

TRAFFIC (No. 3).

5° Elizabeth II., No. LXXIV.

No. 74 of 1956.

AN ACT to amend the Traffic Act 1919-1955, and section three hundred and ninety A of The Criminal Code.

[Assented to 14th January, 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:—

Short title
and citation.

1. (1) This Act may be cited as the *Traffic Act Amendment Act (No. 3), 1956.*

(2) In this Act the Traffic Act, 1919-1955,

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 Act No. 37 of 1955,

Approved for
reprint
26th July,
1955.
(Reprinted
Acts. Vol. 9.)

is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Traffic Act, 1919-1956.

2. Section two of the principal Act is amended by adding after the passage "PART II.—LICENSING OF VEHICLES (ss. 5-21)" in line four, the following passage:—"PART IIA.—OVERSEAS MOTOR VEHICLES WHEN TEMPORARILY IN AUSTRALIA (ss. 21A-21M)."

S. 2 amended.

3. Subsection (1) of section seven of the principal Act is amended by adding after the word "establishment" in line three the words "of the owner of the vehicle".

S. 7 amended.

4. Section nine of the principal Act is amended—

S. 9 amended.

(a) by adding after the word "Where" in line one of paragraph (a) of subsection (3) the following passage " , after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956,";

(b) by adding after the word "made" in line one of paragraph (a) of subsection (3) the passage "for a license for a vehicle not previously licensed under this section or for a vehicle whose license expired more than fifteen days prior to the date of the application,";

(c) by deleting the words, "or a renewal of the license as the case may be" in lines six and seven of paragraph (a) of subsection (3);

(d) by adding after paragraph (b) of subsection (3) a paragraph as follows:—

(c) A license granted under the provisions of paragraph (a) of this subsection may, subject to subsection (5) of this section, be renewed for a period of either six months or twelve months at the option of the applicant. ;

(e) by adding after the passage “paragraph (a)” in lines one and two of subsection (8), the passage “or paragraph (c)”;

(f) by substituting for the words “one shilling” in the last line of subsection (9) the words “two shillings and sixpence”.

S. 10
repealed and
re-enacted.

5. Section ten of the principal Act is repealed and re-enacted as follows:—

Licensing of
vehicles
within
metropolitan
area.

10. (1) (a) The provisions of this section shall apply and have effect in relation to the issue and renewal after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, of vehicle licenses in every district and sub-district comprising the metropolitan area, but shall have no operation in relation to the issue or renewal of vehicle licenses outside the metropolitan area.

(b) The Commissioner of Police shall, subject to this Act and the Motor Vehicle (Third Party Insurance) Act, 1943, grant and issue a vehicle license or the renewal of a vehicle license to an applicant who makes application in accordance with the provisions of this section and complies with the relevant provisions of this Act.

(2) (a) An application for a vehicle license or for the renewal of a vehicle license shall be made on the prescribed form by or on behalf of the owner of the vehicle in accordance with the regulations and shall be addressed to the Commissioner of Police.

(b) At the time of making the application the applicant shall pay to the Commissioner of Police the appropriate fee referred to in subsection (3) of this section.

(3) (a) The fees prescribed in the Third Schedule are payable for a license or a renewal of a license for a period of twelve months.

(b) Notwithstanding the provisions of section eleven of this Act, the fee for a vehicle license or a renewal of a license for a period which is less than twelve months shall be the amount which bears to the fee for a license for a period of twelve months, the same ratio as the period for which the license is issued or renewed bears to a period of twelve months, plus a sum of two shillings and sixpence; but the sum of two shillings and sixpence shall not be payable in respect of a license granted under subsection (7) of this section.

(4) (a) Subject to this Act a license for a vehicle not previously licensed under this section or the license in respect of which has not been renewed in accordance with the provisions of this section may be granted and issued for a period of either six months or twelve months at the option of the applicant: But a license in respect of a tractor, semi-trailer, trailer or caravan may be granted and issued for a period of one month or two or more months, but not exceeding twelve months.

(b) The Commissioner of Police shall assign a number to the vehicle and issue a number plate or set of number plates with each license.

(c) The license when so issued shall commence and have effect from and including the date of its issue, which, for the purposes of this section, shall be regarded as the annual licensing date, but if the license so issued is in respect of a vehicle licensed under section nine of this Act, that license shall, if issued prior to or within fifteen days after the expiry of the

license under section nine, commence and have effect on the day next succeeding the date of expiry of the license under section nine.

(5) (a) A vehicle license previously issued under this section may, subject to paragraphs (b) and (c) of this subsection, be renewed for a period of either three months, six months or twelve months from the date of its expiry at the option of the applicant, but the license shall not be renewed for the period of twelve months unless such period will expire prior to the next ensuing anniversary of the annual licensing date.

(b) A license previously issued under this section in respect of a tractor, semi-trailer, trailer or caravan may, notwithstanding the provisions of paragraph (a) but subject to those of paragraph (c) of this subsection, be renewed for a period of one month or two or more months, but not exceeding twelve months, but the license shall not be renewed for a period exceeding one month unless that period will expire prior to the next ensuing anniversary of the annual licensing date.

(c) Application for the renewal of a vehicle license may 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 license when so renewed shall continue in operation until the expiry of the period for which it is renewed.

(6) (a) Where a vehicle license issued under this section has expired and an application for its renewal has not been received by the Commissioner of Police within fifteen days after the date of its expiry, the person last registered as the owner of the vehicle shall return to the Commissioner of Police the number plate or number plates held by him in respect of the expired license; and in default thereof the person shall be liable to pay to the Commissioner of Police a fee which shall be equivalent to the fee

payable in respect of the vehicle for a license for a period of six months or such lesser sum as the Commissioner of Police may demand, notwithstanding that the person may have ceased to be the owner of the vehicle.

(b) The fee payable by the person under the provisions of paragraph (a) of this subsection may be recovered as a penalty by complaint in a court of summary jurisdiction: But when demand is made by or on behalf of the Commissioner of Police for the fee referred to in paragraph (a) of this subsection, the person may, in lieu of paying the fee, apply for the renewal of the expired license and, in the case of a vehicle, not being a tractor, semi-trailer, trailer or caravan, on payment of the full license fee for a period of six months or a period of twelve months if that period will expire prior to the next ensuing anniversary of the annual licensing date, or, in the case of a tractor, semi-trailer, trailer or caravan, on payment of the full license fee for a period of one month or a period of two or more months if that period will expire prior to the next ensuing anniversary of the annual licensing date, the Commissioner of Police shall renew the license for that period; but the renewed license shall have effect only from the date of renewal and shall expire on the date it would have expired if renewed for the same period under the provisions of subsection (5) of this section.

