

TRAFFIC.

No. 60 of 1919

(as amended by Acts No. 16 of 1922, No. 37 of 1924, No. 46 of 1925,
No. 22 of 1926, and No. 11 of 1927).

AN ACT to consolidate and amend the Law relating to the Licensing and Use of Vehicles and the Regulation of Traffic, and for other incidental purposes.

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:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Traffic Act, 1919-1926*.^{*}
2. This Act is divided into Parts and Divisions, as follows:—

Short title.
Sec. 39 of No. 22
of 1926.
Division.

PART I.—PRELIMINARY. Sections 1 to 4.

PART II.—LICENSING OF VEHICLES. Sections 5 to 18.

PART III.—TRAFFIC INSPECTORS. Section 19.

PART IV.—REGULATION OF TRAFFIC. Sections 20 to 49.

Division (1)—Motor and other Vehicles. Sections
20 to 30.

Division (2)—Locomotive and Traction Engines.
Sections 31 to 33.

Division (3).—Width of Tires. Sections 34 to 40.

Division (4).—Regulations. Sections 41 to 49.

PART V.—MISCELLANEOUS. Sections 50 to 68.

FIRST SCHEDULE.—REPEALS.

SECOND SCHEDULE.—DESCRIPTION OF LICENSES.

THIRD SCHEDULE.—LICENSE FEES.

FOURTH SCHEDULE.—WIDTH OF TIRES.

* The Principal Act was proclaimed to commence on 1st January, 1920 (*see Gazette*, 12th December, 1919). The amending Acts of 1922 and 1925 came into operation when assented to. The Amending Act of 1924 came into operation on 1st January, 1925, except section 4, which was proclaimed to commence on 15th May, 1925 (*see Gazette* of same date). The amending Act of 1927 came into operation when assented to.

Repeal.
Schedule 1.

3. The Acts specified in the First Schedule are repealed to the extent therein mentioned.

Interpretation.

4. In this Act, subject to the context—

“District” means a municipal district or road district, and any outlying land which the Minister shall, by notice in the *Gazette*, declare to be a district for the purposes of this Act; the term includes sub-district;

“Drive” includes “ride,” and “driver” includes “rider”;

“Government road” means a road declared by Order in Council under the Public Works Act, 1902, to be a Government road;

“Inspector” means a traffic inspector appointed under this Act, and includes an assistant traffic inspector and a member of the police force lawfully acting as an inspector;

“License” means a license granted under this Act, and in Division (1) of Part IV. means and in Part V. includes a license to drive a motor vehicle;

“Local Authority” means a municipality and the council thereof or a road board; and means the Commissioner of Police in respect of outlying land and in the metropolitan area and as the licensing authority therein.

“Local Government Act” means an Act under which a local authority is constituted or a district is governed by a local authority;

“Mechanical Power” includes any motive power not being animal power;

“Minister” means the Minister for Works or such other member of the Executive Council as is for the time being charged by the Governor with the administration of this Act;

“Motor omnibus” means a motor vehicle used as an omnibus;

“Motor vehicle” means any vehicle propelled by gas, oil, electricity, or any other mechanical power, and used or intended to be used on roads; but the expression does not include a locomotive or traction engine propelled by steam;

Amended by sec. 2 of No. 22 of 1926.

Ibid.

Inserted by sec. 2 of No. 37 of 1924, and amended by sec. 2 of No. 22 of 1926.

- “Omnibus” means and includes any vehicle used as a passenger vehicle to carry passengers at separate fares;
- “Outlying Land” means land not comprised in any municipal or road district;
- “Owner” means any person who owns a vehicle, or any person who has the use of a vehicle for a period of not less than three months under an agreement for the hire thereof, or under a hire-purchase agreement, or otherwise; *Ibid.*
- “Regulation” means a regulation made under this Act, and includes a by-law made under delegated authority;
- “Road” means and includes any street, road, lane, thoroughfare, footpath, or place open to or used by the public, and all bridges and culverts and other things appurtenant thereto and used in connection therewith;
- “Sub-district” means that portion of a municipal district or road district which is within the boundaries of the metropolitan area, as defined by regulation, where a portion only of any such district is comprised within that area;
- “Vehicle” includes any vehicle mentioned in the Second Schedule to this Act, and every description of vehicle or locomotive engine or machine (whether used for carriage, traction or otherwise) drawn by animal traction, or propelled or drawn by any mechanical power, and used or intended to be used on roads; the term does not include a railway locomotive, railway carriage or wagon, tram motor or tram car;
- “Width of bearing surface” means the actual width of the bearing surface of a tire that would actually come into contact with or bear upon a hard smooth level surface when the wheels are attached to the axle and ready for use.

PART II.—LICENSING OF VEHICLES.

5. (1.) A vehicle license is required for any vehicle described in the Second Schedule to this Act.

Licensee.
Schedule 2.

(2.) If any vehicle for which the owner is not the holder of the requisite vehicle license under this Act is used on any

Traffic.

road, the owner of the vehicle and every person so using the same or causing or permitting such use thereof shall be guilty of an offence against this Act.

Penalty: Twenty pounds.

Provided that it shall be a defence to a charge under this section against any person other than the owner of the vehicle if the defendant proves that he had no knowledge that the owner was not the holder of the requisite license.

(3.) A vehicle which is in any manner drawn or propelled on any road shall be deemed to be used thereon.

(4.) On a conviction for an offence under this or the next following section, the court shall order the defendant to pay the license fee that should have been paid in respect of the vehicle, in addition to the penalty imposed, and such order may be enforced as if the amount of such fee was a penalty imposed on the defendant.

Inserted by sec. 5
of No. 22 of 1926.

6. (1.) A passenger-vehicle license is required for every vehicle used for carriage of passengers for hire or reward.

(2.) A carrier's license is required for every vehicle regularly used for the carriage of goods for hire or reward, and a passenger-vehicle license is also required for such vehicle if it is used for the carriage of passengers for hire or reward, except with the permission of the local authority on some special occasion to be stated.

Passenger-
vehicle and
carriers' licenses.

Amended by
sec. 4 of No. 22
of 1926.

(3.) If any vehicle for which the owner is not the holder of the requisite passenger-vehicle license or carrier's license under this Act is used on any road for the carriage of passengers for hire or reward, or for the carriage of goods for reward, the owner of the vehicle and every person so using the same or causing or permitting such use thereof shall be guilty of an offence against this Act.

Penalty: Twenty pounds.

(4.) Every person to whom a passenger-vehicle or carrier's license is issued under this Part shall cause such license whilst it is being exercised to be kept in the personal custody of the person actually driving the vehicle.

Penalty: Three pounds.

(5.) A person who has a passenger-vehicle or carrier's license in respect of any vehicle shall also be required to have a vehicle license in respect of such vehicle in addition thereto.

(6.) The number of passengers to be carried in a vehicle licensed as a passenger vehicle shall be limited to the number stated in the license.

Inserted by sec. 4 of No. 22 of 1926.

7. (1.) A vehicle license for any vehicle employed or to be employed in, about, or in connection with any business establishment shall be issued by the local authority of the district wherein such establishment exists. A branch establishment shall be deemed an establishment for the purposes of this subsection.

The licensing authority.

(2.) Provided that when public stands for licensed vehicles plying for hire have been appointed and fixed in any district, no license issued by the local authority of any other district shall (unless the local authority of the district in which such stands are established so orders) authorise any person to cause or permit any vehicle to stand or be upon any such public stand; but such stands shall, subject to any such order, be for vehicles licensed by the local authority of such district only.

Public stands. The first paragraph of this subsection was deleted by sec. 5 of No. 22 of 1926.

Any person who contrary to this subsection causes or permits any vehicle to stand or be upon any such public stand commits an offence against this Act.

Penalty: Ten pounds.

(3.) Save as aforesaid, vehicle licenses shall be granted by the local authority within whose district the owner of the vehicle resides at the time of the application for the license. A body corporate shall be deemed to reside in the district in which its principal place of business is situated.

8. Subject to this Act, every license granted hereunder shall, whilst it is in force, be effective and operative throughout the State. Provided that this section is subject to the provisions of section forty-two relating to omnibuses.

Operation of license. Proviso added by sec. 6 of No. 22 of 1926.

9. (1.) Every application for a license under this Part shall be made during the currency of the financial year in which the license is to have effect, or in the month immediately preceding that year; and every such license shall, subject to this Act, have effect for and during that year, or the unexpired portion thereof, and no longer.

Application for license.

(2.) "Financial year" means the period of twelve months ending the thirtieth day of June.

Fees.
Schedule 8.

