

WESTERN AUSTRALIA.

TRAFFIC ACT, 1919-1957.

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NOTE.

In this reprint—

(1) any reference in the marginal or foot notes to—

(i) the 1926 reprint

is to the reprint of the Traffic Act, 1919-1926, published in the Appendix to the Sessional Volume of Statutes for the year 1926;

(ii) the 1935 reprint

is to the reprint of the Traffic Act, 1919-1935, published in the Appendix to the Sessional Volume of Statutes for the year 1935;

(iii) the 1947 reprint—

is to the reprint of the Traffic Act, 1919-1947, reprinted pursuant to the Amendments Incorporation Act, 1938 (but not included in any Volume of Statutes or reprinted Acts);

(iv) the 1950 reprint

is to the reprint of the Traffic Act, 1919-1949, reprinted pursuant to the Amendments Incorporation Act, 1938, and included in Vol. 3 of the Reprinted Acts of the Parliament of W.A. (1950); and to

(v) the 1954 reprint

is to the reprint of the Traffic Act, 1919-1954, reprinted pursuant to the Amendments Incorporation Act, 1938, and included in Vol. 9 of the Reprinted Acts of the Parliament of W.A. (1956);

(2) the numbering of the Parts, Divisions, Sections, etc., as contained in the 1950 reprint is retained.

WESTERN AUSTRALIA.

TRAFFIC.

No. 60 of 1919.

(Affected by Acts No. 42 of 1933; No. 32 of 1943; and No. 86 of 1956, Sec. 6.)

As amended by Acts No. 16 of 1922, assented to 31st January, 1922; No. 37 of 1924, assented to 31st December, 1924; No. 46 of 1925,¹ assented to 31st December, 1925; No. 22 of 1926, assented to 30th October, 1926; No. 11 of 1927, assented to 11th November, 1927; No. 20 of 1930,² assented to 11th December, 1930; No. 3 of 1931, assented to 24th June, 1931; No. 21 of 1932, assented to 15th June, 1932; No. 43 of 1933, assented to 4th January, 1934; No. 39 of 1935,³ assented to 7th January, 1936; No. 16 of 1941, assented to 7th November, 1941; No. 32 of 1943,⁴ assented to 12th November, 1943; No. 24 of 1946, assented to 14th January, 1947; No. 48 of 1946,⁵ assented to 24th January, 1947; No. 24 of 1947, assented to 7th November, 1947; No. 51 of 1948, assented to 7th January, 1949; No. 29 of 1949, assented to 22nd October, 1949; No. 24 of 1950, assented to 5th December, 1950; No. 57 of 1951, assented to 7th January, 1952; No. 29 of 1952, assented to 5th December, 1952; No. 35 of 1952, assented to 17th December, 1952; No. 74 of 1953, assented to 9th January, 1954; No. 47 of 1954, assented to 8th December, 1954; No. 37 of 1955, assented to 28th November, 1955; No. 74 of 1956, assented to 14th January, 1957; No. 86 of 1956, assented to 18th January, 1957; No. 49 of 1957, assented to 9th December, 1957; No. 76 of 1957,⁶ assented to 16th December, 1957; No. 78 of 1957, assented to 16th December, 1957.

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 the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

¹ Assented to 31st December, 1924: By s. 1 (2) this Act came into operation on 1st January, 1925, except s. 4 which was proclaimed to commence on 15th May, 1925 (*Gazette* dated 15/5/25, p. 876). See also Act No. 22 of 1926, s. 38.

² Came into operation on 31st January, 1931—*Gazette* 30/1/31.
[NOTE.—The operation of s. 10a of the principal Act as inserted by s. 5 of this Act expired on 30th June, 1934: See No. 43 of 1933, s. 2.]

³ Came into operation on 1st July, 1936—*Gazette* 8th May, 1936.

⁴ Came into operation on 1st July, 1944—*Gazette* 12th May, 1944.

⁵ S. 7 (1) came into operation on 1st July, 1947—*Gazette* 19th May, 1947.

⁶ Came into operation on 1st January, 1958—*Gazette* 24th December, 1957.

PART I.—PRELIMINARY.

Short title.
No. 60 of
1919, s. 1
amended by
No. 32 of
1943, s.
29 (a);
No. 78 of
1957,
s. 1 (3).

1. This Act may be cited as the *Traffic Act, 1919-1957*,¹ and shall come into operation on a day to be fixed by proclamation, and shall be read in conjunction with the Motor Vehicle (Third Party Insurance) Act, 1943.²

Division.
No. 60 of
1919, s. 2,
amended by
No. 20 of
1930, s. 2;
No. 39 of
1935, s. 28;
No. 74 of
1956, s. 2.

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

PART I.—PRELIMINARY [ss. 1-4].

PART II.—LICENSING OF VEHICLES [ss. 5-21].

No. 74 of
1956, s. 2.

PART IIA.—OVERSEAS MOTOR VEHICLES WHEN TEMPORARILY IN AUSTRALIA [ss. 21A-21M].

PART III.—TRAFFIC INSPECTORS [ss. 22-22A].

No. 76 of
1957, s. 2.

PART IIIA.—USED CAR DEALERS [ss. 22AA-22AF].

PART IV.—REGULATION OF TRAFFIC [ss. 23-55].

Division (1).—Motor and other Vehicles [ss. 23-36].

Division (2).—Locomotive and Traction Engines [ss. 37-39].

Division (3).—Width of Tyres [ss. 40-42].

No. 35 of
1952, s. 6.

Division (3A).—Weights, Loads and Dimensions [43-46A].

Division (4).—Regulations [ss. 47-55].

PART V.—MISCELLANEOUS [ss. 56-74].

FIRST SCHEDULE.—REPEALS.

SECOND SCHEDULE.—DESCRIPTION OF LICENSES.

THIRD SCHEDULE.—LICENSE FEES.

FOURTH SCHEDULE.—WIDTH OF TYRES.

¹ Came into operation on 1st January, 1920—*Gazette* 12th December, 1919.

² Now Motor Vehicle (Third Party Insurance) Act, 1943-1957.

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

Repeal.
No. 60 of
1919, s. 3.
Schedule I.

4. In this Act, subject to the context—

Interpreta-
tion.
No. 60 of
1919, s. 4,
amended by
No. 37 of
1924, s. 2;
No. 22 of
1926, s. 2;
No. 39 of
1935, s. 2;
No. 16 of
1941, s. 2;
No. 48 of
1946, s. 2;
No. 57 of
1951, s. 3;
No. 35 of
1952, s. 2.
No. 76 of
1957, s. 3.

“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, 1902¹, 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;

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

“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;

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;

¹ Now Public Works Act, 1902-1956: See Act No. 55 of 1956, s. 1 (3).

“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;

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

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

Interpreta-
tion “motor
vehicle”
substituted
by No. 57 of
1951, s. 3.

“motor vehicle” means any vehicle propelled or designed for propulsion wholly or partly by gas, motor spirit, oil, electricity, steam, or any other mechanical power, and includes a motor car, motor cycle, omnibus, motor truck, motor utility truck, tractor or traction engine and also a trailer, semi-trailer, or caravan, attached to or drawn by a motor vehicle;

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

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

“outlying land” means land not comprised in any municipal or road district;

Amended by
No. 22 of
1926, s. 2;
No. 16 of
1941, s. 2.

“owner” means any person who owns a vehicle, and 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:

Inserted by
No. 16 of
1941, s. 2.

Provided that—

- (a) where a vehicle is owned or used as aforesaid by more than one person as owner or hirer or otherwise, one only of such persons, to be nominated by all such persons, by notice in writing given to the local authority by which such vehicle is licensed, shall for the purposes of this Act be deemed to be the owner of such vehicle; and

- (b) any rebates or concessions in respect of license fees in relation to a vehicle, of which only one person is deemed to be the owner as aforesaid, which may be claimed under this Act upon the basis of the purpose for which such vehicle is used, shall be assessed only upon the basis of the purpose for which such vehicle is used by the person who is deemed to be the owner of such vehicle as aforesaid;

Inserted by
No. 16 of
1941, s. 2.

“parking” means the standing on a road of a vehicle when not employed in taking up or setting down persons or goods, but does not include the standing of a vehicle in compliance with a traffic sign or direction or with an order of a Police officer or Traffic Inspector lawfully made or given under this Act; and the verb, “to park” and its inflections and derivatives have correlative meanings;

Inserted by
No. 35 of
1952, s. 2.

“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;

“taxi-car” means a motor vehicle plying for hire or reward and licensed to carry not more than seven passengers at any one time;

Inserted by
No. 48 of
1946, s. 2.
Amended by
No. 76 of
1957, s. 3.

“private taxi-car” means a taxi-car which plies for hire or reward only from a privately-owned vehicle depot;

As amended
by No. 39 of
1935, s. 2.
No. 76 of
1957, s. 3.

“vehicle” includes any vehicle mentioned in the Second Schedule to this Act, and every description of vehicle or locomotive engine or machine (whether used for carriage, traction or otherwise) drawn by animal traction, or propelled or drawn by any mechanical power, and used or intended to be used on roads; the term does not include a railway locomotive, railway carriage or wagon, tram motor, or tram car; but on and after the day on which the Traffic Act Amendment Act (No. 4), 1957, comes into operation, the term shall, subject to the context and to such exemptions as may from time to time be declared pursuant to section seventy-one of this Act, include a trolley bus; and where the term is used in any regulation made under this Act, whether so made before or after that day, the term shall, subject to the context and those exemptions, on and after that day be deemed to include a trolley bus;

[S.A. No. 9,
1888-9.]

“width of bearing surface” means the actual width of the bearing surface of a tyre that would actually come into contact with or bear upon a hard smooth level surface when the wheels are attached to the axle and ready for use.

PART II.—LICENSING OF VEHICLES.

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

Licenses.
No. 60 of
1919, s. 5,
amended by
No. 22 of
1926, s. 3;
No. 20 of
1930, s. 3;
No. 39 of
1935, s. 3;
No. 48 of
1946, s. 3;
No. 24 of
1950, s. 3.
No. 76 of
1957, s. 4.

(2) (a) In this section "minimum penalty" means a penalty irreducible in mitigation, notwithstanding the provisions of section one hundred and sixty-six of the Justices Act, 1902-1948,¹ and of sections nineteen and six hundred and sixty-nine of the Criminal Code, 1913.²

Para. (a)
added by
No. 24 of
1950, s. 3.

(b) 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:

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

Amended by
No. 39 of
1935, s. 3;
No. 48 of
1946, s. 3;
No. 24 of
1950, s. 3.

(ii) Where the annual license fee is greater than one pound the minimum penalty shall be—

(A) for a first offence: one pound;

(B) for a second and any subsequent offence: one half of the annual license fee.

(iii) The maximum penalty shall be—

Substituted
by No. 76 of
1957, s. 4.

(a) for a first offence: a fine not exceeding twenty pounds;

(b) for any subsequent offence, a fine not exceeding fifty 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.

¹ Now Justices Act, 1902-1957.

² Now Criminal Code, 1913-1956.

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

Inserted by
No 22 of
1926, s. 3.

(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.

Subsec. (5)
added by
No. 20 of
1930.

(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.

Subsec. (6)
added by
No. 57 of
1951, s. 4.

(6) For the purpose of this section, a vehicle license issued in any other State or territory of the Commonwealth shall, during the currency of such license, be deemed to be a license under this Act in respect of the vehicle so licensed when used on any road within the State of Western Australia by a visitor thereto.

Passenger
vehicles and
carriers'
licenses.
No. 56 of
1919, s. 6,
amended by
No. 22 of
1926, s. 4;
No. 39 of
1935, s. 4;
No. 48 of
1946, s. 4.
No. 76 of
1957, s. 5.

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

Subsec. (2)
repealed and
new subsec.
inserted by
No. 39 of
1935, s. 4.

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

(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—For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

Substituted
by No. 76
of 1957, s. 5.

(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.

Substituted
by No. 76 of
1957, s. 5.

Penalty—For a first offence, a fine not exceeding twenty pounds; for any subsequent offence a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

(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.

Inserted by
No. 22 of
1926, s. 4.

(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
No. 48 of
1946, s. 4.

(7) The person to whom a passenger-vehicle or carrier's license is issued under this Part shall within fourteen days of such issue, cause the vehicle to be plainly and conspicuously marked as prescribed with the name and address of such person, and shall keep the vehicle so marked during the currency of the license.

