(3) Where an application under subsection (1) is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

(4) No application may be made under this section for the removal of a disqualification under section 4E.

[Section 9 subsection (4) inserted by 2005:44 s.5 effective 1 November 2007; subsection (4) amended by 2013 : 27 s. 2 effective 6 August 2013]

Amendments

10 *[omitted]*

Savings

11 Nothing in this Act shall derogate from the powers of the Minister or the Public Service Vehicles Licensing Board under the Motor Car Act 1951 *[title 21 item 4]* to refuse to

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issue or renew a driver's licence for any class of motor vehicle or to order the cancellation of such licence and the disqualification of the holder thereof.

Commencement

12 *[omitted]*

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SCHEDULE 1

(Section 2)

PROSECUTION AND PUNISHMENT OF OFFENCES

Head 1—Act

Head 2—Provision Creating Offence

Head 3—General Nature of offence

Head 4—Mode of Prosecution

Head 5—Punishment

Head 6—Disqualification

Head 7—Demerit points

Head 1: Road Traffic Act 1947

Head 2: section 4(4)

Head 3: using vehicle in contravention of order regulating use

Head 4: summary

Head 5: \$200

Head 6: discretionary 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 5(3)

Head 3: using vehicle in contravention of restriction or prohibition of use of highway

Head 4: summary

Head 5: \$50

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 6

Head 3: failing to move on etc. when required by police officer

Head 4: summary

Head 5: \$100

Head 7: 3 points

Head 1: Road Traffic Act 1947

Head 2: section 7(4)

Head 3: exceeding speed limit

Head 4: summary

Head 5: if first offence - \$500 or 3 months, or both

if second offence committed within 2 years of date of conviction of first offence
- \$1,000 or 6 months, or both

if second offence in any other case - \$500 or 3 months, or both

if third or subsequent offence committed within 2 years of date of conviction of
first offence - \$2,000 or 18 months, or both

if third or subsequent offence in any other case - \$500 or 3 months or both

Head 6: *[see section 3A and Schedule 4.]*

Head 7: if first offence - 4 to 7 points

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if second offence committed within 2 years of date of conviction of first offence
- 10 points
if second offence in any other case - 4 to 7 points
if third or subsequent offence committed within 2 years of date of conviction of
first offence - 12 points
if third or subsequent offence in any other case - 7 to 10 points.

Head 1: Road Traffic Act 1947
Head 2: section 12
Head 3: neglecting traffic directions or signs
Head 4: summary
Head 5: \$300
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947
Head 2: section 13(7)
Head 3: unlawful parking
Head 4: summary
Head 5: \$100

Head 1: Road Traffic Act 1947
Head 2: section 14
Head 3: leaving vehicle in dangerous position
Head 4: summary
Head 5: \$300
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947
Head 2: section 15(2)
Head 3: failing to take proper steps in event of mechanical breakdown etc
Head 4: summary
Head 5: \$300
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947
Head 2: section 16(2)
Head 3: failing to secure etc unattended vehicle
Head 4: summary
Head 5: \$300
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947
Head 2: section 17(2)
Head 3: failing to stop at intersection
Head 4: summary
Head 5: \$300

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Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 18(4)

Head 3: unlawful riding by or carrying of passengers

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 5 points

Head 1: Road Traffic Act 1947

Head 2: section 19(3)

Head 3: unlawful sounding of warning device or playing of radio in motor car

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 20

Head 3: towing of motor cycle or person wearing roller skates

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 21(2)

Head 3: Failing to exhibit "L" plate

Head 4: summary

Head 5: \$50

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 22(3)

Head 3: failing to exhibit "T" plate

Head 4: summary

Head 5: \$100

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 23(3)

Head 3: unlawful towing of vehicle

Head 4: summary

Head 5: \$100

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 25(12)

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Head 3: Contravention of provisions as to lighting of vehicles

Head 4: summary

Head 5: \$200

Head 7: 4 to 7 points

Head 1: Road Traffic Act 1947

Head 2: Section 26(1)(e)

Head 3: Contravention of provision as to driving with an uncovered load

Head 4: summary

Head 5: \$2,100 (first offence) or \$5,000 (subsequent offence)

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 26(4)

Head 3: Contravention of provisions as to loading of vehicles

Head 4: summary

Head 5: \$300

Head 6: discretionary - 3 months

Head 7: 4 to 7 points

Head 1: Road Traffic Act 1947

Head 2: section 27(4)

Head 3: Failing to stop or allow free passage at pedestrian crossing

Head 4: summary

Head 5: \$100

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 27(5)

Head 3: Remaining on pedestrian crossing or failing to comply with signal of police officer

Head 4: summary

Head 5: \$100

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 30(3)

Head 3: Failing to stop when requested by a police officer

Head 4: summary

Head 5: \$300

Head 6: discretionary - 3 months

Head 7: 5 points

Head 1: Road Traffic Act 1947

Head 2: section 31(2)

