

TRAFFIC (No. 4).

6° Elizabeth II., No. LXXVI.

No. 76 of 1957.

AN ACT to amend the Traffic Act, 1919-1956.*[Assented to 16th December, 1957.]*

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Traffic Act Amendment Act (No. 4), 1957*, and shall come into operation on a day to be fixed by proclamation.

Short title
and citation.

(2) In this Act the Traffic Act, 1919-1956,

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Acts.
(Approved
for reprint
26th July,
1955.)

Act No. 60 of 1919 as reprinted with amendments to and including Act No. 47 of 1954 incorporated pursuant to the Amendments Incorporation Act, 1938, and as further amended by Acts Nos. 37 of 1955, 74 of 1956 and 86 of 1956,

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1957.

S. 2
amended.

2. Section two of the principal Act is amended by adding after the passage, "PART III.—TRAFFIC INSPECTORS [ss. 22-22A]." in line five, the following passage—

PART IIIA.—USED CAR DEALERS [ss. 22AA-22AF.]

S. 4
amended.

3. Section four of the principal Act is amended—

- (a) by adding after the word, "time" being the last word of the interpretation, "taxi-car", the passage, "; 'private taxi-car' means a taxi-car which plies for hire or reward only from a privately-owned vehicle depot"; and
- (b) by substituting for the passage, "tram car, or trolley bus" in the last line of the interpretation, "vehicle", the passage, "or tram car; but on and after the day on which the Traffic Act Amendment Act (No. 4), 1957, comes into operation, the term shall, subject to the context and to such exemptions as may from time to time be declared pursuant to section seventy-one of this Act, include a trolley bus; and where the term is used in any regulation made under this Act, whether so made before or after that day, the term shall, subject to the context and those exemptions, on and after that day be deemed to include a trolley bus".

4. Section five of the principal Act is amended by substituting for subparagraph (iii) of the penalty as set out in paragraph (b) of subsection (2), a subparagraph as follows:—

S. 5
amended.

(iii) The maximum penalty shall be—

(a) for a first offence: a fine not exceeding twenty pounds;

(b) for any subsequent offence, a fine not exceeding fifty pounds.

5. Section six of the principal Act is amended by substituting for the words, "Twenty pounds" occurring firstly in the last line of subsection (2) and secondly in the last line of subsection (3), the passage—

S. 6
amended.

For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

6. Subsection (2) of section seven of the principal Act is amended by substituting for the words, "Ten pounds" in the last line, the passage—

S. 7
amended.

For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds.

7. Subsection (5) of section ten of the principal Act is amended by deleting the passage, "three months," in line four of paragraph (a).

S. 10
amended.

7A. The principal Act is amended by adding after section ten a section as follows:—

S. 10A
added.

10A. Notwithstanding the provisions of paragraph (c) of subsection (3) of section nine or of paragraph (a) of subsection (5) of section ten of this Act, power is hereby conferred on local authorities, in their absolute discretion, either

Local
authorities
may in their
discretion
grant or
refuse
renewal of
vehicle
license for
three
monthly
periods.

to grant subject to this Act, or to refuse, an application for the renewal of a vehicle license for a period of three months from the date of its expiry.

S. 11
amended.

8. Section eleven of the principal Act is amended—

- (a) by adding after the word “prospector” in lines two and three of paragraph (ii) of the fourth proviso to subsection (1) the passage “or a person, other than a Company as defined in the Companies Act, 1943, who searches for or produces metals or minerals from land in which he holds an interest”;
- (b) by adding after the word “such” in line three, the words “prospector or”; and
- (c) by repealing subsection (2).

S. 11A
amended.

9. Section eleven A of the principal Act is amended by substituting for the words, “Twenty pounds” in the last line of subsection (3), the passage—

For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

S. 15
amended.

10. Section fifteen of the principal Act is amended—

- (a) by adding after subsection (1) a subsection as follows:—
 - (1a) (a) Where in the opinion of a local authority the reasonable requirements of the public justify the operation in any portion of its district or area of a taxi-car to serve those requirements, the local authority in its discretion may,

subject to such conditions as it is hereby authorised to impose restricting the operations of the taxi-car to such portion of its district or area as it specifies in those conditions, grant and issue in respect of each such taxi-car a passenger vehicle license to an applicant on payment of the appropriate fee subject to such other provisions of this Act as are applicable to the granting of passenger vehicle licenses.