The licensing
authority.
No. 60 of
1919, s. 7,
amended by
No. 22 of
1926, s. 5,
No. 74 of
1956, s. 4.
No. 76 of
1957, s. 6.

7. (1) A vehicle license for any vehicle employed or to be employed in, about, or in connection with any business establishment of the owner of the vehicle 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 of any other district shall (unless the local authority of the district in which such stands are established so orders) authorise any person to cause or permit any vehicle to stand or be upon any such public stand; but such stands shall, subject to any such order, be for vehicles licensed by the local authority of such district only.

Public stands.
[See W.A.
No. 32 of
1906, ss.
250-1.]

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—For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds.

Substituted
by No. 76 of
1957 s. 6.

(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-eight relating to omnibuses.

Operation
of license.
No. 65 of
1919, s. 8,
amended by
No. 22 of
1926, s. 6;
No. 48 of
1946, s. 5.

Provided also that this section shall not apply to a taxi-car, and that in relation to such class of vehicle the following provisions shall apply:—

Inserted by
No. 46 of
1946, s. 5.

- (a) The license issued in respect of a taxi-car shall, subject to paragraphs (b) and (c) of this proviso, be effective and operative within the district of the licensing authority which issued the license;

- (b) Notwithstanding paragraph (a) of this proviso, where the license in respect of a taxi-car has been issued by one licensing authority and the owner of the taxi-car desires to ply for hire or reward in the district of another licensing authority, and such other licensing authority grants such owner in writing permission so to do for a stated period or periods the license issued in respect of the taxi-car as aforesaid shall be effective and operative in the district of such other licensing authority for such stated period or periods; and
- (c) the license issued in respect of a taxi-car by one licensing authority shall be effective and operative in the district of another licensing authority without any permission when the taxi-car is engaged to carry a passenger or passengers from a place within the district of the licensing authority which issued the license to any place outside such district, or is engaged to carry a passenger or passengers upon a journey which begins and ends at a place within the district of the licensing authority which issued the license, although part of such journey is made outside such district.

Periods for which licenses may be issued.
 No. 60 of 1919, s. 9, amended by No. 39 of 1935, s. 5; No. 16 of 1941, s. 3; No. 48 of 1946, s. 6; No. 24 of 1947, s. 3; No. 29 of 1949, s. 3; No. 74 of 1953, s. 2. No. 74 of 1956, s. 4. Subsec. (1) inserted by No. 24 of 1947, s. 3 as (1A) re-numbered (1) in 1950 reprint.

9. (1) From and after the commencement of the Traffic Act Amendment Act, 1946,* and with operation retrospective to such commencement, the provisions of this section shall apply and have effect in relation to the issue of vehicle licenses in every district and subdistrict other than the metropolitan area, but shall have no operation in relation to the issue of vehicle licenses within the metropolitan area.

* No. 48 of 1946.

(2) An application for a license for a motor vehicle or a renewal of the license shall be made to the appropriate local authority as provided by section seven of this Act, by or on behalf of the owner of the motor vehicle and at the time of making the application the prescribed fee shall be paid by the applicant to the local authority.

Inserted by No. 16 of 1941, s. 3, as subsec. (1) renumbered (2) in 1950 reprint
New subsec. substituted by No. 74 of 1953, s. 2.

(3) (a) Where, after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, an application is made for a license for a vehicle not previously licensed under this section or for a vehicle whose license expired more than fifteen days prior to the date of the application, and the prescribed fee paid in accordance with the provisions of subsection (2) of this section, the local authority shall, subject to the provisions of this Act and the Motor Vehicle (Third Party Insurance) Act, 1943-1951,¹ grant to the applicant a license for any period at his option not exceeding one year, expiring on the last day of the months of June, September, December or March in any year and next following the date of the application.

Inserted by No. 16 of 1941, s. 3 as subsec. (2) renumbered (3) in 1950 reprint:
New subsec. substituted by No. 74 of 1953, s. 2, No. 74 of 1956, s. 2.

(b) The local authority shall at the time the license is granted assign a number to the vehicle.

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

Added by No. 74 of 1956, s. 2.

(4) An application for a license for a vehicle which is not licensed or for a vehicle for which the previous license expired more than fifteen days prior to the date of the application, may be made at any time and the license commences and has effect from and including its date of issue.

Inserted by No. 16 of 1941, s. 3 as subsec. (3) renumbered (4) in 1950 reprint: New subsec. substituted by No. 74 of 1953, s. 2.

(5) (a) An application for a renewal of a license may be made—

- (i) at any time within the period of thirty days immediately preceding the date on which the license expires; or

Inserted by No. 16 of 1941, s. 3 as subsec. (4) renumbered (5) in 1950 reprint.
Amended by No. 29 of 1949, s. 3.
New subsec. substituted by No. 74 of 1953, s. 2.

¹ Now Motor Vehicle (Third Party Insurance) Act, 1943-1957.

- (ii) within the period of fifteen days after the date of the expiry of the license.

(b) Where the application is granted the renewal is deemed to be a continuation of the license and to have effect on and from the day next succeeding the day upon which the license expires or expired.

Inserted by
No. 16 of
1941, s. 3 as
subsec. (5)
renumbered
(6) in 1950
reprint.

New subsec.
substituted
by No. 74 of
1953, s. 2.

(6) Where a vehicle has been previously licensed in the State under the provisions of this Act, a license shall not be granted for any period unless—

- (a) the vehicle is licensed for a period immediately preceding the proposed period of the license which is being applied for; or
- (b) the number plate or plates assigned to the vehicle have been returned to the authority which issued them within a period of fifteen days after the expiration of the last license issued in respect of the vehicle; or
- (c) the appropriate fee as required by subsection (7) of this section is paid to the local authority to which the application for a license is made.

Inserted by
No. 16 of
1941, s. 3 as
subsec. (6)
renumbered
(7) in 1950
reprint.

New subsec.
substituted
by No. 74 of
1953, s. 2.

(7) (a) Where a license expires, the holder of the license shall within fifteen days of the date of its expiry return the number plate or plates assigned to the vehicle the subject of the license, to the local authority which issued them, and if the number plate or plates are not so returned the holder shall be liable to pay to the local authority either the license fee calculated in accordance with subsection (9) of this section for a period commencing on the date the license expired up to and including the date when the number plate or plates are so returned or a license fee for a period of six months whichever is the lesser fee.

(b) The local authority which granted the license may recover in a court of competent jurisdiction as a debt due from the person who last held the license the amount required to be paid under the provisions of paragraph (a) of this subsection.

(8) Notwithstanding the provisions of paragraph (a) of paragraph (c) of subsection (3) of this section a license in respect of a road tractor, semi-trailer, trailer, or caravan may be granted for a period of one or two months on and from the date on which the application for the license is made.

Inserted by No. 24 of 1947, s. 3 as subsec. (7) renumbered (8) in 1950 reprint.

New subsec. substituted by No. 74 of 1953, s. 2. Amended by No. 74 of 1956, s. 4.

Added by No. 74 of 1953, s. 2. Amended by No. 74 of 1956, s. 4.

(9) The fee for any license or renewal of a license granted under the provisions of this section, for a period of less than one year, shall be in the same proportion to the prescribed license fee for one year for the same kind of license as the period for which the license is granted bears to one year plus an additional sum of two shillings and sixpence.

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

Licensing of vehicles within metropolitan area. Section 10 substituted by No. 74 of 1956, s. 5. Amended by No. 76 of 1957, s. 7.

(b) The Commissioner of Police shall, subject to this Act and the Motor Vehicle (Third Party Insurance) Act, 1943,¹ grant and issue a vehicle license or the renewal of a vehicle license to an applicant who makes application in accordance with the provisions of this section and complies with the relevant provisions of this Act.

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

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

¹ Now Motor Vehicle (Third Party Insurance) Act, 1943-1957.

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

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

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

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

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

Amended by
No. 76 of
1957, s. 7.

(5) (a) A vehicle license previously issued under this section may, subject to paragraphs (b) and (c) of this subsection, be renewed for a period of either six months or twelve months from the date

of its expiry at the option of the applicant, but the license shall not be renewed for the period of twelve months unless such period will expire prior to the next ensuing anniversary of the annual licensing date.

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

(c) Application for the renewal of a vehicle license may be made during the month preceding the date on which the license is due to expire or within fifteen days after that date and the license when so renewed shall continue in operation until the expiry of the period for which it is renewed.

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

(b) The fee payable by the person under the provisions of paragraph (a) of this subsection may be recovered as a penalty by complaint in a court of summary jurisdiction: But when demand is made by or on behalf of the Commissioner of Police

for the fee referred to in paragraph (a) of this subsection, the person may, in lieu of paying the fee, apply for the renewal of the expired license and, in the case of a vehicle, not being a tractor, semi-trailer, trailer or caravan, on payment of the full license fee for a period of six months or a period of twelve months if that period will expire prior to the next ensuing anniversary of the annual licensing date, or, in the case of a tractor, semi-trailer, trailer or caravan, on payment of the full license fee for a period of one month or a period of two or more months if that period will expire prior to the next ensuing anniversary of the annual licensing date, the Commissioner of Police shall renew the license for that period; but the renewed license shall have effect only from the date of renewal and shall expire on the date it would have expired if renewed for the same period under the provisions of subsection (5) of this section.

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

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

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

(8) (a) Upon application by the owner of three or more vehicles licensed under the provisions of this section for a common annual licensing date the

Commissioner of Police may re-issue the licenses for all or any of the vehicles to expire on the same date, such date to be determined by the Commissioner of Police.

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

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

- (i) liable to pay to the Commissioner of Police the balance sum, if any, due to make up the proportion of the fee due in respect of the license, after adjustment, for the period ending on the common expiry date of the licenses; and
- (ii) entitled to a refund of the amount, if any, paid in excess thereof prior to the adjustment;

but in calculating the balance sum due by an owner to the Commissioner of Police under subparagraph (i) of this paragraph, the owner is liable to pay the proportionate fee for a full calendar month's license in respect of any period short of a calendar month falling within the period covered by each reissued license.

10A. Notwithstanding the provisions of paragraph (c) of subsection (3) of section nine or of paragraph (a) of subsection (5) of section ten of this Act, power is hereby conferred on local authorities, in their absolute discretion, either to grant subject to this Act, or to refuse, an application for the renewal of a vehicle license for a period of three months from the date of its expiry.

Added by
No. 76 of
1957, s. 7A.
Local
authorities
may in their
discretion
grant or
refuse
renewal of
vehicle
license for
three
monthly
periods.

11. (1) Fees shall be paid to local authorities for licenses or renewals of licenses granted, or for transfers of licenses effected, after the coming into

Fees.
Schedule 3.
No. 60 of
1919, s. 10,
renumbered
s. 11 in 1950
reprint.

Amended by
No. 22 of
1926, s. 7;
No. 20 of
1930, s. 4;
No. 3 of
1931, s. 2;
No. 39 of
1935, ss. 6, 28;
No. 16 of
1941, s. 4;
No. 48 of
1946, s. 7;¹
No. 51 of
1948, s. 3;
No. 29 of
1952, s. 3;
No. 74 of
1953, s. 3.
No. 74 of
1956, s. 6.
No. 76 of
1957, s. 8.

operation of the Traffic Act Amendment Act (No. 3), 1956, in accordance with the appropriate scale prescribed in the Third Schedule to this Act.

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, or any trailer constructed and used solely for carrying any gas producer or other motive power producing plant for the driving or propelling of a motor vehicle together with the fuel necessary for the same, shall be granted without any fee being paid therefor, but such exemption from fees shall not extend to locomotive and traction engines or machines drawn or driven over roads from farm to farm for use, for hire or reward.

Provided also that any minister of religion shall be entitled to obtain 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 but if in the opinion of the local authority which granted a license for a vehicle without fee the vehicle is not being used solely or mainly for the purpose mentioned in the first and second provisos to this subsection by reason of which the license was granted without fee or the conditions as stated in the license granted under this proviso are not being

¹ S. 7 (1) of No. 48 of 1946 came into operation on 1st July, 1947; see *Gazette* 19/5/47, p. 375.

complied with, the local authority may by notice in writing sent to the holder of the license at his last known place of abode revoke the license and the revocation shall have effect unless and until the person to whom the notice is sent pays the appropriate fee for a license for the vehicle.

