

**79BA. Notice to surrender vehicle for impoundment, issue of etc.**

- (1) This section applies if —
  - (a) a police officer (the *police officer*) suspects that the driver of a vehicle (the *vehicle*) has committed an offence (the *offence*); and
  - (b) the police officer —
    - (i) would have been required by section 79(1) or 79A(1) (the *impounding provision*) to impound the vehicle if it had been practicable to do so but, because it was impracticable, the vehicle was not impounded; or
    - (ii) is required by section 79(1) or 79A(1) (the *impounding provision*) to impound the vehicle but by the time the police officer forms the necessary suspicion the impounding can most conveniently be achieved by giving a notice under this section.
- (2) If this section applies the police officer may give to a responsible person for the vehicle, personally or by registered post, a notice in accordance with this section (a *surrender notice*).
- (3) The surrender notice cannot be given after the expiry of a period of 28 days from the day of the offence.
- (4) The surrender notice must contain a statement to the effect that, because the vehicle was used in the commission of the offence, the vehicle is required to be surrendered to the Commissioner for impounding, and the notice must specify —
  - (a) sufficient details of the vehicle to identify it; and
  - (b) the time and place at which the offence is suspected to have been committed; and
  - (c) sufficient other details of the offence to identify the grounds for giving the notice; and
  - (d) if known, the name of the person who was driving the vehicle when the offence is suspected to have been committed; and
  - (e) which of sections 79(1) and 79A(1) is the impounding provision; and
  - (f) if the impounding provision is section 79(1) and the notice is given on the basis that the driver is a previous offender as defined in section 79(1A), sufficient details to explain why the driver is regarded as a previous offender; and
  - (g) the length of the impounding period, which is to be —
    - (i) if section 79(1) is the impounding provision, either 28 days or 3 months according to which of those periods is the impounding period for which section 79(1) requires the vehicle to be impounded or would require the vehicle to be impounded if it applied; and
    - (ii) if section 79A(1) is the impounding provision, 28 days;
  - and
  - (h) the place at which, and the time of day during which, the vehicle and its keys are required to be surrendered under this Division; and

- (i) the last day on or before which the vehicle and its keys are required to be surrendered, being the 7th day after the day on which the notice is given.
- (5) The surrender notice must also include —
  - (a) a statement to the effect that this Division contains law about the notice and the impounding of the vehicle; and
  - (b) a statement as to the effect section 79BB(5) and (6); and
  - (c) a statement to the effect that failure to comply with the notice will result in the vehicle being impounded under section 79BB(2).