(b) A license so granted and issued shall, notwithstanding the provisions of section eight of this Act, be effective and operative within such portion of the district or area as is specified in the conditions, but shall be deemed effective and operative in any place outside that portion when the taxi-car is engaged to carry a passenger or passengers from that portion of the district or area to a place outside that portion, or is engaged to carry a passenger or passengers upon a journey which begins and ends within that portion, although part of that journey is made outside that portion. ;

- (b) by adding after the passage, "road," in line four of subsection (2), the passage, "or any conditions restricting the operations of a taxi-car imposed under the provisions of subsection (1a) of this section have not been observed or complied with,";
- (c) by adding after the word, "may" in line seven of subsection (2), the passage, ", in either case,"; and
- (d) by adding after the word, "or" in line eight of subsection (2), the passage, ", if it finds that the vehicle is so out of repair as to be unfit for use on a road,".

S. 16
amended.

11. Section sixteen of the principal Act is amended—

- (a) by repealing and re-enacting subsection (1) as follows—

Transfer of
vehicle
licenses.

(1) Where a person to whom a license in respect of a vehicle has been granted in any district ceases to be the owner of the vehicle, he shall

(a) forthwith give notice in writing to the licensing authority of that district of the name and address of the new owner of the vehicle; and

(b) if the license had, pursuant to the provisions of any of the provisions to subsection (1) of section eleven of this Act, been obtained free of charge or on payment of a fee which is less than the appropriate fee for that vehicle as prescribed in the Third Schedule to this Act, forthwith return the license and the appropriate number plates to the licensing authority.; and

- (b) by substituting for the words, “Twenty Pounds” in the last line of subsection (1a), the passage—

For a first offence a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds.

S. 21
amended.

12. Section twenty-one of the principal Act is amended by substituting for the words, “Twenty pounds” in the last line, the passage—

For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds.

13. The principal Act is amended by adding after section twenty-two A a new Part as follows—

New Part
IIIA and ss.
22AA-22AF
added.

PART IIIA.—USED CAR DEALERS.

22AA. In this Part unless the context requires otherwise—

Interpreta-
tions.

“approved” means approved by the Minister;

“dealer” means a person, whether as an individual person, as a member of a partnership, or as a body corporate, who is engaged in the business of acquiring, disposing or exchanging used motor vehicles by any means whatsoever, whether by purchase, sale, hire-purchase, or exchange, or otherwise in excess of fifteen motor vehicles in any one year;

“used motor vehicle” means a motor vehicle in respect of which a vehicle license had been granted at any time under this Act, whether the license is current or has expired.

22AB. (1) A person shall not

Dealers must
be licensed.

(a) carry on; or

(b) hold out, or represent in any manner, or knowingly permit it to be held out or represented in any manner, that he carries on, or is willing to carry on,

the business of a dealer unless he holds a dealer’s license under this Act.

Penalty—

For a first offence, a fine not exceeding fifty pounds; for any subsequent offence, a fine not exceeding one hundred pounds.

(2) (a) At least one person who is a member of a partnership which carries on the business of a dealer shall hold a dealer's license, or a dealer's license may be held jointly by members of a partnership which carries on business as a dealer.

(b) A body corporate which carries on business as a dealer shall hold a dealer's license through an individual person or persons who is or are appointed by the body corporate to hold the license on its behalf, and who is not the holder or who are not the holders of any other dealer's license, whether on his or their own behalf or on behalf of any other body corporate.

Penalty—

For a first offence, a fine not exceeding fifty pounds; for any subsequent offence, a fine not exceeding one hundred pounds.

Application
for license.

22AC. (1) A valid application for a dealer's license or for a renewal of a dealer's license

- (a) shall be in the appropriate form as determined or varied from time to time by the Minister and published in the *Gazette* and shall contain the information which the form indicates is required; and
- (b) shall be made and dealt with as prescribed by the regulations; and
- (c) shall be accompanied
 - (i) by such testimonials as to the character of the applicant or, if the application is made on behalf of a body corporate, the character of the person who makes the application on behalf of that body corporate, as prescribed by the regulations; and

- (ii) by the annual license fee which is prescribed as five pounds;

and

- (d) shall be lodged with the Commissioner of Police or with any member of the Police Force authorised in writing by the Commissioner of Police to receive and deal with those applications.