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

Amended
by No. 74 of
1956, s. 6.

- (i) that the license applied for is required for a motor wagon, motor carrier, trailer, or semi-trailer or any vehicle used for the purpose of hauling such 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

Amended
by No. 16 of
1941, s. 4.

- (ii) that the license is required for a motor vehicle which is owned by a *bona fide* prospector or a person, other than a Company as defined in the Companies Act, 1943, who searches for or produces metals or minerals from land in which he holds an interest and which will be used by such prospector or person during the currency of the license, solely or mainly in connection with his occupation of prospecting; or

Amended
by No. 76 of
1957, s. 8.

- (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;
- (v) that the license is required for a motor vehicle which is owned by a person who—
 - (a) is a beekeeper within the meaning of the Bees Act, 1930-1950; and
 - (b) is *bona fide* engaged in the keeping of bees substantially as a means of livelihood;

Para. (v)
inserted by
No. 28 of
1952, s. 3.

and which is used by such person during the currency of the license solely or mainly in connection with the occupation of beekeeping;

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 paragraphs (i), (ii), (iii) or (v) 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) [*Repealed by No. 76 of 1957, s. 8.*]

Subsec. (2a)
added by
No. 74 of
1953, s. 3.

(2a) Where a license is issued pursuant to the provisions of this Act and the fees paid in respect of the license are subsequently found to be either

in excess of or less than the fees which are properly payable in respect of the license, the local authority which issued the license—

- (a) shall forthwith upon demand refund the amount of the excess to the person to whom the license was issued;
- (b) may recover the deficiency in a court of competent jurisdiction from the person to whom the license was issued, if that person fails to pay the deficiency to the local authority within seven days after the amount of the deficiency has been demanded in writing from him.

(3) (a) Notwithstanding the provisions of subsection (1) of this section, if, by or under any law made after the commencement of the Traffic Act Amendment Act, 1948, and having effect in the State, the quantity of motor spirit available or allowed for or for use in any or certain vehicles shall be reduced, the Governor, by Order in Council made prior to the first day of July, 1949, and published in the *Gazette*, may, in respect of any vehicle or class or type of vehicle specified in the Order in Council and in respect of any period or periods therein specified, reduce by a percentage not exceeding twenty-five per centum the amount of any license fee payable under this Act, and may fix different percentages and periods as aforesaid for or in relation to different vehicles or different classes or types of vehicles.

Power of Governor to decrease vehicle license fees in certain circumstances.
Inserted by No. 51 of 1948, s. 3.

(b) The Governor may, by any subsequent Order in Council published as aforesaid, revoke or vary any Order in Council under this subsection.

(c) Any Order in Council made under this subsection shall, on publication as aforesaid or from such later date as may be fixed by the Order in Council, have effect according to its tenor.

(d) In this subsection the term "motor spirit" means liquid petroleum products or similar hydrocarbons distilling completely below 225° C. and

suitable for use as fuel in internal combustion engines, and includes motor benzole and power alcohol.

[NOTE: S. 10A of the 1930 reprint has been omitted pursuant to No. 39 of 1935, s. 28 (2) (iii). Ss. 11 and 11A of the 1930 reprint repealed by No. 39 of 1935, s. 5.]

License obtained by means of dishonoured cheque void. Added by No. 74 of 1956, s. 7. Amended by No. 76 of 1957, s. 9.

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

(2) The person to whom a license referred to in subsection (1) of this section is issued shall, on demand by the local authority which issued the license or by a member of the police force or a traffic inspector, forthwith deliver the license and the identification tablets or number plates relating to that license to the local authority, member of the police force or traffic inspector.

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

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

he commits an offence.

Amended by No. 76 of 1957, s. 9.

Penalty—For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

12. (1) The local authority of any district which has, after the commencement of the Traffic Act Amendment Act, 1950, 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 lastmentioned district.

Apportionment of fees between local authorities. No. 60 of 1919, s. 12, repealed and new section substituted by No. 39 of 1935, s. 7; Renumbered s. 11 in 1935 reprint and as s. 12 in 1950 reprint. Amended by No. 24 of 1950, s. 4; No. 74 of 1953, s. 4.

(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 lastmentioned district or as to a fair proportion of the fee to be paid to the local authority of such lastmentioned district the same shall be tried and determined by a police or resident magistrate in the prescribed manner.

(3) (a) In this subsection "mileage" means mileage travelled during the period for which the license was issued.

Subsection (3) added by No. 24 of 1950, s. 4; amended by No. 74 of 1953, s. 4.

(b) The amount of the fair proportion of the fee payable to the local authority of such lastmentioned district, shall bear the same ratio to the amount of the whole fee, as the mileage travelled by the vehicle on roads wholly maintained by that local authority bears to the total of the mileage so travelled on those roads plus the mileage travelled by the vehicle on roads wholly maintained by the local authority which has received the fee.

(c) There shall be excluded from the computation of the mileage referred to in the last preceding paragraph, the mileage travelled by the vehicle on—

(i) roads maintained by the Commissioner of Main Roads pursuant to the provisions of the Main Roads Act, 1930-1939,¹ with the exception of roads so maintained pursuant to the provisions of section twenty-seven of that Act; and

(ii) roads, which are not wholly maintained by the local authority of such lastmentioned district, nor by the local authority, which has received the fee.

¹ Now Main Roads Act, 1930-1955.

Para. (d)
added by
No. 74 of
1953, s. 4.

(d) The provisions of this subsection apply only in the case of a dispute between local authorities whose districts are situate wholly or partly outside the Metropolitan Area.

Minister
may sanction
refund of
license fee.
New section
inserted as
s. 12A by
No. 39 of
1935, s. 8:
Renumbered
s. 12 in
1935 reprint
and s. 13 in
1950 reprint.

13. 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 Commis-
sioner of
Police to be
the licensing
authority for
metropolitan
area.

No. 60 of
1919, s. 13,
amended by
No. 16 of
1922, s. 2,
No. 22 of
1926, s. 8,
No. 11 of
1927, s. 2,
No. 20 of
1930, s. 8,
and No. 39 of
1935, s. 9:
Renumbered
s. 14 in
1950 reprint
and amended
by No. 35 of
1952, s. 3;
No. 74 of
1953, s. 5;
No. 47 of
1954, s. 2.
No. 74 of
1956, s. 8.

Added by
No. 74 of
1956, s. 8.

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

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

(a) shall be paid into the Treasury to the credit of an account to be called "The Metropolitan Area Railway Crossing Fund Account"; and

(b) shall be chargeable with the cost of providing, improving, maintaining and repairing, in accordance with the directions of

the Minister, railway road crossings including subways, overhead bridges and level crossings situated within the metropolitan area.

(2) All fees paid each year for licenses or transfers of licenses or registrations in the metropolitan area under this Act or any regulation, excepting the amount required to be paid to the credit of The Metropolitan Area Railway Crossing Fund Account in accordance with the provisions of subsection (1a) of this section,

Subsec. (2)
amended by
No. 74 of
1953, s. 5;
No. 47 of
1954, s. 2.
No. 74 of
1956, s. 8 (b).

- (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 said fees, to deduct therefrom the costs incurred by the Minister under section eighty-six of the Public Works Act, 1902,¹ in any financial year in repairing the Perth-Fremantle road from Ferdinand road to the 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 eastern boundary of the metropolitan area; that portion of Guildford road from the intersection of Lord street and Walcott street, Mount Lawley, to Johnson Street, Guildford; that portion

¹ Now Public Works Act, 1902-1956: See No. 55 of 1956, s. 1 (3).

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.

Inserted by
No. 22 of
1926, s. 8.
Amended by
No. 11 of
1927, s. 2.
No. 74 of
1956, s. 8 (c).

- (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;¹ but where in any year after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, the remaining half of the net balance of those fees together with any moneys so unexpended out of the firstmentioned half of that balance exceeds the total of the amounts paid under this paragraph to those local authorities and that Board for the year ended the thirtieth day of June, one thousand nine hundred and fifty-six, then fifty per centum of the amount by which that total is so exceeded shall in each year and for a period of ten years, commencing with the year in which the Traffic Act Amendment Act (No. 3), 1956, comes into operation, be paid to the Commissioner of Main Roads and shall be set apart and applied for the purpose of defraying the expenses to be incurred in connection with

¹ 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.

the taking and preparation of land for the purpose of providing and developing such road or roads connected with the approaches to the proposed bridge over The Narrows or such other road or roads associated with the regional development of the metropolitan area as the Minister may, on the recommendation of the Commissioner of Main Roads, determine;

(2a) The Minister may, from time to time, approve of the provision and maintenance, in the metropolitan area, of such lights and signs for the direction of traffic as he thinks fit, and may authorise payment, not exceeding forty thousand pounds in any one year, for their provision and maintenance out of the one-half of the net balance mentioned in paragraph (b) of subsection (2) of this section, and may cancel, or, from time to time, vary an approval or authorisation given by him under this subsection.

Subsec. (2a)
added by
No. 35 of
1952, s. 3.
Amended by
No. 74 of
1956, s. 8 (d).

(2b) Where under subsection (2a) of this section the Minister has approved of the provision and maintenance of lights and signs for the direction of traffic and has authorised payment in any one year for their provision and maintenance, if the amount so authorised for the payment has not been expended in that year, the unexpended balance of that amount may, to the extent that it is not affected by a cancellation or variation made under that subsection of the approval or authorisation, be expended in the provision and maintenance of those lights and signs at any time after the expiration of that year.

Subsec. (2b)
added by
No. 47 of
1954, s. 2.

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

Title
"Colonial
Treasurer"
amended
pursuant to
No. 8 of
1925, s. 2.

(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

Subsec. (5)
inserted by
No. 22 of
1926, s. 8.

area which is not within the scope of the Federal Aid Roads Agreement Act, 1926, an amount sufficient to provide for interest and sinking fund on one-half of the amount so appropriated (but not to exceed nine per centum) shall be charged annually against the said one-half of the net balance of said fees, so far as the same shall be available after providing for the deductions aforesaid.

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

Obligation
to grant
licenses.
No. 60 of
1919, s. 14,
amended by
No. 22 of
1926, s. 9.
No. 76 of
1957, s. 10.
Renumbered
s. 15 in
1950 reprint.

15. (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-eight relating to omnibuses.

(1a) (a) Where in the opinion of a local authority the reasonable requirements of the public justify the operation in any portion of its district or area of a taxi-car to serve those requirements, the local authority in its discretion may, subject to such conditions as it is hereby authorised to impose restricting the operations of the taxi-car to such portion of its district or area as it specifies in those conditions, grant and issue in respect of each such taxi-car a passenger vehicle license to an applicant on payment of the appropriate fee subject to such other provisions of this Act as are applicable to the granting of passenger vehicle licenses.

Added by
No. 78 of
1957, s. 10.

(b) A license so granted and issued shall, notwithstanding the provisions of section eight of this Act, be effective and operative within such portion of the district or area as is specified in the conditions, but shall be deemed effective and operative in any place outside that portion when the taxi-car is engaged to carry a passenger or passengers from that portion of the district or area to a place outside that portion, or is engaged to carry a passenger or passengers upon a journey which begins and ends within that portion, although part of that journey is made outside that portion.

(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, or any conditions restricting the operations of a taxi-car imposed under the provisions of subsection (1a) of this section have not been observed or complied with, 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 in either case cancel the license, or if it finds that the vehicle is so out of repair as to be unfit for use on a road, suspend the license until the vehicle is repaired to the satisfaction of the court:

Amended by
No. 78 of 1957,
s. 10 (b), (c),
(d).

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

Transfer
of vehicle
licenses.
Subsection
(1) repealed
and re-
enacted by
No. 76 of
1957, s. 11.

16. (1) Where a person to whom a license in respect of a vehicle has been granted in any district ceases to be the owner of the vehicle, he shall

- (a) forthwith give notice in writing to the licensing authority of that district of the name and address of the new owner of the vehicle; and
- (b) if the license had, pursuant to the provisions of any of the provisoes to subsection (1) of section eleven of this Act, been obtained free of charge or on payment of a fee which is less than the appropriate fee for that vehicle as prescribed in the Third Schedule to this Act, forthwith return the license and the appropriate number plates to the licensing authority.

(1a) added
by No. 74 of
1956, s. 9.