Head 3: Failing to comply with order to put equipment in good working order

Head 4: summary

Head 5: \$300

Head 6: discretionary - 3 months

Head 7: 2 to 4 points

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- Head 1: Road Traffic Act 1947
Head 2: section 32(2)
Head 3: Owner failing to give information to police officer as to driver and occupants of vehicle
Head 4: summary
Head 5: \$300
Head 6: discretionary - 3 months
Head 7: 2 to 4 points
- Head 1: Road Traffic Act 1947
Head 2: section 34
Head 3: Causing death, or grievous bodily harm, by dangerous driving
Head 4: *causing death* - on indictment
causing grievous bodily harm - on indictment or summary
Head 5: *causing death* -
if first offence - 8 years
if second offence - 10 years
if third offence - 15 years
causing grievous bodily harm [on indictment]-
if first offence - 4 years
if second offence - 7 years
if third offence - 9 years
causing grievous bodily harm [summary] -
if first offence - \$3,000 or 3 years, or both
if second offence - \$5,000 or 6 years, or both
if third or subsequent offence - \$8,000 or 8 years, or both
Head 6: *causing death* -
first offence - obligatory - 5 years
second offence - obligatory - 8 years
third offence - obligatory - 10 years
causing grievous bodily harm [on indictment] -
if first offence - obligatory - 3 years, discretionary - 4 years
if second offence - obligatory - 5 years, discretionary - 6 years
if third offence - obligatory - 8 years, discretionary - 9 years
causing grievous bodily harm [summary] -
if first offence - obligatory - 2 years
if second offence committed within 2 years of date of conviction of first offence
- obligatory - 4 years
if third or subsequent offence - obligatory - 6 years
Head 7: *causing death* -
if first offence - 12 points
if second offence - 12 points
if third offence - 12 points
causing grievous bodily harm [on indictment]-
if first offence - 10 to 12 points
if second offence - 10 to 12 points
if third offence - 10 to 12 points

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- causing grievous bodily harm [summary] -*
if first offence - 8 to 10 points
if second offence committed within 2 years of date of conviction of first offence
- 8 to 10 points
if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
Head 2: section 34A
Head 3: Causing death, or grievous bodily harm, by driving: disqualified
Head 4: *causing death* - on indictment
causing grievous bodily harm - on indictment or summary
- Head 5: *causing death* -
if first offence - 8 years
if second offence - 10 years
if third offence - 15 years
causing grievous bodily harm [on indictment]-
if first offence - 4 years
if second offence 7 years
if third offence - 9 years
causing grievous bodily harm [summary] -
if first offence - \$3,000 or 3 years, or both
if second offence - \$5,000 or 6 years, or both
if third or subsequent offence - \$8,000 or 8 years, or both
- Head 6: *causing death* -
first offence - obligatory - 5 years
second offence - obligatory - 8 years
third offence - obligatory - 10 years
causing grievous bodily harm [on indictment] -
if first offence - obligatory - 3- years, discretionary - 4 years
if second offence - obligatory - 5 years, discretionary - 6 years
if third offence - obligatory - 8 years, discretionary - 9 years
causing grievous bodily harm [summary] -
if first offence - obligatory - 2 years
if second offence committed within 2 years of date of conviction of first offence
- obligatory - 4 years
if third or subsequent offence - obligatory - 6 years
- Head 7: *causing death* -
if first offence - 12 points
if second offence - 12 points
if third offence - 12 points
causing grievous bodily harm [on indictment]-
if first offence - 10 to 12 points
if second offence - 10 to 12 points
if third offence - 10 to 12 points
causing grievous bodily harm [summary] -
if first offence - 8 to 10 points

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- if second offence committed within 2 years of date of conviction of first offence
- 8 to 10 points
- if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
- Head 2: section 34B
- Head 3: Causing death, or grievous bodily harm, by driving: unlicensed, uninsured
- Head 4: *causing death* - on indictment
causing grievous bodily harm - on indictment or summary
- Head 5: *causing death* -
if first offence - 2 years
if second offence - 5 years
if third offence - 8 years
causing grievous bodily harm [on indictment] -
if first offence - 16 months
if second offence - 22 months
if third offence - 3 years
causing grievous bodily harm [summary] -
if first offence - 1 year
if second offence - 18 months
if third or subsequent offence - 2 years
- Head 6: *causing death* -
if first offence - obligatory - 5 years
if second offence - obligatory - 8 years
if third offence - obligatory - 10 years
causing grievous bodily harm [indictment]
if first offence - obligatory - 3 years, discretionary - 4 years
if second offence - obligatory - 5 years, discretionary - 7 years
if third offence - obligatory - 8 years, discretionary - 10 years
causing grievous bodily harm [summary] -
if first offence - obligatory - 2 years
if second offence committed - obligatory - 4 years
if third or subsequent offence - obligatory - 6 years
- Head 7: *causing death* -
if first offence - 12 points
if second offence - 12 points
if third offence - 12 points
causing grievous bodily harm [on indictment] -
if first offence - 10 to 12 points
if second offence - 10 to 12 points
if third offence - 12 points
causing grievous bodily harm [summary] -
if first offence - 8 to 10 points
if second offence - 8 to 10 points
if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
- Head 2: section 35