(2) The Commissioner of Police shall cause a register or registers to be kept in which shall be recorded particulars of all applications lodged under this section and how they are being and have been dealt with.

(3) (a) On the lodging of the application in accordance with this section, the Commissioner of Police or the member of the Police force shall make inquiries or cause inquiries to be made relating to the character, business methods, or financial position, of the applicant and his fitness to hold a dealer's license.

(b) Where it appears to the Commissioner of Police or the member of the Police force, after the inquiries are so made, that the applicant for a license or the renewal of a license, as the case may be, is a fit and proper person to hold a dealer's license, the application shall be granted upon the applicant furnishing such security of a value not exceeding three thousand pounds for the due performance of his obligations under this Act as is prescribed, and upon the security being so furnished, a license or renewal of the license in the appropriate form as determined by the Minister and published in the *Gazette* shall be granted and issued to the applicant; but if it appears to the Commissioner of Police or the

member of the Police Force that an applicant for a license or the renewal of a license intends to carry on the business of a dealer only as the agent of another dealer whose name and address are specified in the application and who is already licensed under this Part and has furnished the prescribed security, the application may be granted without security.

(c) Without prejudice to any of the other provisions of this Part of this Act, a license or renewal of a license so granted without security ceases to have effect if and when

- (i) the person to whom it is granted ceases to be the agent of that other dealer; or
- (ii) the license granted to the other dealer is cancelled, expires, or otherwise ceases to have effect.

(d) Where the Commissioner of Police or the member of the Police force has formed the opinion, after the inquiries are so made, that the applicant for a license or renewal of a license is not a fit and proper person to hold a dealer's license, the Commissioner or member shall cause a notice to be served on the applicant refusing the application and stating the reasons for the refusal.

(4) (a) A dealer's license shall not be transferred by the holder to any person without the approval of the Commissioner of Police or a member of the Police force referred to in subsection (1) of this section.

(b) The provisions of subsections (1) and (3) of this section shall apply *mutatis mutandis* to any application for approval to transfer a dealer's license as if the proposed transferee is the applicant and an application for approval to transfer a dealer's license is an application for a dealer's license; and power is hereby

conferred on the Governor to prescribe a fee, not exceeding the amount of the annual license fee, as the fee for a transfer.

(5) Where it appears to the Commissioner of Police or a member of the Police force referred to in subsection (1) of this section that a person who holds a dealer's license ceases to be a fit and proper person to hold the license on grounds relating to the character, business methods, or financial position, of the person, the Commissioner or member may, by written notice served on the person cancel the license.

22AD. (1) There shall be an appeal to a Stipendiary Magistrate sitting in a court of petty sessions, whose order shall be final, in any case where a license, or renewal of a dealer's license is refused or a dealer's license is cancelled or where a transfer of a dealer's license is not approved.

Appeal.
(Cf. s. 18
ante.)

(2) On the hearing of the appeal the court may order that the license or renewal of the license shall be granted or that the cancellation shall have no effect or that the transfer shall be approved, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit.

22AE. (1) A dealer's license shall have effect for a period of twelve months from the date of its issue and may be renewed each time for a similar period.

License valid
for twelve
months but
may be
renewed for
similar
period.

(2) Application for the renewal of a dealer's license shall be made during the month preceding the date on which the license is due to expire or within fifteen days after that date and the renewal, if granted, shall commence and have effect for the twelve months from and after the date of expiry of the expired license.

(3) Where the holder of a license fails to apply for its renewal prior to, or within fifteen days after, its expiry, and subsequently applies

for its renewal at any time within twelve months after the date of its expiry and the application is granted, the renewal shall be deemed to be a continuation of the expired license but shall have effect only as from the time of renewal for a period expiring twelve months from and after the date of expiry of the license for which the renewal is granted.

Duties of
licensed
dealers.