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

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

Amended by
No. 76 of
1957, s. 11.

Penalty—For a first offence a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds.

(2) sub-
stituted by
No. 74 of
1956, s. 9.

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

(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.

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

Cancellation of licenses. No. 60 of 1919, s. 16, renumbered s. 17 in 1950 reprint. Amended by No. 74 of 1953, s. 6. No. 74 of 1956, s. 10. Ss. (1) substituted by No. 74 of 1956, s. 10 (a).

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

(2) When any license has been so cancelled, it ceases to have force or effect and 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.

Amended by No. 74 of 1956, s. 10 (b).

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

(3) added by No. 74 of 1956, s. 10 (c).

18. (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. No. 60 of 1919, s. 17, renumbered s. 18 in 1950 reprint. [See N.S.W. 1909, No. 9, s. 3.]

(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.

Exemptions.
No. 60 of
1919, s. 18,
renumbered
s. 19 in
1947 reprint.
Amended by
No. 22 of
1926, s. 10;
No. 39 of
1935, s. 10;
No. 16 of
1941, s. 5;
No. 29 of
1949, s. 5.
[See 3 Edw.
VII, c. 36,
s. 2.]

19. Notwithstanding anything hereinbefore contained,—

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

Provided that—

Inserted by
No. 16 of
1941, s. 5.

- (i) this paragraph shall not apply where the vehicle is being driven on a road within the district of one local authority for the purpose of obtaining a license therefor from another local authority, unless the owner of the vehicle has obtained from the local authority in whose district the journey on which the vehicle is being driven commences a permit to drive the vehicle on such journey for the purpose aforesaid; and

Inserted by
No. 29 of
1949, s. 5 (b).

- (ii) this paragraph shall not apply where the vehicle is being driven or towed on a road in course of a journey to a repairer for the purpose of the vehicle being repaired, unless the owner of the vehicle has obtained from the local authority, in whose district the journey on which the vehicle is being driven

or towed, commences, a permit for the vehicle to be driven or towed upon the journey for that purpose;

- (iii) every local authority shall have power to issue permits under and for the purposes referred to in paragraphs (i) and (ii), of this proviso in the prescribed form;

Inserted by
No. 16 of
1941, s. 5.

- (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 ten pounds as may be prescribed, and such other fee or fees as are prescribed in relation to the issue of identification tablets for motor vehicles assign and issue 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:

Amended by
No. 74 of
1956, s. 11.

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.

As amended
by No. 39 of
1935, s. 10.

20. (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.

Provision for
registration
of licensed
vehicles.
New section
inserted as
s. 18A by
No. 20 of
1930, s. 9,
renumbered
s. 19 in
1935 reprint
and s. 20 in
1950 reprint.

(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.

Offences.
New section
inserted as
s. 18B by
No. 20 of
1930, s. 9,
renumbered
s. 20 in
1935 reprint
and s. 21 in
1950 reprint.
Amended by
No. 76 of
1957, s. 12.

21. 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 twenty 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,

shall be guilty of an offence under this Act.

Amended by
No. 76 of
1957, s. 12.
[NOTE: S. 19
as enacted
by No. 60 of
1919 was
repealed by
No. 22 of
1926, s. 11.]

Penalty: For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds.

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

Added by
No. 74 of
1956, s. 12.

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

Application
of this Part.

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

and

landed in this State direct from that country
or

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

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

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

When owner
of overseas
vehicle
entitled to
free license.

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

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

License issued in another State valid in this State.

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

during the currency of the license or registration

and

if a contract of insurance with respect to that vehicle as provided in subsection (4) of section three, or in section four, of the Motor Vehicle (Third Party Insurance) Act, 1943,¹ is in force,

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

When free license may be extended free of charge.

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

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

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

entitled to an extension or a renewal of the license or registration by the local authority free of charge for a period, not extending beyond the period of

¹ Now Motor Vehicle (Third Party Insurance) Act, 1943-1957.

twelve months from the date on which the vehicle was landed in the Commonwealth, if it appears to the local authority that there are in force

- (i) a vehicle license or registration effected in respect of that vehicle under the law of the country of which the owner is a permanent resident, and
- (ii) a contract of insurance with respect to the vehicle as provided in subsection (4) of section three, or in section four, of the Motor Vehicle (Third Party Insurance) Act, 1943,¹

but the period for which a local authority extends or renews the license or registration under this section is not to extend beyond the date of the expiry of the license or registration, as the case may be, effected under the law of that country nor beyond the date of the expiry of the contract of insurance.

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

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

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

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

¹ Now Motor Vehicle (Third Party Insurance) Act, 1943-1957.

lamps and other equipment of motor vehicles have been complied with and have not been contravened in regard to that motor vehicle.

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

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

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

21H. Where the owner of a vehicle to which this Part applies is not entitled to be issued with a license for the vehicle free of charge under section twenty-one B, or to an extension or renewal of the license free of charge under section twenty-one D, or where a license issued free of charge in respect of a vehicle to which this Part applies becomes invalid as provided by section twenty-one G, of this Act, the vehicle may be licensed in accordance with the provisions of this Act as though this Part was not enacted.

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

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

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

21K. Where a motor vehicle, to which this Part applies and which is owned by a person who is not a permanent resident of any State or Territory of the Commonwealth, when landed in or brought to this State, is equipped with one or more identification tablets or number plates in accordance with the law of the country, or the State or Territory of the Commonwealth from which it was so landed or brought those tablets or plates are to be regarded, so long as the vehicle license under this Act remains or is regarded to be in force and the vehicle is being used temporarily within the Commonwealth, as identification tablets or number plates issued under this Act and the provisions of section twenty-seven of this Act apply to persons who drive or cause or permit to be driven upon any road a vehicle to which this Part applies as though that section was enacted in this Part and the expression "number plate" means an identification tablet or a number plate with which the vehicle was equipped when landed in or brought to this State; but where the vehicle is not so equipped or where the tablet or plate is so mutilated that any material part is obscured, obliterated or indistinct, the local authority within whose district the owner is for the time being residing shall, on payment of the prescribed charge, issue to him a temporary plate or plates which he shall affix to the vehicle in the manner prescribed and which are to be regarded, so long as a vehicle license or registration under this Act remains in force in respect of the vehicle and the vehicle is being used temporarily within the Commonwealth, as an identification tablet or tablets or a number plate or plates issued under this Act.

Identification
tablets
or number
plates on
overseas
vehicles.

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

Regulations.

- (a) prescribe the particulars to be stated in any application made under section twenty-one B and section twenty-one D of this Act:

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

State
Transport
Co-
ordination
Act not
affected.

21M. The provisions of this Part do not affect any of the provisions of the State Transport Co-ordination Act, 1933.¹

¹ Now State Transport Co-ordination Act, 1933-1957.

PART III.—TRAFFIC INSPECTORS.

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

Traffic Inspectors.
No. 60 of 1919, s. 20, renumbered s. 19 in 1926 reprint, s. 21 in 1935 reprint and s. 22 in 1950 reprint; amended by No. 22 of 1926, s. 12, and No. 24 of 1946, s. 2. No. 74 of 1956, s. 13.

(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;

Formerly para. (b) relettered (a) in 1926 reprint.

(b) may exercise all such powers and shall perform all such duties as are vested or imposed in or upon him by this Act, and, for the purpose of making investigations or inquiries concerning any offence against this Act or the regulations under the Act, committed within the district of the local authority by which he was appointed, may question, interview or obtain particulars from persons residing in other districts;

Para. (c) relettered (b) in 1926 reprint.

(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;

Para. (d) relettered (c) in 1926 reprint.

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

Para. (e) relettered (d) in 1926 reprint.

(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.

Inserted by
No. 24 of
1946, s. 2
as (4a)
renumbered
(5) in 1950
reprint.

(5) Every such member of the police force and every such inspector may exercise all such powers and shall perform all such duties as are vested or imposed in or upon him by this Act in respect of any road open to public traffic, notwithstanding that such road may be on Government or private property.

Formerly
subsec. (5),
renumbered
(6) in 1950
reprint.

(6) 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.

Formerly
subsec. (6),
renumbered
(7) in 1950
reprint.

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

Formerly
subsec. (7),
renumbered
(8) in 1950
reprint.
Amended by
No. 86 of
1956, s. 25.

(8) 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 and in addition, in any part of the metropolitan area

which is a parking region, the Commissioner of Police and the Council of the City of Perth shall jointly and severally regulate and control traffic in that part of that area in respect of the powers conferred on the Council of the City of Perth by the City of Perth Parking Facilities Act, 1956.

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, 1925.¹

Provided also that an inspector appointed by the Council of the City of Perth under the City of Perth Parking Facilities Act, 1956, may by virtue of his office, and without receiving express authority from the Minister, or the Commissioner of Police but when authorised by that Council, institute and carry on proceedings against a person for an alleged offence against any regulation under this Act, whether made before or after the coming into operation of the City of Perth Parking Facilities Act, 1956, which has the effect of prohibiting or restricting the parking or standing of a vehicle in any road or place within a parking region prescribed under that Act.

22A. (1) The local authorities of two or more districts may and if required by the Minister shall join in the appointment and remuneration of an inspector or inspectors for their districts or part of their districts which are situated wholly or partly outside the Metropolitan Area.

Local authorities may join in appointment, etc., of inspector. S. 22A added by No. 74 of 1953, s. 7.

(2) Where the local authorities of two or more districts fail when required by the Minister, to join in the appointment and remuneration of an inspector or inspectors as provided in the last preceding subsection the Minister may, with the approval of the Governor—

- (a) appoint an inspector or inspectors for the local authorities;

¹ See now Main Roads Act, 1930-1955.

- (b) fix his or their remuneration and the proportional part of the remuneration to be paid by the local authorities; and
- (c) determine which of the local authorities is responsible for the keeping of the accounts and records relating to the appointment of the inspector or inspectors and the carrying out of his or their duties under the provisions of this Act.

(3) An appointment made by the Minister under the provisions of subsection (2) of this section shall continue during the pleasure of the Minister or unless and until the local authorities acting pursuant to the provisions of subsection (1) of this section join in the appointment and remuneration of an inspector or inspectors.

(4) (a) While the appointment of an inspector made by the Minister continues, the Minister may at any time and from time to time vary both the remuneration to be paid to the inspector and also the proportional part of the remuneration to be paid by each of the local authorities.

(b) The amount of remuneration fixed by the Minister, whether so varied from time to time or not, is a charge upon the general revenue of the local authority in accordance with the proportional part of the remuneration to be paid by it as fixed by the Minister.

(c) Where the local authority defaults in the payment of the remuneration or proportional part of it as the case may be the inspector to whom the payment is due may, subject to the right of contribution between the local authorities concerned, recover in a court of competent jurisdiction the amount due to him from the local authority.

(5) The provisions of subsection (2) of section twenty-two of this Act apply to any inspector appointed under the provisions of this section.

PART IIIA.—USED CAR DEALERS.

22AA. In this Part unless the context requires otherwise—

Interpretations.
New Part
Added by
No. 76 of
1957, s. 13.

“approved” means approved by the Minister;

“dealer” means a person, whether as an individual person, as a member of a partnership, or as a body corporate, who is engaged in the business of acquiring, disposing or exchanging used motor vehicles by any means whatsoever, whether by purchase, sale, hire-purchase, or exchange, or otherwise in excess of fifteen motor vehicles in any one year;

“used motor vehicle” means a motor vehicle in respect of which a vehicle license had been granted at any time under this Act, whether the license is current or has expired.

22AB. (1) A person shall not

Dealers must
be licensed.

(a) carry on; or

(b) hold out, or represent in any manner, or knowingly permit it to be held out or represented in any manner, that he carries on, or is willing to carry on,

the business of a dealer unless he holds a dealer's license under this Act.

Penalty.—For a first offence, a fine not exceeding fifty pounds; for any subsequent offence, a fine not exceeding one hundred pounds.

(2) (a) At least one person who is a member of a partnership which carries on the business of a dealer shall hold a dealer's license, or a dealer's license may be held jointly by members of a partnership which carries on business as a dealer.

(b) A body corporate which carries on business as a dealer shall hold a dealer's license through an individual person or persons who is or are appointed

by the body corporate to hold the license on its behalf, and who is not the holder or who are not the holders of any other dealer's license, whether on his or their own behalf or on behalf of any other body corporate.