10. Fees shall be paid to local authorities for licenses as set out in the Third Schedule to this Act:

Amended by sec.
7 of No. 22 of 1926.

Provided that any vehicle license required for any vehicle belonging to the Crown or to any local authority, or belonging to any fire brigades' board or used exclusively for purposes connected with protection against fire or ambulance work, or for any vehicle used solely on a farm or pastoral holding and not on any road otherwise than in passing from one portion of the farm or holding to another portion thereof, such portions being separated only by a road, or for any locomotive or traction engine or machine or other vehicle used solely for ploughing, reaping, threshing, or other agricultural purpose, shall be granted without any fee being paid therefor, but such exemption from fees shall not extend to locomotive and traction engines or machines drawn or driven over roads from farm to farm for use, for hire or reward.

Provided also that any minister of religion shall be entitled to obtain a license for one vehicle owned and kept by him for his own personal use, free of charge.

Provided also that a local authority may, in exceptional circumstances, and with the approval of the Minister, grant a license to the owner of a particular vehicle therein mentioned without payment of the prescribed fee, under and subject to such conditions, if any, as may be stated in the license.

Apportionment
of fees.

11. If the term of any annual license granted under this Part in respect of a vehicle not previously licensed shall commence on or after the first day of the seventh month of the financial year, the licensee shall, except in so far as it may be otherwise prescribed, pay only a quarterly pro rata fee for such license.

Apportionment
of fees between
districts.

12. (1.) The local authority of any district which has, after the commencement of this Act, received any vehicle or other license fee for a vehicle used for the carriage of passengers for hire, or the carriage of goods for reward shall, if the license has been wholly or mainly exercised in another district, pay such fee on demand to the local authority of such other district.

(2.) If any dispute shall arise between local authorities touching the question as to which district a license has been wholly or mainly exercised in, the question shall be tried and

determined by a police or resident magistrate in accordance with the prescribed procedure.

13. (1.) Notwithstanding anything hereinbefore contained, the Commissioner of Police shall be the licensing authority for every district and sub-district comprising the metropolitan area, and shall have and may exercise therein such powers and discretions (under this Act or any regulation) of or concerning the issue and transfer of licenses, and the effecting of registrations, as are in other districts or sub-districts vested in the local authorities.

The Commissioner of Police to be the licensing authority for metropolitan area.

Amended by sec. 2 of No. 16 of 1922, and sec. 8 of No. 22 of 1926, and sec. 2 of No. 11 of 1927.

(2.) All fees paid each year for licenses or transfers of licenses or registrations in the metropolitan area under this Act or any regulations—

(a) shall be paid into the Treasury to the credit of an account to be called the Metropolitan Traffic Trust Account,

(b) shall be chargeable with the costs of collection as certified by the Minister, and as to one-half of the net balance of the said fees, to deduct therefrom the costs incurred by the Minister under section eighty-six of the Public Works Act, 1902, in any financial year in repairing the Perth-Fremantle road from Ferdinand road to North Fremantle bridge; the roadway or decking (exclusive of the tramway) of the Perth causeway; the roadway or decking (exclusive of the tramway) of the North Fremantle bridge; that portion of Railway road abutting on the Karrakatta cemetery; that portion of road (known as Guildford road) starting at the present north-east boundary of the city of Perth and proceeding thence along roads Nos. 1448 and 2 to Johnson street, along Johnson street to James street, along James street to East street, along East street to the York road (No. 28) to the present eastern boundary of the metropolitan area; that portion of the Perth-Albany road (No. 122) from the present boundary of the city of Perth to the junction with the Bunbury road at the Old Narrogin inn; and that portion of road (known as Canning Road No. 124 and Lower Canning Road Nos. 760 and 9) from the present boundary of the city of Perth to the eastern boundary of the municipality of East Fremantle.

Inserted by sec. 8
of No. 22 of 1926.
Amended by sec. 2
of No. 11 of 1927.

(c) The remaining half of the net balance of the said fees shall, together with any moneys remaining unexpended out of the said first-mentioned half of the net balance of the said fees, be annually paid to and divided amongst the local authorities of the districts and sub-districts comprised in the metropolitan area and the Board controlling Reserve A1720 (the King's Park), in such shares and proportions as the Minister may determine.*

(3.) The warrant of the Minister shall be sufficient authority to the Colonial Treasurer to make any payment provided for by this section.

(4.) The metropolitan area shall be prescribed by regulation.

Inserted by sec. 8
of No. 22 of 1926.

(5.) If money is appropriated by Parliament for the construction, reconstruction, improvement, or widening of any main road within the metropolitan area which is not within the scope of the Federal Aid Roads Agreement Act, 1926, an amount sufficient to provide for interest and sinking fund on one-half of the amount so appropriated (but not to exceed nine per centum) shall be charged annually against the said one-half of the net balance of said fees, so far as the same shall be available after providing for the deductions aforesaid:

Provided that the sum to be charged as aforesaid shall not exceed in any year one-fifth of the net amount available for distribution under paragraph (c) of subsection (2).

Obligation to
grant licenses.
As amended by sec.
9 of No. 22 of 1926.

14. (1.) Except as hereinafter provided it shall not be competent for a local authority to refuse to grant any license under this Part of this Act, in respect of any vehicle, to an applicant tendering the proper fee or not bound to pay any fee, unless—

(a) the vehicle is unfit to be used or driven on a road; or
(b) the vehicle is unfit for the purpose for which the license is desired; or

(c) the vehicle is not constructed and equipped in conformity with the provisions of this Act; or

(d) the license applied for is not one that is appropriate to the vehicle; or

*The first paragraph of Section 8 of the Amending Act, No. 22 of 1926, enacts that Section 13 of the Principal Act is amended by adding to paragraph (c) of subsection 2 the words "and if so required by the Governor shall be expended on specified roads."

By the second paragraph of Section 8 of the same Amending Act, paragraph (c) of subsection 2 of Section 13 of the Principal Act, is repealed, and a new paragraph (c) inserted as printed.

- (e) two convictions for offences against this Act have been obtained against the applicant during the preceding twelve months; or
- (f) in the case of an application for a passenger vehicle or a carrier's license, the applicant is of bad repute, or is not a fit and proper person to be the holder of such a license, or, in the opinion of the local authority, the reasonable requirements of the public do not justify the granting of the license.

Provided that this section is subject to the provisions of section forty-two relating to omnibuses.

(2.) If in the opinion of the local authority any motor vehicle for which a license to carry passengers is held is so out of repair as to be unfit for use on a road, the local authority may, by complaint and summons in a court of summary jurisdiction, require the licensee to show cause why his license should not be cancelled, and the court may cancel the license, or suspend the license until the vehicle is repaired to the satisfaction of the court:

A license so suspended shall, during the period of suspension, be of no effect.

15. (1.) If any person to whom a license in respect of a vehicle has been granted in any district shall cease to be the owner of the licensed vehicle, the licensing inspector or licensing officer of the district shall, on payment of the prescribed fee by the person who has become owner of the vehicle, indorse on the license a transfer thereof to him, and that person shall thereupon become the licensee.

Transfer of licenses.

(2.) No such transfer shall be made to any person other than the executor or administrator of the licensee unless the inspector or officer is satisfied that the licensee or his executor or administrator has received notice of the application, provided that such notice may be dispensed with in the prescribed cases.

(3.) An application for a transfer may be refused for any reason for which an application for a license by the same person for the same vehicle might be refused.

16. (1.) If two convictions for offences against this Act shall be recorded or pronounced against the holder of a license granted under this Part during the currency of the license, then the justices before whom the licensee is convicted

Cancellation of licenses.

on the second occasion may, in lieu of or in addition to any other penalty provided by law which they may see fit to impose, order that the license be cancelled and the same shall thereupon become void.

(2.) When any license has been so cancelled, the licensee shall be disqualified during the period for which the license was granted from obtaining a license under this Part in respect of any vehicle of the kind for which the forfeited license was granted.

Appeal. 17. (1.) There shall be an appeal to a court of petty sessions, whose order shall be final, in any case where a license, or a transfer of a license, under this Part of this Act is refused.

(2.) On the hearing of the appeal the court may order that the license shall be granted, 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.

Exemption.

18. Notwithstanding anything hereinbefore contained,—

(a) a person shall not be liable to a penalty under section five in respect of any vehicle if he proves that he has had no reasonable opportunity of obtaining a license for the vehicle, and that the same is being driven on a road direct to the office of the local authority for the purpose of obtaining a license;

(b) the local authority of any district in which the business premises of any manufacturer of or dealer in motor vehicles are situated may, on payment of such annual fee not exceeding five pounds as may be prescribed, assign annually to that manufacturer or dealer a general identification disc or tablet which may be used for any motor vehicle on trial after completion or on trial by an intending purchaser, and a person shall not be liable to a penalty under section five while so using the vehicle if the disc or tablet so assigned is fixed upon the vehicle in the prescribed manner, provided that any such disc or tablet heretofore assigned by any local authority to a manufacturer or dealer shall, whilst the period for which it was assigned is unexpired, be deemed to have been assigned under this Act.