22AF. Every licensed dealer shall

- (a) keep and maintain or cause to be kept and maintained a register containing a full and accurate record of every transaction entered into by him as a dealer;
- (b) produce on demand to any member of the Police Force or traffic inspector the register so kept for inspection by that member of the Police Force or inspector;
- (c) on a form prescribed for the purpose, forthwith notify the licensing authority in whose area or district a vehicle is licensed when he acquires that vehicle;
- (d) on acquiring a used motor vehicle which is the subject of a current license, obtain from the registered owner of the vehicle the license held by him in respect of that vehicle;
- (e) permit any member of the Police Force or any traffic inspector to enter the premises where he carries on his business as a dealer, and to examine any register kept by him pursuant to this Part of this Act, to examine any vehicle on those premises and to recover any number plates affixed to any unlicensed vehicle on those premises and to do such other things as a member of the Police Force or an inspector is lawfully authorised or permitted to do under this Act.

Penalty—

For a first offence, a fine not exceeding fifty pounds; and for a subsequent offence a fine not exceeding one hundred pounds.

14. Section twenty-three of the principal Act is amended— S. 23
amended.

- (a) by substituting for the passage, “parent, guardian or employer” in lines three and four of paragraph (a) of the second proviso to subsection (1) as added by section fourteen of Act No. 74 of 1956, the following passage, “parent or guardian or, if it appears to the Commissioner of Police or the member of the Police Force that the applicant has no parent or guardian resident in the State, the employer”;
- (b) by adding after the subsection designation, “(2)” the paragraph designation, “(a)”;
- (c) by adding to subsection (2) a paragraph as follows:—

(b) A sum of ten shillings is payable for each application for a license to drive a motor vehicle, but if a second or subsequent application is made within three months after a similar application by the same person had been refused, that sum is not payable in respect of the second or subsequent application.

15. The principal Act is amended by adding after section twenty-three a section as follows— S. 23A
added.

23A. (1) Where it appears to the Commissioner of Police that an applicant for a license or the renewal of a license under this Division should, by reason of the number of convictions he has had for offences under this Act, not be granted the license or renewal of the license, he may, upon giving written notice to the applicant, apply to a court of summary jurisdiction for an order that the license or renewal applied for shall not be granted and the court may, after hearing the parties, make an order

accordingly or may dismiss the application; and if the court makes an order that the license or renewal, as the case may be, shall not be granted, the court may, in addition, declare the applicant disqualified from holding or obtaining a license under this Division for such period as it deems fit.

(2) A person so declared by the court shall be disqualified from holding or obtaining a license under this Division for the period specified in the declaration.

S. 25
amended.

16. Subsection (1a) of section twenty-five of the principal Act is amended by adding after paragraph (ii) the word "or", and a paragraph as follows—

(iii) riding on the pillion seat of that motor cycle in company with the learner.

S. 26
amended.

17. Section twenty-six of the principal Act is amended by substituting for the words, "Twenty pounds" in the last line of subsection (1), the passage—

For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

S. 27
amended.

18. Subsection (1) of section twenty-seven of the principal Act is amended by substituting for the words, "Ten pounds" in the last line, the passage—

For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds or imprisonment not exceeding twenty-five days.

19. Section twenty-eight of the principal Act is amended by substituting for the words, "Five pounds" in the last line, the passage—

S. 28
amended.

For a first offence, a fine not exceeding five pounds; for any subsequent offence, a fine not exceeding ten pounds.

20. Section thirty of the principal Act is amended by deleting the passage "bodily injury is caused to any person or" in lines two and three.

S. 30
amended.

20A. The principal Act is amended by adding after section thirty a section as follows:—

S. 30A
added.

30A. Where, in the course of the use of any vehicle on a road, an accident occurs whereby bodily injury is caused to any person the driver or person in charge of such vehicle shall (unless disabled by personal injury himself) report the accident forthwith to the officer in charge of the nearest police station or traffic inspector of the district of the nearest local authority:

Provided that it shall be a sufficient compliance with this section if a police officer or such traffic inspector attends at the scene of the accident and takes the necessary particulars of the accident.

Penalty—For a first offence, a fine not exceeding twenty-five pounds; for any subsequent offence a fine not exceeding fifty pounds.

21. The principal Act is amended by adding after section thirty-two a section as follows—

S. 32A
added.

32A. (1) Without prejudice to any provision of this or any other Act, where a member of the Police Force or an inspector has reasonable cause to suspect that any person, when driving or attempting to drive, or when in charge of a vehicle in motion on a road, or when attempting to drive a vehicle on a road, or when in charge of a horse or other animal or drove of animals on a road, is under the influence of intoxicating liquor to such an extent as to be

Provision for
taking of
blood
samples
where intoxi-
cation
suspected in
certain cases.

guilty of an offence under any Act, the member of the Police Force or inspector shall advise that person that he may at his option forthwith submit himself to a legally qualified medical practitioner nominated by himself or with his approval by the member of the Police Force or the inspector, and allow a sample of his blood to be taken for chemical analysis by a properly qualified analyst in accordance with regulations made under this section; and if that person expresses a desire to exercise that right, every facility in that regard shall be afforded him.