Penalty—For a first offence, a fine not exceeding fifty pounds; for any subsequent offence, a fine not exceeding one hundred pounds.

Application
for license.

22AC. (1) A valid application for a dealer's license or for a renewal of a dealer's license

- (a) shall be in the appropriate form as determined or varied from time to time by the Minister and published in the *Gazette* and shall contain the information which the form indicates is required; and
- (b) shall be made and dealt with as prescribed by the regulations; and
- (c) shall be accompanied
 - (i) by such testimonials as to the character of the applicant or, if the application is made on behalf of a body corporate, the character of the person who makes the application on behalf of that body corporate, as prescribed by the regulations; and
 - (ii) by the annual license fee which is prescribed as five pounds;

and

- (d) shall be lodged with the Commissioner of Police or with any member of the Police Force authorised in writing by the Commissioner of Police to receive and deal with those applications.

(2) The Commissioner of Police shall cause a register or registers to be kept in which shall be recorded particulars of all applications lodged under this section and how they are being and have been dealt with.

(3) (a) On the lodging of the application in accordance with this section, the Commissioner of Police or the member of the Police force shall make inquiries or cause inquiries to be made relating to the character, business methods, or financial position, of the applicant and his fitness to hold a dealer's license.

(b) Where it appears to the Commissioner of Police or the member of the Police force, after the inquiries are so made, that the applicant for a license or the renewal of a license, as the case may be, is a fit and proper person to hold a dealer's license, the application shall be granted upon the applicant furnishing such security of a value not exceeding three thousand pounds for the due performance of his obligations under this Act as is prescribed, and upon the security being so furnished, a license or renewal of the license in the appropriate form as determined by the Minister and published in the *Gazette* shall be granted and issued to the applicant; but if it appears to the Commissioner of Police or the member of the Police Force that an applicant for a license or the renewal of a license intends to carry on the business of a dealer only as the agent of another dealer whose name and address are specified in the application and who is already licensed under this Part and has furnished the prescribed security, the application may be granted without security.

(c) Without prejudice to any of the other provisions of this Part of this Act, a license or renewal of a license so granted without security ceases to have effect if and when

- (i) the person to whom it is granted ceases to be the agent of that other dealer; or
- (ii) the license granted to the other dealer is cancelled, expires, or otherwise ceases to have effect.

(d) Where the Commissioner of Police or the member of the Police force has formed the opinion, after the inquiries are so made, that the applicant for a license or renewal of a license is not a fit and

proper person to hold a dealer's license, the Commissioner or member shall cause a notice to be served on the applicant refusing the application and stating the reasons for the refusal.

(4) (a) A dealer's license shall not be transferred by the holder to any person without the approval of the Commissioner of Police or a member of the Police force referred to in subsection (1) of this section.

(b) The provisions of subsections (1) and (3) of this section shall apply *mutatis mutandis* to any application for approval to transfer a dealer's license as if the proposed transferee is the applicant and an application for approval to transfer a dealer's license is an application for a dealer's license; and power is hereby conferred on the Governor to prescribe a fee, not exceeding the amount of the annual license fee, as the fee for a transfer.

(5) Where it appears to the Commissioner of Police or a member of the Police force referred to in subsection (1) of this section that a person who holds a dealer's license ceases to be a fit and proper person to hold the license on grounds relating to the character, business methods, or financial position, of the person, the Commissioner or member may, by written notice served on the person cancel the license.

Appeal.
(Cf. s. 18
ante.)

22AD. (1) There shall be an appeal to a Stipendiary Magistrate sitting in a court of petty sessions, whose order shall be final, in any case where a license, or renewal of a dealer's license is refused or a dealer's license is cancelled or where a transfer of a dealer's license is not approved.

(2) On the hearing of the appeal the court may order that the license or renewal of the license shall be granted or that the cancellation shall have no effect or that the transfer shall be approved, 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.

22AE. (1) A dealer's license shall have effect for a period of twelve months from the date of its issue and may be renewed each time for a similar period.

License valid for twelve months but may be renewed for similar period.

(2) Application for the renewal of a dealer's license shall be made during the month preceding the date on which the license is due to expire or within fifteen days after that date and the renewal, if granted, shall commence and have effect for the twelve months from and after the date of expiry of the expired license.

(3) Where the holder of a license fails to apply for its renewal prior to, or within fifteen days after, its expiry, and subsequently applies for its renewal at any time within twelve months after the date of its expiry and the application is granted, the renewal shall be deemed to be a continuation of the expired license but shall have effect only as from the time of renewal for a period expiring twelve months from and after the date of expiry of the license for which the renewal is granted.

22AF. Every licensed dealer shall

Duties of licensed dealers.

- (a) keep and maintain or cause to be kept and maintained a register containing a full and accurate record of every transaction entered into by him as a dealer;
- (b) produce on demand to any member of the Police Force or traffic inspector the register so kept for inspection by that member of the Police Force or inspector;
- (c) on a form prescribed for the purpose, forthwith notify the licensing authority in whose area or district a vehicle is licensed when he acquires that vehicle;
- (d) on acquiring a used motor vehicle which is the subject of a current license, obtain from the registered owner of the vehicle the license held by him in respect of that vehicle;

- (e) permit any member of the Police Force or any traffic inspector to enter the premises where he carries on his business as a dealer, and to examine any register kept by him pursuant to this Part of this Act, to examine any vehicle on those premises and to recover any number plates affixed to any unlicensed vehicle on those premises and to do such other things as a member of the Police Force or an inspector is lawfully authorised or permitted to do under this Act.

Penalty—For a first offence, a fine not exceeding fifty pounds; and for a subsequent offence a fine not exceeding one hundred pounds.

PART IV.—REGULATION OF TRAFFIC.

Division 1.—Motor and other Vehicles.

[Heading amended by No. 16 of 1922, s. 5.]

Licensing of drivers.
No. 60 of 1919, s. 21, renumbered s. 20 in 1926 reprint, s. 22 in 1935 reprint and s. 23 in 1950 reprint; amended by No. 22 of 1926, s. 13, No. 20 of 1930, s. 10, No. 16 of 1941, s. 6, No. 48 of 1946, s. 8, No. 24 of 1947, s. 5, No. 24 of 1950, s. 5, No. 57 of 1951, s. 6, No. 35 of 1952, s. 4, No. 74 of 1953, s. 8, No. 74 of 1956, s. 14, No. 76 of 1957, s. 14.

23. (1) The Commissioner of Police and any member of the police force acting with his authority may, subject to this Act, on the application of any person, grant and issue a license or renewal of a license to such person to drive any motor vehicle of the kind or kinds to be therein specified or act as conductor of an omnibus or other passenger vehicle:

Amended by No. 57 of 1951, s. 6; No. 74 of 1953, s. 8.

Provided that no license or renewal of the 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 or act as a conductor of an omnibus or other passenger vehicle, as the case may be.

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

Inserted by
No. 74 of
1956, s. 14.
Amended by
No. 76 of
1957, s. 14.

- (a) the license or renewal shall not be granted unless the applicant produces the consent in writing of a parent or guardian or, if it appears to the Commissioner of Police or the member of the Police Force that the applicant has no parent or guardian resident in the State, the employer of the applicant to such license or renewal being granted;
- (b) the Commissioner may, in lieu of requiring the applicant to satisfy an examiner that he is qualified to drive a motor cycle, or to apply for and obtain a learner's permit as provided by section twenty-five of this Act, accept the certificate of the Safety Council Motor Cycle Driving School, or of a motor cycle club approved by the Commissioner, that the applicant is qualified to drive a motor cycle.

Provided also that, where any application is made for a license or renewal of a license to drive an omnibus or other passenger vehicle, the examiner referred to in the next preceding proviso to this subsection shall, in addition to any other examination conducted in accordance with the provisions of the said next preceding proviso, satisfy himself, by means of the special tests (if any) prescribed by regulations made under section forty-seven of this Act, that the applicant is qualified to drive the particular type of omnibus or other passenger vehicle in respect of which the license or renewal of a license is applied for.

Inserted by
No. 16 of
1941, s. 6.
Amended by
No. 74 of
1953, s. 8.

Provided also that, where an application is made for a license or renewal of a license to act as a conductor of an omnibus or other passenger vehicle,

Inserted by
No. 57 of
1951, s. 6;
Amended by
No. 74 of
1953, s. 8.

the applicant shall establish, in accordance with the regulations, that he is a fit and proper person to hold the license.

Inserted by
No. 24 of
1947, s. 5.
Amended by
No. 57 of
1951, s. 6;
No. 74 of
1953, s. 8.

Provided further that in the case of an application for a license or renewal of a license to drive a passenger vehicle or act as conductor of an omnibus or other passenger vehicle, but subject to the right of appeal mentioned in subsection (5) of this section, the Commissioner of Police may from time to time, by notice in writing disclosing his reasons, refuse to grant a driver's license or a license to act as conductor of an omnibus or other passenger vehicle or any renewal of either license as the case may be to the applicant, or suspend or cancel any such driver's license or a license to act as conductor of an omnibus or other passenger vehicle after its issue.

Subsec. (2)
repealed and
re-enacted
by No. 35 of
1952, s. 4;
amended by
No. 74 of
1953, s. 8.
No. 76 of
1957, s. 14.

(2) (a) The following fees are payable—

license or renewal thereof to drive a motor vehicle not being a passenger vehicle, ten shillings per annum;

license or renewal thereof to drive a motor vehicle being a passenger vehicle, five shillings per annum;

conductor's license or renewal thereof, five shillings per annum.

Added by
No. 76 of
1957, s. 14.

(b) A sum of ten shillings is payable for each application for a license to drive a motor vehicle, but if a second or subsequent application is made within three months after a similar application by the same person had been refused, that sum is not payable in respect of the second or subsequent application.

Repealed
and new
subsec.
inserted by
No. 48 of
1946, s. 8;
amended by
No. 74 of
1953, s. 8.

(3) Every license under this section shall, subject to the provisions of this Act, remain in force for twelve months from the date upon which it was issued and may from time to time be renewed as provided in this section.

Provided that, in respect of any license under this section which may be granted and issued during the year one thousand nine hundred and forty-seven,

the license shall remain in force for such number of months not being less than six nor more than eighteen as the Commissioner of Police or member of Police Force granting the same shall determine and shall specify in the license issued.

(4) (a) Every applicant for a driver's license or a license to act as conductor of an omnibus or other passenger vehicle or any renewal of either license as the case may be 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 or to act as conductor of an omnibus or other passenger vehicle or any renewal of either license as the case may be, to such medical examination as may be prescribed and every applicant shall establish his age and good character as required by the regulations.

Added by
No. 22 of
1926, s. 13;
amended by
No. 57 of
1951, s. 6;
No. 74 of
1953, s. 8;
No. 74 of
1956, s. 15.

(b) Where, as a result of a test referred to in paragraph (a) of this subsection, the sight or hearing or both the sight and hearing of an applicant for a driver's license is or are found to be defective but capable of correction, by the use of spectacles or a hearing aid or both, the license issued to the applicant shall be endorsed with the condition that the licensee shall wear suitable spectacles or an effective hearing aid or both, as the case requires, when driving a motor vehicle of the kind or kinds specified in the license.

No. 74 of
1956, s. 15.

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

No. 74 of
1956, s. 15.

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

(5) Any person aggrieved by the suspension or cancellation of, or 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 a license or renewal of the license under this section may, subject to regulations, appeal against such suspension, cancellation or refusal to the

Amended by
No. 20 of
1930, s. 10.
No. 24 of
1950, s. 5;
No. 74 of
1953, s. 8.

resident magistrate exercising jurisdiction under the Local Courts Act, 1904-1931,* in the district in which such license or renewal of the license was issued in the case of suspension or cancellation or was applied for and refused as the case may be and such resident magistrate shall, by virtue of this section but subject to section thirty-three 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.

Subsec. (6)
added by
No. 74 of
1953, s. 8.

(6) (a) An application for a renewal of a license may be made at any time within the period of thirty days before the date on which the license expires or subject to the provisions of this Act at any time within twelve months after the date of expiry.

(b) Where the holder of a license does not intend to renew it he shall notify in writing the Commissioner of Police of his intention at any time not later than fifteen days after the date of expiry of the license.

