
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, No. 11 of 1927, No. 20 of 1930, No. 3 of 1931, No. 21 of 1932, No. 43 of 1933, and No. 39 of 1935.)

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, 1919-1935*.*

Short title.
See 39 of
1935, s. 28.

2. This Act is divided into Parts and Divisions, as follows:—

Division.

PART I.—PRELIMINARY. Sections 1 to 4.

PART II.—LICENSING OF VEHICLES. Sections 5 to 20.

PART III.—TRAFFIC INSPECTORS. Section 21.

*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. The amending Act of 1930 was proclaimed to commence on 31st January, 1931 (*see Gazette* of 30th January, 1931). Act No. 3 of 1931 came into operation on the date of assent, namely, the 24th June, 1931; Act No. 21 of 1932 on the date of assent, namely, the 5th December, 1932; Act No. 43 of 1933 on the date of assent, namely, the 4th January, 1934; Act No. 39 of 1935 was assented to on the 7th January, 1936, and by Proclamation (*see Gazette* of 8th May, 1936), came into operation on the 1st day of July, 1936. The operation of section 5 of Act Number 20 of 1930, which was continued by Acts Numbers 21 of 1932 and 43 of 1933, became exhausted on the 30th June, 1934, when Act No. 43 of 1933, the last of the continuing Acts expired.

PART IV.—REGULATION OF TRAFFIC. Sections 22 to 54.

Division (1).—*Motor and other Vehicles.* Sections 22 to 35.

Division (2).—*Locomotive and Traction Engines,* Sections 36 to 38.

Division (3).—*Width of Tyres.* Sections 39 to 45.

Division (4).—*Regulations.* Sections 46 to 54.

PART V.—MISCELLANEOUS. Sections 55 to 75.

FIRST SCHEDULE.—REPEALS.

SECOND SCHEDULE.—DESCRIPTION OF LICENSES.

THIRD SCHEDULE.—LICENSE FEES.

FOURTH SCHEDULE.—WIDTH OF TYRES.

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;

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

Ibid.

“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;

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

“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;

“Omnibus” means and includes any vehicle used as a passenger vehicle to carry passengers at separate fares;

Inserted by s. 2 of No. 22 of 1926.

“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, tram car, or trolley bus;

As amended
by 39 of
1935, s. 2.

“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.

Licenses.
Schedule.

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

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

As amended
by No. 39 of
1935, s. 3.

(i) Where the annual license fee is less than one pound the penalty shall not be less than the annual license fee.

(ii) Where the annual license fee is greater than one pound the penalty shall be one pound or not less than one-half of the annual license fee, whichever is the greater.

(iii) The maximum penalty shall be 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
s. 3 of No. 22
of 1926.

(5.) Any person who has at any time, after the coming into operation of this Act, committed an offence against this section for which he has not been prosecuted shall be liable to pay to the local authority the license fee which he might have been ordered to pay on conviction of such offence, and such fee shall be recoverable in any court of competent jurisdiction.

No. 20 of
1930.

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

Passenger-
vehicles and
carriers'
licenses.

(2.) (a) A carrier's license is required for every vehicle used for the carriage of goods for hire or reward.

As amended
by No. 39 of
1935, s. 4.

(b) A passenger-vehicle license is also required for every such vehicle if it is used for the carriage of passengers in an area lying within a circle having its centre at the General Post Office, Perth, and a radius of thirty miles; or within the district of any local authority which lies partly within the area contained within that circle:

Provided that no license shall be required when such vehicle is being used for the carriage of—

(i) the owner or the wife or husband of the owner or any child of the owner or of the wife or husband of the owner, or for the carriage of any servant of the owner; or

(ii) workmen to or from their work if no charge is made for hire or reward in connection with such use;

(c) Outside the areas mentioned in the preceding paragraph a passenger-vehicle license shall also be required for any such vehicle if it is used both for the carriage of goods and for the carriage of passengers for hire or reward, except with the permission of the local authority on some special occasion to be stated:

Provided that permission shall not be granted unless in the opinion of the local authority the vehicle may be safely used and is suitable for the carriage of passengers; and, further, that the local authority may at the time of granting such permission impose any conditions which the local authority thinks necessary for the purpose of insuring the safety of the passengers to be carried on the vehicle.

Any person who fails to comply with any of such conditions shall be guilty of an offence against this Act.

Penalty: Twenty pounds.

(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
s. 4 of No. 22
of 1926.

The licensing
authority.

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.

(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

Public stands.
The first para-
graph of this
subsection was
deleted by s.
5 of No. 22
of 1926.

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.

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-seven relating to omnibuses.

Operation of license.

Proviso added by s. 6 of No. 22 of 1926.

9. (1.) In this section—

“financial year” means the period of twelve months ending the 30th day of June.

“first quarter,” “second quarter,” “third quarter” and “fourth quarter” respectively mean the period of three months ending on the last days of September, December, March and June.

“first half-year” means the period of six months ending the 31st day of December;

“second half-year” means the period of six months ending the 30th day of June.

New section enacted by No. 39 of 1935, s. 5. This section replaces sections 9, 11, 11A of 1930 reprint.

(2.) Any license or licenses required for a vehicle may be granted—

(a) for the full financial year; or

(b) subject to the conditions stated in this section for the first half-year or the second half-year

or such portion thereof as may be unexpired at the time of granting.

(3.) Application for a license may be made in the month preceding or during the financial year or half-year in which the license is to have effect.

(4) (a) Where in any financial year a first half-year's license has not been issued for a vehicle, no license shall be issued for the vehicle for the second half-year of that financial year in any case where the vehicle was licensed—

(i) for the preceding financial year; or

(ii) for the second half of the preceding financial year,

unless the number plates of the vehicle were deposited with the local authority which issued the same within fourteen days after the expiration of such preceding financial year or half-year, as the case may be.

(b) The fee for a half-year's license shall be one half of the prescribed fee (including any additional fees prescribed by Part II. of the Third Schedule) for a year's license plus two shillings and sixpence.