(2) Where a person so submits himself and a sample is so taken, it shall be divided into two parts, one of which shall be handed to that person or a person nominated by him and the other shall be handed to the member of the Police Force or the inspector, as the case may be.

(3) In any proceedings in any court, where at the trial or hearing of an alleged offence, the question whether any person was or was not under the influence of intoxicating liquor at the time of the offence is relevant, then,

(a) without affecting the admissibility of any evidence which might be given at that trial or hearing apart from the provisions of this section, evidence may be given of the taking of a sample of blood from that person by a legally qualified medical practitioner within eight hours after the alleged offence was committed, of the analysis of that sample by a properly qualified analyst, of the percentage by weight of alcohol found by that analyst to be present in that sample at the time of analysis, and of the finding of that analyst, based on the analysis and the interval of time which has elapsed, and the other relevant circumstances, as to the percentage by weight of alcohol which

was present in the blood of that person at the time of the alleged offence; and

- (b) (i) a certificate in the prescribed form purporting to be signed by a legally qualified medical practitioner certifying that a sample of blood was taken from the person and specifying the date and time when that sample was taken; or
- (ii) a certificate in the prescribed form purporting to be signed by a properly qualified analyst that an analysis of a sample of the blood of the person disclosed the presence of a specified percentage by weight of alcohol, and the analyst's finding, based on the result of that analysis, that at the time of alleged offence that blood contained at least a specified percentage by weight of alcohol,

if admitted in evidence, shall be regarded as *prima facie* evidence of the matters stated therein without proof of the signature of the person purporting to have signed them; but no provision of this section shall be construed as limiting or restricting the right of any party to any proceedings to require any competent witness to appear at the trial or hearing and give oral evidence on oath.

(4) Where evidence of the taking and analysis of a sample of blood and of the findings of an analyst is given at a trial or hearing in accordance with subsection (3) of this section, and that evidence is accepted by the Court,

- (a) if the analyst's finding is that the percentage by weight of alcohol in the blood of the person was 0.05 per centum or less at the time of the alleged offence,

that finding shall be regarded as *prima facie* evidence that that person was not under the influence of intoxicating liquor at that time;

- (b) if the analyst's finding is that the percentage by weight of alcohol in the blood of the person exceeded 0.05 per centum but was less than 0.15 per centum at the time of the alleged offence, that finding shall be considered by the court as evidence together with such other relevant and admissible evidence as was given in those proceedings, but shall not, by itself, give rise to any presumption as to whether that person was or was not under the influence of intoxicating liquor;
- (c) if the analyst's finding is that the percentage by weight of alcohol in the blood of the person was 0.15 per centum or more, at the time of the alleged offence, that finding shall be regarded as *prima facie* evidence that the person was under the influence of intoxicating liquor at that time.

(5) In this section,

“properly qualified analyst” means the Government Analyst or a person certified by the Government Analyst as having the qualifications necessary for the analysis of alcohol contained in bodily substances and includes a person who is possessed of such qualifications as are required for Associateship of the Royal Australian Chemical Institute

(6) Notwithstanding the provisions of any other law, the provisions of this section, so far as they may be applied, shall apply to any offence under this or any other Act, in regard to which the question whether a person charged with that offence was or was not under the influence of intoxicating liquor at the time of the commission of the offence, is relevant.

(7) The fees payable to a medical practitioner who attends a person for the purpose of collecting a sample of blood and those payable in respect of the analysis of those samples shall be as prescribed, and payment and recovery of those fees shall be made in accordance with the regulations.

(8) (a) The Governor may make regulations not inconsistent with this section prescribing all matters which are necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this section.