(7) (a) In respect of a vehicle for which a license granted under section nine of this Act has expired or is about to expire, the Commissioner of Police may, subject to this Act, grant to an applicant a license for that vehicle under this section, but, notwithstanding the provisions of subsection (4) of this section, the license may be granted for such period, not exceeding the period applied for, as the Commissioner of Police might determine.

(b) The fee payable for the license shall be the amount which bears to the fee for a license for twelve months the same ratio as the period for which the license when granted will bear to a period of twelve months.

(c) For the purposes of renewing under subsection (5) or subsection (6) a license granted under this subsection, the annual licensing date of the license shall be the day immediately following the date of expiry of the license granted under this subsection.

(8) (a) Upon application by the owner of three or more vehicles licensed under the provisions of this section for a common annual licensing date the Commissioner of Police may re-issue the licenses for all or any of the vehicles to expire on the same date, such date to be determined by the Commissioner of Police.

(b) The day immediately following the date of expiry of the reissued licenses shall be regarded as the annual licensing date of those vehicles.

(c) Where a license is reissued pursuant to the provisions of paragraph (a) of this subsection the license fee shall be adjusted and the owner is—

(i) liable to pay to the Commissioner of Police the balance sum, if any, due to make up the proportion of the fee due in respect of the license, after adjustment, for the period ending on the common expiry date of the licenses; and

(ii) entitled to a refund of the amount, if any, paid in excess thereof prior to the adjustment;

but in calculating the balance sum due by an owner to the Commissioner of Police under subparagraph (i) of this paragraph, the owner is

liable to pay the proportionate fee for a full calendar month's license in respect of any period short of a calendar month falling within the period covered by each reissued license.

6. Subsection (1) of section eleven of the principal Act is amended— S. 11 (1) amended.

(a) by substituting for all the words in lines one and two the following:—

Fees shall be paid to local authorities for licenses or renewals of licenses granted, or for transfers of licenses effected, after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, in accordance with the appropriate scale prescribed in the Third Schedule to this Act; ;

(b) by substituting for the passage “only one-half of the fee payable, according to the scale in the Third Schedule, shall be chargeable in any case in which” in lines one, two and three of the fourth proviso, the following passage—

the licensing authority shall, in respect of one vehicle owned by any person, and may in its discretion, in respect of any additional vehicle owned by that person, charge only one-half of the fee payable according to the scale in the Third Schedule, where.

7. The principal Act is amended by adding after section eleven a new section as follows:— S. 11A added.

11A. (1) Where the fee for the issue or renewal of a vehicle license is paid by a cheque which is not honoured by the Bank on which it is drawn, the license is void as from the time of issue or renewal as the case may be. License obtained by means of dishonoured cheque void.

(2) The person to whom a license referred to in subsection (1) of this section is issued shall, on demand by the local authority which issued

the license or by a member of the police force or a traffic inspector, forthwith deliver the license and the identification tablets or number plates relating to that license to the local authority, member of the police force or traffic inspector.

(3) Where the person to whom the license is issued—

- (a) fails so to deliver the license or the tablets or plates; or
- (b) after the demand uses or continues to use or allows any other person to use the license or the tablets or plates relating to that license

he commits an offence.

Penalty: Twenty pounds.

S. 14
amended.

8. Section fourteen of the principal Act is amended—

(a) by adding after subsection (1) a subsection as follows:—

(1a) One-half of the gross amount of the fees paid for transfers of licenses effected in the metropolitan area after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956,

- (a) shall be paid into the Treasury to the credit of an account to be called "The Metropolitan Area Railway Crossing Fund Account"; and
- (b) shall be chargeable with the cost of providing, improving, maintaining and repairing, in accordance with the directions of the Minister, railway road crossings including subways, overhead

bridges and level crossings situated within the metropolitan area. ;

- (b) by adding after the word, "regulation" in line three of subsection (2), the passage, ", excepting the amount required to be paid to the credit of The Metropolitan Area Railway Crossing Fund Account in accordance with the provisions of subsection (1a) of this section,";
- (c) by adding after the word, "determine" being the last word in paragraph (c) of subsection (2) the following passage—

; but where in any year after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, the remaining half of the net balance of those fees together with any moneys so unexpended out of the firstmentioned half of that balance exceeds the total of the amounts paid under this paragraph to those local authorities and that Board for the year ended the thirtieth day of June, 'one thousand nine hundred and fifty-six, then fifty per centum of the amount by which that total is so exceeded shall in each year and for a period of ten years, commencing with the year in which the Traffic Act Amendment Act (No. 3), 1956, comes into operation, be paid to the Commissioner of Main Roads and shall be set apart and applied for the purpose of defraying the expenses to be incurred in connection with the taking and preparation of land for the purpose of providing and developing such road or roads connected with the approaches to the proposed bridge over The Narrows or such other road or roads associated with the regional development of the metropolitan area as the Minister may, on the recommendation of the Commissioner of Main Roads, determine;

- (d) by substituting for the word, "twenty" in line five of subsection (2a) the word, "forty".

s. 16
amended.

9. Section sixteen of the principal Act is amended—

- (a) by substituting for the passage commencing with the word "has" in line six and ending with the word "person" in line seven the words "ceases to be the owner of the vehicle, endorse on the license the transfer thereof to the new owner of the vehicle and when the license is so endorsed the new owner";

- (b) by adding after subsection (1) a subsection as follows:—

(1a) (a) The person who becomes the owner of the vehicle shall, immediately on becoming the owner, apply to the licensing authority for the transfer of the license to him and pay the prescribed fee.

(b) A person who fails to comply with the provisions of this subsection commits an offence.

Penalty: Twenty Pounds.

- (c) by substituting for subsection (2) the following subsection:—

(2) Where a person to whom a license in respect of a vehicle has been granted in any district dies, the licensing inspector or officer of that district shall on payment of the prescribed fee, if any, by the executor or administrator of that person endorse on the license the transfer thereof to that executor or administrator.