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- Head 3: Causing death, or grievous bodily harm, when driving under the influence of alcohol or drugs
- Head 4: *causing death* - on indictment
causing grievous bodily harm - on indictment or summary
- Head 5: *causing death* -
if first offence - 12 years
if second offence - 14 years
if third offence - 17 years
causing grievous bodily harm [on indictment] -
if first offence - 7 years
if second offence - 10 years
if third offence - 12 years
causing grievous bodily harm [summary] -
if first offence - \$3,000 or 5 years, or both
if second offence - \$5,000 or 7 years, or both
if third or subsequent offence - \$8,000 or 10 years, or both
- Head 6: *causing death* -
if first offence - obligatory - 8 years
if second offence - obligatory - 10 years
if third offence - obligatory - 15 years
causing grievous bodily harm [indictment] -
if first offence - obligatory - 5 years, discretionary - 7 years
if second offence - obligatory - 8 years, discretionary - 10 years
if third or subsequent offence - obligatory - 10 years, discretionary - 12 years
causing grievous bodily harm [summary] -
if first offence - obligatory - 3 years, discretionary - 4 years
if second offence committed - obligatory - 5 years, discretionary - 7 years
if third or subsequent offence - obligatory - 8 years, discretionary - 10 years
- Head 7: *causing death* -
if first offence - 12 points
if second offence - 12 points
if third offence - 12 points
causing grievous bodily harm [on indictment] -
if first offence - 10 to 12 points
if second offence - 10 to 12 points
if third offence - 12 points
causing grievous bodily harm [summary] -
if first offence - 8 to 10 points
if second offence - 8 to 10 points
if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
- Head 2: section 35AA
- Head 3: Driving when under the influence of alcohol or drugs
- Head 4: summary
- Head 5: if first offence - \$1,500 or 12 months, or both
if second offence - \$2,500 or 18 months, or both

TRAFFIC OFFENCES (PENALTIES) ACT 1976

- Head 6: if third or subsequent offence - \$5,000 or 2 years or both
if first offence - obligatory - 18 months
if second offence - obligatory - 3 years
if third or subsequent offence - obligatory - 5 years
- Head 7: if first offence - 8 to 10 points
if second offence - 10 to 12 points
if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
- Head 2: section 35A
- Head 3: Driving when alcohol concentration is over the prescribed limit
- Head 4: summary
- Head 5: if first offence - \$1,500 or 12 months, or both
if second offence - \$2,500 or 18 months, or both
if third or subsequent offence - \$5,000 or 2 years, or both
- Head 6: if first offence - obligatory - 18 months
if second offence - obligatory - 3 years
if third or subsequent offence - obligatory - 5 years
- Head 7: if first offence - 8 to 10 points
if second offence - 10 to 12 points
if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
- Head 2: section 35B(1)
- Head 3: Driving a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any vehicle other than a motor car under the influence of a dangerous drug
- Head 4: summary
- Head 5: if first offence - \$1,500 or 12 months, or both
if second offence - \$2,500 or 18 months, or both
if third or subsequent offence - \$5,000 or 2 years, or both
- Head 6: if first offence - obligatory - 18 months
if second offence - obligatory - 3 years
if third or subsequent offence - obligatory - 5 years
- Head 7: if first offence - 8 to 10 points
if second offence - 10 to 12 points
if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
- Head 2: section 36
- Head 3: Dangerous driving
- Head 4: summary
- Head 5: if first offence - \$1,500 or 12 months, or both
if second offence - \$2,500 or 18 months, or both
if third or subsequent offence - \$5,000 or 2 years, or both
- Head 6: if first offence - obligatory - 18 months
if second offence - obligatory - 3 years
if third or subsequent offence - obligatory - 5 years

TRAFFIC OFFENCES (PENALTIES) ACT 1976

- Head 7: if first offence - 8 to 10 points
if second offence - 10 to 12 points
if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
- Head 2: section 37
- Head 3: Careless driving
- Head 4: summary
- Head 5: if first offence - \$1,000
if second offence - \$1,500
if third or subsequent offence - \$2,000
- Head 6: if first offence - discretionary - 12 months
if second offence - discretionary - 12 months
if third or subsequent offence - discretionary - 18 months
- Head 7: if first offence - 10 to 12 points
if second offence - 10 to 12 points
if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
- Head 2: section 37A
- Head 3: Causing death, or grievous bodily harm by careless driving
- Head 4: *causing death* - on indictment
causing grievous bodily harm - on indictment or summary
- Head 5: *causing death* -
if first offence - 8 years
if second offence - 10 years
if third offence - 15 years
causing grievous bodily harm [on indictment] -
if first offence - 4 years
if second offence - 7 years
if third offence - 9 years
causing grievous bodily harm [summary] -
if first offence - \$3,000 or 3 years, or both
if second offence - \$5,000 or 6 years, or both
if third or subsequent offence - \$8,000 or 8 years, or both
- Head 6: *causing death* -
first offence - obligatory - 5 years
second offence - obligatory - 8 years
third offence - obligatory - 10 years
causing grievous bodily harm [on indictment] -
if first offence - obligatory - 3- years, discretionary - 4 years
if second offence - obligatory - 5 years, discretionary - 6 years
if third offence - obligatory - 8 years, discretionary - 9 years
causing grievous bodily harm [summary] -
if first offence - obligatory - 2 years
if second offence committed within 2 years of date of conviction of first offence
- obligatory - 4 years