(b) Without prejudice to the generality of paragraph (a) of this subsection, regulations may be so made—

- (i) prescribing the manner of collecting samples of blood and the manner and method by which those samples shall be analysed;
- (ii) prescribing the form of any certificate referred to in this section; and
- (iii) providing for the assessment by a properly qualified analyst of the percentage, whether by weight or volume of alcohol at the time of the alleged offence and the rate at which the analyst shall compute the variation of the blood alcohol concentration between that time and the time when a sample is collected.

(9) No provision of this section shall be construed as precluding or restricting the introduction of any competent evidence bearing on the question whether a person was or was not under the influence of intoxicating liquor, whether that evidence is in addition to or independent of any evidence provided for in this section.

S. 34
amended.

22. Section thirty-four of the principal Act is amended by substituting for the words, "Ten pounds" in the last line of subsection (1), the passage—

For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds.

S. 42
amended.

23. Section forty-two of the principal Act is amended by deleting the passage, "motor wagon, goods vehicle," in lines one and two of subsection (1).

S. 43
amended.

24. Section forty-three of the principal Act is amended—

(a) by substituting for the words, "Five pounds" in the last line of subsection (1) the following passage—

For a first offence, a fine not exceeding twenty-five pounds; and for any subsequent offence, a fine not exceeding fifty pounds. ; and

(b) by adding after subsection (2) a subsection as follows—

(3) (a) Except to the extent mentioned in paragraph (b) of this subsection, no person shall drive, or use, or allow or employ a person to drive, on a road a goods motor vehicle as defined in paragraph (c) of this subsection,

(i) if the weight of the vehicle and its load, if any, exceeds the aggregate or gross weight of the vehicle as set out in the current certificate of registration or license in respect of that vehicle or, if that weight is not so set out, the aggregate or gross weight of the vehicle prescribed

(Cf. Traffic
Reg. 170 and
Tenth
Sched.
to Regs.)

for vehicles of its class and calculated in accordance with regulations made under this Act; or

- (ii) if the weight of the trailer, if any, attached thereto, not being a trailer which is drawn by a tractor referred to in paragraph (c) of this subsection, together with its load exceeds two-thirds of the aggregate or gross weight of the vehicle by which it is drawn as set out in the current certificate of registration or license in respect of that vehicle or, if that weight is not so set out, the aggregate or gross weight of that vehicle prescribed for vehicles of its class and calculated in accordance with regulations made under this Act; or
- (iii) unless the word, "Tare" or the letter, "T", followed by the unladen weight of the vehicle and immediately thereunder the word, "Aggregate" or the letter, "A", followed by the aggregate or gross weight of the vehicle as set out in the current certificate of registration or license in respect of that vehicle, or, if that weight is not so set out, the aggregate or gross weight of that vehicle as prescribed for vehicles of its class and calculated in accordance with regulations made under this Act, are painted in block letters on the right-hand or off side of the vehicle at least two inches high and maintained in such a condition as to be clearly legible from a distance of fifteen feet.

Penalty—For a first offence, a fine not exceeding twenty-five pounds; for any subsequent offence, a fine not exceeding fifty pounds.

(b) Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subsection, the weight limits prescribed in those subparagraphs may be exceeded only

- (i) where the owner or person in charge of the vehicle is in possession of a permit, issued pursuant to the regulations, authorising the aggregate or gross weight of that vehicle to be so exceeded; and
- (ii) to the extent and on such road or roads as are specified in the permit; and
- (iii) if all the conditions subject to which the permit was issued have been observed and complied with.

(c) In this subsection, “goods motor vehicle” means any motor vehicle constructed, equipped or fitted for the conveyance of goods or merchandise, and includes a tractor which is designed and used for drawing other vehicles, but which may not be constructed or designed for carrying any load thereon independently or any part of the load of a vehicle drawn by it.

S. 44
amended.

25. Section forty-four of the principal Act is amended by substituting for subsection (2) a subsection as follows—

Proof of
contents of
weight
ticket.
(Cf. Weights
and Meas.
Regs. Part
X, reg. 14.)

(2) Where a weight ticket purporting to be signed by a weighman duly licensed under the Weights and Measures Act, 1915, and the regulations thereunder is produced in evidence

in any proceedings under this Act, any weight shown on the ticket as the tare or the gross weight or the weight of the load of a vehicle weighed by a weighbridge or other weighing machine duly verified and registered in accordance with that Act or those regulations shall be deemed to be proved in the absence of proof to the contrary; but where the ticket is stamped with the words "End and end weighing—Weight not guaranteed" or with words to that effect in accordance with those regulations, the weight of that load shall be deemed to be that which is equivalent to the weight of the load as shown on the ticket less two and one-half per centum of that weight.