10. Section seventeen of the principal Act is amended— S. 17
amended.

- (a) by substituting for subsection (1) the following subsection:—

(1) Where, after the coming into operation of the Traffic Act Amendment Act, 1956, a person is convicted of an offence against this Act, other than an offence prescribed as a minor offence under section 74A of this Act, the court, in lieu of or in addition to any other penalty provided by law which it may see fit to impose,

- (a) may, if the person is the holder of a current license granted under this Part, by order cancel the license and may in addition order that the person shall be disqualified for a period not exceeding twelve months from holding a license of the same kind as the license so cancelled;
or

- (b) may, if the person is not the holder of a current license granted under this Part, order that the person shall be disqualified for a period not exceeding twelve months from holding a license of such kind as the court specifies in the order.

- (b) by adding before the word “the” in line one of subsection (2) the words “it ceases to have force or effect and”;

- (c) by adding a subsection as follows:—

(3) A person who, by order of a court is disqualified from holding a license under this section is, during the period of disqualification, not entitled to apply for, obtain, or hold a license of the kind to which the disqualification applies.

S. 19
amended.

11. Paragraph (b) of section nineteen of the principal Act is amended—

- (a) by substituting for the word “five” in line five the word “ten”;
- (b) by adding after the word “prescribed” in line five the words “and such other fee or fees as are prescribed in relation to the issue of identification tablets for motor vehicles”;
- (c) by substituting for the word “annually” in line six the words “and issue”.

New Part IIA
and ss.
21A-21M
added.

12. The principal Act is amended by adding after section twenty-one a new Part as follows:—

PART IIA.—OVERSEAS MOTOR VEHICLES WHEN
TEMPORARILY IN AUSTRALIA.

Application
of this Part.

21A. (1) This Part applies to any motor vehicle which is

imported for temporary use in the Commonwealth from any country outside the Commonwealth

and

landed in this State direct from that country

or

brought to this State from any other State or a Territory of the Commonwealth.

(2) The provisions of this Part do not affect the other provisions of this Act or the provisions of the regulations made under the Act, except to the extent expressly provided.

21B. Where a motor vehicle to which this Part applies and which is owned by a person who is not a permanent resident of any State or Territory of the Commonwealth is landed in this State direct from any country outside the Commonwealth, the owner of the vehicle is entitled, on application to the local authority within whose district he is for the time being residing, and subject to the provisions of sections 21E and 21F of this Act, to be issued with a vehicle license for that vehicle free of charge, for a period not exceeding twelve months calculated from the date when the vehicle was landed in this State, if it appears to the local authority that there are in force

When owner
of overseas
vehicle
entitled to
free license.

- (i) a vehicle license or registration effected in relation to that vehicle under the law of the country of which the owner is a permanent resident, and
- (ii) a contract of insurance with respect to the vehicle as provided in section four of the Motor Vehicle (Third Party Insurance) Act, 1943;

but the period for which a local authority issues a license under this section is not to extend beyond the date of the expiry of the license or registration effected under the law of that country nor beyond the date of the expiry of the contract of insurance.

21C. For the purpose of this Part a license issued or a registration effected by any licensing or registering authority of another State or a Territory of the Commonwealth in respect of a vehicle to which this Part applies is

License
issued in
another State
valid in this
State.

during the currency of the license or registration

and

if a contract of insurance with respect to that vehicle as provided in subsection (4)

of section three, or in section four, of the Motor Vehicle (Third Party Insurance) Act, 1943, is in force,

to be regarded as a vehicle license under this Act in respect of the vehicle when it is used on any road within this State.

When free license may be extended free of charge.

21D. Where a license issued free of charge under section 21B of this Act, or a license issued, or a registration effected, free of charge by any licensing or registering authority of another State or a Territory of the Commonwealth, in respect of a motor vehicle to which this Part applies, expires,

if the vehicle is being used in this State, the owner of the vehicle is,

on application to the local authority within whose district he is for the time being residing, and subject to the provisions of sections 21E and 21F of this Act,

entitled to an extension or a renewal of the license or registration by the local authority free of charge for a period, not extending beyond the period of twelve months from the date on which the vehicle was landed in the Commonwealth, if it appears to the local authority that there are in force

- (i) a vehicle license or registration effected in respect of that vehicle under the law of the country of which the owner is a permanent resident, and
- (ii) a contract of insurance with respect to the vehicle as provided in subsection (4) of section three, or in section four, of the Motor Vehicle (Third Party Insurance) Act, 1943,

but the period for which a local authority extends or renews the license or registration under this section is not to extend beyond the

date of the expiry of the license or registration, as the case may be, effected under the law of that country nor beyond the date of the expiry of the contract of insurance.

21E. The owner of the vehicle is not entitled to be issued with a license for the vehicle free of charge under section twenty-one B, or to an extension or renewal of the license or registration free of charge under section twenty-one D, of this Act, unless he produces for inspection by the local authority a document representing a valid *Triptyque* or *Carnet de passages en douane* relating to the vehicle, or such other documentary evidence as the local authority requires establishing that the owner has given to the Customs Department of the Commonwealth Government a guarantee that the vehicle is to be subsequently taken out of Australia.

Owner to furnish evidence of guarantee that vehicle will be taken out of Australia before free license or extension of license granted.

21F. A local authority shall not grant, issue, extend or renew a license in respect of a motor vehicle to which this Part applies, notwithstanding the provisions of sections twenty-one B or twenty-one D of this Act, unless it appears to a licensing officer of the local authority that the provisions of this Act relating to the construction, appliances, lamps and other equipment of motor vehicles have been complied with and have not been contravened in regard to that motor vehicle.

No license to be granted or extended unless Act complied with regarding construction, etc. of vehicles. (See No. 30 of 1918, s. 4 "This Act" includes regulations).

21G. When the owner of a vehicle to which this Part applies and in respect of which a vehicle license is issued, extended or renewed free of charge under this Part, becomes, or transfers the vehicle to, a permanent resident of the Commonwealth of Australia, the license so issued, extended or renewed becomes invalid.

Free license or renewal ceases to be valid when owner becomes, or transfers vehicle to, permanent resident.

21H. Where the owner of a vehicle to which this Part applies is not entitled to be issued with a license for the vehicle free of charge under

When provisions of Act apply as though this Part was not enacted.

section twenty-one B, or to an extension or renewal of the license free of charge under section twenty-one D, or where a license issued free of charge in respect of a vehicle to which this Part applies becomes invalid as provided by section twenty-one G, of this Act, the vehicle may be licensed in accordance with the provisions of this Act as though this Part was not enacted.

Free
certificate of
registration
to be issued
with each
free license
or renewal of
license.

21J. (1) Where a license is issued or extended or renewed free of charge in accordance with the provisions of this Part, the local authority shall issue to the owner of the vehicle a certificate of registration, free of charge, which shall have effect for the duration of the license in respect of which it is issued.