TRAFFIC OFFENCES (PENALTIES) ACT 1976

- if third or subsequent offence - obligatory - 6 years
- Head 7: *causing death* -
if first offence - 12 points
if second offence - 12 points
if third offence - 12 points
causing grievous bodily harm [on indictment]-
if first offence - 10 to 12 points
if second offence - 10 to 12 points
if third offence - 10 to 12 points
causing grievous bodily harm [summary] -
if first offence - 8 to 10 points
if second offence committed within 2 years of date of conviction of first offence - 8 to 10 points
if third or subsequent offence - 12 points
- Head 1: Road Traffic Act 1947
Head 2: section 35C(7)
Head 3: Failing to comply with the demand of a police officer
Head 4: summary
Head 5: if first offence - \$1,000 or 12 months, or both
if second offence committed within 2 years of date of conviction of first offence - \$2,000 or 18 months, or both
if second offence in any other case - \$1,000 or 12 months, or both
if third or subsequent offence committed within 2 years of date of conviction of first offence - \$4,000 or 2 years, or both
if third or subsequent offence in any other case - \$1,000 or 12 months, or both
- Head 6: if first offence; obligatory - 12 months discretionary - 5 years
if second offence committed within 2 years of date of conviction of first offence; obligatory - 3 years, discretionary - 5 years
if second offence in any other case; obligatory - 12 months, discretionary - 5 years
if third or subsequent offence committed within 2 years of date of conviction of first offence; obligatory - 5 years
if third or subsequent offence in any other case; obligatory - 12 months; discretionary - 5 years
- Head 7: if first offence - 7 to 10 points
if second offence committed within 2 years of date of conviction of first offence - 10 points
if second offence in any other case - 7 to 10 points
if third or subsequent offence committed within 2 years of date of conviction of first offence - 10 points
if third or subsequent offence in any other case - 7 to 10 points
- Head 1: Road Traffic Act 1947
Head 2: section 35D(3)
Head 3: Failing to comply with the demand of a police officer
Head 4: summary
Head 5: if first offence - \$1,000 or 12 months, or both

TRAFFIC OFFENCES (PENALTIES) ACT 1976

- if second offence committed within 2 years of date of conviction of first offence
- \$2,000 or 18 months, or both
- if second offence in any other case - \$1,000 or 12 months, or both
- if third or subsequent offence committed within 2 years of date of conviction of
first offence - \$4,000 or 2 years, or both
- if third or subsequent offence in any other case - \$1,000 or 12 months, or both
- Head 6: if first offence; obligatory - 12 months discretionary - 5 years
 - if second offence committed within 2 years of date of conviction of first offence;
obligatory - 3 years, discretionary - 5 years
 - if second offence in any other case; obligatory - 12 months, discretionary - 5 years
 - if third or subsequent offence committed within 2 years of date of conviction of first
offence; obligatory - 5 years
 - if third or subsequent offence in any other case; obligatory - 12 months;
discretionary - 5 years
- Head 7: if first offence - 7 to 10 points
 - if second offence committed within 2 years of date of conviction of first offence - 10
points
 - if second offence in any other case - 7 to 10 points
 - if third or subsequent offence committed within 2 years of date of conviction of first
offence - 10 points
 - if third or subsequent offence in any other case - 7 to 10 points
- Head 1: Road Traffic Act 1947
- Head 2: section 35F(3)
- Head 3: Failing to comply with the demand of a police officer
- Head 4: summary
- Head 5: if first offence - \$1,000 or 12 months, or both
 - if second offence committed within 2 years of date of conviction of first offence -
\$2,000 or 18 months, or both
 - if second offence in any other case - \$1,000 or 12 months, or both
 - if third or subsequent offence committed within 2 years of date of conviction of first
offence - \$4,000 or 2 years, or both
 - if third offence or subsequent offence in any other case - \$1,000 or 12 months, or
both
- Head 6: if first offence; obligatory - 12 months, discretionary - 5 years
 - if second offence committed within 2 years of date of conviction of first offence;
obligatory - 3 years, discretionary - 5 years
 - if third or subsequent offence committed within 2 years of date of conviction of first
offence; obligatory - 5 years
 - if third or subsequent offence in any other case; obligatory - 12 months,
discretionary - 5 years
- Head 7: if first offence - 7 to 10 points
 - if second offence committed within 2 years of date of conviction of first offence - 10
points
 - if second offence in any other case - 7 to 10 points
 - if third or subsequent offence committed within 2 years of date of conviction of first
offence - 10 points
 - if third offence or subsequent offence in any other case - 7 to 10 points

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 1: Road Traffic Act 1947

Head 2: section 38

Head 3: Opening door of vehicle in a dangerous manner

Head 4: summary

Head 5: \$300

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 40(1)

Head 3: Failing to give right of way to emergency vehicle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 5 to 7 points

Head 1: Road Traffic Act 1947

Head 2: section 41

Head 3: Driving of vehicle in a defective condition

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Road Traffic Act 1947

Head 2: section 42(2)

Head 3: Failing to stop after accident, to give name and address or to report accident

Head 4: summary

Head 5: if first offence - \$300 or 6 months, or both

if second offence committed within 2 years of date of conviction of first offence -

\$600 or 12 months, or both

if second offence in any other case - \$300 or 6 months, or both

Head 6: if first offence; discretionary - 6 months

if second offence committed within 2 years of date of conviction of first offence;

discretionary - 6 months

if second offence in any other case; discretionary - 6 months

Head 7: if first offence - 5 to 7 points

if second offence committed within 2 years of date of conviction of first offence - 7

to 9 points

if second offence in any other case - 5 to 7 points

Head 1: Road Traffic Act 1947

Head 2: section 43(1)