26. Section forty-five of the principal Act is ^{S. 45} amended—

- (a) by substituting for the words, "erected or recognised by a local authority within one mile" in lines six and seven, the passage, "which is duly verified and registered in accordance with the Weights and Measures Act, 1915, and the regulations thereunder, and which is erected or situated within five miles"; and
- (b) by substituting for the words, "Ten pounds" in the last line, the passage—

For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds.

27. Section forty-six of the principal Act is ^{S. 46} amended—

- (a) by substituting for the words, "erected or recognised by a local authority" in lines five and six of subsection (1), the passage, "duly verified and registered in accordance with the Weights and Measures Act, 1915, and the regulations thereunder";

- (b) by substituting for the words, "Ten pounds" in the last line of subsection (1), the passage—

For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds; and

- (c) by substituting for the passage, "erected, or recognised by, the local authority is greater than two miles" in the last two lines of subsection (2), the words, "so verified and registered is greater than five miles".

S. 47
amended.

28. Section forty-seven of the principal Act is amended—

- (a) by adding after the word, "inspectors" in the last line of subparagraph (i) of paragraph (i) of subsection (1), the words, "and regulate the manner in which those vehicles may be hired";

- (b) by adding after subparagraph (s) of paragraph (ii) of subsection (1), a subparagraph as follows—

(t) prescribe special provisions relating to the use and hiring of private taxi-cars, regulating or prohibiting the use of public taxi stands by drivers of private taxi-cars and exempting private taxi-cars from any provisions of the regulations relating generally to taxi-cars;

- (c) by adding after subparagraph (l), paragraph (vii) of subsection (1) a subparagraph as follows—

(m) prescribe the method or methods by which the aggregate or gross weight of a goods motor vehicle is to be ascertained for any of the purposes of this Act;

- (d) by adding after the word, "Impose" in line one of paragraph (xiv) of subsection (1), the words, "for a first offence";
- (e) by adding after the word, "labour" in line three of paragraph (xiv) of subsection (1), the passage, ", and for any subsequent offence a penalty not exceeding fifty pounds or imprisonment not exceeding fifty days with or without hard labour,".
- (f) by adding after paragraph (xv) of subsection (1), a paragraph as follows:—

(xva) Notwithstanding the provisions of subsection (1a) of section sixteen of this Act, prescribe special provisions enabling or requiring persons duly licensed as dealers under Part IIIA of this Act, by arrangement with the appropriate local authority or otherwise, to make application and pay the fees prescribed for transfers of vehicle licenses in respect of used motor vehicles acquired by them;

29. Section fifty-one of the principal Act is amended— s. 51
amended.

- (a) by adding after the section designation, "51" the subsection designation, "(1)"; and
- (b) by adding a subsection as follows:—

(2) The consent in writing, of the Commissioner of Police and of the local authority, referred to in subsection (1) of this section, shall only be given on payment by the licensee to the Commissioner or local authority, as the case may be, of a fee of ten shillings.

S. 52
amended.

30. Section fifty-two of the principal Act is amended by substituting for the words, "Twenty pounds" in the last line of subsection (2), the passage—

For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

S. 56
amended.

31. Section fifty-six of the principal Act is amended by substituting for the words, "Ten pounds" in the last line of subsection (2), the passage—

For a first offence a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds or imprisonment not exceeding twenty-five days.

S. 56A
added.

32. The principal Act is amended by adding after section fifty-six a section as follows:—

Provision of
parking
areas by
local
authorities.

56A. No provision of this or any other Act shall be deemed to preclude a council of a municipality or a road board from expending any part of its revenue derived pursuant to this Act in setting apart, providing, and maintaining, any land vested in it or under its control as an area for the parking of vehicles generally or for the parking of a class or specified classes of vehicles.

S. 59
amended.

33. Section fifty-nine of the principal Act is amended by substituting for the words, "Twenty pounds" occurring firstly at the end of subsection (1), and secondly at the end of subsection (2), the passage—

For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds.

34. Section sixty of the principal Act as re-enacted by section twenty-five of Act No. 74 of 1956 is amended— S. 60 amended.