PART III.—TRAFFIC INSPECTORS.

19. (1.) In each district there shall be a traffic inspector or two or more traffic inspectors appointed by the local authority.

Traffic Inspectors.
Amended by sec. 12
of No. 22 of 1926.

(2.) Every such inspector—

(a) may by virtue of his office, and without receiving express authority from the local authority, institute and carry on any proceedings against any person for any alleged offence against this Act or any breach of the regulations thereunder;

(b) may exercise all such powers and shall perform all such duties as are vested or imposed in or upon him by this Act;

(c) shall be re-imbursed out of the ordinary revenue of the local authority all costs and expenses which he may incur or be put to in or about the premises;

(d) may be dismissed from office by the local authority.

(3.) The power to appoint an inspector includes the power to appoint assistant inspectors.

(4.) It shall be the duty of every police officer to aid and assist inspectors in the exercise and discharge of their powers and duties, and members of the police force may exercise such powers and shall perform such duties of inspectors (except the granting or transfer of licenses or the effecting of registrations) as the Commissioner of Police may by general or special order published in the *Gazette* think fit for the time being to vest in or impose upon them.

(5.) The Minister may appoint any person to be an inspector who shall, in respect of any road to which his appointment extends, have such powers and perform such duties of an inspector as the Minister may from time to time direct.

(6.) The local authority may review any action or decision of any inspector (not being a police officer or an inspector appointed by the Minister) in its district, and the Minister may review any act or decision of any inspector appointed by him.

(7.) Every inspector appointed under this Act or the regulations thereunder (not being a member of the police force) shall be furnished with the prescribed certificate of his appointment, and shall produce such certificate whenever

required so to do by any person in respect of whom he has exercised or is about to exercise any of his powers under this Act.

Penalty: Five pounds.

Provided that within the metropolitan area the regulation and control of traffic shall, subject to the next following proviso, be administered solely by the Commissioner of Police and the members of the police force; such area to be defined by regulation.

Provided also that the Minister may appoint officers of the Main Roads Board to regulate and control traffic within the metropolitan area, on roads under construction or maintained by the said Board under the provisions of the Main Roads Act, 1925.

PART IV.—REGULATION OF TRAFFIC.

Division 1.—Motor and other Vehicles.

20. (1.) The Commissioner of Police and any member of the police force acting with his authority may, subject to this Act, on the application of any person, grant and issue an annual license to such person to drive any motor vehicle of the kind or kinds to be therein specified:

Provided that no license shall be granted until the applicant has proved to the reasonable satisfaction of an examiner, to be appointed by the Commissioner of Police, that the applicant is qualified to drive a motor vehicle of the kind for which the license is required.

(2.) A fee of five shillings per annum shall be payable for such license.

(3.) Every license shall, subject to the provisions of this Act, remain in force until the thirtieth day of June in the year for which it was granted.

(4.) Every applicant for a driver's license may be required by regulation to submit himself to a sight and hearing test, and in the case of an application for a license to drive a passenger vehicle, to such medical examination as may be prescribed.

21. No person shall—

(a) drive a motor vehicle on a road without being duly licensed under this Division for that purpose; or

Licensing of
drivers.

Amended by sec.
13 of No. 22 of J
1926.

Penalty for
driving without
license.] ■

(b) employ or permit any person not so licensed to drive a motor vehicle on a road.

Penalty: For a first offence—Twenty pounds; for any subsequent offence—Fifty pounds, or imprisonment for three months.

Provided that nothing herein contained shall prevent an unlicensed person, being a person learning to drive a motor vehicle, from driving a motor vehicle upon a road if such unlicensed person has sitting beside him a licensed driver, and in such case the licensed driver shall be deemed to be driving such motor vehicle.

22. Any driver of a vehicle who, when required by a member of the police force or a traffic inspector to produce his license or to state his name and place of abode, refuses to do so, or states a false name or place of abode, or refuses or fails to stop his vehicle when called upon to do so by a member of the police force or an inspector, shall be guilty of an offence under this Act.

Production of license.

Amended by sec. 14 of No. 22 of 1926.

Penalty: Ten pounds.

23. (1.) Any person who drives or causes or permits to be driven upon any road a vehicle—

Motor vehicle to be numbered.

Amended by sec. 14 of No. 22 of 1926.

(a) not having the number plates properly affixed thereto; or

(b) having the number plates obscured so that the number or letter and number upon such plates are not clearly visible; or

(c) having the original number or letter and number upon the number plates obliterated by any material; or

(d) having the number of plates so damaged that the original number or letter and number are not completely and distinctly visible.

shall be guilty of an offence under this Act.

Penalty: Ten pounds.

(2.) No person shall be liable to a penalty for any breach of this section if he proves to the satisfaction of the court hearing the case that such breach was the result of an accident.

(3.) "Number plate" means the identification tablet or number plate issued by a local authority on the licensing of a vehicle.

Driver of motor vehicle to pass horse-driven vehicles, etc., with caution.

Inserted by sec. 15 of No. 22 of 1926.

24. (1.) No driver of any motor vehicle shall pass any horse being driven, ridden, or led, or any drove of animals, in such a manner or at such a rate as is likely to endanger the safety of such horse or drove of animals or the driver, rider, or leader thereof.

Penalty: Five pounds.

Duty to stop in case of accident, etc.

Amended by sec. 16 of No. 22 of 1926.

25. Any person driving or riding a vehicle shall, in any case, if an accident occurs to any person, or to any animal or vehicle under the care of any person, caused by such vehicle, or owing to the presence of the vehicle upon the road, stop, and, if required, produce his license and give his name and address and also the name and address of the owner of the vehicle to any person who has been injured, or whose vehicle or animal has been injured, or to a member of the police force or an inspector, or to any person representing an injured person.

Penalty: Fifty pounds, or imprisonment for any term not exceeding six months.

Reckless driving.

Amended by sec. 3 of No. 16 of 1922.

26. (1.) If any person drives a vehicle on a road recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road and to the amount of traffic which actually is at the time, or which might reasonably be expected to be, on the road, that person shall be guilty of an offence under this Act.

Penalty: For a first offence, Twenty pounds; for any subsequent offence, Fifty pounds, or imprisonment for three months.

(2.) Any member of the police force may apprehend without warrant the driver of any vehicle who commits an offence under this section within his view, if he refuses to give his name and address, or if he does not produce his license on demand, or if the vehicle does not bear the prescribed number plate.

Driving under influence of liquor.

Amended by sec. 3 of No. 16 of 1922, and by sec. 17 of No. 22 of 1926.

27. (1.) Any person driving a motor vehicle, or riding a horse, or in charge of a horse or other animal or drove of animals on a road, who is apparently under the influence of intoxicating liquor may be apprehended without warrant by any member of the police force or an inspector and charged with an offence under this Act.

(2.) Such vehicle may be driven or conveyed to and detained at any police station pending the hearing of the charge against such person.

(3.) Any person proved to have been under the influence of intoxicating liquor whilst driving a vehicle, or riding a horse, or in charge of a horse or other animal or drove of animals on a road, shall be liable to a penalty of Fifty pounds or to imprisonment with or without hard labour for three months.

28. (1.) Any court before whom a person is convicted of any offence in connection with the driving of a motor vehicle—

Suspension of
license and dis-
qualification.

- (a) may, if the person convicted holds a license under this Division, suspend such license for such time as the court thinks fit, and may also declare the person convicted disqualified for obtaining a license for such time as the court thinks fit; and
- (b) may, if the person convicted does not hold a license, declare him disqualified for obtaining a license for such time as the court thinks fit; and
- (c) if the person convicted holds any such license shall cause particulars of the conviction and of any order of the court made under this section to be endorsed thereon, and shall cause a copy of those particulars to be sent to the Commissioner of Police.

(2.) A license so suspended by the court shall, during the term of suspension, be of no effect, and a person whose license is suspended, or who is declared by the court to be disqualified for obtaining a license, shall, during the period of suspension or disqualification, be disqualified for obtaining a license under this Division.

29. Any owner of a vehicle shall, if required by a member of the police force, or an inspector, give any information which it is in his power to give, which may lead to the identification of any person who was driving such vehicle when an offence under this Act is alleged to have been committed.