Head 3: Driving auxiliary bicycle while disqualified

Head 4: summary

Head 5: if first offence \$500 or 3 months

if second offence committed within 2 years of the date of conviction of first offence

\$1,000 or 6 months

Provided that a person under the age of 18 years shall not be liable to mandatory imprisonment for an offence under section 43(1)

TRAFFIC OFFENCES (PENALTIES) ACT 1976

- if second offence in any other case \$500 or 3 months
- if third or subsequent offence committed within 2 years of the date of conviction of first offence \$1,000 or 12 months
- if third offence in any other case \$500 or 3 months
- Head 6: if first offence; discretionary 3 years
- if second offence committed within 2 years of the date of conviction of first offence; discretionary 5 years
- if second offence in any other case; discretionary 3 years
- if third or subsequent offence committed within 2 years of the date of conviction of first offence; discretionary 5 years
- if third offence in any other case; discretionary 3 years
- Head 7: if first offence - 7 to 9 points
- if second offence committed within 2 years of the date of conviction of first offence - 10 points
- if second offence in any other case - 7 to 9 points
- if third or subsequent offence committed within 2 years of the date of conviction of first offence - 12 points
- if third offence in any other case - 7 to 9 months

- Head 1: Municipalities Act 1923
- Head 2: section 46
- Head 3: Contravention of municipal ordinance controlling traffic
- Head 4: summary
- Head 5: \$300
- Head 6: discretionary - 6 months
- Head 7: 2 to 4 points

- Head 1: Parking of Vehicles (Designated Areas) Act 1973
- Head 2: section 4
- Head 3: Parking in contravention of notice
- Head 4: summary
- Head 5: \$50

- Head 1: Parking of Vehicles (Designated Areas) Act 1973
- Head 2: section 5
- Head 3: Unauthorized parking in reserved area
- Head 4: summary
- Head 5: \$50

- Head 1: Auxiliary Bicycles Act 1954
- Head 2: section 9(1)
- Head 3: Driving private auxiliary bicycle without a driver's licence
- Head 4: summary
- Head 5: \$300
- Head 6: discretionary - 12 months
- Head 7: 5 to 7 points

- Head 1: Auxiliary Bicycles Act 1954
- Head 2: section 9(2)
- Head 3: Allowing unlicensed person to use private auxiliary bicycle

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 9B(1)

Head 3: A person under 18 years of age
driving with a passenger

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 9B(2)

Head 3: Allowing a person under 18 years
of age to drive with a passenger

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 9B(3)

Head 3: Passenger being driven by a person
under 18 years of age

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 9C(1)

Head 3: Person under 18 years of age
driving during restricted hours

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 9C(2)

Head 3: Allowing a person under 18 years
of age to drive during restricted hours

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 9D

Head 3: Driving of non-resident over 16 years
of age and under 18 years of age

Head 4: summary

Head 5: \$400

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 10(2)

Head 3: Failing to produce driver's licence

Head 4: summary

Head 5: \$50

Head 7: 2 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 10A(2)

Head 3: Driving or riding auxiliary bicycle not wearing protective headgear

Head 4: summary

Head 5: \$100

Head 6: discretionary - 6 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 11(1)

Head 3: Using or allowing use of auxiliary bicycle not equipped in accordance with
regulations or with equipment not in working order

Head 5: \$200

Head 6: discretionary - 6 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 12

Head 3: Using or allowing use of unsafe auxiliary bicycle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 13(1)

Head 3: Using or allowing use of auxiliary bicycle in condition causing undue noise

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 13(2)

Head 3: Using or allowing use of auxiliary bicycle in manner causing unnecessary noise

Head 4: summary

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 14(3)

Head 3: Using auxiliary bicycle while prohibition order in force

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 15(1)

Head 3: Using auxiliary bicycle while under the age of 16 years

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 15(2)

Head 3: Allowing person under the age of 16 years to use auxiliary bicycle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 17(2)

Head 3: Using or allowing the use of an unlicensed auxiliary bicycle on a highway or keeping
or allowing or causing the keeping of an unlicensed auxiliary bicycle in a public place

Head 4: summary

Head 5: \$450

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 23

Head 3: Using or allowing use of unregistered auxiliary bicycle or auxiliary bicycle not
bearing identification number

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 37(1)

Head 3: Failing to stop auxiliary bicycle when requested by police officer

Head 4: summary

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 38(1)

Head 3: Failing to give name and address to police officer

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 38(2)

Head 3: Failing to produce licence when required by police officer

Head 4: summary

Head 5: \$300

Head 6: discretionary - 12 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles Act 1954

Head 2: section 45

Head 3: Contravention of Head 1 or regulations or order, demand, requirement or direction made thereunder

Head 4: summary

Head 5: \$200

Head 6: discretionary - 6 months

Head 7: 5 to 7 points

Head 1: Auxiliary Bicycles (Construction, Equipment and Use) Regulations 1955

Head 2: regulation 12

Head 3: Driving or causing or allowing another person to drive an auxiliary bicycle while using a hand-held mobile telephone, a hand-held device or a hand-held electronic entertainment device