(c) Except as provided in the next succeeding paragraph where the holder of a license fails to renew it prior to the date of its expiry, if the holder subsequently applies for a renewal of the license within a period of twelve months from the date of expiry and the application is granted the renewal shall be deemed to be a continuation of the expired license as from the date of the renewal and shall operate for a period expiring twelve months from the date of expiration of the license for which the renewal is granted.

(d) Where the holder of a license notifies the Commissioner that he does not intend to renew the license as provided in paragraph (b) of this subsection and he subsequently makes an application for a renewal of the license, or where an application for renewal is made after a period of twelve months from the expiry of a license, if the application is

* Now Local Courts Act, 1904-1957: See No. 10 of 1957, s. 1 (3).

granted, notwithstanding the expiration of the license the granting of the application shall operate so as to renew the license and shall be deemed to be a continuation thereof on and from the date of the renewal for a period of twelve months, but if the application is made more than twelve months after the date of the expiration of the license, in addition to the test and examination referred to in subsection (4) of this section, the Commissioner of Police may require the applicant to submit himself to such test or examination as the Commissioner considers in the circumstances of the case to be appropriate.

(7) When and as often as a license is renewed under the provisions of this section, the Commissioner of Police may cause to be endorsed on the license so renewed particulars of any conviction or order made by any court under the provisions of sections thirty-two and thirty-three of this Act relating to the license or the holder of the license.

Subsec. (7)
Added by
No. 74 of
1957, s. 8.

23A. (1) Where it appears to the Commissioner of Police that an applicant for a license or the renewal of a license under this Division should, by reason of the number of convictions he has had for offences under this Act, not be granted the license or renewal of the license, he may, upon giving written notice to the applicant, apply to a court of summary jurisdiction for an order that the license or renewal applied for shall not be granted and the court may, after hearing the parties, make an order accordingly or may dismiss the application; and if the court makes an order that the license or renewal, as the case may be, shall not be granted, the court may, in addition, declare the applicant disqualified from holding or obtaining a license under this Division for such period as it deems fit.

Added by
No. 76 of
1957, s. 15.

(2) A person so declared by the court shall be disqualified from holding or obtaining a license under this Division for the period specified in the declaration.

Drivers' licenses issued by Commissioner to mentally or physically incapable persons may be withdrawn. New section inserted as s. 20A by No. 39 of 1935, s. 11, renumbered s. 23 in 1935 reprint and s. 24 in 1950 reprint; amended by No. 24 of 1950, s. 6; No. 57 of 1951, s. 7; No. 35 of 1952, s. 5. No. 74 of 1956, s. 16.

24. (1) The Commissioner of Police may in his discretion refuse to grant and issue any license, or 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 habitual addiction to alcoholic drink or drugs to such an extent as to render such person a danger to public safety when in control of a motor vehicle on the road or mental incapacity or physical disability pending an examination of the person concerned by a medical practitioner approved by the Commissioner, or if the Commissioner of Police is of opinion that the person is not of good character or the prescribed age or whose license to drive a motor vehicle is suspended or has been cancelled or who is otherwise disqualified from holding or obtaining a license to drive a motor vehicle in any other State or territory of the Commonwealth.

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

- (i) that a license for which provision is made in this Division of this Act was obtained by a person in a manner contrary to any of the provisions of this Act; or
- (ii) that the holder of a license endorsed in accordance with the provisions of subsection (4) of section twenty-three of this Act has failed to comply with the condition of the license so endorsed;

the Commissioner may suspend the license.

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

(2) If the report of the medical practitioner is to the effect that the person concerned is unfit to hold the license on account of habitual addiction to alcoholic drink or drugs to such an extent as to render such person a danger to public safety when in control of a motor vehicle on the road or mental or physical disability, the Commissioner of Police shall, where a license has been applied for, refuse

Added by No. 74 of 1956, s. 16.

the issue and grant of the license, and where a license has already been granted and issued, it shall become void but otherwise shall continue in force.

(3) Any person aggrieved by the decision of any such medical practitioner concerning mental incapacity or physical disability or the opinion of the Commissioner of Police concerning age or character and where a license has been applied for, the consequent refusal of the grant and issue of the license, or, where the license has already been issued, the consequent voiding of a license issued to him under the preceding section or by the suspension of a license by the Commissioner of Police under subsection (1a) of this 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 applied for or was already issued, as the case may be, 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.

(4) The provisions of this section are in addition to and not in derogation of those of the last preceding section.

Subsec. (4)
added by
No. 24 of
1950, s. 6.

24A. (1) In this section—

“extraordinary license” means a license authorising, in unusual circumstances, the holder to drive motor vehicles on roads so as to avoid unnecessary hardship and inconvenience which otherwise would result from denial of authority to do so.

Extra-
ordinary
licenses.
S. 24A added
by No. 57 of
1951, s. 8.

(2) The Commissioner of Police and any member of the Police Force acting with his authority may, in accordance with the regulations, grant applications for, issue, suspend, and cancel, extraordinary licenses.

* Now Local Courts Act, 1904-1957: See No. 10 of 1957, s. 1 (3).

(3) An extraordinary license may limit the hours and locality in which the holder is authorised to drive, and limit the authority of the holder to drive any vehicle or vehicle of a class of vehicles, and may impose other conditions subject to the observance of which the authority to drive on roads pursuant to the license may be exercised.

Cf. subpara.
(zk) added
to s. 47 (1)
(1) by No. 57
of 1951, s. 13.

(4) Regulations giving effect to this section shall not be regarded as invalid on the ground that they delegate to or confer on any person or any class of persons a discretionary authority.

Penalty for
driving
without
license.
No. 60 of
1919, s. 22
renumbered
s. 21 in
1926 reprint,
s. 24 in
1935 reprint
and s. 25 in
1950 reprint;
amended
by No. 39 of
1935, ss. 12
and 13, No.
16 of 1941,
s. 7; No. 57 of
1951, s. 9;
No. 47 of
1954, s. 3.
[See Edw.
VII., c. 36,
ss. 3, 6;
N.S.W. No. 5
of 1909;
Vic. No. 2702,
s. 6.]

25. (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.

Amended by
No. 57 of
1951, s. 9.
No. 74 of
1956, s. 17.
No. 76 of
1957, s. 16.

Penalty—For a first offence, twenty pounds; for any subsequent offence, fifty pounds or imprisonment for three months and where a person commits an offence by driving a motor vehicle on a road without being so licensed and is not so licensed because—

having applied for the license, the grant and issue of the license has been refused; or
having held a license, the license has been suspended or cancelled, or he has been disqualified from obtaining the license;

the person may be arrested by any member of the Police Force without warrant, and on conviction of the offence, shall be liable to—

a fine of not more than one hundred pounds or imprisonment for a term of not more than twelve months,

and shall be disqualified from holding such a license for a period of not less than six months and not more than two years as may be adjudged by the Court from the date of the offence.

Provided that the Commissioner of Police or any member of the police force acting with his authority may in his discretion issue on payment of a fee of two shillings and sixpence, 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.

Amended by
No. 47 of
1954, s. 3.

Provided also that—

- (i) a learner's permit shall not be issued to any learner unless such learner, when applying for the permit, satisfies the authority to which the application for the learner's permit is made that the person who will sit beside him when the learner is learning to drive will be a person who has, for a period of at least one year, been licensed to drive the class of vehicle which the learner will drive under the authority of the permit;

Repealed and
inserted by
No. 16 of
1941, s. 7.

and

- (ii) a learner shall not drive the motor vehicle (not being a motor cycle) specified in the learner's permit held by him, on a road unless, while he is so driving, a person who has, for a period of at least one year, been licensed to drive the class of vehicle specified in the said permit sits beside the learner.

Inserted by
No. 16 of
1941, s. 7.

(1a) Where a learner's permit in respect of a motor cycle is issued to a learner, he shall not ride a motor cycle on a road unless a person who has been

Subsec. (1a)
added by
No. 74 of
1956, s. 17.

licensed, for a period of not less than one year, to ride a motor cycle of that class keeps the learner under supervision by—

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

or

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

or

- (iii) riding on the pillion seat of that motor cycle in company with the learner.

Added by
No. 76 of
1957, s. 16.

Subsec. (2)
added by
No. 39 of
1935, s. 12.

(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.

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

Former s. 22
of 1930
reprint
repealed
and new sec.
enacted by
No. 39 of
1935, s. 13.
Renumbered
s. 25 in
1935 reprint
and s. 26 in
1950 reprint.
Amended by
No. 16 of
1941, s. 8.
No. 76 of
1957, s. 17.

26. (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—For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

Failing to
produce
license.

(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.

(3) Any person who was present at the scene of any accident in which a vehicle was involved, and who, in the opinion of a member of the police force or of an inspector, may be able to give information or evidence in relation to such accident, shall, if requested so to do by such member of the police force or by such inspector, furnish to him particulars of his name and place of abode, and if any such person refuses to furnish any such particulars when requested so to do as aforesaid, or furnishes particulars of his name or place of abode which are false or untrue he shall be guilty of an offence.

Witnesses
to accident
to furnish
particulars.
Inserted by
No. 16 of
1941, s. 8.

Penalty—Ten pounds.

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

Motor
vehicle to
be numbered.
No. 60 of
1919, s. 24;
Renumbered
s. 23 in
1926 reprint,
s. 26 in
1935 reprint
and s. 27 in
1950 reprint;
amended by
No. 22 of
1926, s. 14.
No. 76 of
1957, s. 18.

(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

[N.S.W. No. 5
of 1909, s. 6;
No. 11 of
1915, s. 5.]

(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—For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds or imprisonment not exceeding twenty-five days.

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

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

Driver of motor vehicle to pass animals with caution. New section inserted as s. 24A by No. 22 of 1926, s. 15; renumbered s. 24 in 1926 reprint, s. 27 in 1935 reprint and s. 28 in 1950 reprint. Amended by No. 76 of 1957, s. 19.

28. (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—For a first offence, a fine not exceeding five pounds; for any subsequent offence, a fine not exceeding ten pounds.

Duty to stop in case of accident, etc. No. 60 of 1919, s. 25, amended by No. 22 of 1926, s. 16, No. 39 of 1935, s. 14; No. 16 of 1941, s. 9; No. 48 of 1946, s. 9; Renumbered s. 28 in 1935 reprint and s. 29 in 1950 reprint. Subsec. (1) repealed and inserted by No. 16 of 1941, s. 9. Amended by No. 48 of 1946, s. 9.

29. (1) Where any vehicle or animal, which is in the course of being driven or ridden, is involved in any accident by reason whereof any person is injured or the property of any person is damaged, the person driving or riding or otherwise for the time being having the care of such vehicle or animal shall stop immediately after the occurrence of such accident, and, if required, shall produce his license and give his name and address, and also the name and address of the owner of the vehicle or animal, to any person who has been injured or whose property has been damaged, or to a member of the police force, or an inspector, or to any person representing a person who has been injured, or the owner of any property which has been damaged.

Any person convicted under this subsection of an offence of which the failing to stop immediately after the occurrence of any accident by reason

whereof any person is injured, is an ingredient, shall be liable to imprisonment for a term not less than three months nor exceeding twelve months.

Provided that if the Court shall be satisfied that the person convicted was not aware of the occurrence of the accident or if in the opinion of the Court there are special reasons why a sentence of imprisonment should not be imposed the Court may in lieu of imprisonment impose a fine not more than One hundred pounds.

Any person convicted of any other offence under this subsection shall be liable to a fine not exceeding fifty pounds or for imprisonment for a 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:—

Subsec. (2)
added by
No. 39 of
1935, s. 14.

- (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.

Subsec. (3)
added by
No. 39 of
1935, s. 14.

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.

Duty to report accident. New section inserted as s. 25A by No. 39 of 1935, s. 15; Renumbered s. 29 in 1935 reprint and s. 30 in 1950 reprint. Amended by No. 76 of 1957, s. 20.

30. Where, in the course of the use of any vehicle on a road, an accident occurs whereby 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:

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.

Added by No. 76 of 1957, s. 20A.

30A. Where, in the course of the use of any vehicle on a road, an accident occurs whereby bodily injury is caused to any person 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:

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—For a first offence, a fine not exceeding twenty-five pounds; for any subsequent offence a fine not exceeding fifty pounds.

Reckless driving. No. 60 of 1919, s. 26, amended by No. 16 of 1922, s. 3; No. 24 of 1947, s. 6; No. 74 of 1953, s. 9; No. 74 of 1956, s. 18. Renumbered s. 30 in 1935 reprint and s. 31 in 1950 reprint. [See 3 Edw. VII., c. 36, s. 1; Vic. No. 2702, s. 10.]

