

49A. Person breaching s. 49(1)(a) having lost licence etc. due to penalty enforcement laws, police may caution etc.

- (1) This section applies if a police officer finds a person (the *driver*) committing an offence under section 49(1)(a) in the circumstances referred to in section 49(3)(d).
- (2) If this section applies and the police officer suspects on reasonable grounds that, at the time of committing the offence, the driver —
 - (a) did not know of the circumstances referred to in section 49(3)(d); and
 - (b) had not been cautioned previously under this section since those circumstances came about,

the police officer may decline to charge the driver with an offence under section 49(1)(a) and may instead issue a caution to the driver.

- (3) The caution must be in a prescribed form.
- (4) If this section applies and it appears to the police officer that it would be impracticable, or may jeopardise the safety of any person, for the driver to immediately cease driving —
 - (a) if the police officer issues a caution, the caution must include a necessity permit; and
 - (b) in any other case, the police officer may grant the driver a necessity permit.
- (5) In subsection (4) —

necessity permit means a permit for the driver to drive by the shortest practicable route to a place specified in the permit.