Head 4: summary

Head 5: if first offence- \$500

if second offence committed within 2 years of date of conviction of first offence- \$750

if third or subsequent offence committed within 2 years of date of conviction of first offence- \$1000 or 6 months, or both

Head 6: if first offence- discretionary - 6 months

if second offence committed within 2 years of date of conviction of first offence- discretionary - 6 months

if third or subsequent offence committed within 2 years of date of conviction of first offence- discretionary - 18 months

Head 7: if first offence- 5 to 7 points

if second offence committed within 2 years of date of conviction of first offence- 5 to 7 points

if third or subsequent offence committed within 2 years of date of conviction of first offence- 7 to 10 points

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 1: Cycles Act 1955
Head 2: section 2
Head 3: Riding improperly equipped pedal cycle
Head 4: summary
Head 5: \$100
Head 7: 2 points

Head 1: Cycles Act 1955
Head 2: section 3
Head 3: Riding pedicar on highway
Head 4: summary
Head 5: \$100
Head 7: 2 points

Head 1: Motor Car Act 1951
Head 2: section 10(1)
Head 3: Using or allowing use of motor car not in accordance with specifications
Head 4: summary
Head 5: \$300
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Motor Car Act 1951
Head 2: section 11(1)
Head 3: Using or allowing use of motor car of design, or colour or displaying advertising matter prohibited by regulations
Head 4: summary
Head 5: \$300
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Motor Car Act 1951
Head 2: section 11(2)
Head 3: Using or allowing the use of motor car not equipped in accordance with regulations or with equipment not in working order
Head 4: summary
Head 5: \$300
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Motor Car Act 1951
Head 2: section 12(1)
Head 3: Using or allowing use of unlawful motor car
Head 4: summary
Head 5: \$300
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Motor Car Act 1951
Head 2: section 20C

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 3: failing to wear a seat belt

Head 4: summary

Head 5: \$200

Head 7: 5 to 7 points

Head 1: Motor Car Act 1951

Head 2: section 22(1)

Head 3: Using or allowing use of instructional vehicle without permit

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 24

Head 3: Unauthorized use of motor cycle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 25

Head 3: Unauthorised use of invalid chair

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 25B

Head 3: Unauthorised use of funeral home limousine

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 26

Head 3: Unauthorised use of motor car for hire or reward

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 9 points

Head 1: Motor Car Act 1951

Head 2: section 33

Head 3: Unauthorised use of motor taxi

Head 4: summary

Head 5: \$300

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 6: discretionary - 6 months

Head 7: 7 to 9 points

Head 1: Motor Car Act 1951

Head 2: section 36

Head 3: Unauthorised use of airport limousine

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 9 points

Head 1: Motor Car Act 1951

Head 2: section 40

Head 3: Unauthorised use of truck

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 9 points

Head 1: Motor Car Act 1951

Head 2: section 41

Head 3: Unauthorised use of self-propelled constructional machine

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 4 to 6 points

Head 1: Motor Car Act 1951

Head 2: section 42

Head 3: Unauthorised use of tracked vehicle

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 4 to 6 points

Head 1: Motor Car Act 1951

Head 2: section 44

Head 3: Unauthorised use of tank wagon etc

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 4 to 6 points

Head 1: Motor Car Act 1951

Head 2: section 47

Head 3: Unauthorised use of trailer

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 7 to 10 points

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 1: Motor Car Act 1951

Head 2: section 52(2)(a)(i)

Head 3: using or allowing use of an unlicensed motor car other than a motor cycle

Head 4: summary

Head 5: \$2,000

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 52(2)(a)(ii)

Head 3: Using or allowing use of unlicensed motor cycle

Head 4: summary

Head 5: \$450

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 52(2)(b)

Head 3: keeping or allowing the keeping of an unlicensed motor car, other than a motor cycle, in a public place

Head 4: summary

Head 5: \$1,000

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 52(2)(c)

Head 3: keeping or allowing the keeping of an unlicensed motor cycle, in a public place

Head 4: summary

Head 5: \$450

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 53(2)

Head 3: Using motor car in contravention of conditions of licence

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 65

Head 3: Using unregistered motor car or motor car not bearing identification plate

Head 4: summary

Head 5: \$300

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 2: section 74(1)
Head 3: Driving motor car without driver's licence or permitting unlicensed person to drive
Head 4: summary
Head 5: \$300
Head 6: discretionary - 6 months
Head 7: 7 to 10 points

Head 1: Motor Car Act 1951
Head 2: section 85(2)
Head 3: Failing to produce driver's licence when required by police officer
Head 4: summary
Head 5: \$100
Head 7: 5 to 7 points

Head 1: Motor Car Act 1951
Head 2: section 111(1)
Head 3: Failing to stop motor car when requested or signalled by police officer
Head 4: summary
Head 5: \$100
Head 6: discretionary - 6 months
Head 7: 5 to 7 points

Head 1: Motor Car Act 1951
Head 2: section 112(1)
Head 3: Driver failing to give name and address when required by police officer
Head 4: summary
Head 5: \$100
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Motor Car Act 1951
Head 2: section 112(2)
Head 3: Driver failing to produce motor car licence when required by police officer
Head 4: summary
Head 5: \$100
Head 6: discretionary - 6 months