(c) The holder of a license for a vehicle for the first half-year who does not require a license for the vehicle for the second half-year shall return the number plates of the vehicle to the local authority which issued the same not later than fourteen days after the expiration of the first half-year's license and if he fails to do so he shall be liable to pay the local authority the fee payable for a license for the second half-year notwithstanding he may not have obtained such license or have ceased to be the owner of the vehicle.

Any fee payable by the owner under the provisions of this subsection may be recovered as a penalty by complaint before any two justices of the peace and may be added to any other penalty imposed on the owner in connection with the failure to license the vehicle.

(5.) When a license is granted by the local authority after the first quarter of the financial year, the local authority may, except in so far as it may be otherwise prescribed, grant a rebate of the prescribed fee as set out in the following table—

When the license is granted.	The rebate of the prescribed fee shall be—	
	In the case of a half-yearly license.	In the case of a yearly license.
In the second quarter	one-half	one-fourth
In the third quarter	nil	one-half
In the fourth quarter	one-half	three-fourths

(6.) In exceptional circumstances (the existence of which in each particular case it shall have an absolute discretion to determine) the local authority may grant a license for a motor wagon or trailer, as defined in the Second Schedule, for the first quarter of the financial year, and the fee therefor shall be one-quarter of the prescribed fee (including any additional fees prescribed by Part II. of the Third Schedule) for a year's license, plus two shillings and sixpence:

Provided that this subsection shall only apply to a local authority the public office of which is situate north of the twenty-sixth parallel of south latitude and to a vehicle intended to be used solely in such part of the State:

Provided further, that a license for the first quarter shall not be granted for any vehicle in respect of which the owner is entitled to the benefit of the provisions of section ten of this Act relating to payment of half fees only.

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

Fees.
Schedule 3.

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:

Amended by
s. 7 of No. 22
of 1926, and
No. 20 of
1930, and No.
3 of 1931, and
No. 39 of
1935, sections
6 and 28.

Provided also that any minister of religion shall be entitled to obtain free of charge a license for one vehicle owned and used by him:

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: .

Provided further, that only one-half of the fee payable, according to the scale in the Third Schedule, shall be chargeable in any case in which it is proved to the satisfaction of the licensing authority—

- (i) that the license applied for is required for a motor wagon, motor carrier, trailer, or semi-trailer which is owned by a person carrying on the business of farming and or grazing on any farm or other land and will be used during the currency of the license solely or mainly for the carriage of the products of or requisites for such business, or (if the farm or land is north of the twenty-sixth parallel of south latitude) between such farm or land and the nearest shipping port; provided the distance measured by the length of existing roads to such port is less than the distance measured by the length of existing roads to the nearest station or siding; or ^d
- (ii) that the license is required for a motor vehicle which is owned by a *bona fide* prospector, and which will be used by such person during the currency of the license, solely or mainly in connection with his occupation of prospecting; or
- (iii) that the license is required for a motor vehicle which is owned by a *bona fide* sandalwood puller and which will be used by such person during the currency of the license solely or mainly in connection with the occupation of sandalwooding; or
- (iv.) that the license is required for a motor vehicle which is owned by a *bona fide* kangaroo-hunter, and which is used by such person during the currency of the license solely or mainly in connection with the occupation of kangaroo-hunting;

but if in the opinion of the local authority any such vehicle is not being used solely or mainly for any one of the purposes specified in paragraph (i) or in para-

graph (ii) or in paragraph (iii) of this proviso the local authority may by notice in writing sent to the owner at his last known place of abode revoke the license: such revocation shall have effect unless and until the remaining half of the license fee is paid to the local authority.

(2.) If any vehicle is found on any road loaded in excess of the load capacity used in the computation of the license fee the owner shall be guilty of an offence against this Act and liable to a penalty not exceeding twenty pounds.

The court shall order the owner of the vehicle to pay the difference between the license fee already paid on the vehicle and the greater license fee which would have been payable if the vehicle had been originally licensed to carry a load equal to that which is found on the vehicle or to carry such load as is based on the reasonable carrying capacity of the vehicle whichever is the less.

The difference in fees shall be recoverable in the same manner as the license fee, and the court shall make an order for the payment thereof accordingly and add the same to any penalty imposed by the court on the owner in respect of the loading of the vehicle in excess of the load on which the original license fee was based or in respect of the overloading of the vehicle.

11. (1.) The local authority of any district which has, after the commencement of this section, received any vehicle or other license fee for a vehicle shall, if the license has been substantially exercised in any other one particular district, pay a fair proportion of such fee on demand to the local authority of such last-mentioned district.

Apportionment of fees between local authorities.

New section enacted by 39 of 1935, s. 7.

(2.) If any dispute shall arise between any local authority which has issued any such license and any other local authority in any such particular district as to whether the license has been substantially exercised in such last-mentioned district or as to a fair proportion of the fee to be paid to the local authority of such last-mentioned district the same shall be tried and determined by a police or resident magistrate in the prescribed manner.

Formerly s. 12 in the 1930 reprint.

Minister may sanction refund of license fee.

Additional section inserted by 39 of 1935, s. 8.

12. On the recommendation of the local authority concerned the Minister may sanction a refund of a fair proportion of the license fee paid under this Act in respect of any vehicle in any circumstances which in the opinion of the Minister render it just and convenient that a refund should be made.

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

Amended by s. 2 of No. 16 of 1922, s. 8 of No. 22 of 1926, s. 2 of No. 11 of 1927, No. 20 of 1930, s. 8, and No. 39 of 1935, s. 9.

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 subdistricts vested in the local authorities.

(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 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 Meadow street, along Meadow street to Swan street, along Swan street to Terrace road, along Terrace road to York road (No. 28), along York road (No. 28) to the present east-

*Now the Public Works Act, 1902-1933 (see No. 35 of 1933).

ern 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. 780 and 9) from the present boundary of the city of Perth to the eastern boundary of the municipality of East Fremantle.

- (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.*

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

Amended by
s. 2 of No. 11
of 1927.