(2) The owner of the vehicle shall, so long as the license in respect of which it is issued remains in force, affix and keep affixed to the vehicle the certificate of registration issued to him under this section by such means and in such manner as is prescribed in regard to ordinary certificates of registration and the provisions of section twenty-one of this Act apply to persons who drive or cause or permit to be driven upon any road a vehicle to which this Part applies, as though that section was enacted in this Part.

Identifica-
tion tablets
or number
plates on
overseas
vehicles.

21K. Where a motor vehicle, to which this Part applies and which is owned by a person who is not a permanent resident of any State or Territory of the Commonwealth, when landed in or brought to this State, is equipped with one or more identification tablets or number plates in accordance with the law of the country, or the State or Territory of the Commonwealth from which it was so landed or brought those tablets or plates are to be regarded, so long as the vehicle license under this Act remains or is regarded to be in force and the vehicle is being used temporarily within the Commonwealth, as identification tablets or number

plates issued under this Act and the provisions of section twenty-seven of this Act apply to persons who drive or cause or permit to be driven upon any road a vehicle to which this Part applies as though that section was enacted in this Part and the expression "number plate" means an identification tablet or a number plate with which the vehicle was equipped when landed in or brought to this State; but where the vehicle is not so equipped or where the tablet or plate is so mutilated that any material part is obscured, obliterated or indistinct, the local authority within whose district the owner is for the time being residing shall, on payment of the prescribed charge, issue to him a temporary plate or plates which he shall affix to the vehicle in the manner prescribed and which are to be regarded, so long as a vehicle license or registration under this Act remains in force in respect of the vehicle and the vehicle is being used temporarily within the Commonwealth, as an identification tablet or tablets or a number plate or plates issued under this Act.

21L. The Governor may make such regulations as may be necessary or convenient for carrying out or giving effect to the provisions of this Part and, without limiting the generality of the foregoing, by such regulations may—

Regulations.

- (a) prescribe the particulars to be stated in any application made under section twenty-one B and section twenty-one D of this Act;
- (b) prescribe the type of temporary number plates to be issued by a local authority, the charge for temporary number plates and the conditions of their use, and provide for their surrender before the vehicles in respect of which they are issued are taken out of Australia;

- (c) provide for the issue by local authorities at a prescribed charge of plates displaying the words "Left-Hand Drive" in letters at least two inches high to owners of vehicles to which this Part applies and which have the steering apparatus on the left-hand side of the vehicle;
- (d) prescribe the charge for those plates;
- (e) prescribe the conditions under which "Left-Hand Drive" vehicles to which this Part applies may be used on any road in this State;
- (f) prescribe the nature and kind of information and particulars owners of vehicles to which this Part applies are to give a local authority at any specified time or from time to time;
- (g) authorise the licensing under this Part and the use in this State of vehicles to which this Part applies notwithstanding that any regulations relating to the construction, appliances, lamps and other equipment have not been complied with; and
- (h) require every vehicle to which this Part applies and in respect of which any regulations referred to in paragraph (g) of this section have not been complied with to be converted so as to comply with those regulations when the owner becomes, or the vehicle is transferred to, a permanent resident of the Commonwealth.

State
Transport
Co-
ordination
Act not
affected.

21M. The provisions of this Part do not affect any of the provisions of the State Transport Co-ordination Act, 1933.

S. 22
amended.

13. Section twenty-two of the principal Act is amended by adding after the word "Act" being the last word in paragraph (b) of subsection (2) the

following passage, "and, for the purpose of making investigations or inquiries concerning any offence against this Act or the regulations under the Act, committed within the district of the local authority by which he was appointed, may question, interview or obtain particulars from persons residing in other districts".

14. Section twenty-three of the principal Act is amended by adding after the first proviso to subsection (1) the following proviso:—

S. 23
amended

Provided also that, where a person under the age of eighteen years makes application for a license to drive a motor cycle—

- (a) the license or renewal shall not be granted unless the applicant produces the consent in writing of a parent, guardian or employer of the applicant to such license or renewal being granted;
- (b) the Commissioner may, in lieu of requiring the applicant to satisfy an examiner that he is qualified to drive a motor cycle, or to apply for and obtain a learner's permit as provided by section twenty-five of this Act, accept the certificate of the Safety Council Motor Cycle Driving School, or of a motor cycle club approved by the Commissioner, that the applicant is qualified to drive a motor cycle.

15. Subsection (4) of section twenty-three of the principal Act is amended—

S. 23 (4)
amended

- (a) by adding after the subsection designation "(4)" the paragraph designation "(a)";
- (b) by adding the following paragraphs:—

(b) Where, as a result of a test referred to in paragraph (a) of this subsection, the sight or hearing or both the sight and hearing of an applicant for a driver's

license is or are found to be defective but capable of correction, by the use of spectacles or a hearing aid or both, the license issued to the applicant shall be endorsed with the condition that the licensee shall wear suitable spectacles or an effective hearing aid or both, as the case requires, when driving a motor vehicle of the kind or kinds specified in the license.

(c) The holder of a license with the condition so endorsed who fails to comply with the condition commits an offence.

Penalty—for a first offence, twenty pounds; for a second or subsequent offence, fifty pounds or imprisonment for three months.

S. 24
amended.

16. Section twenty-four of the principal Act is amended—

(a) by adding after subsection (1) the following subsection:—

(1a) (a) Where the Commissioner of Police is of the opinion—

(i) that a license for which provision is made in this Division of this Act was obtained by a person in a manner contrary to any of the provisions of this Act; or

(ii) that the holder of a license endorsed in accordance with the provisions of subsection (4) of section twenty-three of this Act has failed to comply with the condition of the license so endorsed;

the Commissioner may suspend the license.

(b) The provisions of this subsection do not affect any penalty which may be inflicted by any court.

(b) by deleting the words "or the Commissioner of Police is of opinion that the person concerned is not of good character or the prescribed age" in lines seven, eight and nine of subsection (2);

(c) by adding after the word "section" in line nine of subsection (3) the following passage "or by the suspension of a license by the Commissioner of Police under subsection (1a) of this section,".

17. Section twenty-five of the principal Act is amended by adding after subsection (1) a subsection as follows:— S. 25
amended.

(1a) Where a learner's permit in respect of a motor cycle is issued to a learner, he shall not ride a motor cycle on a road unless a person who has been licensed, for a period of not less than one year, to ride a motor cycle of that class keeps the learner under supervision by—

(i) riding the side car, if any, attached to the motor cycle ridden by the learner;

or

(ii) riding another motor cycle in company with the learner, who shall at all times ride on the left of the person riding in company with the learner.

