

79. Impounding offence (driving), police powers to impound vehicle used in

(1A) In this section —

previous offender means a person —

- (a) who has previously been convicted of an impounding offence (driving); or
- (b) against whom a charge of an impounding offence (driving) is pending;

surrender notice has the meaning given in section 79BA.

- (1) If a police officer reasonably suspects that, while driving a vehicle, the driver has committed an impounding offence (driving), the police officer must, unless in the circumstances it is impracticable to do so, seize and impound the vehicle within a period of 28 days after the day of the offence.
- (2) The period for which the vehicle is impounded ends —
 - (a) unless the police officer specifies a longer period under paragraph (b) or the Commissioner extends the period under subsection (3), on the 28th day after the day on which the vehicle is impounded;
 - (b) if, under subsection (3A), the police officer specifies that the length of the impounding period is to be 3 months, on the last day of the period of 3 months commencing on the day after the day on which the vehicle was impounded;
 - (c) if the Commissioner extends the period under subsection (3), on the last day of the period of 3 months commencing on the day after the day on which the vehicle was impounded.
- (3A) If, at the time of impounding the vehicle, the police officer reasonably believes that the driver of the vehicle is a previous offender, the police officer must specify that the length of the impounding period is to be 3 months.
- (3B) An impounding period the length of which is specified as 28 days or 3 months under this section, or in a surrender notice for which subsection (1) is the impounding provision, includes the part of the day on which the vehicle is impounded that is after the impounding occurred even though including that part of the day makes the period more than 28 days or 3 months, as the case requires.
- (3) If the driver of the vehicle is a previous offender but the police officer does not specify under subsection (3A) that the length of the impounding period is to be 3 months, the Commissioner must, on being satisfied that the driver is a previous offender, extend the impounding period to end on the last day of the period of 3 months commencing on the day after the day on which the vehicle was impounded.
- (4) The giving of a notice under section 79B(1) does not prevent the Commissioner from, under subsection (3), extending the period for which the vehicle is impounded.
- (5) An extension under subsection (3) is of no effect unless, not less than 24 hours before the end of the initial period, notice of the extension is given under section 79B(3) to a responsible person.