(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.

(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:

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

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).

*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.

Obligation to
grant licenses.
As amended
by s. 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
- (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-seven 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.

Transfer of
licenses.

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.

(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 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. Cancellation of licenses.

(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.

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. Appeal.

(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.

18. Notwithstanding anything hereinbefore contained— Exemptions.

(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, Amended by s. 10 of No. 22 of 1926.

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:

As amended
by 39 of
1935, s. 10.

Provided that no disc or tablet issued to a manufacturer or a dealer shall be used on a Sunday or on a public holiday without the permission in writing of the local authority by which the plates were issued.

Provision for
registration
of licensed
vehicles.

No. 20 of
1930, s. 9.

Formerly s.
18A in the
1930 reprint.

19. (1.) Every licensing authority shall keep a register of vehicle licenses, and enter therein as prescribed particulars of every vehicle license issued by such authority; and shall upon payment of the prescribed fee issue to every applicant for a vehicle license a certificate of such registration of such license.

(2.) A certificate of registration shall have effect only whilst the license in respect of which it is issued remains in operation.

(3.) Every owner of a licensed vehicle shall at all times whilst the license for such vehicle remains in operation affix and keep affixed to the vehicle the certificate of registration issued to him under this section by such means in such manner and in such place in the vehicle as may be prescribed.

20. Any person who drives or causes or permits to be driven upon any road a vehicle—

- (a) not having the proper certificate of registration as required by section nineteen of this Act, affixed thereto; or
- (b) not having such certificate of registration properly affixed thereto; or
- (c) having such certificate of registration obscured so that the same is not clearly visible; or
- (d) having such certificate of registration obliterated by any material; or
- (e) having such certificate of registration so damaged that the same is not completely and distinctly visible,

Offences.
18B in the
1930, s. 9.
Formerly s.
18B in the
1930 reprint.

shall be guilty of an offence under this Act.

Penalty: Twenty pounds.

PART III.—TRAFFIC INSPECTORS.

21. (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
s. 12 of No.
22 of 1926.

Formerly s.
19 in the
1930 reprint.

(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 reimbursed 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.

22. (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,

Licensing of drivers.

Amended by s. 13 of No. 22 of 1926.

Formerly s. 20 in the 1930 reprint.

*Now Main Roads Act, 1930-1932 (see No. 2 of 1932).

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.

(5.) Any person aggrieved by the refusal of the Commissioner of Police or any member of the police force acting with his authority to grant and issue to such person an annual license under this section may, subject to regulations, appeal against such refusal to the resident magistrate exercising jurisdiction under the Local Courts Act, 1904-1921,* in the district in which such license was applied for and refused, and such resident magistrate shall, by virtue of this section but subject to section thirty-two of this Act, have jurisdiction to hear and determine such appeal, and to make such order in relation thereto as he may think fit; and any such order shall be final and conclusive and binding upon all parties concerned. 20 of 1930.

23. (1.) The Commissioner of Police may in his discretion suspend any license issued under the preceding section to any person whom he suspects on reasonable grounds to be unfit to hold such license on account of mental incapacity or physical disability pending an examination of the person concerned by a medical practitioner approved by the Commissioner.

Driver's licenses issued by Commissioner to mentally or physically incapable persons may be withdrawn.
New section added by 39 of 1935, s. 11.

(2.) If the report of the medical practitioner is to the effect that the person concerned is unfit to hold the

*Now Local Courts Act, 1904-1931 (see No. 31 of 1931).

license on account of mental or physical disability, the same shall become void but otherwise shall continue in force.

(3.) Any person aggrieved by the decision of any such medical practitioner and the consequent voiding of a license issued to him under the preceding section may, subject to regulations, appeal to the resident or stipendiary magistrate exercising jurisdiction under the Local Courts Act, 1904-1931, in the district in which such license was issued, and such magistrate shall by virtue of this section have jurisdiction to hear and determine such appeal and to make such order in relation thereto as he shall think fit. Any such order shall be final and conclusive upon all parties concerned.

Penalty for driving without license.
Formerly s. 21 in the 1930 reprint.
As amended by 39 of 1935, s. 12.

24. (1.) No person shall—

- (a) drive a motor vehicle on a road without being duly licensed under this Division for that purpose; or
- (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 the Commissioner of Police or any member of the police force acting with his authority may in his discretion issue a learner's permit for any period not exceeding two months to any person who desires to learn to drive a motor vehicle. Such permit may limit the hours and locality in which the learner may drive the vehicle and may specify the class of vehicle in respect of which the permit is issued:

Provided, however, that whilst the learner is driving the motor vehicle (not being a motor cycle) specified in the permit on a road a person licensed to drive the class of vehicle specified in the permit shall sit beside the learner.

(2.) No person to whom a learner's permit has been issued shall drive a motor vehicle on a road otherwise than in accordance with the conditions of the permit, and every person who is instructing the learner to drive shall conform to the conditions of the permit.

Penalty: Ten pounds.

25. (1.) Any driver of a vehicle who when required by a member of the police force or an inspector 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 commits an offence against this Act.

Penalty: Twenty pounds.

(2.) Any driver of a vehicle who when required by any member of the police force or an inspector does not produce his driver's license on demand commits an offence against this Act, and shall be liable to a penalty not exceeding ten pounds: provided that it shall not be an offence if the driver subsequently produces such license within three days after such demand to the officer in charge of the police station nearest to the place where he resides.

Driver failing to give name and address to police officer or inspector, failing to stop, etc.

Formerly s. 22 in the 1930 reprint.

New section enacted by 39 of 1935, s. 13.

Failing to produce license.

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

(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.

Motor vehicle to be numbered.

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

Formerly s. 23 in the 1930 reprint.

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

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

Formerly s. 24 in the 1930 reprint.

27. (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 s. 16 of No. 22 of 1926.

Formerly s. 25 in the 1930 reprint, as amended by 39 of 1925, s. 14.

28. (1.) 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 has been damaged, or whose 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.