Duty of owner
to identify
offending driver.

Amended by sec. 5
of No. 16 of 1922.

Penalty: Ten pounds.

Special licenses
for travellers
with motor cars.

30. (1.) Any person being in the State merely as a tourist and having in his possession a motor car belonging to himself, may apply to the Minister for a license under this section, and the Minister may, in his absolute discretion, issue to the applicant a license in the prescribed form which shall, in respect of the said motor car, have effect as a vehicle license and also as a driver's license to the applicant and any person in his employ named therein

(2.) No fee shall be charged for such license.

(3.) Such license shall not be for a longer period than three months, and no more than one such license shall be granted for the same car or to the same applicant during any period of twelve months.

(4.) Subject as aforesaid, the provisions of this Act, applicable to motor cars and to vehicle and drivers' licenses and to licensed persons, shall, according to their tenor, apply *mutatis mutandis* to such cars and licenses as are mentioned in this section and to any person making use of such licenses; any license granted hereunder may be forfeited for any cause for which a vehicle license or driver's license might be forfeited, and, in addition, shall be liable to revocation by the Minister at any time in his absolute discretion.

Division 2.—Locomotive and Traction Engines.

Drivers' licenses.

Amended by sec.
18 of No. 22 of
1926.

31. (1.) No person shall drive a locomotive or traction engine or other vehicle propelled by steam on a road unless such person is the holder of a locomotive or traction engine-driver's certificate under the Inspection of Machinery Act, 1904.

Penalty: For a first offence, Twenty pounds; for any subsequent offence, Fifty pounds or imprisonment for three months.

(2.) No person shall drive a locomotive or traction engine propelled by any mechanical power except steam unless he is duly licensed under Division 1 of this Part.

Not to be liable
for damage to
traction engine.

32. No local authority shall be liable for any damage done to any locomotive or traction engine, or anything carried, drawn, or impelled thereby by reason of the same falling through or from any bridge or culvert, or by reason of any defect in any road.

33. The driver of any locomotive or traction engine when travelling on a road shall, when requested or signalled so to do by any person driving a horse in any vehicle, or riding a horse, or in charge of a horse or other animal or drove of animals, stop until the vehicle, horse, animal, or drove of animals has passed the locomotive or traction engine, or such person as aforesaid signals that the vehicle which has been stopped may pass.

Penalty: Twenty pounds.

Driver to stop when requested. Amended by sec. 19 of No. 22 of 1926.

Division 3.—Width of Tires.

34. (1.) The Governor may by Order in Council, published in the *Gazette*, declare that the provisions of this Division shall apply to and be in force and effect in any district from and after a date to be specified, and thereupon such provisions shall come into force in such district, and the Width of Tires Act, 1895, and section eighty-nine of the Public Works Act, 1902, shall cease to have effect therein.

Application of this Division.

(2.) Except in pursuance of an Order in Council under this section, this Division shall not have any force or effect in any district.

(3.) This Division shall not apply to any motor vehicle or cycle using only pneumatic tires or other tires of elastic material.

35. No person shall carry or cause or permit to be carried on any road by any vehicle a greater weight, including the weight of the vehicle, than that prescribed by the Fourth Schedule, for each inch or portion of an inch of the width of the bearing surface of the tire of each wheel of the vehicle.

Maximum weight of vehicles.

Penalty: Twenty pounds.

Provided that this section shall not apply where the tires of the wheels of a vehicle are not less than six inches in width.

Provided also that owners of vehicles having tires under the regulation size shall be allowed twelve months from the passing of this Act to alter their tires to the regulation size.

36. (1.) No owner of any cart, motor wagon, goods vehicle, or locomotive or traction engine shall use or cause or permit the use of such vehicle on any road unless the correct weight of the vehicle is painted and displayed on some conspicuous part on the off-side in white letters of the prescribed size on a black ground.

Weight of vehicle to be displayed.

Penalty: Five pounds.

(2.) As from a date to be fixed by proclamation, no person shall sell or offer or exhibit for sale or import any new vehicle of the kind specified in subsection one hereof unless the correct weight of the vehicle is painted in some conspicuous part on the off-side thereof, in white letters of the prescribed size on a black ground.

Penalty: Five pounds.

Load may be measured.

37. (1.) Every person in charge of a vehicle shall, at the request of any member of the police force or an inspector or other officer of a local authority, allow such member of the police force, inspector, or officer to ascertain the weight of the load on the vehicle by measurement or otherwise in accordance with the appropriate regulation.

Penalty: Five pounds.

(2.) The result ascertained shall be conclusively taken for the purposes of this Division to be the actual weight of the load, unless the owner or person in charge of the vehicle shall at the time give notice to the member of the police force, officer, inspector, or other officer of his intention to have the load weighed, and shall forthwith at his own expense have the same weighed in the presence of the member of the police force, inspector, or other officer.

Weighing machines.

38. (1.) Local authorities may erect weighing machines with suitable houses or structures for the weighing of vehicles, goods, or merchandise for the purpose of this Division.

(2.) Local authorities may also, for the purposes of this Act, by resolution recognise any weighing machine as fit and accurate, and may in like manner withdraw any such recognition.

Vehicles and load to be weighed if required.

39. Every person in charge of a vehicle shall, if required by a member of the police force or an inspector or other officer of the local authority, forthwith cause such vehicle with the load (if any) thereon to be weighed at the most convenient weighing machine erected or recognised by a local authority within one mile of the place where the requisition is made.

Penalty: Ten pounds.

Vehicle to be weighed if required.

40. (1.) The owner of any vehicle being served with a notice in the prescribed form signed by an inspector and a justice of the peace, requiring him with all practicable speed

to cause the vehicle to be weighed unladen on any weighing machine erected or recognised by a local authority, shall obey such order, and shall forthwith forward the document showing the result of the weighing to such inspector.

Penalty: Ten pounds.

(2.) This section shall not apply if the owner has a certificate of the weight of such wagon from any inspector, and the distance to the nearest weighing machine erected, or recognised by, the local authority is greater than two miles.

Division 4.—Regulations.

41. (1.) Subject to this Act, the Governor may by regulations—

Regulations.

Amended by sec. 4
of No. 16 of 1922,
and by sec. 20 of
No. 22 of 1926.

- (i) Regulate traffic and the use of vehicles upon roads and the use of footpaths, and for that purpose may—
- (a) prescribe the rules to be observed in respect of any vehicle being driven or used on roads and the use of footpaths;
 - (b) prohibit the use on roads of any vehicles that cannot be safely used;
 - (c) determine what number and kind of lights shall be carried by any vehicles, and the times when and the positions in which such lights shall be carried, and prohibit the use of unsuitable lights;
 - (d) prescribe the use on any vehicle of efficient brakes and similar appliances;
 - (e) provide for the issue at a prescribed charge by the local authority of identification tablets or number plates for vehicles, and require any person owning or in charge of any vehicle (whether a license is required therefor or not) to keep such a tablet or number plate displayed thereon in any manner; and enabling an officer duly authorised by the local authority to take possession of an identification tablet or number plate if the officer has reason to believe that it was not issued by a local authority in connection with a current license, or is in use on a vehicle for which it was not issued;
 - (f) prescribe and regulate the use on any vehicles of bells and alarms;

- (g) prohibit or restrict the driving of any specified kinds of vehicles on any road on which, in the opinion of the Governor, such traffic would be especially dangerous; and regulate, prohibit, or restrict the driving or hauling of agricultural machines (including tractors and ploughs) on roads;
- (h) provide for minimising the noise and the issue of fumes or smoke from the working of motor vehicles and locomotive or traction engines;
- (i) prescribe the hours during which and the conditions on which locomotive or traction engines, jinkers, and whims may proceed over any road;
- (j) regulate the manner in which horses or other animals in teams shall be driven, yoked, or harnessed;
- (k) regulate the use of roads by travelling stock;
- (l) regulate the use of trailers;
- (m) require persons in charge of vehicles or animals on roads to duly secure or be in attendance on the same; and authorising unattended vehicles or horses in streets or public places to be seized and taken charge of, and for the recovery of any expense thereby incurred;
- (n) prohibit or regulate processions on roads;
- (o) define the powers and duties of inspectors with regard to traffic on roads;
- (p) prohibit the use of any specified road by any vehicle, or by any person riding, driving, or in charge of any animal;
- (q) prohibit the use of any specified road by any vehicle, or by any person riding, driving, or in charge of any animal, except when proceeding in a prescribed direction;
- (r) prescribe the routes to be followed by all classes of traffic, or of any particular class of traffic or vehicle, from one specified point to another, either generally or between any specified times;
- (s) regulate the relative position in the roadway of traffic of different speeds or types;
- (t) prescribe the places where vehicles or vehicles of any particular class or description may not be turned so as to face in the opposite direction to that in which they were proceeding, or where they may only be so turned under the conditions prescribed;

