

CODE OF PRACTICE

REGISTRATION AND LICENSING SECTION TRANSPORT SA

Endorsed by the Federation of Historic Motoring Clubs SA Inc

**Government
of South Australia**

FOREWORD

The conditional registration scheme for historic vehicles has been in operation since 1992, supporting enthusiasts to maintain the historic vehicle fleet in South Australia. The intention of releasing a Code of practice at this time is not to change the scheme, but rather to make its rules clearer and ensure they are widely understood.

TSA acknowledges the cooperation and effort provided by the Federation of Historic Motoring Clubs SA Inc, recognized as the peak body representing clubs, in the development of the Code. The aim of both organizations has been to support members of all historic car clubs by:

providing details of the conditions under which a person is authorised to inspect historic vehicles and prescribed left hand drive vehicles

outlining the duties and obligations of an authorised person and club when approving the eligibility of historic vehicles or prescribed left hand drive vehicles for conditional registration.

Transport SA also acknowledges the work of clubs that are not a member of the Federation in providing valuable feedback following the wide distribution of a draft of the code.

Conditional registration is available to owners of historic vehicles that are more than 30 years old and prescribed left hand drive vehicles that were manufactured before 1 January 1974 and have not been altered from the Original Equipment Manufacturers (OEM) specifications apart from variations allowed in this Code.

Historic vehicles and prescribed left hand drive vehicles may be accepted for conditional registration provided the appropriate approval is completed and signed by an authorised person of the club of which the applicant is a financial member.

The Code of Practice outlines the responsibilities of all stakeholders involved in the Historic Vehicle Registration Scheme and should be read in conjunction with the handbook 'Conditional Registration of Historic Vehicles and Prescribed Left Hand Drive Vehicles', the Motor Vehicles Act 1959 and Regulations 1996 and the Road Traffic Act 1961 and Regulations 1999.

It is intended that the code will be reviewed in consultation with the Federation after 12 months of operation to ensure that it continues to meet its objectives.

R J Frisby

REGISTRAR OF MOTOR VEHICLES

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1. Definitions

- > **Authorised Person** - means a person who is authorised in writing by the Registrar to undertake the inspection of historic vehicles or prescribed left hand drive vehicles, to complete a Certificate of 'Approval to Conditionally Register a Historic Vehicle or Prescribed Left Hand Drive Vehicle' and to issue approved log books.
- > **Club** - means a recognised motor vehicle club that has been approved and recognised by the Registrar, by means of a notice published in the Government Gazette, in accordance with Clause 3 (3), of Schedule 1, of the Motor Vehicles Regulations 1996.
- > **Federation** - means the Federation of Historic Motoring Clubs SA Inc.
- > **Elected Official** - means the President or Secretary who has been elected to that position by a vote of the financial members of the club.
- > **Historic Integrity** - means the accuracy of the subject vehicle's specifications when compared with the Original Equipment Manufacturer (OEM) specifications for the same make, model and year.
- > **Historic Vehicle** - means a motor vehicle where 30 years or more has elapsed since 1 January of the year in which the vehicle was manufactured, has not been altered from its original design other than as permitted in Part 7 of this code and is right hand drive.
- > **Original Equipment Manufacturer (OEM)** - means the original component as fitted by the manufacturer of the vehicle.
- > **Original Part** - means an identical part sourced from another vehicle, a commercially produced spare part or a reproduction of the original part.
- > **Prescribed Left Hand Drive Vehicle** - means a motor vehicle that has its steering wheel on the left of the longitudinal axis of the vehicle, was manufactured before 1 January 1974 and has not been altered from its original design other than as permitted in Part 7 of this code.
- > **Registrar**- means the Registrar of Motor Vehicles pursuant to the Motor Vehicles Act 1959 and Motor Vehicles Regulations 1996.
- > **Scheme** - means the historic vehicles and prescribed left hand drive vehicles registration scheme.
- > **The Act** - means the Motor Vehicles Act 1959.
- > **Vehicle** - means a motor car, truck, tractor, bus, motor bike or their derivatives.

2. Legislative requirements under the Road Traffic Act and Regulations that must be complied with

All vehicles (including historic vehicles and prescribed left hand drive vehicles) driven on the road or road related area must comply with the requirements of the Road Traffic Act 1961 and Regulations 1999 (RTA&R). For information not specifically addressed in the code regarding the need to comply with the RTA&R, it is recommended that reference be made to the Road Traffic (Vehicle Standards) Rules 1999 or contact Transport SA Vehicle Standards on 1300 882 248.