- (a) by deleting the word, “motor” in line five of subsection (1); and
- (b) by substituting for the word, “date” in line eighteen of paragraph (a) of subsection (3), the word, “time.”

35. Section sixty-four of the principal Act is amended by substituting for the words, “Twenty pounds” in the last line of subsection (3), the passage— S. 64 amended.

For a first offence a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

36. Section sixty-eight of the principal Act is amended by substituting for the word, “Twenty-five pounds” in the last line, the passage— S. 68 amended.

For a first offence, a fine not exceeding twenty-five pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

36A. The principal Act is amended by adding after section sixty-nine a section as follows:— S. 36A added.

69A. For the purposes of this Act, section one hundred and sixty-seven of the Justices Act, 1902, as amended, shall be read and construed as if the period of imprisonment to be inserted Scale of imprisonment for non-payment of penalty or costs under this Act.

in a warrant of commitment referred to in subsection (1) of that section and issued in any proceedings under this Act shall be calculated at the rate of one day for every pound payable under the warrant, any fractional part of a pound being disregarded, but the maximum period of imprisonment to be so inserted shall be as provided in that subsection.

Second
Schedule
amended.

37. The Second Schedule to the principal Act is amended by adding after the word, "same" being the last word of the description relating to "Semi-Trailer", the following passage, "; the term also includes a type of trailer known as a pole type jinker or pole type trailer".

Third
Schedule
amended.

38. The Third Schedule to the principal Act is amended—

(a) by substituting for the whole of sub-item (a) of item six under the heading, "LICENSE FEES FOR MOTOR VEHICLES" in Part I, the following sub-item—

	£	s.	d.
(a) if motor propelled, per power weight unit	0	5	3;

(b) by substituting for the whole of item seven under the heading, "LICENSE FEES FOR MOTOR VEHICLES" in Part I, the following item—

	£	s.	d.
7. For a trailer fitted with pneumatic tyres—			
not exceeding 10 cwt. (unladen weight)	1	10	0
exceeding 10 cwt. but not exceeding 15 cwt. (unladen weight)	3	0	0
exceeding 15 cwt. but not exceeding 20 cwt. (unladen weight)	5	0	0

	£	s.	d.
exceeding 20 cwt. but not exceeding 25 cwt. (unladen weight)	10	0	0
exceeding 25 cwt. but not exceeding 30 cwt. (unladen weight)	20	0	0
exceeding 30 cwt. (unladen weight) per cwt.	1	0	0;

- (c) by adding after the words, "omnibus type" in lines one and two of item eight under the heading, "LICENSE FEES FOR MOTOR VEHICLES" in Part I, the words, "and a pole type jinker or pole type trailer";
- (d) by adding after paragraph (c) of the proviso, added by the Traffic Act Amendment Act, 1957, to item ten under the heading, "LICENSE FEES FOR MOTOR VEHICLES" in Part I, a proviso as follows—

Provided also that—

- (a) the fee for any tractor designed and used primarily for earth moving or road making shall be twenty-five per centum of the fee prescribed in this item; and
- (b) the fee for any tractor which in the opinion of the local authority is not generally used on roads shall be five pounds per annum or twenty-five per centum of the fee prescribed for a tractor in this item, which ever is the lesser amount; but
- (c) the maximum fee under this item for a tractor operated on motor spirit as defined in paragraph (d) of subsection (3) of section eleven of this Act shall not, in any event exceed fifty pounds per annum.; and

- (e) by substituting for paragraph fifteen under the heading, "LICENSE FEES FOR MOTOR VEHICLES" in Part I., a paragraph as follows—

15. (1) Where the fuel used for propelling a motor vehicle is not motor spirit as defined in paragraph (d) of subsection (3) of section eleven of this Act, the license fee for that vehicle shall, subject to the provisions of subparagraph (2) of this paragraph, be double the rate prescribed for that vehicle in this Part of this Schedule: Provided that, subject to the provisions of subparagraph (2) of this paragraph, the maximum fee under this Part of this Schedule for any tractor operated on fuel other than motor spirit as so defined shall not exceed one hundred pounds.

(2) The Minister may, in such cases as he thinks proper, by notice published in the *Gazette*, reduce any fee referred to in subparagraph (1) of this paragraph, and the fee as so reduced shall be payable in accordance with that notice.