- (u) prohibit the driving on any road of a vehicle exceeding seven feet six inches in width or containing a load exceeding such width;
 - (v) prohibit the use for heavy traffic of all roads within a defined area, except certain defined roads on which by such regulation heavy traffic is permitted, and the use on any road of a vehicle the weight of which exceeds a prescribed weight;
- (ii) Regulate the use, management, and equipment of passenger vehicles, and for that purpose may—
- (a) prevent any person not being of a prescribed age acting as driver or conductor;
 - (b) provide for the issue (subject to sections twenty, twenty-one, and thirty-one) of licenses to drivers and conductors, and prohibit any unlicensed person from acting or being employed as a driver or conductor, and prescribe the fees to be paid for such licenses;
 - (c) limit the number of passengers and the quantity of baggage and goods to be carried;
 - (d) prescribe rules for the taking up and setting down of passengers;
 - (e) prescribe how vehicles are to be equipped and maintained in proper order and condition;
 - (f) provide for the disposal of articles left in such vehicles;
 - (g) prevent smoking in or on any such vehicle;
 - (h) prohibit the conveyance of any corpse in or on any such vehicle;
 - (i) regulate the routes to be observed by such vehicles plying as omnibuses; and require the licensee of the vehicle to have a route endorsed on his license and prohibit the use of vehicles as omnibuses on any route other than that endorsed on the license;
 - (j) require the carrying of inside lights after sunset;
 - (k) require the rates of fares to be kept displayed inside such vehicles;
 - (l) prevent what is called the nursing or shepherding of passenger vehicles by other passenger vehicles and prevent one passenger vehicle being persistently driven before or after another passenger vehicle;

Traffic.

- (m) provide for the punishment of persons hiring passenger vehicles or riding therein, and evading or attempting to evade payment of fares; and provide that any fare shall be recoverable summarily before justices either in proceedings to inflict punishment or otherwise;
- (n) prevent touting on roads or in public places for passenger vehicles;
- (o) impose an obligation on owners and drivers to convey passengers on demand;
- (iii) Fix the rates and fares which may be taken by the drivers and owners of passenger and goods vehicles;
- (iv) Regulate, subject to section seven, the use of public stands appointed for the use of any passenger or goods vehicles, and prohibit the driver of any passenger or goods vehicle loitering or standing for hire therewith in any road except on a place which may lawfully be used as a stand for that particular vehicle;
- (v) Regulate the conduct of drivers and conductors of and persons attending any passenger or goods vehicle, and for that purpose may prohibit careless or furious driving or racing, or the demand or receipt of more than the legal fare or rate;
- (vi) Impose an obligation on the owners and drivers of any goods vehicles to carry merchandise and goods on demand;
- (vii) Regulate the use of roads with a view to the prevention of undue damage thereto or obstruction thereof, and for that purpose may—
 - (a) define what shall be deemed heavy traffic for the purposes of this Act;
 - (b) prohibit the passage of heavy or obstructive traffic over any specified road, either generally or during certain months of the year;
 - (c) prescribe the maximum weight which may be taken across any bridge or culvert;
 - (d) prohibit or regulate the use on any road of any vehicle not having the nails in the wheels counter-sunk in such a manner as may be specified in the regulation, or having on any wheel any bars, spikes, or projections specified in the regulation;
 - (e) prohibit or regulate the drawing or trailing of any sledge, timber, or heavy material on any road;

- (f) prohibit or regulate the use on any road of any vehicle with a locked wheel;
- (g) provide for the ascertainment by measurement or otherwise of the weight of any vehicle or the load carried by any vehicle on a road;
- (h) prescribe by what distance or length of axle-tree any wheel of a vehicle shall be separated from the opposite wheel;
- (i) limit the weight of loads to be carried or drawn by jinkers or whims, and prohibiting the use of jinkers and whims on any road or portion of a road either generally or during certain months in the year;
- (j) prescribe special rules for requiring the tires of jinkers and whims to be of a special width, and to be suitably protected or covered;
- (k) regulate the maximum weight of the load that may be carried by any vehicle (inclusive of the weight of the vehicle) on roads other than such roads as are specifically prescribed in any prescribed area, and prohibiting the carriage of any such load exceeding the prescribed maximum weight;
- (l) prohibit the carriage by any vehicle on the roads or any specified roads in a prescribed area, of a load (including the weight of the vehicle) exceeding the weight prescribed as the maximum load that may be lawfully carried on such roads or specified roads;
- (viii) Provide for the suspension and cancellation of licenses granted under any regulation;
- (ix) Prescribe the method by which the horse power, carrying power, and any other matter may be determined in regard to any particular kind of vehicle for the purposes of this Act;
- (x) Prescribe any rule that may be deemed necessary or conducive to the exercise of any of the foregoing powers, or to the exercise of any powers vested in the Governor or the Minister or any local authority;
- (xi) Prescribe that any manufacturer of or dealer in vehicles shall, within a prescribed time after any sale or purchase, give to the local authority notice thereof, with a description of the vehicle and the name and address of the purchaser or seller, as the case may be;

- (xii) Enable a license obtained by misrepresentation or fraud to be cancelled, and its return to be required or enforced;
- (xiii) Prescribe all matters which by this Act are required or permitted to be prescribed or which may be necessary or convenient to be prescribed for giving effect to this Part of this Act;
- (xiv) Impose a penalty not exceeding twenty pounds or imprisonment not exceeding one month with or without hard labour for the breach of any regulation;
- (xv) Prescribe the fee and regulate other matters for any vehicle not otherwise provided for in this Act;
- (xvi) Regulate the driving or leading of cattle (within the meaning of that word in the Municipal Corporations Act, 1906) on roads and the use and driving of camels, and for that purpose may—
 - (a) limit the number of camels to be driven by one driver;
 - (b) require the annual registration of camels and the payment of an annual registration for pack camels.

(2.) The mention herein of any means or method of exercising a power of regulation hereby conferred shall not be deemed to imply that, in the exercise of that power, the Governor is to be debarred from the use and employment of appropriate means and methods not specifically mentioned.

(3.) Regulations under this Division may, if the Governor deems it necessary or expedient, be of a local nature and limited in their application to a particular area, and may be restricted in their operation either to any specified class or kind of vehicle, or to vehicles with the exception of any specified class or kind.

(4.) The power of making regulations under this Division extends to Government roads.

42. (1.) The Governor, by regulations made under this Act, may prescribe the routes within the metropolitan area, or in any other defined parts of the State, to be observed by omnibuses, and prohibit the use of omnibuses elsewhere than along a prescribed route; and may prescribe—

- (a) sections and terminal points of such routes;
- (b) that timetables, approved by the local authority, shall be framed and observed by owners and drivers of omnibuses plying for hire on prescribed routes or sections thereof;

- (c) the maximum fares for prescribed routes or sections thereof to be charged for passengers carried by omnibuses;
- (d) the maximum number of omnibuses which may be licensed to ply for hire on any prescribed route; and
- (e) stopping places on such routes, and prohibit the taking up or setting down of passengers elsewhere than at a prescribed stopping place, or within a prescribed distance from the junction or intersection of prescribed roads:

Provided that before any route as aforesaid is so prescribed, the Minister—

- (i) shall take into consideration the maximum number of omnibuses proposed to be licensed for the route;
- (ii) shall confer with any local authority concerned; and
- (iii) shall satisfy himself that the condition of the roads to be included in the route is such as to be capable of carrying omnibus traffic thereon without unreasonable damage to the roads, and that there are not sufficient other facilities for the conveyance of passengers to, from, or within the district proposed to be served.

(2.) The Governor may, by regulations under this Act, prohibit the use of vehicles as omnibuses within the metropolitan area, or in any other defined part of the State, unless a prescribed route is specified in or indorsed on the license for the vehicle by the local authority, and on any route other than the route so specified in or indorsed on the license.