Head 7: 2 to 4 points
Head 1: Motor Car Act 1951
Head 2: section 114
Head 3: Owner failing to give information to police officer as to driver and occupant of motor car
Head 4: summary
Head 5: \$100
Head 6: discretionary - 6 months
Head 7: 2 to 4 points

Head 1: Motor Car Act 1951
Head 2: section 120

TRAFFIC OFFENCES (PENALTIES) ACT 1976

Head 3: Contravention of Act or regulations or order, demand, requirement or direction made thereunder

Head 4: summary

Head 5: \$100

Head 6: discretionary - 6 months

Head 7: 2 to 4 points

Head 1: Motor Car Act 1951

Head 2: section 123

Head 3: Driving motor car while disqualified

Head 4: summary

Head 5: if first offence \$1,000 or 3 months

if second offence committed within 2 years of the date of conviction of first offence \$1,000 or 6 months

if second offence in any other case \$1,000 or 3 months

if third or subsequent offence committed within 2 years of the date of conviction of first offence \$1,000 or 12 months

if third offence in any other case \$1,000 or 3 months

Head 6: if first offence; discretionary 3 years

if second offence committed within 2 years of the date of conviction of first offence; discretionary 5 years

if second offence in any other case; discretionary 3 years

if third or subsequent offence committed within 2 years of the date of conviction of first offence; discretionary 5 years

if third offence in any other case; discretionary 3 years

Head 7: if first offence - 7 to 10 points

if second offence committed within 2 years of the date of conviction of first offence - 12 points

if second offence in any other case - 7 to 10 points

if third or subsequent offence committed within 2 years of the date of conviction of first offence - 12 points

if third offence in any other case - 7 to 10 points

Head 1: Motor Car (Construction, Equipment and Use) Regulations 1952

Head 2: regulation 20A

Head 3: Tinted film, sunshading material or other coloured material affixed to windscreen or window

Head 4: summary

Head 5: \$500

Head 6: discretionary- 6 months

Head 7: 5 to 7 points

Head 1: Motor Car (Construction, Equipment and Use) Regulations 1952

Head 2: regulation 44

Head 3: Driving or causing or allowing another person to drive a motor car while using a hand-held mobile telephone, a hand-held device or a hand-held electronic entertainment device

Head 4: summary

Head 5: if first offence- \$500

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- if second offence committed within 2 years of date of conviction of first offence- \$750
- if third or subsequent offence committed within 2 years of date of conviction of first offence- \$1000 or 6 months, or both
- Head 6: if first offence- discretionary- 6 months
- if second offence committed within 2 years of date of conviction of first offence- discretionary - 6 months
- if third or subsequent offence committed within 2 years of date of conviction of first offence- discretionary - 18 months
- Head 7: if first offence- 5 to 7 points
- if second offence committed within 2 years of date of conviction of first offence- 5 to 7 points
- if third or subsequent offence committed within 2 years of date of conviction of first offence- 7 to 10 points

- Head 1: Motor Car (Construction, Equipment and Use) Regulations 1952
- Head 2: regulation 45
- Head 3: Driving or causing or allowing another person to drive a motor car equipped with a television, computer or other device with a display screen visible to the driver
- Head 4: summary
- Head 5: if first offence- \$500
- if second offence committed within 2 years of date of conviction of first offence- discretionary - 6 months
- if third or subsequent offence committed within 2 years of date of conviction of first offence- \$1000 or 6 months, or both
- Head 6: if first offence- discretionary - 6 months
- if second offence committed within 2 years of date of conviction of first offence- discretionary - 6 months
- if third or subsequent offence committed within 2 years of date of conviction of first offence- discretionary - 18 months
- Head 7: if first offence- 5 to 7 points
- if second offence committed within 2 years of date of conviction of first offence- 5 to 7 points
- if third or subsequent offence committed within 2 years of date of conviction of first offence- 7 to 10 points

- Head 1: Motor Cycles and Auxiliary Bicycles (Special Measures of Control) Act 1953
- Head 2: section 6(2)
- Head 3: Driving of riding motor cycle not wearing protective headgear
- Head 4: summary
- Head 5: \$100
- Head 6: discretionary - 6 months
- Head 7: 5 to 7 points

- Head 1: Motor Car Insurance (Third-Party Risks) Act 1943
- Head 2: section 3(2)
- Head 3: using, or causing or permitting any other person to use, a motor car without insurance
- Head 4: summary
- Head 5: \$5,000 or 12 months, or both

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Head 6: discretionary - 6 months

Head 7: 2 to 4 points

[Schedule 1 amended by 1992:29 effective 1 August 1992; by 1993:30 effective 29 June 1993; by 1997 : 28 effective 16 January 1998; by 1997 : 30 effective 16 December 1997; by 1999:38 s.12 effective 14 September 1999; by 2000:22 s.2 effective 29 June 2000; by 2004:15 s.2 effective 7 June 2004, by 2006:35 s.7 effective 11 June 2007; Schedule 1 repealed and substituted by 2005:44 s.6 effective 1 November 2007; amended by 2008:23 s.2 effective 26 June 2008; amended by 2009:55 s.6 effective 22 December 2009; amended by 2009 : 22 s. 10 effective 1 April 2010; amended by 2011 : 46 s. 2 effective 18 December 2011; amended by 2011 : 37 s. 7 effective 27 April 2012; amended by 2012 : 18 s. 14 effective 5 October 2012; amended by 2013 : 27 s. 3 effective 6 August 2013]