18. Section thirty-one of the principal Act is amended— S. 31
amended.

(a) by substituting for all the words in subsection (1) after the word, "convicted" in line fourteen, the following passage—

may also suspend any license to drive a vehicle held by the convicted person, and, in lieu of or in addition to suspending the

license, may declare the person disqualified from holding or obtaining a license to drive a vehicle, for such period as the court thinks fit, but where the subsequent offence is that of driving a vehicle on a road recklessly or of driving a vehicle on a road at a speed or in a manner which is dangerous to the public, if he was previously convicted of any of those offences within the period of five years prior to the commission of the subsequent offence, the court shall declare the person disqualified from holding and obtaining a license to drive a vehicle for such period, not being less than three months, as the court thinks fit:

Provided that, for the purposes of ascertaining the penalty by which any offence committed by a person after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, is punishable under this subsection, by suspension of that person's license to drive or by disqualification for any period of that person from holding and obtaining a license to drive.

- (i) no conviction of an offence which had been committed by that person prior to the day of the coming into operation of the Traffic Act Amendment Act, 1953, namely the ninth day of January, one thousand nine hundred and fifty-four, shall be taken into account as a conviction, whether of a first or subsequent offence; and
- (ii) if that person is or has been convicted of committing for the first time after the day of the coming into operation of the Traffic Act Amendment Act, 1953, an offence mentioned in this

subsection, that conviction shall be deemed to be the conviction for his first offence, notwithstanding that he had been convicted under this section of an offence committed by him prior to that day.”; and

- (b) by adding after subsection (1) the following subsections:—

(1a) Subject to the provisions of subsection (1b) of this section, a license suspended by the court under subsection (1) of this section is, during the period of suspension, of no effect, and the person whose license is so suspended or who is so declared by the court to be disqualified from holding and obtaining a license is, during the period of suspension or disqualification, as the case may be, disqualified from holding or obtaining a license under this Division.

(1b) Where prior to the day of the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, a person has been convicted of an offence mentioned in subsection (1) of this section, and under the provisions of this section as in force prior to amendment by that Act the person's license to drive has been suspended, and the person has been disqualified from obtaining a license, for a period, because the person had been convicted of a previous offence,

- (a) if the previous offence was committed prior to the day of the coming into operation of the Traffic Act Amendment Act, 1953, namely, the ninth day of January, one thousand nine hundred and fifty-four; and

- (b) if the period of suspension and disqualification has not expired on the day of the coming into operation of the Traffic Act Amendment Act (No. 3), 1956; and
- (c) if the person—
 - (i) makes application for a license to drive and pays the prescribed fee;
 - (ii) has not been convicted under this or any other Act or any regulation of an offence related to the driving, or being in charge, of a vehicle during the expired part of the period of suspension or disqualification, or a prosecution is not pending for any such offence alleged to have been committed by the person during the expired part of that period; and
 - (iii) is not the subject of a current disqualification under section thirty-three of this Act, and his license to drive is not the subject of a current suspension under that section,

the Commissioner of Police and any member of the Police Force acting with his authority, shall, but subject to the provisions of this Act in general, and to the provisions of sections twenty-three and twenty-four of this Act in particular, grant and issue the license notwithstanding that the period of suspension or disqualification, firstly mentioned in this subsection, has not expired.

19. Section thirty-two of the principal Act is amended— S. 32
amended.

- (a) by adding after subsection (1) a proviso as follows:—

Provided that where a person convicted under this section of a first offence of being under the influence of drugs is held by the Court, so convicting him, to have taken those drugs pursuant to a prescription of a duly registered medical practitioner or to have had the drugs administered to him by a registered medical practitioner in the course of treatment for or in prevention of disease from which that person is suffering or is likely to suffer, that person is liable to the penalty of the fine or imprisonment prescribed in subparagraph (i) of paragraph (a) of subsection (3) of this section and the Court may in its discretion suspend a license to drive held by him or disqualify the person from obtaining a license under this division of this Act for such period, not exceeding three months, as the Court thinks fit.

- (b) by adding after the proviso to subsection (2) a proviso as follows—

Provided also that the member of the police force or the inspector shall immediately after the person is so charged, inform him that he has the right to communicate with a legal practitioner and another person nominated by him, and if he desires to exercise this right, every reasonable facility to do so shall be afforded him.

- (c) by adding after subparagraph (iii) of paragraph (a) of subsection (3) a proviso and a subparagraph as follows:—

Provided that, for the purposes of ascertaining the penalty by which any offence committed by a person after the

coming into operation of the Traffic Act Amendment Act (No. 3), 1956, is punishable under this subsection by suspension of that person's license to drive or by disqualification for any period of that person from obtaining a license under this Division of this Act.

- (i) no conviction of an offence which had been committed by that person prior to the day of the coming into operation of the Traffic Act Amendment Act, 1946, namely, the twenty-fourth day of January, one thousand nine hundred and forty-seven, shall be taken into account as a conviction, whether of a first or a subsequent offence; and
- (ii) if that person is or has been convicted of committing or having committed for the first time after the day of the coming into operation of the Traffic Act Amendment Act, 1946, an offence mentioned in subsection (1) of this section, that conviction shall be deemed to be the conviction for his first offence, notwithstanding that he had been convicted under this section of an offence committed by him prior to that day. ;
- (iv) For a fourth or subsequent offence committed after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956,

Penalty: Imprisonment for three years. ;

- (d) by substituting for the words, "A license" in line one of paragraph (a) of subsection (4) the passage, "Subject to the provisions of subsection (4a) of this section, a license";

(e) by deleting paragraph (b) of subsection (4);

and

(f) by adding before subsection (5) the following subsection:—

(4a) Where under the provisions of this section as in force prior to amendment by the Traffic Act Amendment Act (No. 3), 1956, a person's license to drive has been suspended, and the person has been disqualified from obtaining a license because one or more of the offences of which he had been convicted under this section had been committed by him prior to the day of the coming into operation of the Traffic Act Amendment Act, 1946, namely, the twenty-fourth day of January, one thousand nine hundred and forty-seven, and the person had not been convicted of more than two such offences committed on or after that day,

(a) if the period of suspension and disqualification has not expired on the day of the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, whether or not the license had been permanently suspended or the person had been permanently disqualified from obtaining a license; and

(b) if the person—

(i) makes application for a license to drive and pays the prescribed fee;

(ii) has not been convicted under this or any other Act or any regulation of an offence related to the driving, attempted driving, or being in charge, of a

vehicle during the expired part of the period of suspension or disqualification, or a prosecution is not pending for any such offence alleged to have been committed by the person during the expired part of that period; and

- (iii) is not the subject of a current disqualification under section thirty-three of this Act and his license to drive is not the subject of a current suspension under that section,

the Commissioner of Police and any member of the Police Force acting with his authority shall, but subject to the provisions of this Act in general, and to the provisions of sections twenty-three and twenty-four of this Act in particular, grant and issue the license notwithstanding that the period of suspension or disqualification firstly mentioned in this subsection has not expired.