(3.) The Governor may, by regulations under this Act, prescribe—

- (a) that a passenger vehicle license for an omnibus shall be a "regular service" license or a "special service" license;
- (b) that a "regular service" license shall authorise the omnibus for which it is granted to ply for hire for the purpose only of maintaining a regular service upon a prescribed route to be specified in the license (including any authorised temporary deviation from such a route), except in cases where the local authority may consent in writing to such omnibus plying for hire for the purpose only of

maintaining a regular service on such other prescribed route and for such period, as specified in the consent; and except where a special consent is granted by the local authority to authorise the omnibus to ply elsewhere on specified days;

- (c) that in any case where such a consent is granted, the omnibus shall not ply for hire during the period so specified on any route other than the prescribed route specified in the consent;
- (d) that a "regular service" license shall not be granted, and a consent as aforesaid under such a license shall not be granted, in respect of any prescribed route for any omnibus in excess of the number of omnibuses prescribed for that route;
- (e) that a "special service" license shall authorise the omnibus for which it is granted to ply for hire in accordance only with permits in writing to be issued from time to time by the local authority, permitting the omnibus to ply for hire to and from such places, and on such special occasions, and on such dates as are specified in the permit; and that no such permit shall be granted more than twenty-one days before the date of the special occasion for which it is granted;
- (f) that a license shall not be granted for any omnibus unless the provisions of this Act or of any regulations under this Act, so far as they apply to such omnibus, have been complied with;
- (g) that a permit under a "special service" license shall not be granted unless the local authority is satisfied that there are not other sufficient facilities for the conveyance of passengers; and
- (h) that any license, consent, or permit granted pursuant to such regulations may be granted subject to such further conditions (if any) as the local authority thinks fit.

(4.) The Governor may, by regulations under this Act,—

- (a) prescribe that the owner of an omnibus for which a "regular service" license is granted shall (except with the permission in writing of the local authority) maintain a regular service in accordance with the license and any relevant regulation, unless

such failure is due to circumstances which could not reasonably have been avoided by him; and that if such service is not maintained, the license shall be liable to forfeiture; and

- (b) enable permission to be granted by the local authority for temporary deviations from prescribed routes, and temporary alterations of any sections or terminal points thereof or stopping places thereon.

(5.) The Governor may, by regulations under this Act, prescribe—

- (a) the maximum, height, length, and breadth of omnibuses and motor wagons;
- (b) the maximum weight of and the maximum load for omnibuses and motor wagons;
- (c) that tires other than rubber tires shall not be used on motor omnibuses, and the thickness and condition of tires used on motor omnibuses and motor wagons;
- (d) the design and construction of omnibuses so as to secure the safety, comfort, and convenience of passengers and the public, and to minimise damage to roads;
- (e) for the maintenance and repair of omnibuses;
- (f) for the provision and regulation of efficient brakes and steering gear on motor omnibuses;
- (g) for the supply to the Minister by owners of omnibuses of such statistics as are prescribed;
- (h) the limit of speed that shall not be exceeded whether generally or in any specified locality or any specified street or road or part thereof by omnibuses; and
- (i) generally, all such matters and things as are authorised or permitted to be prescribed for carrying this Act into effect.

(6.) The Governor, by regulations made under this section,—

- (a) may prescribe that the holder of a passenger vehicle license for an omnibus in force at the commencement of the first regulations made under this section shall surrender such license, and may be granted in lieu thereof a passenger vehicle license to be issued in accordance with such regulations

- on payment of a proportional part of the additional fee prescribed by Part II. of the Third Schedule to this Act; and
- (b) may impose a penalty not exceeding twenty pounds, or imprisonment not exceeding one month with or without hard labour, for the breach of any regulation.

(7.) When routes within the metropolitan area or other defined part of the State have been prescribed under this section as the routes to be observed by omnibuses, and the use of vehicles as omnibuses has been prohibited unless a prescribed route is specified in or indorsed on the license for the vehicle, any owner of, or person in charge of, a vehicle who uses the vehicle or suffers or permits the vehicle to be used within the metropolitan area or other defined part of the State as an omnibus without a prescribed route being specified in or indorsed on the license, or on any route other than that specified in or indorsed on the license, or in a consent granted by the local authority under a regulation prescribed pursuant to subsection (3) of this section, or on any road within the metropolitan area or such defined part of the State as aforesaid which is not a prescribed route, shall be guilty of an offence against this Act and shall be liable on conviction to a penalty not exceeding twenty pounds, or to imprisonment with or without hard labour for not exceeding one month.

(8.) This section shall apply to all vehicles used as omnibuses in the metropolitan area as prescribed by regulation or other defined part of the State as aforesaid, notwithstanding that the license for the vehicle may have been obtained in any other part of the State.

43. (1.) The Governor may, by Order in Council, empower a local authority to exercise, within its district, any power of making regulations which the Governor could exercise under this Division.

(2.) The order shall define any power conferred in the words used in the definition of such power in this Division: provided that the word "by-law" may be substituted for "regulation," and "local authority" for "Governor."

(3.) Such order may, until revoked, be acted on by the local authority in the manner and subject to the conditions and restrictions (if any) therein set out.

44. Every license or registration to be granted or effected under any regulation shall be granted or effected by the local authority as prescribed, to whom all lawful fees shall be paid, and every such license or registration shall, subject to this Act and the regulations made by the Governor, be effective throughout the State.

Effect of regulations and by-laws.

Amended by sec. 23 of No. 22 of 1926.

45. Any license granted in respect of an omnibus or passenger vehicle shall, during such time or times as such omnibus or vehicle is under repair, authorise the holder of such license, with the previous consent in writing of the Commissioner of Police or any officer acting for him, to substitute another omnibus or vehicle for the bus or vehicle under repair, and to ply for hire therewith without being required to pay a further license fee, during only such period or periods as the first-mentioned omnibus or vehicle is under repair and not plying for hire or otherwise being used for profit.

Substitution of vehicle for licensed passenger vehicle whilst under repair.

Inserted by sec. 22 of No. 22 of 1926.

46. Whenever any number of persons, or any club or clubs, intimate to the local authority that they desire to hold race meetings or speed tests in any particular place or locality on a day to be fixed, the local authority may temporarily suspend the operation of any regulations under this Act for such purpose, and may define the conditions under which such race meetings or speed tests shall be conducted.

Special regulations as to speed.

Amended by sec. 24 of No. 22 of 1926.

47. Local authorities shall give public notice of any regulation of the Governor made in pursuance of this Act prohibiting or restricting the use of vehicles on any road or limiting the speed of vehicles within any limits or place, and for the purpose of giving effect to any such regulation shall place notices in conspicuous places on or near the road, limits, or place to which the regulation refers.

Notice of regulations.

Amended by sec. 25 of No. 22 of 1926.

48. On the commencement of this Act, all by-laws and regulations theretofore made by any local authority under any statutory provision repealed by this Act shall be deemed to be repealed but so that all licenses and registrations granted or effected thereunder shall be operative and have effect as if granted under this Act.

Existing by-laws.

49. When any by-law or regulation made by any local or other authority or any Minister of the Crown or other person is inconsistent with any regulation made under this Act, the latter shall prevail, and the former shall, to the extent of the inconsistency, be void.

By-laws under this Act to prevail.

PART V.—MISCELLANEOUS.

Liability for damage.

Amended by sec. 26 of No. 22 of 1926.

50. (1.) The owner of a vehicle shall be liable in damages to any local authority for any extraordinary damage or injury caused or happening to any road under the control of such local authority by such vehicle in consequence of the use or passage thereof or of anything carried, drawn, or propelled thereby on or along such road.

(2.) If any such damage or injury as aforesaid is caused to any bridge or culvert, the person in charge of the vehicle shall immediately place a conspicuous warning mark or sign, in accordance with the regulations, on or near such bridge or culvert, and shall forthwith send notice of the damage or injury to the town clerk or secretary of the local authority in whose district the damage or injury was done.

Penalty: Ten pounds.

Power of road authority to recover expenses of heavy or extraordinary traffic.

Amended by sec. 27 of No. 22 of 1926.

51. (1.) Where it appears to a local authority which is liable or authorised or has undertaken to repair any road that, having regard to the average expense of repairing roads in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such road by reason of the damage caused by heavy traffic passing along the same, or extraordinary traffic thereon, such authority may recover in any court of competent jurisdiction from any person by or in consequence of whose order such traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognisance of the case to have been incurred by such authority by reason of the damage arising from such traffic as aforesaid:

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such traffic, and thereupon the person so paying the same shall not be subject to any proceedings under this section.

(2.) For the purposes of this section the Minister shall be deemed the authority which is liable or authorised or has undertaken to repair any Government road, and he may in his name of office bring an action for recovery of expenses under this section accordingly: provided that any moneys recovered by him shall be paid into the consolidated revenue fund.

(3.) Proceedings for the recovery of any expenses hereunder shall be commenced within twelve months of the time when the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work.

52. (1.) The owner of any motor vehicle used for the carriage of passengers for hire or reward shall insure himself, and at all times keep himself insured during the currency of the license therefor, with an insurance office doing business within the State which has complied with the provisions of the Insurance Companies Act, 1918, against liability for damages in respect of such vehicle in case of injury to persons.