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SCHEDULE 2

(section 3)

RECKONABLE OFFENCES

Head 1—Act

Head 2—Provision Creating Offence

Head 3—General Nature of Offence

GROUP 1

Head 1: Road Traffic Act 1947

Head 2: section 7(4)

Head 3: Exceeding speed limit (speeding at a speed of or above 60 kilometres per hour)

Head 1: Road Traffic Act 1947

Head 2: section 34(2)

Head 3: Causing injury by reckless or dangerous driving

Head 1: Road Traffic Act 1947

Head 2: section 35(1)

Head 3: Driving or attempting to drive a motor car or auxiliary bicycle while under the influence of alcohol or drug

Head 1: Road Traffic Act 1947

Head 2: section 35(2)

Head 3: Driving or attempting to drive, or having the care or control of a cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while the ability to do so is impaired by alcohol or a drug

Head 1: Road Traffic Act 1947

Head 2: section 35(3A)

Head 3: Causing grievous bodily harm by driving or attempting to drive, or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while the ability to do so is impaired by alcohol or a drug or causing grievous bodily harm by driving or having the care and control of any such vehicle, whether it is in motion or not, having consumed alcohol in such a quantity that the proportion thereof in his blood exceeds 80 milligrammes of alcohol in 100 millilitres of blood, or while there is present in the body any dangerous drug

Head 1: Road Traffic Act 1947

Head 2: section 35(3B)

Head 3: Causing death by driving or attempting to drive, or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while the ability to do so is impaired by alcohol or a drug or causing death by driving or having the care and control of any such vehicle, whether it is in motion or not, having consumed alcohol in such a quantity that the proportion thereof in his blood exceeds 80 milligrammes of alcohol in 100 millilitres of blood, or while there is present in the body any dangerous drug

Head 1: Road Traffic Act 1947

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- Head 2: section 35A
Head 3: Driving or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car where alcohol exceeds 80 milligrammes in 100 millilitres of blood
- Head 1: Road Traffic Act 1947
Head 2: section 35B
Head 3: Driving or having the care or control of a motor car, auxiliary bicycle, cycle (not being an auxiliary bicycle) or any other vehicle other than a motor car while there is present in the body any dangerous drug
- Head 1: Road Traffic Act 1947
Head 2: section 35C(7)
Head 3: Failing to comply with the demand of a police officer
- Head 1: Road Traffic Act 1947
Head 2: section 35F(3)
Head 3: Failing to comply with the demand of a police officer
- Head 1: Road Traffic Act 1947
Head 2: section 36(1)
Head 3: Dangerous driving
- Head 1: Road Traffic Act 1947
Head 2: section 42(2)
Head 3: Failing to stop after accident, to give name and address, or to report accident
- Head 1: Road Traffic Act 1947
Head 2: section 43(1)
Head 3: Driving auxiliary bicycle while disqualified
- Head 1: Motor Car Act 1951
Head 2: section 123
Head 3: Driving motor car while disqualified

GROUP 2

- Head 1: Road Traffic Act 1947
Head 2: section 7(4)
Head 3: Exceeding speed limit (speeding at a speed of less than 60 kilometres per hour)
- Head 1: Road Traffic Act 1947
Head 2: section 37(1) (2)
Head 3: Driving without due care and attention or reasonable consideration

[Schedule 2 amended by 1992:29 effective 1 August 1992, and by 1997 : 28 effective 16 January 1998]

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SCHEDULE 3

Amendments
[omitted]

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SCHEDULE 4

(section 3A)

repealed

[Schedule 4 amended by 1992:29 effective 1 August 1992; amended by 1993:30 effective 29 June 1993; repealed by 2009:55 s.2 effective 22 December 2009]

[Assent Date: 20 April 1976]

[This Act was brought into operation on 1 July 1976]

[Amended by:

1985 : 28
1986 : 15
1992 : 29
1993 : 30
1997 : 28
1997 : 30
1999 : 38
2000 : 22
2004 : 15
2005 : 44
2006 : 35
2008 : 23
2009 : 55
2009 : 22
2011 : 46
2011 : 37
2012 : 18
2013 : 27]

[Act No. 1993:30 (as amended by Act No. 1993:59) provides in section 3:

3 (1) *The Traffic Offences (Penalties) Act 1976 as amended by this Act shall apply to—*

(a) an offence which, before the commencement date of this Act, had been committed and in relation to which no order or decision of a court had been rendered thereon;

(b) an offence which was committed on or after the commencement date of this Act.

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(2) Subject to subsection (2A), notwithstanding any other law to the contrary, where—

(a) prior to 29 June 1993, a person had been disqualified by an order of a court (whether that person had been so disqualified on one, or more than one, occasion); and

(b) for the period beginning 29 June 1993 and ending 28 December 1993, that person has not again been so disqualified,

that person shall, on 29 December 1993 be deemed not to be disqualified in relation to any disqualification existing prior to the said 29 June 1993.

(2A) Subsection (2) does not apply to a person who had been disqualified by an order of a court in consequence of a conviction of the offence of causing death by reckless or dangerous driving under section 34(1) of the Road Traffic Act 1947.

(3) In this section “commencement date” means the date of the coming into operation of this Act.]