S. 34
amended.

20. Section thirty-four of the principal Act is amended—

- (a) by adding after the section designation “34” the subsection designation “(1)”;

- (b) by adding a subsection as follows:—

(2) Where the driver or person in charge of a vehicle commits a minor offence as prescribed under the provisions of section seventy-four A of this Act, and the owner of the vehicle at the time of the commission of the offence or the person who at that time was in possession or control of the vehicle fails, if required

so to do within seven days of the commission of the offence, to inform a member of the police force or an inspector as to the identity and address of the person who was the driver or person in charge of the vehicle at the time of the commission of the offence, the owner or the person so in possession or control of the vehicle may be deemed by the prescribed officer to be the person who committed that minor offence.

21. Section thirty-five of the principal Act is repealed and re-enacted as follows:—

S. 35 repealed
and
re-enacted.

35. (1) Where a person, who is not a permanent resident of any State or Territory of the Commonwealth and who is not disqualified from obtaining or holding a license to drive a motor vehicle under section twenty-three, twenty-four or twenty-four A of this Act, is temporarily in this State and holds

Drivers'
licenses
issued
overseas.

a license to drive a motor vehicle;

the equivalent of a license to drive a motor vehicle; or

an international driving permit

issued in the country of which he is a permanent resident

that license, equivalent of a license or permit, so long as it is in force and the person has not been served with a notice pursuant to subsection (2) of this section, is to be regarded as a license issued under this Part authorising the person to drive in this State any vehicle of the type or class to which the license, the equivalent of a license or the permit is applicable.

(2) Where, in the opinion of the Commissioner of Police, a person referred to in subsection (1) of this section—

- (a) suffers from mental or physical disability likely to affect his ability to drive a motor vehicle efficiently, having regard to the safety of the public generally;
- (b) is otherwise unfit to drive a motor vehicle, or, having regard to the safety of the public generally, it is not desirable that he should be permitted to drive a motor vehicle; or
- (c) has been convicted of an offence in connection with the driving of a motor vehicle,

the Commissioner of Police may at any time by notice in writing served on the person, withdraw the authority conferred by that subsection.

(3) A person referred to in subsection (1) of this section shall,

- (a) while driving a motor vehicle upon any road pursuant to the authority conferred by that subsection, carry the license, the equivalent of a license, or permit, as the case may be; and
- (b) produce the license, the equivalent of a license, or permit, as the case may be, for inspection upon request by any member of the Police Force or a traffic inspector.

**S. 47
amended.**

22. Subsection (1) of section forty-seven of the principal Act is amended—

- (a) by adding after the word “authority” in line eleven of subparagraph (h) of paragraph (i) the passage, “to demand the

return of the identification tablets or number plates upon the expiry, revocation, cancellation or suspension of the license in respect of which the tablets or plates were issued and”;

(b) by adding after paragraph (viii) a new paragraph as follows—

(viii a) Prescribe special provisions relating to official traffic signs, the manner of displaying those signs and of enforcing compliance therewith, and for that purpose may—

(a) define the expression “official traffic sign”;

(b) empower a local authority or a person authorised by a local authority to construct, make, mark, place, or erect into, on or near any road any official traffic sign; to maintain or renew that sign from time to time or to substitute for that sign any other official traffic sign or signs;

(c) authorise the entry into private property of duly authorised persons for the purpose of removing any sign or device displayed in contravention of this Act if the owner or occupier of that property fails to remove the same within a prescribed period after being requested to do so by the local authority;

(d) prohibit the doing of anything in contravention of an official traffic sign so constructed, made, marked, placed, erected, affixed or painted;

- (e) prohibit a person from obstructing a local authority or the person authorised by a local authority acting in the exercise of any power conferred by subparagraph (b) of this paragraph;
 - (f) prohibit a person from demolishing, destroying, erasing, removing, defacing, damaging or interfering with any official traffic sign, except with the authority of the local authority;
 - (g) prohibit a person from displaying in any manner, without the authority of the local authority, an unauthorised traffic sign or any other sign, or device which in the opinion of the local authority is similar to or is likely to be mistaken for an official traffic sign.
- (c) by adding after the word "regulation" being the last word of paragraph (xiv) the following passage " , except where paragraph (xiva) of this subsection authorises the imposition of other punishment";
- (d) by adding after paragraph (xiv) a new paragraph as follows:—
- (xiva) Impose a penalty not exceeding fifty pounds or imprisonment not exceeding six months for a breach of a regulation which provides that where a sign displaying the word "STOP" is erected or placed at or near a railway crossing by, or with the authority of the appropriate local authority, a person driving an animal or a vehicle on a road and approaching the sign shall not drive the animal or vehicle past the sign without

first stopping the animal or vehicle, and shall not continue over the crossing if the crossing is not sufficiently clear to enable him to do so with safety.

23. Subsection (2) of section fifty-eight of the principal Act is amended by deleting the words "between the hours of sunset and sunrise" in line two. S. 58 (2)
amended.

24. Section fifty-nine of the principal Act is amended— S. 59
amended.

(a) by adding at the end of subsection (1) the passage "Penalty: Twenty pounds.";

(b) by adding at the end of subsection (2) the passage "Penalty: Twenty Pounds."

25. (1) Section sixty of the principal Act is repealed and re-enacted as follows:— S. 60
repealed and
re-enacted.

60. (1) A person, other than a member of the Police Force or a traffic inspector when acting in the execution of his duty, or a person removing a motor vehicle from trespass to land, who drives or uses a motor vehicle without previously obtaining the consent of the owner or person in lawful possession or charge of the vehicle commits an offence.

Penalty:

(i) For a first offence,

Maximum: Imprisonment for twelve months or a fine of two hundred and fifty pounds;

Minimum: Imprisonment for one month or, at the discretion of the court, a fine of fifty pounds, but, whether imprisonment or a fine is imposed, the minimum penalty is in each case irreducible in mitigation notwithstanding the provisions of any Act.