Copies of the relevant legislation can be viewed on the Parliament of South Australia web site (under 'Legislation') at the following address –<http://www.parliament.sa.gov.au/>

3. Responsibilities of Historic Vehicle Registration Scheme

3.1 Transport SA is responsible for:

- >authorising persons nominated by clubs to approve historic vehicles or prescribed left hand drive vehicles for conditional registration and to issue approve log books
- >reviewing the Code of Practice in consultation with the Federation
- >issuing books of 'Approval for Conditional Registration of a Historic or Prescribed Left Hand Drive Vehicle" (Form MR334) and associated administrative documents to clubs
- >conducting vehicle inspections as appropriate or required by law
- >issuing exemptions from the Road Traffic Act and Regulations to permit the use of left hand drive vehicles where appropriate
- >acting on advice from the Federation that particular historic vehicles or prescribed left hand drive vehicles do not meet the criteria for the scheme
- >acting on information provided by clubs regarding individuals who are no longer a financial member, or a vehicle no longer complies with the Code of Practice
- >providing advice and input to the Federation to assist them in determining requests for variations
- >auditing the records for the scheme held by clubs and authorised persons.

3.2 Federation of Historic Motoring Clubs SA Inc is responsible for:

- >liaising with Transport SA and clubs that are members of the Federation with a view to continually monitor the performance of the scheme and where necessary make recommendations to the Registrar for assisting with the successful operation of the scheme
- >providing clubs with copies of the Code of Practice and the handbook "Conditional Registration of Historic Vehicles and Prescribed Left Hand Drive Vehicles"
- >supporting clubs in determining the historic integrity and eligibility of historic vehicles and prescribed left hand drive vehicles for conditional registration
- >distributing log books and administrative documents approved by the Registrar to clubs and maintain a record of their issue
- >maintaining a record of all log book return sheets that are submitted annually by clubs
- >advising the Registrar of vehicles that are registered through this scheme but do not meet the eligibility criteria.

3.3 Recognised motor vehicle clubs are responsible for:

- >maintaining a Constitution approved by the Registrar
- >assisting with the successful operation of the scheme
- >ensuring that a club member who owns a conditionally registered historic vehicle or prescribed left hand drive vehicle, is a financial member of the club
- >maintaining records of all MR334's issued by the club and all financial members and their conditionally registered historic vehicles or prescribed left hand drive vehicles. Within two months of the end of the club's financial year, provide an annual report to the Registrar detailing members with conditional registration who are no longer financial members of the club
- >ensuring that when a club member resigns, or has transferred to another club, his/her log book is returned to the club for cancellation. The logbook can then be returned to the owner for retention as a part of the vehicle's history
- >recording approved variations in vehicle owner's log books and club records

>nominating persons to be authorised by the Registrar to approve historic vehicles or prescribed left hand drive vehicles for conditional registration and to issue log books

>notifying the Registrar, on official club letterhead, if an authorised person ceases to be a member of a club, is no longer a financial member or resigns as the authorised person

>ensuring club members have access to copies of the Code of Practice and the handbook "Conditional Registration of Historic Vehicles and Prescribed Left Hand Drive Vehicles"

>ensuring that authorised persons abide by the Code of Practice

>ensuring that authorised persons conduct an annual validation of log books issued to club members

>ensuring that an owner is not issued with a log book if they are already in possession of a log book issued by another club

>forward copies of log book annual return sheets to the Federation

>notifying the Federation of vehicles that do not comply with this code

>notifying the Registrar and the Federation on official club letterhead if the club ceases to exist. All unused log books and other associated administrative documents must be returned to the Federation. Certificates of Authorisation, books of MR334 forms and the details of vehicles conditionally registered through the club are to be returned to the Registrar.

3.4 Owners Of historic vehicles and prescribed left hand drive vehicles are responsible for:

>maintaining financial membership of a club

>cancelling the conditional registration of the vehicle when a change of ownership of historic vehicles or prescribed left hand drive vehicles occurs or when the owner of the vehicle is no longer a financial member of a club. The log book issued to the vehicle must be returned to the issuing club for cancellation

>presenting vehicle/s for inspection when required and have the club's authorised person validate their log book/s and current registration papers

>ensuring their conditionally registered vehicle is not driven on a road or road-related area unless the club's authorised person has completed the necessary details in the log book

>ensuring their conditionally registered vehicle is not driven on a road or road related area more than 90 days each period of 12 months in the period of registration.