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

Penalty—for a first offence a fine not exceeding fifty pounds; for any subsequent offence a fine not exceeding one hundred pounds or imprisonment for three months and the court before whom the person is convicted may also suspend any license to drive a vehicle held by the convicted person, and, in lieu of or in addition to suspending the license, may declare the person disqualified from holding or obtaining a license to drive a vehicle, for such period as the court thinks fit, but where the subsequent offence is that of driving a vehicle on a road recklessly or of driving a vehicle on a road at a speed or in a manner which is dangerous to the public, if he was previously convicted of any of those offences within the period of five years prior to the commission of the subsequent offence, the court shall declare the person disqualified from holding and obtaining a license to drive a vehicle for such period, not being less than three months, as the court thinks fit:

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

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

he had been convicted under this section of an offence committed by him prior to that day.

Added by
No. 74 of
1956, s. 18 (b).

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

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

- (a) if the previous offence was committed prior to the day of the coming into operation of the Traffic Act Amendment Act, 1953, namely, the ninth day of January, one thousand nine hundred and fifty-four; and
- (b) if the period of suspension and disqualification has not expired on the day of the coming into operation of the Traffic Act Amendment Act (No. 3), 1956; and
- (c) if the person—
 - (i) makes application for a license to drive and pays the prescribed fee;
 - (ii) has not been convicted under this or any other Act or any regulation of an offence related to the driving, or being in charge, of a vehicle during

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

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

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

(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.

(3) For the purposes of subsection (1) of this section, the term "vehicle" includes a tram motor, tram car and trolley bus.

Inserted by
No. 24 of
1947, s. 6.

(4) Where any person convicted of an offence under this section is an employee, the court in deciding what penalty, if any, it should inflict upon such person, shall take into consideration any punishment proved to have been already inflicted upon such person by his employer in relation to the circumstances constituting such offence.

Inserted by
No. 24 of
1947, s. 6.

Driving under influence of liquor. No. 60 of 1919, s. 27, repealed and new s. substituted by No. 20 of 1930, s. 11; Renumbered s. 31 in 1935 reprint and s. 32 in 1950 reprint. Amended by No. 48 of 1946, s. 10; No. 24 of 1947, s. 7; No. 24 of 1950, s. 7; No. 57 of 1951, s. 10; No. 74 of 1953, s. 10. No. 74 of 1956, s. 19. Added by No. 74 of 1956, s. 19.

32. (1) Any person who, when driving or attempting to drive, or when in charge of a vehicle in motion on a road, or when attempting to drive a vehicle 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.

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

Amended by No. 57 of 1951, s. 10.

(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.

No. 57 of 1951, s. 10.

Provided that immediately after such person is charged he shall be told by the person laying the charge that he has the right to be examined by a medical practitioner nominated by him, if one is available, and if he desires to exercise this right, every facility in this regard shall be afforded him.

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

Added by
No. 74 of
1956, s. 19.

(3) (a) A person who is convicted of an offence against the provisions of subsection (1) of this section is liable to the following penalties:—

Subsec. (3)
amended by
No. 48 of
1946, s. 10;
No. 57 of
1951, s. 10;
repealed
and re-
enacted by
No. 74 of
1953, s. 10.
Amended by
No. 74 of
1956, s. 19.

(i) For the first offence, a fine not exceeding fifty pounds or to imprisonment for three months and the court before whom the person is convicted shall in any case suspend any license to drive held by him for a period of three months and shall disqualify the person from obtaining under this division of this Act for the same period.

(ii) For a second offence a fine not exceeding one hundred pounds or to imprisonment for six months and the court before whom the person is convicted shall in any case suspend any license to drive held by him for a period of twelve months and shall disqualify the person from obtaining a license under this division of this Act for the same period.

(iii) For a third offence a fine not exceeding two hundred pounds or imprisonment for twelve months and the court before whom the person is convicted shall in any case permanently suspend any license to drive held by the person and shall permanently disqualify the person from obtaining a license under this division of this Act.

Provided that, for the purposes of ascertaining the penalty by which any offence committed by a person after the coming into operation of the Traffic Act Amendment Act (No. 3), 1956, is punishable under this subsection by suspension of

Added by
No. 74 of
1956, s. 19.

that person's license to drive or by disqualification for any period of that person from obtaining a license under this Division of this Act.

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

Penalty—Imprisonment for three years.

(b) The court before whom a person is convicted of an offence against the provisions of subsection (1) of this section or subsection (1) of section thirty-one of this Act shall in each case cause particulars of the conviction and of the order of the court to be endorsed on any license held by the person under this division of this Act and shall cause a copy of the particulars to be sent to the Commissioner of Police.

(4) (a) Subject to the provisions of subsection (4a) of this section, a license so suspended by the Court shall, during the term of suspension be of no effect and the person whose license is suspended or who is declared by the Court to be disqualified from obtaining a license shall, during the period of suspension or disqualification, be disqualified from obtaining and holding a license under this division.

Inserted by
No. 48 of
1946, s. 10:
Amended by
No. 74 of
1953, s. 10 (2).
No. 74 of
1956, s. 19.

(b) [Deleted by No. 74 of 1956, s. 19.]

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

Added by
No. 74 of
1956, s. 19.

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

(b) if the person—

- (i) makes application for a license to drive and pays the prescribed fee;
- (ii) has not been convicted under this or any other Act or any regulation of an offence related to the driving, attempted driving, or being in charge, of a vehicle during the expired part of the period of suspension or disqualification, or a prosecution is not pending for any

such offence alleged to have been committed by the person during the expired part of that period; and

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

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

Inserted by
No. 24 of
1947, s. 7.

(5) For the purposes of this section, the words "motor vehicle" and "vehicle" include a tram motor, tram car and trolley bus, but so that the Court before whom any person as the driver of any tram motor, tram car or trolley bus is convicted of an offence under this section shall have no jurisdiction to punish such driver for any such offence otherwise than by inflicting the penalty or sentencing to the term of imprisonment mentioned in this section.

Provision for
taking of
blood
samples
where Intoxi-
cation
suspected in
certain cases.
Added by
No. 76 of
1957, s. 21.

32A. (1) Without prejudice to any provision of this or any other Act, where a member of the Police Force or an inspector has reasonable cause to suspect that any person, when driving or attempting to drive, or when in charge of a vehicle in motion on a road, or when attempting to drive a vehicle 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 intoxicating liquor to such an extent as to be guilty of an offence under any Act the member of the Police Force or inspector shall advise that person that he may at his option forthwith submit himself to a legally qualified medical practitioner nominated by himself or with his approval

by the member of the Police Force or the inspector, and allow a sample of his blood to be taken for chemical analysis by a properly qualified analyst in accordance with regulations made under this section; and if that person expresses a desire to exercise that right, every facility in that regard shall be afforded him.

(2) Where a person so submits himself and a sample is so taken, it shall be divided into two parts, one of which shall be handed to that person or a person nominated by him and the other shall be handed to the member of the Police Force or the inspector, as the case may be.

(3) In any proceedings in any court, where at the trial or hearing of an alleged offence, the question whether any person was or was not under the influence of intoxicating liquor at the time of the offence is relevant, then,

- (a) without affecting the admissibility of any evidence which might be given at that trial or hearing apart from the provisions of this section, evidence may be given of the taking of a sample of blood from that person by a legally qualified medical practitioner within eight hours after the alleged offence was committed, of the analysis of that sample by a properly qualified analyst, of the percentage by weight of alcohol found by that analyst to be present in that sample at the time of analysis, and of the finding of that analyst, based on the analysis and the interval of time which has elapsed, and the other relevant circumstances, as to the percentage by weight of alcohol which was present in the blood of that person at the time of the alleged offence; and
- (b) (i) a certificate in the prescribed form purporting to be signed by a legally qualified medical practitioner certifying that a sample of blood was taken

from the person and specifying the date and time when that sample was taken; or

- (ii) a certificate in the prescribed form purporting to be signed by a properly qualified analyst that an analysis of a sample of the blood of the person disclosed the presence of a specified percentage by weight of alcohol, and the analyst's finding, based on the result of that analysis, that at the time of alleged offence that blood contained at least a specified percentage by weight of alcohol,

if admitted in evidence, shall be regarded as *prima facie* evidence of the matters stated therein without proof of the signature of the person purporting to have signed them; but no provision of this section shall be construed as limiting or restricting the right of any party to any proceedings to require any competent witness to appear at the trial or hearing and give oral evidence on oath.

(4) Where evidence of the taking and analysis of a sample of blood and of the findings of an analyst is given at a trial or hearing in accordance with subsection (3) of this section, and that evidence is accepted by the Court,

- (a) if the analyst's finding is that the percentage by weight of alcohol in the blood of the person was 0.05 per centum or less at the time of the alleged offence, that finding shall be regarded as *prima facie* evidence that that person was not under the influence of intoxicating liquor at that time;
- (b) if the analyst's finding is that the percentage by weight of alcohol in the blood of the person exceeded 0.05 per centum but was less than 0.15 per centum at the time of the alleged offence, that finding shall be

considered by the court as evidence together with such other relevant and admissible evidence as was given in those proceedings, but shall not, by itself, give rise to any presumption as to whether that person was or was not under the influence of intoxicating liquor;

- (c) if the analyst's finding is that the percentage by weight of alcohol in the blood of the person was 0.15 per centum or more, at the time of the alleged offence, that finding shall be regarded as *prima facie* evidence that the person was under the influence of intoxicating liquor at that time.

- (5) In this section,

“properly qualified analyst” means the Government Analyst or a person certified by the Government Analyst as having the qualifications necessary for the analysis of alcohol contained in bodily substances and includes a person who is possessed of such qualifications as are required for Associateship of the Royal Australian Chemical Institute.

- (6) Notwithstanding the provisions of any other law, the provisions of this section, so far as they may be applied, shall apply to any offence under this or any other Act, in regard to which the question whether a person charged with that offence was or was not under the influence of intoxicating liquor at the time of the commission of the offence, is relevant.

- (7) The fees payable to a medical practitioner who attends a person for the purpose of collecting a sample of blood and those payable in respect of the analysis of those samples shall be as prescribed, and payment and recovery of those fees shall be made in accordance with the regulations.

(8) (a) The Governor may make regulations not inconsistent with this section prescribing all matters which are necessary or convenient to be prescribed for the purpose of carrying out or giving effect to this section.

(b) Without prejudice to the generality of paragraph (a) of this subsection, regulations may be so made—

- (i) prescribing the manner of collecting samples of blood and the manner and method by which those samples shall be analysed;
- (ii) prescribing the form of any certificate referred to in this section; and
- (iii) providing for the assessment by a properly qualified analyst of the percentage, whether by weight or volume of alcohol at the time of the alleged offence and the rate at which the analyst shall compute the variation of the blood alcohol concentration between that time and the time when a sample is collected.

(9) No provision of this section shall be construed as precluding or restricting the introduction of any competent evidence bearing on the question whether a person was or was not under the influence of intoxicating liquor, whether that evidence is in addition to or independent of any evidence provided for in this section.

Suspension of license and disqualification. No. 60 of 1919, s. 28; renumbered s. 32 in 1935 reprint and s. 33 in 1950 reprint. Amended by No. 32 of 1943, s. 29. [3 Edw. VII., c. 36, s. 4.]

33. (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.

(3) Nothing in this section shall affect or in any way limit the operation of section eighteen of the Motor Vehicle (Third Party Insurance) Act, 1943.*

Inserted by
No. 32 of
1943, s. 29.

34. (1) 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.

Duty of
owner to
identify
offending
driver.
No. 60 of
1919, s. 29,
amended by
No. 16 of
1922, s. 3
No. 39 of
1935, s. 16.
No. 74 of
1956, s. 20.
No. 76 of
1957, s. 22.
Renumbered
s. 33 in 1935
reprint and
s. 34 in
1950 reprint.

Penalty—For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds.

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

Added by
No. 74 of
1956, s. 20.

* Now Motor Vehicle (Third Party Insurance) Act, 1943-1957.

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

Drivers' licenses issued overseas. Repealed and re-enacted by No. 74 of 1956, s. 21.

