



Western Australia.

ANNO QUINQUAGESIMO NONO

VICTORIÆ REGINÆ.

No. XXXIX.

AN ACT to regulate the Width of Tires to be used on Certain Vehicles, and for other purposes.

[Assented to, 12th October, 1895.]

BE it enacted by the Queen'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:—

I. IN this Act, unless the context otherwise requires—

Interpretation.

“Local Authority” means the municipal council of any municipality as to roads within the limits of such municipality, the roads board of any district as to roads within such district, and as to all other public roads the Director of Public Works.

“Vehicle” means and includes any wagon, dray, cart, or lorry, but does not include any vehicle intended solely to carry passengers.

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Width of tires prescribed.

2. ON and after the First day of May, One thousand eight hundred and ninety-six, no person engaged in building, constructing, selling, or making vehicles shall build, construct, or make, sell, or hire, or offer for sale or hire any vehicle, unless the width of the tires of such vehicle shall be in the following proportion to the diameter of the axle arms of such vehicle, namely:—

When the diameter of the axle arm is

2	inches	the width of the tire shall be	3	inches
$2\frac{1}{4}$	„	the width of the tire shall be	$3\frac{1}{2}$	„
$2\frac{1}{2}$	„	the width of the tire shall be	4	„
$2\frac{3}{4}$	„	the width of the tire shall be	$4\frac{1}{2}$	„
3	„	the width of the tire shall be	5	„

No vehicle to be imported unless tires of prescribed width.

3. ON and after the Thirtieth day of June, One thousand eight hundred and ninety-six, no person shall import into Western Australia any vehicle, the tires on the wheels of which vehicle are not of the width prescribed by or specified in the preceding section, and if any such vehicle be imported, no person shall use or employ it upon any public road.

Penalty for offences against provisions of preceding sections.

4. ANY person offending against the provisions of either of the two preceding sections shall be liable for each and every such offence, upon conviction, to a penalty not exceeding Five pounds.

Penalty for using vehicles with tires not of prescribed width.

5. IF on or after the First day of January, One thousand eight hundred and ninety-nine, any person uses, employs, or drives upon the public roads any vehicle, the tires of the wheels of which vehicle are not of the width prescribed by section two of this Act, he shall be liable for each and every such offence, upon conviction, to a penalty not exceeding Five pounds.

Axle arms and wheels may be examined.

6. (1.) ON and after the First day of January, One thousand eight hundred and ninety-six, any local authority, or the mayor or any councillor of a municipality, or any member of a roads board, or any officer of a municipality or roads board, or any officer or constable of the police force may measure and examine, or cause to be measured and examined, the axle arms, wheels, and tires of every vehicle in use on any public road, or imported into the Colony, or in the possession of any coach, carriage, or cart builder, or person having vehicles for sale or hire.

Penalty for refusing or obstructing examination.

(2.) Any person who refuses to allow any local authority or any officer or person as aforesaid to measure or examine the axle arms, wheels, or tires of any vehicle, or prevents or obstructs the measurement or examination thereof, shall be liable for each offence, upon conviction, to a penalty not exceeding Five pounds.

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7. ON and after the First day of January, One thousand eight hundred and ninety-nine, every vehicle in use on any public road shall have the diameter of the axle arms painted on some conspicuous part on the off side thereof; and the owner of any vehicle who neglects to have such measurement painted as aforesaid, or who has the same so painted incorrectly, shall, upon conviction, forfeit and pay for each and every such offence a sum of not less than Five shillings nor more than Five pounds: And each and every day during which any vehicle shall continue to be used as aforesaid without having the measurement correctly painted as aforesaid shall be deemed a fresh offence:

Vehicles to have diameter of axles, &c., painted on conspicuous part.

8. (1.) EVERY local authority may from time to time make and prescribe, amend, repeal, or add to such by-laws as it thinks fit for carrying this Act into effect.

By-laws, local authority may make.

(2.) Such by-laws shall, where the nature of the case permits, state some maximum fine or penalty for any neglect or breach thereof, provided that no such fine or penalty shall exceed Ten pounds.

To state penalty for breach.

(3.) No by-law shall have any force or effect until the same shall be confirmed by the Governor and be published in the *Government Gazette*.

To be confirmed and published.

(4.) The production of a copy of the *Government Gazette* containing any such by-law shall be conclusive evidence that such by-law was duly made and confirmed as aforesaid.

Evidence by *Government Gazette*.

9. ALL offences against the provisions of this Act or the by-laws made thereunder, in respect of which any fine or penalty is imposed, may be heard and determined, enforced and recovered summarily before any two or more Justices of the Peace in Petty Sessions.

Summary procedure.

10. SECTIONS A, C, F, G, and H of "The Shortening Ordinance, 1853," shall be incorporated with and taken to form part of this Act to all intents and purposes, and in as full and complete a manner as if the said sections had been fully set forth in this Act.

Sections of Shortening Ordinance incorporated.

11. THERE shall be an appeal from any conviction by Justices of the Peace for any offence against this Act, or from any order dismissing any information or complaint, or from any order for payment of money, whether for costs or otherwise: and the proceedings on such appeal shall be conducted and regulated in the manner prescribed by Part IX. of "The Police Act, 1892."

Appeal provided.

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Appropriation of
fees, etc.

12. EXCEPT as hereinafter mentioned, every fine or penalty imposed for any offence against this Act or the by-laws made thereunder shall be paid to the Crown, provided that when any such fine or penalty is imposed for any offence committed within the limits of a municipality or of a district constituted under "The Roads Act, 1888," one moiety of such fine shall be paid to the municipal council or roads board within the limits of whose municipality or district such offence was committed.

Short Title.

13. THIS Act may be cited as "The Width of Tires Act, 1895."

In the name and on behalf of the Queen I hereby assent
to this Act.

ALEX. C. ONSLOW, Administrator.