(2.) If in the opinion of the court the offence is of a serious nature the court may make an order in all or any of the following terms:—

- (a) that any license held by the offender be cancelled or suspended;
- (b) that the offender be disqualified from holding any kind of driver's license under this Act during such period as the court orders.

(3.) In addition to the obligations set out in subsection (1) it shall be the duty of any person, who in the course of using a vehicle on a road has caused injury to another person, to render such person all such assistance as may be necessary or practicable under the circumstances, including the obtaining of medical aid, and any person who refuses or neglects to render such assistance and obtain such aid shall be guilty of an offence against this Act.

Penalty: Fifty pounds; and, if in the opinion of the court the offender has shown a callous disregard for the injured person, the court shall in addition impose a sentence of imprisonment for a term not exceeding twelve months.

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

New section added by 39 of 1935, s. 15.
Duty to report accidents.

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

Penalty: Twenty-five pounds.

30. (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.

Reckless driving.
Amended by s. 3 of No. 16 of 1922.
Formerly s. 26 in the 1930 reprint.

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.

31. (1.) Any person who, when driving or attempting to drive, or when in charge of a motor vehicle in motion on a road, or when in charge of a horse or other animal or drove of animals on a road, is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle or the horse or other animal or drove of animals, shall be guilty of an offence under this Act.

Driving under influence of liquor.
As inserted by No. 20 of 1930, s. 11.
Formerly, s. 27 in the 1930 reprint.

(2.) Such person may be apprehended without warrant by any member of the police force or an inspector, and charged with such offence, and the vehicle, or the

horse or other animal or drove of animals may be driven or conveyed to and detained at any police station or other place of security pending the hearing of the charge against such person.

(3.) Such person, upon conviction for such offence, shall be liable to a penalty of fifty pounds, or to imprisonment with or without hard labour for three months.

Suspension of license and disqualification.

Formerly s. 28 in the 1930 reprint.

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

(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.

Duty of owner to identify offending driver.

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

Formerly s. 29 in the 1930 reprint, as amended by s. 16 of No. 39 of 1935.

33. Any owner of a vehicle and any person to whom for the time being the possession or control of a vehicle may be entrusted 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 or who was in charge or control of such vehicle when an offence under this Act is alleged to have been committed.

Penalty: Ten pounds.

34. (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 Commissioner for a license under this section, and the Commissioner 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.

Special licenses for travellers, with motor cars.

Formerly s. 30 in the 1930 reprint as amended by s. 17 of No. 39 of 1935.

(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 Commissioner at any time in his absolute discretion.

35. (1.) Any person on a visit to the State for business purposes who desires while on such visit to drive a motor car owned by him and licensed in another State of the Commonwealth may obtain a temporary license for that purpose on payment of the prescribed fee to the Commissioner of Police, but the issue of the license shall be in the discretion of the Commissioner.

License for a vehicle licensed in another State and used in this State on a business visit.

New section inserted by No. 39 of 1935, s. 18.

(2.) The fee for such license shall be based on the fee chargeable for the same vehicle in this State but shall be charged proportionately according to the length of time for which the license is required, provided that the fee shall not be less than one pound per month or part of a month.

(3.) Every such license shall in respect of the motor car for which it is granted have effect as a vehicle license and also as a driver's license to the applicant and any person in his employ named therein.

(4.) Subject as aforesaid the provisions of this Act applicable to motor car and to vehicle and driver's 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 such license granted under this section may be forfeited for any cause for which a vehicle or driver's license may be forfeited.

Division 2.—Locomotive and Traction Engines.

Drivers' licenses.

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

Formerly s. 31 in the 1930 reprint.

36. (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.

Formerly s. 32 in the 1930 reprint.

37. 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.

Driver to stop when requested.

Amended by s. 19 of No. 22 of 1926. Formerly s. 33 in the 1930 reprint.

38. 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.

Division 3.—Width of Tyres.

Application of this Division.

Formerly s. 34 in the 1930 reprint, as amended by 39 of 1935, s. 19.

39. (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

*Now Inspection of Machinery Act, 1921 (see No. 11 of 1922).

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 Tyres Act, 1895, and section eighty-nine of the Public Works Act, 1902,* shall cease to have effect therein.

(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 tyres.

40. (1.) The maximum weight to be borne by any one wheel of a vehicle laden or unladen shall be limited—

Maximum weight of vehicles.

(a) in the case of a wheel equipped with a solid rubber tyre or a cushion tyre—according to the width of bearing surface of the tyre as set out in the table in the first part of the fourth schedule.

New section inserted by 39 of 1935, s. 20.

See s. 35 in the 1930 reprint.

(b) in the case of a wheel equipped with a steel or an iron tyre—according to the width of bearing surface of the tyre as set out in the table in the second part of the fourth schedule:

Provided that this section shall not apply where the width of bearing surface of the tyre in question is six inches or more.

(2.) For the purpose of this section the “width of the bearing surface of any tyre” shall be measured when the tyre is not in contact with the road, and no account shall be taken of any extra width occasioned by use or otherwise.

(3.) Any person who drives or causes or permits any vehicle to be driven on any road the width of tyre on any wheel of which is less than that prescribed by this section commits an offence.

Penalty: Twenty pounds.

(4.) Nothing in this section shall affect the provisions of any regulation governing the maximum load to be carried on any vehicle or the thickness and condition of tyres to be used on any vehicle.

*Now Public Works Act, 1902-1933 (see No. 35 of 1933).

Weight of
vehicle to be
displayed.

Formerly s.
36 in the
1930 reprint.

41. (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.

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.

Formerly s.
37 in the
1930 reprint.

42. (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.

Formerly s.
38 in the
1930 reprint.

43. (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.

44. 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.

Vehicles and load to be weighed if required.

Formerly s. 39 in the 1930 reprint.

Penalty: Ten pounds.

45. (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.

Vehicle to be weighed if required.

Formerly s. 40 in the 1930 reprint.

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.

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

Regulations.

