

**Model
Motor Trade (Accreditation) Regulations 2014**

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Part 1—Preliminary

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MODEL REGULATIONS

Discussion Draft 29 September 2014

Motor Trade (Accreditation) Act 2014

Motor Trade (Accreditation) Regulations 2014

PART 1—PRELIMINARY

1. Objective

The objective of these Regulations is to prescribe requirements for the purposes of the *Motor Trade (Accreditation) Act 2014*.

2. Authorising Provisions

These Regulations are made under section 128 of the *Motor Trade (Accreditation) Act 2014*.

3. Definitions

In these Regulations—

“**Act**” means the *Motor Trade (Accreditation) Act 2014*.

“**register**” means a motor vehicle dealers register, a motor vehicle recyclers register or a motor vehicle repairers register.

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Part 2 — Accreditation records

PART 2 — ACCREDITATION RECORDS

4. When certificate of accreditation must be returned

- (1) If a certificate of accreditation issued to an accredited person becomes illegible or is altered or defaced, the accredited person must return the certificate to the Regulator within seven days of becoming aware that the certificate has become illegible or has been altered or defaced.

Penalty: 10 penalty units.

- (2) If the address of the accredited person, as described on the certificate of accreditation, changes or requires amendment, the licence holder, within 7 days of changing address or of becoming aware of a required amendment, must—

- (a) notify the Regulator of the change of address or the required amendment; and
(b) return the certificate to the Regulator.

Penalty: 10 penalty units.

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Part 3 — Registers

PART 3 — REGISTERS

5. Prescribed records

The registers referred to in this Part are prescribed records for the purposes of section 26 of the Act.

6. Motor vehicle dealer's register

An accredited motor vehicle dealer must keep a motor vehicle repairer's register which—

- (a) contains the information provided for in the form in Schedule 1;
- (b) complies with the requirements of this Part.

Penalty: 30 penalty units.

7. Motor vehicle recycler's register

An accredited motor vehicle recycler must keep a motor vehicle repairer's register which—

- (a) contains the information provided for in the form in Schedule 1;
- (b) complies with the requirements of this Part.

Penalty: 30 penalty units.

8. Motor vehicle repairer's register

An accredited motor vehicle repairer must keep a motor vehicle repairer's register which—

- (a) contains the information provided for in the form in Schedule 1;
- (b) complies with the requirements of this Part.

Penalty: 30 penalty units.

9. Persons who carry on multiple businesses

A person who carries on more than one business must, if this Division applies to more than one business, comply with this Division in respect of each business.

10. Form of register

A register may be kept in writing or electronically.

11. Registers kept in writing

- (1) A register that is kept in writing must be kept in a book or a series of books that complies with the following requirements—

- (a) each book must consist of pages permanently bound together;

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Part 3 — Registers

- (b) each book must bear on its front cover a number corresponding to its number in the series (such as, Book 1, Book 2 and so on);
- (c) each book must be used for the purposes of one kind of register and for no other purpose.
- (2) Each page in a register must be in the form prescribed for the register and must consist of white paper of a size not less than standard A4 (297 millimetres by 210 millimetres).
- (3) A register is not in the prescribed form unless it is clearly legible, contains no erasures and is not torn, defaced or otherwise mutilated.
- (4) This clause does not prohibit matter in the register from being altered by deleting particulars in such a manner (for example, by means of a line through them) as to leave the deleted particulars decipherable.
- (5) In any register, each entry must be consecutively numbered and legibly printed or written in black ink.

12. Registers kept electronically

A register that is kept by means of data processing equipment must be kept by means of software that ensures that—

- (a) the information in the register—
 - (i) is capable of being displayed and printed, on demand, at each place of where the accredited business, or business which is required to be accredited, is conducted;
 - (ii) when it is so displayed or printed, each page in the register is in the form prescribed for the register, and
 - (iii) includes the date on which each record in the register was made, and
- (b) in the event that any information in the register is amended or deleted, a record is kept—
 - (i) of the information in the form in which it was before it was amended or deleted, and
 - (ii) of the date of each occasion on which the information was amended or deleted.

13. Completion of registers

- (1) An accredited person must ensure that—
 - (a) all information that is required to be entered in the register in relation to any transaction or event is entered within one business day after the transaction or event occurs, and
 - (b) no information is entered in the register otherwise than by a person authorised by the licensee.

Penalty: 20 penalty units.

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Part 3 — Registers

- (2) A person who keeps a register electronically must ensure that—
- (a) that all information that is required to be entered in the register in relation to any transaction or event is entered within one business day after the transaction or event occurs;
 - (b) no information is entered in the register otherwise than by a person authorised by the licensee, and
 - (c) that the information in the register is backed up at intervals of no more than one week.