Insurance by owners of motor omnibuses.

Inserted by sec. 25 of No. 22 of 1926.

(2.) The amount of insurance against such liability in respect of every such vehicle shall be one hundred pounds for each passenger the vehicle is licensed to carry, and not less than one thousand pounds, during the currency of the license therefor: Provided that in the case of an owner of more than one vehicle, if such owner during the currency of his licenses insures himself and keeps himself insured for not less than five thousand pounds in the aggregate, such insurance shall be deemed a compliance with the requirements of this section.

(3.) Before or on the granting or the renewal of any license for a motor vehicle used for the carriage of passengers for hire or reward, and forthwith after any further insurance is effected during the currency of the license, the owner of the vehicle shall deposit with the Minister a policy of insurance together with a receipt for all premiums payable thereon during the currency of the license.

(4.) If any owner of a motor vehicle used for the carriage of passengers for hire or reward neglects to effect an insurance in accordance with this section, or fails to deposit with the Minister the policy of insurance and the receipt for the premiums, the Minister may, by notice served on such owner and published in the *Gazette*, suspend any license under this Act held by such owner until the requirements of this section are complied with by him; and during such period of suspension the license shall be of no effect, and the person whose license is suspended shall, during the period of suspension, be disqualified from obtaining a license.

Unauthorised use
of vehicles.

Amended by sec.
29 of No. 22 of
1926.

53. Subject to this Act, no person shall, without the consent of the owner or person in charge of a vehicle, drive or otherwise assume control of or use such vehicle.

Penalty: Fifty pounds; or imprisonment with or without hard labour for three months.

Unlawful interfer-
ence with mech-
anism of motor
vehicles.

54. Any person who unlawfully interferes with the mechanism or parts of any motor vehicle or locomotive or traction engine shall be guilty of an offence under this Act.

Penalty: Fifty pounds; or imprisonment with or without hard labour for three months.

Procuring or hire
of car by fraud,
etc.

Amended by sec.
80 of No. 22 of
1926.

55. Any person who procures the use or hire of any vehicle by fraud or misrepresentation, and any person who aids or abets any such person, shall be guilty of an offence under this Act.

Penalty: Fifty pounds; or imprisonment with or without hard labour for three months.

Roads may be
closed.

Amended by sec.
81 of No. 22 of
1926.

56. (1.) The Minister may, if he considers any road unsafe for public traffic, cause the same to be closed for such period as he considers necessary.

(2.) A local authority for a period of one month may exercise a similar power with regard to any road under its control, but the exercise of such power shall not extend beyond such period except with the approval in writing of the Minister.

(3.) No person shall drive, take, or use any vehicle on to or on any road while such road is closed under this section.

Penalty: Twenty pounds.

Production of
license.

57. (1.) Every holder of a license shall, whenever he is charged with an offence under this Act, produce his license to the justices hearing the charge.

Penalty: Three pounds.

(2.) If such person is convicted, the justices shall indorse a memorandum of the conviction on the license.

58. When any license is forfeited the licensee shall, on demand made by an inspector or licensing officer, deliver such license to him.

Penalty: Five pounds.

Forfeited license
to be delivered up.

59. Whenever a license is lost or destroyed, a duplicate or certified copy thereof shall, on payment of the prescribed fee, be issued by the licensing authority, and shall serve and be available in lieu of the original. Lost license.

60. No person shall— Offences.

- (a) Whilst disqualified for obtaining any particular license apply for or obtain any such license; or
- (b) Wilfully mislead any inspector, police officer, or licensing officer in any particular likely to affect the discharge of his duty under this Act; or
- (c) Forge or fraudulently alter any license or any identification tablet or number plate for any vehicle or animal; or
- (d) Use any forged or fraudulently altered license or identification tablet or number plate; or any license or identification tablet or number plate to which he is not entitled; or
- (e) Fraudulently permit his license or identification tablet or number plate to be used by any other person; or
- (f) Drive any vehicle or cause or permit any vehicle to be driven on any road whilst it has on it any forged or fraudulently altered identification tablet or number plate, or any identification tablet or number plate other than one issued for such vehicle; or
- (g) Without lawful excuse have in his possession a license or any article resembling a license and calculated to deceive; or
- (h) Lend or allow to be used by any other person any license or any identification tablet or number plate.

Penalty: Twenty-five pounds.

61. In any prosecution under this Act an averment in the complaint that any person is or was the owner of a vehicle or is or was unlicensed, or that any person is or was not the holder of any particular license (either personal or in respect of any vehicle), or that the vehicle was used on a road shall be deemed to be proved in the absence of proof to the contrary.

Proof of person being unlicensed.

Amended by sec. 32 of No. 22 of 1925.

Savings.

62. Nothing in this Act shall take away or diminish any liability of the driver or owner of a vehicle by virtue of any other Act or at common law.

Application of Act to Crown and local authorities.

63. This Act applies to persons in the public service of the Crown, or of any local authority.

Protection of Minister, local authorities, and officers.

Amended by sec. 33 of No. 22 of 1926.

64. No matter or thing done by the Minister or any person acting with the authority of the Minister or by the Commissioner of Police or any local authority, inspector, or member of the police force in good faith for the purpose of executing this Act shall subject the Crown or the Minister, or any person acting with the authority of the Minister or the Commissioner of Police, local authority, inspector, or member of the police force to any liability in respect thereof.

Repeal of sec. 237 of Act No. 32 of 1906, and sec. 147 of Act No. 29 of 1911.

65. Subsection (a) of section two hundred and thirty-seven of the Municipal Corporations Act, 1906, and subsection (a) of section one hundred and forty-seven of the Roads Act, 1911, are hereby repealed.

Regulations.

66. The Governor may, in addition to the powers conferred by Division 4 of Part IV., make such regulations as may be necessary or convenient for carrying out or giving effect to the provisions of this Act, and by such regulations may prescribe forms for use under this Act.

Repeal of sec. 5 of No. 37 of 1924.

67. Section five of the Traffic Act Amendment Act, 1924, is hereby repealed, and such Act shall continue in operation as if that section had not been enacted.*

Reprinting of principal Act with amendments.

68. All copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by the Traffic Act Amendment Act, 1921, the Traffic Act Amendment Act, 1924, the Traffic Act Amendment Act, 1925, and by this Act, under the supervision of the Clerk of Parliaments, and all necessary reference to the Act shall be made in the margin, and in any such reprint the short title shall be the *Traffic Act, 1919-1926*; and the sections may be renumbered in arithmetical order and cross-references adjusted.

*Note.—The following is the section referred to:—

Duration.

5. This Act shall continue in force until the thirty-first day of December, 1925, and no longer.

First Schedule.

Section 8.

REPEALS.

Date and Number.	Short Title.	Extent of Repeal.
40 Vict., No. 5 ... No. 32 of 1906 ...	The Cart and Carriage Licensing Act, 1876 The Municipal Corporations Act, 1906	The whole. The following portions of Section 179, namely:—Paragraphs 6 and 30 (except sub-paragraphs e and x); Sub-para- graphs f, i, n, o, p, and u of paragraph 42, and the words “and carriage” in sub-paragraph m of paragraph 42, and sub-paragraph t of paragraph 42, ex- cept in so far as it relates to perambu- lators, and paragraph 46.
No. 29 of 1911 ...	The Roads Act, 1911	The following portions of Section 181, namely:—Paragraphs a, b, and c. The following portion of the 12th Schedule, namely:—Part VII. (except subdivision 3 relating to porters). The following portions of Section 179, namely:—Paragraphs 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 52, 53, and 54.

Section 5.

Second Schedule.

Amended by sec.
34 of No. 22 of
1928.

Vehicle.	Description.
"Carriage"	Any description of vehicle with springs drawn or propelled by animal but not human power, and mainly used for the carriage of persons;
"Cart"	Any description of vehicle drawn or propelled by animal but not human power, and solely or mainly used for the carriage of goods, the term includes jinker and whim;
"Cycle"	A bicycle, tricycle, or velocipede driven or propelled by human power only;
"Hand-cart"	A cart drawn or propelled by human power;
"Locomotive or traction engine"	Any road locomotive driven by steam and used for the carriage of passengers or goods or passengers and goods, and any engine propelled by any mechanical power and used for haulage purposes, or as a road roller, and not being a motor wagon as defined, and any other road tractor not within the meaning of the term "motor wagon";
"Motor car"	Any motor vehicle other than a motor carrier, motor cycle, or motor wagon;
"Motor carrier"	A motor vehicle designed to travel on three wheels and weighing unladen not more than twenty hundred-weight;
"Motor cycle"	A motor vehicle designed to travel on two wheels and includes a side car attached to the vehicle;
"Motor omnibus"	A motor vehicle used as an omnibus.
"Motor wagon"	A motor vehicle, other than a motor carrier or motor cycle, which is solely or mainly used for the carriage of goods, and includes a wagon driven by steam if fitted with wheels similar to those of a motor vehicle or a "sentinel" or similar vehicle;
"Omnibus"	A vehicle used as a passenger vehicle to carry passengers at separate fares.
"Trailer"	A vehicle drawn by another vehicle, but does not include an attachment of a motor cycle.