Amended by s. 4 of No. 16 of 1922, and by s. 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—

Formerly s. 41 in the 1930 reprint, as amended by 39 of 1935, ss. 21 and 28.

(a) prescribe the rules to be observed in respect of any vehicle being driven or used on roads and the use of footpaths;

(b) regulate pedestrian traffic on roads and footpaths and the rules to be observed by pedestrians using roads and footpaths;

(c) prohibit the use on roads of any vehicles that cannot be safely used;

(d) prescribe rules in regard to the safe construction of vehicles and prohibit the use of vehicles which do not conform to such rules;

- (e) prescribe the method of loading and distributing the load on vehicles for the purpose of insuring safety to persons and property;
- (f) 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;
- (g) prescribe the use on any vehicle of efficient brakes and similar appliances;
- (h) 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;
- (i) provide for registers to be kept in the prescribed form by persons who let out any vehicle or vehicles for hire on the "hire and drive-yourself" principle and for the inspection of such registers by inspectors;
- (j) prescribe and regulate the use on any vehicles of bells and alarms;
- (k) 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;
- (l) provide for minimising the noise and the issue of fumes or smoke from the working of motor vehicles and locomotive or traction engines;

- (m) prescribe the hours during which and the conditions on which locomotive or traction engines, jinkers, and whims may proceed over any road;
- (n) regulate the manner in which horses or other animals in teams shall be driven, yoked, or harnessed;
- (o) regulate the use of roads by travelling stock;
- (p) regulate the use of trailers;
- (q) 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 animals in streets or public places to be seized and taken charge of and for the recovery of any expense thereby incurred;
- (r) regulate the use, management, and equipment during locomotion of the caravan type of vehicle when used or let for hire;
- (s) prohibit or regulate processions on roads;
- (t) define the powers and duties of inspectors with regard to traffic on roads;
- (u) prohibit the use of any specified road by any vehicle, or by any person riding, driving, or in charge of any animal;
- (v) 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;
- (w) 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;
- (x) regulate the relative position in the roadway of traffic of different speeds or types;
- (y) provide for the placing, erection or installation on roads or footpaths of traffic signs and directions, and for the marking on roads or footpaths of signs for the direction of traffic, both vehicular and pedestrian;

- (z) prescribe safety regulations in connection with pillion riding;
 - (za) 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;
 - (zb) prohibit the driving on any road of a vehicle exceeding seven feet six inches in width or containing a load exceeding such width;
 - (zc) 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;
 - (zd) empower any local authority subject to its local government acts to make by-laws in respect of any area, or portion of the area, of a local authority situate outside the metropolitan area appointing stands and parking places for different classes of vehicles and regulate the use thereof, and to appoint officers to take charge thereof;
- (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-two, twenty-four, and thirty-six) 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 shepherd-ing of passenger vehicles by other passenger vehicles and prevent one passenger vehicle being persistently driven before or after another passenger vehicle;
- (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 countersunk 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 person who, as principal or agent, disposes of or acquires any vehicle shall give notice thereof to the local authority in the prescribed time and manner;
- (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.

47. (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 prescribed routes shall be classified as “continuous routes” in cases where it appears that a continuous service is necessary for the benefit of the travelling public, and as “non-continuous routes” in cases where it appears that such a continuous service is not so necessary;

Regulations
as to motor
omnibuses.
Inserted by
s. 21 of No.
22 of 1926.
Formerly s.
42 in the
1930 reprint.

No. 20 of
1930, s. 12.

- (c) 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; and that such timetables, in so far as they relate to continuous routes, shall make provision for one or more omnibuses running continuously on the route to which the particular timetable relates; *ibid.*
- (d) the maximum fares for prescribed routes or sections thereof to be charged for passengers carried by omnibuses;
- (e) the maximum number of omnibuses which may be licensed to ply for hire on any prescribed route; and
- (f) 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 made under this Act, prohibit, either absolutely or subject to prescribed conditions, the picking up and/or setting down of passengers, for or from any omnibus, at any place on any such portion of a prescribed route as coincides with or runs along or beside the route of any tramway or railway or at any place within one hundred and fifty yards

No. 3 of
1931, s. 4.

from the point where a prescribed route intersects a tramway or railway or ceases to coincide with or run along or beside the route of a tramway or railway.

(3.) 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.

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

- (a) that a passenger vehicle licensed 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.

(5.) 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.

(6.) 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.

(7.) 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.

(8.) 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 omni-

buses, 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 (4) 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.

(9.) 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.

48. (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:

Delegation of powers to local authorities.

Formerly s. 43 in the 1930 reprint.

(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.

49. 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 s. 23 of No. 22 of 1926.

No. 20 of 1930, s. 13.

Formerly s. 44 in the 1930 reprint, as amended by s. 28 of No. 39 of 1935.

Substitution of vehicle for licensed passenger vehicle whilst under repair.

Inserted by s. 22 of No. 22 of 1926.

Formerly s. 45 in the 1930 reprint.

50. 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.

Special regulations as to speed.

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

Formerly s. 46 in the 1930 reprint.

51. 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.

Notice of regulations.

Amended by s. 25 of No. 22 of 1929.

Formerly s. 47 in the 1930 reprint.

52. 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.

Existing by-laws.

Formerly s. 48 in the 1930 reprint.

53. 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.

By-laws under this Act to prevail.

Formerly s. 49 in the 1930 reprint.

54. 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.

PART V.—MISCELLANEOUS.

55. (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.

Liability for damage.
Amended by s. 26 of No. 22 of 1926.
Formerly s. 50 in the 1930 reprint.

(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.

56. (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:

Power of road authority to recover expenses of heavy or extraordinary traffic.
Amended by s. 27 of No. 22 of 1926.
Formerly s. 51 in the 1930 reprint.

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.

Insurance by owners of motor omnibuses.

Inserted by s. 28 of No. 22 of 1926.

Formerly s. 52 in the 1930 reprint as amended by 39 of 1935, s. 22.

57. (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.

(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:

Provided that the Minister may by general or special authority authorise local authorities or any particular local authority to accept the deposit of and retain possession of any such policy on his behalf.