>ensuring their conditionally registered vehicle is not driven on a road or road related area if it does not comply with this Code of Practice

>ensuring their conditionally registered vehicle is not driven on a road or road related area unless an entry is made in the log book (the log book entry must be completed before the commencement of a journey). A journey may consist of one or more separate trips

i.e. A journey that commences at 10.00am on a particular day and finishes at 9.00am the next day constitutes two calendar days. Consequently, two separate days use must be recorded in the log book

>maintaining the vehicle to the same standard, specification and configuration as it was presented for initial inspection to the club's authorised person (fair wear and tear is accepted).

4. The approval process to become an authorised person

The elected officials of a club may apply for one or more financial members to be authorised by the Registrar to approve historic vehicles or prescribed left hand drive vehicles for conditional registration and to issue approved log books.

Upon approval by the Registrar, the applicant who will be approving historic vehicles and prescribed left hand drive vehicles will be issued with a Certificate of Authorisation. The applicant must not approve any vehicle for conditional registration until this certificate has been issued. No fee applies for the issue of this certificate.

It will be a condition of each authorisation issued that the recipient will continue to be authorised only whilst he/'she is a financial member of the club that nominated them. A person may be nominated by more than one club to be authorised to approve historic vehicles or prescribed left hand drive vehicles for those clubs.

A person who is a member of the Federation may also be authorised by the Registrar to approve historic vehicles or prescribed left hand drive vehicles for conditional registration. The person authorised will be restricted to cases where a club or a financial member of a club cannot authenticate the historic integrity of a historic vehicle or a prescribed left hand drive vehicle or to approve a club's authorised person's own vehicle.

A club's elected officials may request the Registrar to revoke the authorisation of the club's authorised person/s at any time.

The Registrar may revoke a person's authorisation at any time.

An authorised person is not permitted to approve their own vehicle for conditional registration.

4.1 Application for authorisation

A club may apply to have any financial member become an authorised person by submitting a written application that must include:

- > full name of club
- > full name and address of nominated person and the duty to be performed i.e. issue log books, approve vehicles or both
- > name and position in club of person making nomination

The completed application must be forwarded to the Registrar, Registration and Licensing Section, Transport SA, Locked Bag 333, Adelaide SA 5001 for approval.

4.2 Refusal or revocation of authorisation by the Registrar

The Registrar has the right to revoke any delegation under the Act. However, prior to the Registrar revoking any authorisation or refusing a person's application for authorisation, the Registrar will give the person written notice of the proposed refusal or revocation and will provide a statement of the reasons. The applicant will then be given 14 days, after the issuing of the notice, to submit evidence and make submissions to the Registrar in support of their application or against the impending revocation.

If after this period the application is refused or the authorisation revoked, the Registrar will notify the person affected in writing.

Grounds for refusal or revocation of authorisation may be, but are not restricted to:

- > applicant is no longer a financial member of a club
- > contravention of the Code of Practice, or for providing a false or misleading statement
- > considered by the Registrar not to be a fit and proper person.

4.3 Advice of surrender of a Certificate of Authorisation

If an authorised person ceases to be a financial member of a club, resigns as an authorised person or as a result of the elected officials of the club applying to the Registrar to revoke the member's authorisation, the club must provide written notification and return the Certificate of Authorisation to the Registrar, Registration and Licensing Section, Transport SA, Locked Bag 333, Adelaide SA 5001, within 14 days.

5. Approval to conditionally register historic vehicles or prescribed left hand drive vehicles (form MR334)

Form MR334 is issued in books of 20 with each page sequentially numbered for audit purposes (original to be handed to a vehicle owner and the duplicate copy to be left in the book). Stocks of these books may be obtained by writing (on official club letterhead) to the Coordinator, Vehicle Registration Unit, Registration and Licensing Section, Transport SA, Locked Bag 333, Adelaide SA 5001.

All MR334 forms remain the property of the Registrar and must be securely stored at all times. The Registrar must be notified, on official club letterhead if an authorised person ceases to be a financial member of a club or resigns as an authorised person. They must surrender all used and unused MR334 forms to an elected official of their club.

The Registrar must be notified in writing if an MR334 form is lost, not received or destroyed (includes incorrectly completed).

The following details must be provided:

- > sequence number of the MR334 form
- > reason why the MR334 form was not used
- > signed by an authorised person.

The authorised person must maintain records of the stock received and use of MR334 forms. Clubs must retain duplicate copies of MR334 forms for 5 years. Duplicate MR334 forms may be required for audit purposes by a member of the police force or an inspector, as defined in the Act.

Where a club ceases to operate or is no longer a recognised motor vehicle club pursuant to the Motor Vehicles Regulations 1996, all MR334 forms must be returned to the Registrar with 14 days.

