

ROAD DISTRICTS.

3° and 4° GEO. VI., No. LVI.

No. 56 of 1939.

AN ACT to amend paragraph (41) of Section two hundred and four of the Road Districts Act, 1919-1934.

[Assented to 23rd December, 1939.]

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

Short title.

1. This Act may be cited as the *Road Districts Act Amendment Act, 1939*, and shall be read as one with the Road Districts Act, 1919-1934 (as amended by Act No. 48 of 1934), hereinafter called the principal Act.

Amendment
of s. 204 (41)
of principal
Act.

2. Paragraph (41) of section two hundred and four of the principal Act is amended—

(a) by deleting the words "fruit, fish, meat, poultry, game or vegetables or any article of merchandise" in subparagraph (i) and inserting in lieu thereof the words "any goods, wares, or merchandise";

- (b) Subject as hereinafter provided, for the purposes of this paragraph the term "hawker" means any person who travels and trades and goes from place to place or to other men's houses or places of business, soliciting orders from or carrying to sell or exposing for sale any goods, wares or merchandise to any person who does not in the ordinary course of business buy and sell or use the same: Provided that, if the goods, wares, or merchandise consist only of one or more of the following, namely:—fruit, fish, meat, poultry, game, vegetables, butter, eggs, milk, or any victuals or books or newspapers, the term means any person who (or if he is a servant, whose employer) does not carry on the business of selling or producing the same in a shop or permanent place of business, and who travels and trades and goes from place to place or to other men's houses there soliciting orders for or carrying to sell or exposing for sale any such merchandise or articles.

In the foregoing definition of the word "hawker" the term "Shop or permanent place of business" means an established or permanent place of business of substantial construction wherein goods, wares, or merchandise of the kind being hawked are made, produced, or sold, and, when the article hawked is a primary product, includes the farm or place where the same was produced.

3. The principal Act and its amendment as amended by this Act may be cited as the Road Districts Act, 1919-1939.

Citation of
principal Act
as amended.