Penalty: 20 penalty units.

- (3) The particulars to be included in a register in response to the expression “how acquired” are the particulars of the way in which the possession of the motor vehicle, part or accessory concerned was acquired, that is, whether it was acquired by way of consignment, exchange, purchase, trade-in or otherwise (including, if otherwise, details of the method of acquisition).
- (4) If particulars for a motor vehicle are not available until the vehicle is sold, those particulars must be inserted at the time of sale.
- (5) Abbreviations may be used in a register as set out in the table at the foot of this subregulation.

Abbreviation	Expression signified by the abbreviation
AB	airbag
APR	front apron panel
BL	boot lid
BON	bonnet
BUF	front bumper bar
BUR	rear bumper bar
CH	chassis
DLF	left front door
DLR	left rear door
DRF	right front door
DRR	right rear door
E	engine
GL	left front mudguard
GR	right front mudguard
HD	hatchback door
IC	instrument cluster
MBS	major body section

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Part 3 — Registers

Abbreviation	Expression signified by the abbreviation
MW	alloy “mag” wheels
N/A	not available.
T/G	transmission or gearbox

14. Retention of registers

- (1) A person who is required to keep a register—
- (a) must retain the register (together with all copies of records that have been printed out and verified in relation to the register) for at least 6 years after the date on which the last entry was made in it, and
 - (b) if required to do so by an inspector before the expiration of the period referred to in paragraph (a), must produce the register for inspection by the inspector.

Penalty: 20 penalty units.

- (2) In the case of a register kept electronically, it is sufficient compliance with subregulation (1) (b) if the person makes available to the inspector—
- (a) a computer terminal by means of which the inspector can view the information contained in the register, and
 - (b) a print-out of the information contained in the register.

15. Entries in the register

The accredited person must ensure that an entry required to be made in the register is made within one day after relevant transaction occurs.

Penalty: 20 penalty units.

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Part 4 — Consumer Protection Notices

PART 4 — CONSUMER PROTECTION NOTICES

[Provision here for:

- *sale notices, including retention of sale notices;*
 - *prescribed forms.]*
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Part 5 — Infringement Notices

PART 5 — INFRINGEMENT NOTICES

16. Infringements

- (1) For the purposes of section 51 of the Act—
 - (a) the offences set out in column 2 of the Table in Schedule 2 are prescribed to be offences for which infringement notices may be served;
 - (b) the penalty prescribed in respect of each offence is the amount specified in column 4 of the Table in Schedule 4 opposite the prescribed offence set out in column 2 of that Table.
 - (2) A description of an offence set out in column 3 of the Table in Schedule 4 opposite an infringement offence set out in column 2 is provided for convenience of reference only and is not to be taken to affect the nature or elements of the offence to which the description refers or the operation of these Regulations.
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Schedule 1

SCHEDULE 1

Motor Vehicle Dealer's Register

[insert form]

Motor Vehicle Recycler's Register

[insert form]

Motor Vehicle Repairer's Register

[insert form]

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Schedule 2

SCHEDULE 2

Infringements

In this Schedule—

MTA means Motor Trade (Accreditation) Act 2014

MTR means Motor Trade (Accreditation) Regulations 2014

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Prescribed infringement offence</i>	<i>Description of infringement offence</i>	<i>Infringement Penalty</i>	<i>Code</i>
1	Section 21 of MTA	Fail to comply with conditions	4 penalty units	
2	Section 26 of MTA	Fail to keep prescribed records	6 penalty units	
3	Section 30 of MTA	Fail to comply with requirement of inspector	10 penalty units	
4	Section 81 of MTA	Fail to comply with non-disposal notice	20 penalty units	
5	Section 88 of MTA	Remove goods in contravention of notice	20 penalty units	
6	Section 96 of MTA	Sell, lease, transfer or deal with goods to which an embargo notice applies	20 penalty units	
7	Section 116 of MTA	Fail to take remedial action	20 penalty units	
8	Regulation 4(1) or (2) of MTR	Fail to return certificate of accreditation	2 penalty units	
9	Regulation 6, 7 or 8 of the MTR	Fail to keep a register	6 penalty units	

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Schedule 2

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>	<i>Column 5</i>
<i>Item No.</i>	<i>Prescribed infringement offence</i>	<i>Description of infringement offence</i>	<i>Infringement Penalty</i>	<i>Code</i>
10	Regulation 13 of the MTR	Fail to ensure that register is complete	4 penalty units	
11	Regulation 14 of MTR	Fail to retain register	4 penalty units	
12	Regulation 15 of MTR	Fail to ensure that register entries are made within one day after transaction	4 penalty units	