6. The approval process for conditional registration of historic vehicles or prescribed left hand drive vehicles

6.1 Eligibility for conditional registration

To be eligible for conditional registration the owner of the vehicle must be a financial member of a club and the vehicle must meet the criteria defined in the definitions and in Part 7 of this code.

The eligibility of a vehicle for conditional registration is based on the maintenance of the 'historic integrity' of the subject vehicle. Variations that detract from the vehicle's historic integrity may make the vehicle ineligible for conditional registration as a historic vehicle or prescribed left-hand drive vehicle.

For a vehicle to possess 'historic integrity', it must be the genuine vehicle, either in its original condition or has been restored to an acceptable level. Replicas and reproductions of historic vehicles or prescribed left hand drive vehicles are not eligible.

Where a vehicle is a 'special' manufactured by the OEM, it is the responsibility of the owner to provide evidence of the OEM specification and verification that the specification applies to the subject vehicle.

6.2 Authorised person vehicle inspection

Prior to historic vehicles or prescribed left hand drive vehicles being considered for conditional registration the vehicle must undergo an inspection by an authorised person. This inspection is not to check the mechanical safety or roadworthiness of a vehicle, but is only to verify its historic integrity and to confirm that the vehicle has no variations other than allowed in Part 7 of this code.

Having inspected the vehicle and confirmed it complies with the Code of Practice, the authorised person must complete an application for 'Approval for Conditional Registration of a Historic or Prescribed Left Hand Drive Vehicle' (MR334)

- > if an authorised person cannot determine the authenticity of a historic vehicle or prescribed left hand drive vehicle any inconsistency must initially be referred to the club's committee
- > if the committee cannot determine a satisfactory outcome, the matter must then be referred to the Federation for determination

6.3 Approval process

- > the authorised person must personally inspect and approve a historic or prescribed left hand drive vehicle and complete the MR334 form
- > if an MR334 form is refused due to incorrect information being recorded, **only** the authorised person can alter any information. The authorised person must sign any alteration/s made
- > the vehicle owner must sign the declaration on the MR334 form declaring any variations and that they will abide by the Code of Practice and hand book '*Conditional registration of historic vehicles and prescribed left hand drive vehicles*'
- > if it cannot be established that a vehicle has been previously registered in South Australia, the vehicle must undergo an identity inspection by Transport SA if the vehicle is garaged in the metropolitan area or by a member of the police force if the vehicle is garaged in a country region. A vehicle identity inspection report (MR29) will be issued
- > if the vehicle is a prescribed left hand drive vehicle, or has been converted to right hand drive, or was manufactured after 1970 (1976 for motorcycles) and not fitted with an Australian compliance plate, it must pass a roadworthiness inspection performed by Transport SA inspectors.

Contact Transport SA - Vehicle Standards (1300 882 248) to ascertain the requirements for the vehicle prior to booking the roadworthiness inspection, as an application may need to be submitted and approval given prior to the inspection. This should be done as soon as possible to avoid unnecessary delays.

The vehicle must also undergo an identity inspection by Transport SA if the vehicle is garaged in the metropolitan area or by a member of the police force if the vehicle is garaged in a country region. A vehicle identity inspection report (MR29) will be issued

Note! A fee is payable for the inspections

- > once all documents are complete, the vehicle owner can attend any Customer Service Centre for the application to be processed.

7. Eligibility Criteria

All aspects of the vehicle must conform to the spirit of the period of when the vehicle was manufactured. The vehicle's bodywork, paint, interior etc must be in good condition (allowing for fair wear and tear). Original replacement vehicle components cannot be varied in any way from OEM specifications.

> *Body*

The shape of a vehicle's body, doors, mudguards, bonnet, boot etc must remain the same as originally manufactured. Any replacement part must be identical to the original component but may be manufactured of an alternative material. Air scoops etc cannot be added.

The bodywork of vehicles, which were sold in chassis form, must be of a type and style current at the time of manufacture for that period.

Modern equivalent paint and fabrics may be used provided that paint schemes and colours, as well as interior trim fabrics, are of a type and style current at the time of manufacture for that period.

> *Suspension*

Suspension must be of the configuration and type as originally manufactured for that vehicle. Suspension location points must remain as originally manufactured. Springs may be replaced with a newer part provided that they are similar in size and rating as the original part. The lowering of the vehicle's suspension is not permitted and stub axles are to be an original part.

> *Rear Axle*

The rear axle may be upgraded to an alternative, provided that it was an option or available rear axle assembly from the vehicle manufacturer for that make and model at the time of production. Different final drive ratios are acceptable provided they were originally available and the housing remains unaltered.