- (ii) For a second or subsequent offence,
 - Maximum: Imprisonment for two years;
 - Minimum, irreducible in mitigation notwithstanding the provisions of any Act: Imprisonment for three months.

(2) The court before which the person is convicted may, in addition to any other penalty which may be inflicted under this section, order the defendant to pay to the owner of the vehicle such sum as the court thinks proper by way of compensation for any loss or damage suffered by the owner.

(3) (a) Where a person is convicted under this section he is, by operation of this section,

- (i) in the case of a first offence,
 - disqualified for a period of twelve months from the date of the conviction from holding or obtaining under this Act any license to drive a motor vehicle;

- (ii) in the case of a subsequent offence,
 - disqualified for a period of two years from the date of the conviction from holding or obtaining under this Act any license to drive a motor vehicle;

and if he is the holder of a current license to drive a motor vehicle under this Act, the license is, as from the date of conviction, suspended and of no effect:

But where at the date of a conviction under this section the convicted person is already under a prior disqualification from holding or obtaining under this Act a license to drive a motor vehicle, the period of disqualification to which he is liable under subparagraph (i) or subparagraph (ii) of this paragraph does not commence until the date of the expiry of the period of the prior disqualification.

(b) Where the person convicted under this section is under the age of seventeen years

- (i) the period of disqualification referred to in subparagraph (i) or subparagraph (ii) of paragraph (a) of this subsection does not commence until the date of

the seventeenth anniversary of his birthday

or

the expiry of the period of the prior disqualification, if any

whichever is the later date;

- (ii) he is by operation of this section also disqualified from holding or obtaining under section twenty-four A of this Act an extraordinary license to drive a motor vehicle prior to the seventeenth anniversary of his birthday; and

- (iii) if he is the holder of an extraordinary license issued under section twenty-four A of this Act, that license is as from the date of conviction, by operation of this section, suspended and of no effect.

(2) The Criminal Code is amended in accordance with the Schedule to this Act.

Amendment
of Criminal
Code.
Schedule.

26. The Second Schedule to the principal Act is amended—

Second
Schedule
amended.

- (a) by adding after the passage “suburban areas,” in line eleven of the description relating to “Motor car” the following passage “and including also the class of three wheeled vehicle which is designed and controlled in a manner similar to a four wheeled motor car,”;

- (b) by adding at the end of the description relating to "Motor carrier" the following passage, "The term 'motor carrier' does not include the class of three wheeled vehicle which comes within the description of 'motor car'."

Third
Schedule
amended.

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

- (a) by adding after the words "License Fees" in line one of Part I. the words "for a period of twelve months";
- (b) by adding after the word "LICENSES" in the heading "VEHICLE LICENSES" in Part I. the words "FOR VEHICLES OTHER THAN MOTOR VEHICLES";
- (c) by substituting for all the subheadings and items under the heading "VEHICLE LICENSES" in Part I., which follow the item "For a cart being a jinker or whim . . . £6 0 0", up to and including the item "For every additional ton . . . £4 0 0" relating to the subheading "For a trailer or semi-trailer (including a semi-trailer type of omnibus)" the following heading, subheadings and items—

LICENSE FEES FOR MOTOR VEHICLES.

£ s. d.

1. For a motor car fitted with pneumatic tyres—

for each Power Weight unit	0	4	0
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2. For a motor wagon fitted with pneumatic tyres—

not exceeding 50 P.W. units—			
per unit	0	5	3
exceeding 50 but not exceeding 75 P.W. units—per unit	0	6	0
exceeding 75 but not exceeding 100 P.W. units—per unit	0	7	6
exceeding 100 P.W. units—per unit	0	9	0

Provided that where a license in respect of a motor wagon not exceeding 70 P.W. units is issued by a licensing authority for a period commencing prior to the first day of July One thousand nine hundred and fifty-eight, that authority shall allow the owner of the vehicle a rebate of ten per centum of the fee prescribed for that vehicle license.

3. For a motor omnibus fitted with pneumatic tyres—

for each P.W. unit	0	5	3
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4. For a motor cycle fitted with pneumatic tyres—

without side car attached	2	0	0
with side car attached	....	3	0	0
5. For a motor carrier fitted with pneumatic tyres—
 - (a) used for carriage of persons only—

where the weight of the vehicle does not exceed 10 cwt.	....	....	1	10	0
where the weight of the vehicle exceeds 10 cwt. but does not exceed 20 cwt.	....	....	2	0	0
 - (b) not used exclusively for the carriage of persons—

where the weight of the vehicle does not exceed 10 cwt.	....	....	3	0	0
where the weight of the vehicle exceeds 10 cwt. but does not exceed 15 cwt.	....	....	4	0	0
where the weight of the vehicle exceeds 15 cwt. but does not exceed 20 cwt.	....	....	6	0	0
 - (c) Where the weight of the vehicle exceeds 20 cwt. the fee payable shall be calculated, if the carrier is used for the carriage of persons only, as though the motor carrier were a motor car, or

if the carrier is not used exclusively for the carriage of persons, as though the motor carrier were a motor wagon.

6. For a caravan fitted with pneumatic tyres—

(a) if motor propelled and—			
not exceeding 50 P.W. units—per unit	....	0	5 3
exceeding 50 but not exceeding 75 P.W. units—per unit	....	0	6 0
exceeding 75 but not exceeding 100 P.W. units—per unit	....	0	7 6
exceeding 100 P.W. units—per unit	....	0	9 0

(b) if trailer type and			
not exceeding 50 cwt. (unladen weight)—per cwt.	....	0	3 0
exceeding 50 cwt. (unladen weight)			
for first 50 cwt—per cwt.	....	0	3 0
for each additional cwt.	....	0	5 0

7. For a trailer fitted with pneumatic tyres—

not exceeding 10 cwt. (unladen weight)—per cwt.	....	0	5 0
exceeding 10 cwt. (unladen weight)—per cwt. of total unladen weight	....	1	0 0