(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 or with any local authority authorised to receive the same the policy of insurance and the receipt for the premiums, the Minister may, by notice served on such owner, 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.

(5.) Where any license is suspended under the provisions of the preceding subsection the owner of the vehicle shall forthwith deliver up the identification plates issued by the local authority for the vehicle, and if the owner shall make default in delivering up the identification plates in accordance with the provisions of this subsection he shall be liable to a penalty not exceeding twenty pounds, and the local authority may seize such identification plates wherever they may be found.

(6.) Where any claim is made against the insurance company under any policy effected under this section and such claim is paid by the insurance company, the company shall forthwith give notice of the fact to the local authority concerned.

58. (1.) No person shall by advertisement or public notification with the object of obtaining a passenger in a motor vehicle not licensed for the carriage of passengers make it known that he or any other person intends to make any journey in a motor vehicle.

Advertising for passengers in private vehicles prohibited.

New section added by 39 of 1935, s. 23.

(2.) No person shall—

- (a) advertise any inquiry or request for conveyance in any motor vehicle;
- (b) insert or accept for insertion in any newspaper any advertisement of the nature hereinbefore referred to,

without the approval in writing of the Commissioner of Police.

Unauthorised use of vehicles.
Amended by s. 29 of No. 22 of 1926.
No. 20 of 1930, s. 14.
Formerly s. 53 in the 1930 reprint.

59. 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: One hundred pounds; or imprisonment with or without hard labour for one year.

Unlawful interference with mechanism of motor vehicles.
Formerly s. 54 in the 1930 reprint.

60. 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.

"Car watching" prohibited.

New section inserted by 39 of 1935, s. 24.

61. No person shall, upon any public street or public reserve, mind, care for, or take charge of a motor vehicle other than a motor vehicle of which he is the driver, or offer his services for any such purpose: Provided that this section shall not apply to any public reserve set apart for parking under the control of any road board or municipality.

Penalty: Five pounds.

Procuring use or hire of car by fraud, etc.

Amended by s. 30 of No. 22 of 1926.

Formerly s. 55 in the 1930 reprint.

62. 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 s. 31 of No. 22 of 1926.

Formerly s. 56 in the 1930 reprint.

63. (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.

64. (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.

Production of license.
Formerly s. 57 in the 1930 reprint.

Penalty: Three pounds.

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

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

Forfeited license to be delivered up.
Formerly s. 58 in the 1930 reprint.

Penalty: Five pounds.

66. 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.
Formerly s. 59 in the 1930 reprint.

67. No person shall—

(a) whilst disqualified for obtaining any particular license apply for or obtain any such license; or

Offences.
No. 20 of 1930, s. 15.

Formerly s. 60 in the 1930 reprint.

(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 or certificate of registration for any vehicle or animal; or

(d) use any forged or fraudulently altered license or identification tablet or number plate or certificate of registration, or any license or identification tablet or number plate or certificate of registration to which he is not entitled; or

(e) fraudulently permit his license or identification tablet or number plate or certificate of registration 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 certificate of

registration, 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, or a certificate of registration or any article resembling a certificate of registration 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 or certificate of registration.

Penalty: Twenty-five pounds.

Proof of person being unlicensed.

Amended by s. 32 of No. 22 of 1926.

Formerly s. 61 in the 1930 reprint.

68. 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.

Savings.

Formerly s. 62 in the 1930 reprint.

69. 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.

Formerly s. 63 in the 1930 reprint.

70. 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 s. 33 of No. 22 of 1926.

Formerly s. 64 in the 1930 reprint.

71. 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 s. 237 of Act No. 32 of 1906, and s. 147 of Act No. 29 of 1911.

Formerly s. 65 in the 1930 reprint.

72. 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.

73. 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.

Regulations.
Formerly s. 66 in the 1930 reprint.

74. 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.*

Repeal of s. 5 of No. 37 of 1924.

Formerly s. 67 in the 1930 reprint.

75. All copies of the principal Act hereafter printed by the Government Printer shall be printed as amended by the Acts amending the same, under the supervision of the Clerk of Parliaments, and all necessary reference to the amending Acts shall be made in the margin, and in any such reprint the short title shall be the Traffic Act, 1919-1930; and the sections may be renumbered in arithmetical order and cross-references adjusted.†

Reprinting of principal Act with amendments.

Formerly s. 68 in the 1930 reprint.

*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.

† This section now superseded by section 28 of No. 39 of 1935.

FIRST SCHEDULE.

Section 3.

REPEALS.

Date and Number.	Short Title.	Extent of Repeal.
40 Vict., No. 5 . .	The Cart and Carriage Licensing Act, 1876	The whole.
No. 32 of 1906 . .	The Municipal Corporations Act, 1906	The following portions of Section 179, namely:—Paragraphs 6 and 30 (except sub-paragraphs e and x); Sub-paragraphs 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, except in so far as it relates to perambulators, and paragraph 46. 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).
No. 29 of 1911 . .	The Roads Act, 1911	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
s. 34 of No.
22 of 1926.

No. 20 of
1930, s. 16.

No. 39 of
1935, s. 25.