Traffic.

For a locomotive or traction engine :—	£	s.	d.
Not exceeding 3 tons in weight with load (if any) per wheel per ton	1	0	0
Exceeding 3 tons but not exceeding 5 tons in weight with load (if any), per ton per wheel	1	10	0
Over 5 tons in weight with load (if any) but not exceeding 7 tons, per ton per wheel	2	0	0
Over 7 tons in weight with load (if any), per ton per wheel	3	0	0
For a trailer, 10s. per ton per wheel on the weight of trailer, plus declared maximum load			
All motor vehicles and all wagons or engines using approved cushion tires (neither solid nor pneumatic) to be charged an additional 10 per cent.			
All motor vehicles (other than motor omnibuses) and all wagons or engines using <i>solid rubber</i> tires to be charged an additional 20 per cent. of the above fees.			
All motor vehicles (other than motor omnibuses), and all wagons or engines using <i>metal</i> tires to be charged an additional 40 per cent. of the above fees.			

If any substance other than petrol is used for power for motor vehicles, motor or steam wagons, or locomotive or traction engines, an additional 20 per cent. of the above fees shall be charged.

PASSENGER VEHICLE AND CARRIERS' LICENSES.

	£	s.	d.
Fee for a passenger vehicle license, per wheel	0	10	0
Fee for a carrier's license, per wheel	0	10	0

Provided that if the owner of several vehicles for which carriers' licenses have been obtained, proves to the satisfaction of the licensing authority that the number of drivers employed (including himself if a driver) was at no time during the currency of such licenses equal to the number of such licensed vehicles, the licensing authority shall allow a rebate of the fees paid for any licenses in excess of the drivers employed.

For the purposes of this Schedule "load" means the greatest load which is within the limits of the vehicle's capacity, as ascertained according to the prescribed method.

All the above fees are payable annually.

TRANSFERS.

The following fees are payable on transfers of licenses :—

Transfer of license of—	£	s.	d.
Motor car, motor carrier, motor wagon, locomotive or traction engine	0	10	0
Motor cycle	0	5	0
Trailer	0	5	0
Carriage or cart	0	5	0
Hand cart	0	2	6
Transfer of passenger vehicle or carrier's license	0	5	0

PART II.

As from, and including the first day of January, 1925, in the case of a motor omnibus for which a passenger vehicle license is granted or held, the following additional license fees shall be payable, namely :—

- (1.) If a motor omnibus is used within the metropolitan area as prescribed under section thirteen, and within two miles of the Town Hall, Perth, or the Town Hall, Fremantle, the additional fee shall be—
 - (a) if the motor omnibus is fitted with tyres other than pneumatic tyres, a fee calculated at the rate of £2 for each passenger the motor omnibus is licensed to carry.
 - (b) if the motor omnibus is fitted with no tyres other than pneumatic tyres, a fee calculated at the rate of £1 10s. for each passenger the motor omnibus is licensed to carry.

- (2.) If the motor omnibus is used within the metropolitan area, but not within two miles of the Town Hall of Perth, or the Town Hall of Fremantle, the additional fee shall be a fee calculated at the rate of two-thirds of the respective fees above-mentioned, according to whether the motor omnibus is, or is not, fitted with any tires other than pneumatic tires.

Such additional license fees shall be apportioned if the license has effect for a period commencing on or after the first day of the seventh month of the financial year, so that the licensee shall only be required to pay one-half of the additional fee; or it has effect for a period commencing on or after the first day of the tenth month, one-fourth of the additional fee.

The amount of such additional license fee shall be a debt due to the Minister from the licensee and recoverable by action in any court of competent jurisdiction.

This part shall apply notwithstanding that the passenger vehicle license for the motor omnibus is a "regular service license"; but in the case of a motor omnibus for which a passenger vehicle license is granted as a "special service" license, such fee for the license and for every permit issued thereunder shall be payable as prescribed by regulations made under this Act.

PART III.

RULES FOR ASCERTAINING POWER WEIGHT AND POWER LOAD WEIGHT FOR THE PURPOSES OF THIS SCHEDULE.

1. The Power Weight (P.W.) of a motor vehicle is ascertained by adding the weight expressed in hundredweights (cwt.) of the car (complete and ready for use, including the tools, oil, spare parts, tires and other accessories usually carried) to the horse-power calculated on the Dendy Marshall formula.

2. The Power Load Weight of a motor wagon is ascertained by adding to the Power Weight of the vehicle the carrying capacity (expressed in hundredweights) as verified by statutory declaration when application is made for the license.

3. The horse-power (H.P.) of a motor vehicle is ascertained according to the Dendy Marshall formula by multiplying the square of the diameter of the cylinders (expressed in inches) by the number of cylinders, and the length of stroke (expressed in inches) and dividing the result by 12.

The formula is as follows:—

- d = diameter of a cylinder in inches.
- n = number of cylinders.
- s = length of stroke in inches.

$$\text{H.P.} = \frac{d^2 \times n \times s}{12}$$

Or H.P. = $\frac{d^3 \times n \times s}{200000}$ when d and s are taken in millimetres.

4. If in any case the result obtained by applying the above rules contains a fraction, then the result shall be taken to be the next higher integral figure.

The horse-power of any mechanically propelled vehicle driving its power wholly from a steam-engine shall be taken to be proportional to the effective heating surface of the boiler supplying steam to such engine, at the rate of one horse-power for every three square feet in such effective heating surface, and the effective heating surface shall be taken to be—

- (a) In the case of a boiler having horizontal or approximately horizontal tubes, the whole of that surface of the tubes which is exposed to the flame or hot gases;
- (b) in the case of a boiler having vertical or approximately vertical tubes, half of that surface of the tubes which is exposed to the flame or hot gases.

Fourth Schedule.

The following is the scale of weights referred to in Section 35 of the Act, regulating load (including the weight of vehicle) to be carried according to width of tire:—

Vehicle.	Width of Tire.	Weight per inch, in hundred-weights.	Load.
wheels.			tons. cwt. qrs.
2	For Tires of $1\frac{1}{2}$ inches ...	4	0 12 0
4	" " $1\frac{1}{2}$ " " " " "	4 $\frac{1}{4}$	1 5 2
2	" " $1\frac{3}{4}$ " " " " "	4 $\frac{1}{2}$	0 15 3
4	" " $1\frac{3}{4}$ " " " " "	4 $\frac{3}{4}$	1 13 1
2	" " 2 " " " " "	5	1 0 0
4	" " 2 " " " " "	5 $\frac{1}{4}$	2 2 0
2	" " $2\frac{1}{2}$ " " " " "	5 $\frac{1}{2}$	1 7 2
4	" " $2\frac{1}{2}$ " " " " "	5 $\frac{3}{4}$	2 17 2
2	" " 3 " " " " "	6	1 16 0
4	" " 3 " " " " "	6 $\frac{1}{4}$	3 15 0
2	" " $3\frac{1}{2}$ " " " " "	6 $\frac{1}{2}$	2 5 2
4	" " $3\frac{1}{2}$ " " " " "	6 $\frac{3}{4}$	4 14 2
2	" " 4 " " " " "	7	2 16 0
4	" " 4 " " " " "	7 $\frac{1}{4}$	5 16 0
2	" " $4\frac{1}{2}$ " " " " "	7 $\frac{1}{2}$	3 7 2
4	" " $4\frac{1}{2}$ " " " " "	7 $\frac{3}{4}$	6 19 2
2	" " 5 " " " " "	8	4 0 0
4	" " 5 " " " " "	8 $\frac{1}{4}$	8 5 0
2	" " $5\frac{1}{2}$ " " " " "	8 $\frac{1}{2}$	4 13 2
4	" " $5\frac{1}{2}$ " " " " "	8 $\frac{3}{4}$	9 12 2

The width of bearing surface as defined by Section 4 of the Act is for the tires as originally made, and does not permit of any extra weight by increased width owing to any spread of tire occasioned by wear or otherwise.