8. For a semi-trailer (including omnibus type)—the weight being inclusive of the weight of the semi-trailer plus declared maximum load—

not exceeding 10 cwt.	....	1	10 0
exceeding 10 cwt. but not exceeding 1 ton 5 cwt.	....	3	0 0
exceeding 1 ton 5 cwt. but not exceeding 1 ton 10 cwt.	....	6	0 0
exceeding 1 ton 10 cwt. but not exceeding 2 tons	....	9	0 0

exceeding 2 tons but not exceeding 3 tons	14	5	0
exceeding 3 tons but not exceeding 4 tons	20	5	0
exceeding 4 tons but not exceeding 5 tons	27	0	0
exceeding 5 tons but not exceeding 6 tons	34	10	0
exceeding 6 tons but not exceeding 7 tons	42	15	0
exceeding 7 tons but not exceeding 8 tons	51	15	0
exceeding 8 tons but not exceeding 9 tons	61	10	0
exceeding 9 tons but not exceeding 10 tons	72	0	0
exceeding 10 tons—			
for the first 10 tons	72	0	0
for each additional ton	6	0	0

9. For a tractor (prime mover type) fitted with pneumatic tyres—

not exceeding 50 P.W. units—per unit	0	5	3
exceeding 50 but not exceeding 75 P.W. units—per unit	0	6	0
exceeding 75 but not exceeding 100 P.W. units—per unit	0	7	6
exceeding 100 P.W. units—per unit	0	9	0

10. For a tractor (other than prime mover type) fitted with pneumatic tyres—

for each P.W. unit	0	4	0
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- (d) by adding the paragraph designations “11”, “12”, “13” and “14” respectively, before each of the words “Provided”, “All”, “As” and “As” being the first word of each of the four paragraphs which follow the last item, “For every additional ton . . . £4 0 0”, relating to the subheading “For a trailer or semi-trailer (including a semi-trailer type of omnibus)” in Part I.;

- (e) by adding after the paragraph ending with the passage "80 per cent. of the above fees" being the last paragraph under the heading "VEHICLE LICENSES" in Part I., the following paragraph:—

15. 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 be double the rate prescribed for that vehicle in this Part of this Schedule. ;

- (f) by deleting from under the heading "PASSENGER VEHICLE AND CARRIERS' LICENSES" in Part 1 the item "Fee for a passenger vehicle license, per wheel or per pair of dual wheels 10s." and substituting therefor the item "Fee for a passenger vehicle (other than a passenger vehicle licensed under the State Transport Co-ordination Act, 1933-1948) License, per wheel or per pair of dual wheels 15s." and by substituting the figures representing fifteen shillings in lieu of the figures representing ten shillings as the fee for a carrier's license, per wheel or per pair of dual wheels.;
- (g) by substituting for all the items appearing after the passage "Transfer of license of—" under the heading of "TRANSFERS" in Part I., the following items:—

	£	s.	d.
Motor car, motor wagon or tractor of any type	1	0	0
Motor cycle, motor carrier, trailer, semi-trailer, carriage or cart	0	10	0
Hand cart	0	5	0
Passenger vehicle or carrier's license	1	0	0

- (h) by substituting for the words "ASCERTAINING POWER WEIGHT AND POWER LOAD WEIGHT" in the heading of Part III. the following words "DETERMINING POWER WEIGHT UNITS";

- (i) by substituting for the passage "Power Weight (P.W.)" in line one of paragraph 1 of Part III. the following passage "number of Power Weight (P.W.) units in respect";
- (j) by substituting for the word "car" in line three of paragraph 1 of Part III. the word "vehicle";
- (k) by substituting for the words "Dendy Marshall" in line five of paragraph 1 of Part III. the following:—"R.A.C.";
- (l) by substituting for paragraph 2 of Part III. the following paragraph:—

2. Where the result obtained by computing the Power Weight units by applying the rule contained in paragraph 1 of this Part contains a fraction, the result shall be taken to the next higher integral figure. ;
- (m) by substituting for paragraph 3 of Part III. the following paragraph:—

3. The horsepower (H.P.) of a motor vehicle is ascertained according to the R.A.C. formula by multiplying the square of the diameter of the cylinders (expressed in inches) by the number of cylinders and dividing the result by 2.5.

The formula is as follows:—

d = diameter of cylinder in inches.

n = number of cylinders.

$$\text{H.P.} = \frac{d^2 \times n}{2.5}$$

Or

$$\text{H.P.} = \frac{d^2 \times n}{1613}$$

when "d" is taken in millimeters.

- (n) by deleting from paragraph 4 of Part III. the passage commencing with the word "If" in line one and ending with the word "figure" in line three.

S. 24 (2)

SCHEDULE.
CRIMINAL CODE.The Criminal
Code.Approved for
reprint 29th
June, 1955;
Reprinted
Acts Vol. 8.

1. In this Schedule "Code" means The Criminal Code set forth in the Schedule to the Criminal Code Act, 1913, as contained in Appendix B to the Criminal Code Act Compilation Act, 1913, Act No. 28 of 1913, as reprinted with amendments to and including Act No. 73 of 1954 incorporated pursuant to the provisions of the Amendments Incorporation Act, 1938.

S. 390A
amended.

2. Section three hundred and ninety A of the Code is amended—

(a) by adding after the section designation "390A" the subsection designation "(1)";

(b) by adding a subsection as follows:—

(2) (a) Where a person is convicted under this section, he is, by operation of this section,

(i) in the case of a first offence,
disqualified for a period of twelve months from the date of the conviction from holding or obtaining under the Traffic Act, 1919 any license to drive a motor vehicle;

(ii) in the case of a subsequent offence,
disqualified for a period of two years from the date of the conviction from holding or obtaining under that Act any license to drive a motor vehicle;

and, if he is the holder of a current license to drive a motor vehicle under that Act, the license is as from the date of conviction, suspended and of no effect:

But where at the date of a conviction under this section the convicted person is already under a prior disqualification from holding or obtaining under that Act a license to drive a motor vehicle, the period of disqualification to which he is liable under subparagraph (i) or subparagraph (ii) of this paragraph does not commence until the date of the expiry of the period of the prior disqualification.

(b) Where the person convicted under this section is under the age of seventeen years

- (i) the period of disqualification referred to in subparagraph (i) or subparagraph (ii) of paragraph (a) of this subsection does not commence until the date of

the seventeenth anniversary of his birthday

or

the expiry of the period of the prior disqualification, if any,

whichever is the later date;

- (ii) he is by operation of this section also disqualified from holding or obtaining under section twenty-four A of the Traffic Act, 1919, an extraordinary license to drive a motor vehicle prior to the seventeenth anniversary of his birthday; and

- (iii) if he is the holder of an extraordinary license issued under section twenty-four A of the Traffic Act, 1919, that license is, as from the date of conviction, by operation of this section, suspended and of no effect.
-