Vehicle.	Description.
Caravan	A vehicle which is designed or fitted as a habitation for any person or party in the course of any journey and which is capable of being propelled by its own power or which is drawn by another vehicle or by any tractive unit or animal power.
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, trieyele, or velocipede driven or propelled by human power only.
Hand-cart	A cart drawn or propelled by human power.
Locomotive or traction engine	Any description of vehicle defined by the Governor by Order in Council which is not propelled by animal or human power and which in the opinion of the Governor is intended for haulage of goods therein or thereon at slow speeds. The term also includes a road roller.
Motor car	Any description of motor vehicle which is not specifically described in this schedule.
Motor carrier	A motor vehicle constructed for the carriage therein or thereon of passengers or goods or both passengers and goods, designed to travel on three wheels and weighing unladen not more than twenty hundredweights; the term also includes a motor cycle and sidecar weighing unladen not more than twenty hundredweights where the motor cycle and sidecar are fitted or adapted for the carriage of goods and are used for that purpose.
Motor cycle	Subject to the provisions of the preceding description of a "motor carrier," a motor vehicle designed to travel on two wheels and includes a sidecar attached to the vehicle.
Motor omnibus	A motor vehicle used as an omnibus.
Motor wagon	Any motor vehicle (not being a motor carrier or a motor cycle or a locomotive or traction engine) which is constructed for the conveyance therein or thereon of goods or merchandise or for the conveyance therein or thereon of any kind of materials used in any trade, business or industry or for use in any work whatsoever other than for the conveyance of passengers and includes a wagon driven by steam if fitted with wheels similar to those of a motor vehicle or to those of a sentinel or a similar vehicle. The term also includes any vehicle which comes within the popular conception of a motor car but which is fitted or adapted for the conveyance of any such goods, merchandise, or materials and is in fact used for that purpose where the appropriate license fee for the vehicle licensed as a motor car would be less than the appropriate fee for the same vehicle licensed as a motor wagon.

SECOND SCHEDULE—continued.

Vehicle.	Description.
Omnibus	A vehicle used as a passenger vehicle to carry passengers at separate fares.
Trailer	A vehicle (including a semi-trailer) drawn by another vehicle but not including a sidecar attachment to a motor cycle or any vehicle which comes within the foregoing description of a caravan.
Semi-Trailer	A vehicle drawn by another vehicle, and which comes within the description of a trailer but which is so constructed and by partial superimposition attached to the vehicle drawing the same in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle drawing the same.
Road tractor	A vehicle which is a tractive unit designed for hauling a trailer or semi-trailer.

THIRD SCHEDULE.

Section 10.

PART I.

LICENSE FEES shall be as indicated hereunder:—

VEHICLE LICENSES.

	£	s.	d.
For a handcart	0	2	6
For a carriage (passengers only) per wheel	0	7	6
For a sulky, per wheel	0	7	6
For a cart, per cwt. of the weight of the vehicle and the load weight	0	1	0

The minimum fee being fifteen shillings.

Provided that if it is proved to the satisfaction of the licensing authority that the license is required for a cart owned and used only on occasions by a farmer for the carriage of produce or farming requisites to and from his own farm; or for a cart mainly used for the carriage of ore and mining requisites within a mining area; or for a cart used only in connection with the sandalwood industry; or for a cart belonging to a pastoralist or grazier and mainly used for the carriage of supplies to and from the pastoral or grazing property of the pastoralist or grazier—the fee shall be one-fourth of such prescribed fee, with a minimum fee of fifteen shillings.

This Schedule was inserted by s. 4 of No. 37 of 1924, and was amended by s. 2 of No. 46 of 1925, s. 35 of No. 22 of 1926, No. 20 of 1930, ss. 17, 18, and by No. 39 of 1935, s. 26.

No. 39 of 1935, s. 26 (a) (i) (ii).

	£	s.	d.
For a cart being a jinker or whim	6	0	0
For a motor car, or motor omnibus, fitted with pneumatic tyres:—			
Up to 20 power weights (P.W.)	2	10	0
Exceeding 20 P.W. but not exceeding 25 P.W.	3	0	0
Exceeding 25 P.W. but not exceeding 30 P.W.	4	0	0
Exceeding 30 P.W. but not exceeding 35 P.W.	5	0	0
Exceeding 35 P.W. but not exceeding 40 P.W.	6	0	0
Exceeding 40 P.W. but not exceeding 45 P.W.	7	0	0
Exceeding 45 P.W. but not exceeding 50 P.W.	8	0	0
Exceeding 50 P.W. but not exceeding 55 P.W.	9	0	0
Exceeding 55 P.W. but not exceeding 60 P.W.	10	0	0
Exceeding 60 P.W. but not exceeding 70 P.W.	13	0	0
For every additional power weight	0	7	6

	For a motor carrier, fitted with pneumatic tyres—			
	Used for the carriage of persons only—		£	s. d.
No. 39 of 1935, s. 26 (b).	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
	Not used exclusively for the carriage of persons—			
	Of gross weight with load not exceeding 10 cwt.		2	10 0
	Of gross weight with load exceeding 10 cwt. but not exceeding 15 cwt.		2	15 0
	Of gross weight with load exceeding 15 cwt. but not exceeding 20 cwt.		3	0 0
	When the weight exceeds 20 cwt., the fee payable shall be calculated as if the motor carrier were a motor car, when used for persons only, and as a motor wagon, when used otherwise than for persons only.			
	For a motor cycle		1	0 0
	For a motor cycle with sidecar attachment, per wheel		0	10 0
	For a motor or steam wagon, using pneumatic tyres:—			
No. 39 of 1935, s. 26 (c) (i) (ii).	Not exceeding 25 P.L.W.		3	10 0
	Exceeding 25 P.L.W. but not exceeding 30 P.L.W.		5	0 0
	Exceeding 30 P.L.W. but not exceeding 40 P.L.W.		5	10 0
	Exceeding 40 P.L.W. but not exceeding 50 P.L.W.		6	0 0
	Exceeding 50 P.L.W. but not exceeding 60 P.L.W.		7	0 0
	Exceeding 60 P.L.W. but not exceeding 70 P.L.W.		8	0 0
	Exceeding 70 P.L.W. but not exceeding 80 P.L.W.		9	0 0
	Exceeding 80 P.L.W. but not exceeding 90 P.L.W.		10	0 0
	Exceeding 90 P.L.W. but not exceeding 100 P.L.W.		11	0 0
	Exceeding 100 P.L.W. but not exceeding 110 P.L.W.		13	0 0
	Exceeding 110 P.L.W. but not exceeding 120 P.L.W.		15	0 0
	Exceeding 120 P.L.W. but not exceeding 130 P.L.W.		17	0 0
	Exceeding 130 P.L.W. but not exceeding 140 P.L.W.		19	0 0
Exceeding 140 P.L.W. but not exceeding 150 P.L.W.		22	0 0	
	For every additional P.L.W. up to but not exceeding 200 P.L.W.		0	7 6
	For every exceeding 200 but not exceeding 300 P.L.W.		0	10 0
	For every exceeding 300 P.L.W.		0	12 6
	For a locomotive or traction engine:—			
	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 road tractor fitted with pneumatic tyres:—			
No. 39 of 1935, s. 26 (d).	Up to 49 power weights (P.W.), £0 4s. 0d. per power weight.			
	Exceeding 40 P.W. but not exceeding 50 P.W., £0 4s. 6d. per p.w.			
	Exceeding 50 P.W. but not exceeding 60 P.W., £0 5s. 0d. per p.w.			
	Exceeding 60 P.W. but not exceeding 70 P.W., £0 5s. 6d. per p.w.			
	Exceeding 70 P.W., for every additional power weight, £0 6s. 0d. per p.w.			
	For a trailer or semi-trailer:—			
No. 39 of 1935, s. 26 (e).	Up to 10 cwt. including the weight of the trailer or semi-trailer plus declared maximum load		1	0 0
	Exceeding 10 cwt. but not exceeding 1 ton 5 cwt.		2	0 0
	Exceeding 1 ton 5 cwt. but not exceeding 1 ton 10 cwt.		4	0 0
	Exceeding 1 ton 10 cwt. but not exceeding 2 tons		6	0 0
	Exceeding 2 tons but not exceeding 3 tons		9	10 0
	Exceeding 3 tons but not exceeding 4 tons		13	10 0
	Exceeding 4 tons but not exceeding 5 tons		18	0 0