> *Steering*

The steering box or rack, column and steering wheel are to remain positioned as originally manufactured. However, a vehicle may be converted to right hand drive provided that:

- the conversion is a 'mirror image' of the original steering configuration, and
- the components used in the conversion are from the same era and manufacturer or would replicate a OEM right-hand drive derivative of that make and model

OR

- the conversion is performed using a "chain or angle drive" type system where the original steering components, apart from the lower steering column and shaft remain unmodified.

In all cases, the left to right hand drive conversion must be certified by a Chartered Professional Engineer in accordance with Vehicle Standards Bulletin Number 4.

> ***Brakes***

Disc brakes may be fitted provided they were an option at the time of manufacture of the vehicle. If fitted, they must be the same size and type as provided by the OEM, with the same type caliper.

> ***Transmission***

The transmission must be as fitted by the OEM, or an option available from the original vehicle manufacturer at the time of manufacture. Column change can only be changed to a floor change or visa versa if it was an option on that particular model of vehicle. The selector, either manual or automatic, is to be of an original type for that model of vehicle.

Variations to a gear selector can be made to cater for a person's disability if supported by medical recommendations.

> ***Engine***

The engine must be of the size, make and configuration as provided by the OEM or an engine that was available to that make, model and year of manufacture. Inlet and exhaust manifolds, carburation, air cleaner, camshaft and heads to be as originally supplied by the OEM or available as an option. Variations are limited to OEM reconditioning tolerances. Crankshaft stroke must remain standard for the model and year of the vehicle.

Air cleaners are permitted to be fitted where the OEM did not provide them as original equipment. The fitting of LP Gas as a single or alternative fuel is not acceptable unless originally supplied by the vehicle manufacturer. If already fitted it must be removed within 2years of the date of this code.

> ***Wheels and tyres***

Standard or OEM optional wheels can only be fitted provided they were available on that make, model and year of vehicle. Tyres must be suitable to the size of rim fitted, but may be of modern design. Beaded edge rims and tyres may be replaced with well-based or straight-sided components, provided the external diameter, offset, style, material and width of the rim and the overall diameter of the tyre/rim combination are not altered by more than 10%.

7.1 Variations

The electrical system may be upgraded from 6 to 12 volts.

If an original part is no longer available or deemed to have been manufactured to an inferior (unsafe) standard, then the club is to liaise with the Federation, who can provide a determination if the part is considered acceptable.

The part will only be considered if the original cannot be sourced, is deemed unsuitable due to its quality of manufacture, is identical or as close as possible to the original in all aspects and does not affect the performance of the vehicle.

Vehicles manufactured prior to 1949 may be fitted with replacement components from the same make of vehicle manufactured within 5 years from when the original vehicle was manufactured if they do not detract from the spirit of the original vehicle.

Acceptable accessories are restricted to those offered by the OEM or the OEM's authorised dealer at the time of delivery as a new vehicle.

i.e. GMH/Nasco.

The vehicle owner may be required to submit evidence of the availability of an accessory at the time of delivery.

Any alterations should be restricted to those required to ensure the safe use of the vehicle on the road, or because relevant parts are no longer available or possible to make at reasonable cost. Vehicle alterations should be in a way that the vehicle is able to be converted back to original condition with the least possible effort, damage and cost.

8. Penalties for failing to comply with a condition of registration

Pursuant to section 41 (2a) of the Act:

A person must not contravene or fail to comply with a condition of registration of a motor vehicle under section 25.'

A maximum penalty of \$750 applies for this offence.

However, pursuant to section 41(3) of the Act:

Where a person has been convicted of an offence under this section, the court may order, in addition to any penalty it may have imposed, that the convicted person pay to the Registrar within a period specified in the order-

- (b) *if the motor vehicle was registered at a reduced registration fee -the balance between the fee paid and the prescribed registration fee that would have been payable in respect of the period of registration during which the offence was committed had the vehicle not qualified for restricted registration,*

together with the stamp duty (if any) that would have been payable by the convicted person upon the application for that period for registration had the motor vehicle not qualified for restricted registration.'

9. Who to contact for further information

If further information or clarification is required, in the first instance, please contact the Federation.

Vice President
Federation of Historic Motoring Clubs SA Inc
P0 Box 703
PLYMPTON SA 5038

Alternatively, contact can be made with the Vehicle Registration Unit on (08) 8226 7487 or by writing to the Registrar, Registration and Licensing Section, Transport SA, Locked Bag 333, Adelaide SA 5001.

For information regarding requirements under the Road Traffic Act contact Transport SA, Vehicle Standards on 1300 882 248.