	£	s.	d.
Exceeding 5 tons but not exceeding 6 tons	23	0	0
Exceeding 6 tons but not exceeding 7 tons	28	10	0
Exceeding 7 tons but not exceeding 8 tons	34	10	0
Exceeding 8 tons but not exceeding 9 tons	41	0	0
Exceeding 9 tons but not exceeding 10 tons	48	0	0
For every additional ton	4	0	0

Provided that only one half of the prescribed fee shall be payable for a trailer or semi-trailer which is used or intended to be used exclusively on roads outside the South-West Land Division of the State.

All motor vehicles and all wagons or engines, and all trailers or semi-trailers using approved cushion tyres (neither solid nor pneumatic) to be charged an additional 10 per cent. No. 29 of 1930, s. 18.

As from and including the first day of January, 1931, all motor vehicles (other than motor omnibuses) and all wagons or engines, and all trailers or semi-trailers, fitted with solid rubber tyres, to be charged an additional 40 per cent. of the above fees. No. 30 of 1935, s. 25 (D).

As from and including the first day of January, 1931, all motor vehicles (other than motor omnibuses) and all wagons or engines, and all trailers or semi-trailers, fitted with metal tyres, to be charged an additional 80 per cent. of the above fees.

PASSENGER VEHICLE AND CARRIERS' LICENSES.

	£	s.	d.
Fee for a passenger vehicle license, per wheel	0	10	0
Fee for a carriers' 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 carriers' license	0	5	0

PART II.

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:— No. 20 of 1930, s. 18.

- (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 £4 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 £3 for each passenger the motor omnibus is licensed to carry; when the omnibus is used on a continuous route, and one-half of the said rates respectively when the omnibus is used on a non-continuous route.
- (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 tyres other than pneumatic tyres.
- (3.) If a motor omnibus is used in a prescribed route outside the metropolitan area, prescribed as aforesaid, an additional fee of £1 10s. shall be payable for each passenger the omnibus is licensed to carry.

No. 3 of
1931, s. 5.

Such additional license fees shall be apportioned so that, if and according as the license is granted in the financial year on or after the first day of the fourth month but before the first day of the seventh month, or on or after the first day of the seventh month but before the first day of the tenth month, or on or after the first day of the tenth month, the licensee shall be required to pay only three-quarters, or one-half, or one-quarter, as the case may be, of the prescribed additional fee.

The amount of the additional license fees provided for by clauses (1) and (2) shall be a debt due to the Minister and payable for him to the Commissioner of Police, and the additional license fee provided for by clause (3) shall be a debt due to the local authority in whose district the prescribed route is situate; and such fees shall be recoverable by the Minister or the local authority, as the case may be, 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, tyres 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.

$d^2 \times n \times s$

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

$$\text{Or H.P.} = \frac{d^2 \times n \times s}{200000} \text{ when } d \text{ and } s \text{ are taken in millimetres.}$$

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 deriving 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.

Scale of weights referred to in section forty of the Act regulating maximum load (including the weight of vehicle) to be carried according to width of tyre on any one wheel of a vehicle.

S. 40, New Schedule; Old Schedule repeated and re-enacted by s. 27 of No. 39 of 1935.

FIRST PART.

Maximum weight per inch width of tyre of solid rubber tyres or cushion tyres.

Width of tyre.	Weight in hundredweights per inch width of tyre.
For tyres under $3\frac{1}{2}$ inches	$3\frac{1}{2}$
For tyres not less than $3\frac{1}{2}$ inches but under 4 inches	$3\frac{3}{4}$
For tyres not less than 4 inches but under 5 inches	$4\frac{1}{2}$
For tyres not less than 5 inches but under 6 inches	$5\frac{1}{2}$

SECOND PART.

Maximum weight per inch width of tyre on steel or iron tyres.

Vehicle.	Width of Tyre.	Weight per inch, in hundred-weights.	Load.		
			tons.	cwt.	qrs.
wheels.					
2	For Tyres of $1\frac{1}{2}$ inches	4	0	12	0
4	" " $1\frac{1}{2}$ "	$4\frac{1}{2}$	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 "	$5\frac{1}{2}$	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 "	$6\frac{1}{2}$	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 "	$7\frac{1}{2}$	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 "	$8\frac{1}{2}$	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 tyres as originally made, and does not permit of any extra weight by increased width owing to any spread of tyre occasioned by wear or otherwise.