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

a license to drive a motor vehicle;

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

an international driving permit

issued in the country of which he is a permanent resident

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

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

(a) suffers from mental or physical disability likely to affect his ability to drive a motor vehicle efficiently, having regard to the safety of the public generally;

(b) is otherwise unfit to drive a motor vehicle, or, having regard to the safety of the public generally, it is not desirable that he should be permitted to drive a motor vehicle; or

(c) has been convicted of an offence in connection with the driving of a motor vehicle, the Commissioner of Police may at any time by notice in writing served on the person, withdraw the authority conferred by that subsection.

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

(a) while driving a motor vehicle upon any road pursuant to the authority conferred by that subsection, carry the license, the equivalent of a license, or permit, as the case may be; and

(b) produce the license, the equivalent of a license, or permit, as the case may be, for inspection upon request by any member of the Police Force or a traffic inspector.

36. (1) Where a person usually resident outside the State—

- (a) is temporarily within the State;
- (b) holds a license or permit to drive a vehicle, issued pursuant to the laws of the State or Territory of the Commonwealth of Australia in which he usually resides;
- (c) has not been served with notice pursuant to subsection (2) of this section; and
- (d) is not otherwise disqualified from obtaining or holding a driver's license in this State;

Validity of
drivers'
licenses
issued in
other States.
S. 36 of
1950 reprint
repealed and
re-enacted
by No. 57 of
1951, s. 12.

the license or permit shall, so long as it remains in force, authorise him to drive in this State any vehicle of the type or class to the driving of which the license or permit is applicable.

(2) Where, in the opinion of the Commissioner of Police, a person referred to in the last preceding subsection—

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

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

(3) A person referred to in subsection (1) of this section shall, while driving a motor vehicle pursuant to the authority conferred by that subsection—

- (a) carry the license or permit; and
- (b) produce the license or permit for inspection at the request of any member of the Police Force.

Division 2.—Locomotive and Traction Engines.

Drivers' licenses. No. 60 of 1919, s. 31, amended by No. 22 of 1926, s. 13. Renumbered s. 36 in 1935 reprint and s. 37 in 1950 reprint.

37. (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, 1921.¹

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

¹ Now Inspection of Machinery Act, 1921-1957: See No. 39 of 1957, s. 1 (3).

(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.

38. 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.

Local authorities not liable for damage to traction engine. No. 60 of 1919, s. 32. Renumbered s. 37 in 1935 reprint and s. 38 in 1950 reprint.

39. 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.

Driver to stop when requested. No. 60 of 1919, s. 33, amended by No. 22 of 1926, s. 19. Renumbered s. 38 in 1935 reprint and s. 39 in 1950 reprint. [See Vic. No. 2686, s. 591.]

Penalty—Twenty pounds.

Division 3.—Width of Tyres.

40. (1) The Governor may, by Order in Council, published in the *Gazette*,¹ declare that the provisions of this Division shall apply to and be in force and effect in any district from and after a date to be specified, and thereupon such provisions shall come into force in such district, and the Width of Tyres Act, 1895, and section eighty-nine of the Public Works Act, 1902-1945,² shall cease to have effect therein.

Application of this Division. No. 60 of 1919, s. 34, amended by No. 39 of 1935, s. 19. Renumbered s. 39 in 1935 reprint and s. 40 in 1950 reprint.

(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.

¹ See *Gazette* dated 25th June, 1920, p. 1185.

² Now Public Works Act, 1902-1956: See No. 55 of 1956, s. 1 (3).

Maximum weight of vehicles. No. 60 of 1919, s. 35, repealed and new section inserted by No. 39 of 1935, s. 20. Renumbered s. 40 in 1935 reprint and s. 41 in 1950 reprint. Schedule 4.

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

- (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.
- (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.

Weight of vehicle to be displayed. No. 60 of 1919, s. 36. Renumbered s. 41 in 1935 reprint and s. 42 in 1950 reprint. Amended by No. 76 of 1957, s. 23. [S.A. No. 9 of 1868-9, s. 5.]

42. (1) No owner of any cart, 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,¹ 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.

Division 3A.—Weights, Loads and Dimensions.

New heading inserted by No. 35 of 1952, s. 6.

43. (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.

Load may be measured. No. 60 of 1919, s. 37. Renumbered s. 42 in 1935 reprint and s. 43 in 1950 reprint.

Penalty—For a first offence, a fine not exceeding twenty-five pounds; and for any subsequent offence, a fine not exceeding fifty pounds.

[See S.A. No. 12 of 1867, s. 4.] Amended by No. 76 of 1957, s. 24.

(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.

(3) (a) Except to the extent mentioned in paragraph (b) of this subsection, no person shall drive, or use, or allow or employ a person to drive, on a road a goods motor vehicle as defined in paragraph (c) of this subsection,

(Cf. Traffic Reg. 170 and Tenth Schedule to Regs.) Added by No. 76 of 1957, s. 24.

(i) if the weight of the vehicle and its load, if any, exceeds the aggregate or gross weight of the vehicle as set out in the current

¹ See *Gazette* dated 25th June, 1920, pp. 1184-5.

certificate of registration or license in respect of that vehicle or, if that weight is not so set out, the aggregate or gross weight of the vehicle prescribed for vehicles of its class and calculated in accordance with regulations made under this Act; or

- (ii) if the weight of the trailer, if any, attached thereto, not being a trailer which is drawn by a tractor referred to in paragraph (c) of this subsection, together with its load exceeds two-thirds of the aggregate or gross weight of the vehicle by which it is drawn as set out in the current certificate of registration or license in respect of that vehicle or, if that weight is not so set out, the aggregate or gross weight of that vehicle prescribed for vehicles of its class and calculated in accordance with regulations made under this Act; or
- (iii) unless the word, "Tare" or the letter, "T", followed by the unladen weight of the vehicle and immediately thereunder the word, "Aggregate" or the letter, "A", followed by the aggregate or gross weight of the vehicle as set out in the current certificate of registration or license in respect of that vehicle, or, if that weight is not so set out, the aggregate or gross weight of that vehicle as prescribed for vehicles of its class and calculated in accordance with regulations made under this Act, are painted in block letters on the right-hand or off side of the vehicle at least two inches high and maintained in such a condition as to be clearly legible from a distance of fifteen feet.

Penalty—For a first offence, a fine not exceeding twenty-five pounds; for any subsequent offence, a fine not exceeding fifty pounds.

(b) Notwithstanding the provisions of subparagraphs (i) and (ii) of paragraph (a) of this subsection, the weight limits prescribed in those subparagraphs may be exceeded only

- (i) where the owner or person in charge of the vehicle is in possession of a permit, issued pursuant to the regulations, authorising the aggregate or gross weight of that vehicle to be so exceeded; and
- (ii) to the extent and on such road or roads as are specified in the permit; and
- (iii) if all the conditions subject to which the permit was issued have been observed and complied with.

(c) In this subsection, "goods motor vehicle" means any motor vehicle constructed, equipped or fitted for the conveyance of goods or merchandise, and includes a tractor which is designed and used for drawing other vehicles, but which may not be constructed or designed for carrying any load thereon independently or any part of the load of a vehicle drawn by it.

44. (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.

Weighing machines.
No. 60 of 1919, s. 38.
Renumbered s. 43 in 1935 reprint and s. 44 in 1950 reprint.
[S.A. No. 12 of 1867, s. 9.]
Amended by No. 76 of 1957, s. 25.

(2) Where a weight ticket purporting to be signed by a weighman duly licensed under the Weights and Measures Act, 1915,¹ and the regulations thereunder is produced in evidence in any proceedings under this Act, any weight shown on the ticket as the tare or the gross weight or the weight of the load of a vehicle weighed by a weighbridge or other weighing machine duly verified and registered in

Proof of contents of weight ticket.
(Cf. Weights and Meas. Regs. Part X. reg. 14.)
Substituted by No. 76 of 1957, s. 25.

¹ Now Weights and Measures Act, 1915-1941.

accordance with that Act or those regulations shall be deemed to be proved in the absence of proof to the contrary; but where the ticket is stamped with the words "End and end weighing—Weight not guaranteed" or with words to that effect in accordance with those regulations, the weight of that load shall be deemed to be that which is equivalent to the weight of the load as shown on the ticket less two and one-half per centum of that weight.

Vehicles and load to be weighed if required.
No. 60 of 1919, s. 39.
Renumbered s. 44 in 1935 reprint and s. 45 in 1950 reprint.
[S.A. No. 12 of 1867, s. 6.]
Amended by No. 76 of 1957, s. 26.

45. 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 which is duly verified and registered in accordance with the Weights and Measures Act, 1915,¹ and the regulations thereunder, and which is erected or situated within five miles of the place where the requisition is made.

Penalty—For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds.

Vehicle to be weighed if required.
No. 60 of 1919, s. 40.
Renumbered s. 45 in 1935 reprint and s. 46 in 1950 reprint.
Amended by No. 76 of 1957, s. 27.

46. (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 duly verified and registered in accordance with the Weights and Measures Act, 1915¹, and the regulations thereunder, shall obey such order, and shall forthwith forward the document showing the result of the weighing to such inspector.

Penalty—For a first offence, a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds.

Amended by No. 76 of 1957, s. 27.

(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 so verified and registered is greater than five miles.

¹ Now Weights and Measures Act, 1915-1941.

46A. No vehicle having a greater overall width, including the load, than eight feet, shall be licensed, driven, used or towed on any road. For the purposes of this section "vehicle" includes any implement except an implement used or to be used in agricultural or horticultural pursuits while such implement is being driven, used or towed, during the hours between sunrise and sunset, on any road in a district or sub-district outside the metropolitan area from a place in such district or sub-district to another place in the same or an adjoining district or sub-district; provided that the implement while being so driven, used or towed carries, bears or has attached thereto such signs, notices or markings as are or may from time to time be prescribed in respect of over-width vehicles permitted under this section to be licensed, driven, used or towed on any roads.

Maximum width of vehicles.
Section 46A added by No. 24 of 1950, s. 8; amended by No. 57 of 1951, s. 13; No. 74 of 1953, s. 11; No. 47 of 1954, s. 4.

A person who drives a vehicle contrary to the provisions of this section commits an offence.

Penalty—Twenty pounds.

A person who employs or permits a person to drive a vehicle contrary to the provisions of this Act commits an offence.

Penalty—Twenty pounds.

Provided that, with the permission of the Minister or a local authority authorised by the Minister to give the permission, and under such special circumstances and conditions as may be set out in the permit, a vehicle having a greater overall width, including the load, than eight feet may be licensed, driven, used or towed on any road.

And where, prior to the commencement of the Traffic Act Amendment Act, 1950*, a permit has been given by the Minister authorising or purporting to authorise the licensing, driving, using or towing on any road of a vehicle exceeding seven feet six inches in width, including the load, the authority so given or purporting to have been so given, is hereby ratified and validated.

Division 4.—Regulations.

Regulations.
No. 60 of
1919, s. 41.

Renumbered
s. 46 in
1935 reprint
and s. 47 in
1950 reprint.

Amended by
No. 16 of
1922, s. 4;
No. 22 of
1926, s. 20;
No. 39 of
1935, ss. 21
and 28;

No. 16 of
1941, s. 10;
No. 48 of
1946, s. 11;
No. 24 of
1947, s. 9;
No. 24 of
1950, s. 9;
No. 57 of
1951, s. 14;

No. 35 of
1952, s. 7;
No. 74 of
1953, s. 12.

No. 74 of
1956, s. 22.

No. 36 of
1956, s. 25.

No. 76 of
1957, s. 28.

Added by
No. 39 of
1935, s. 21.
as (aa),
relettered
(b) in 1935
reprint.

Formerly (b),
relettered
(c) in 1935
reprint.

Added by
No. 39 of
1935, s. 21
as (ba),
relettered
(d) in 1935
reprint.

Added by
No. 39 of
1935, s. 21
as (bb),
relettered
(e) in 1935
reprint.

Formerly
para. (c),
relettered
(f) in 1935
reprint.

New para.
substituted
by No. 74 of
1953, s. 12.

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

(i) Regulate traffic and the use of vehicles
upon roads and the use of footpaths, and
for that purpose may—

(a) prescribe the rules to be observed in
respect of any vehicles being driven
or used on roads and the use of foot-
paths;

(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 con-
form 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) prescribe the number and kind of
lamps and reflectors and the lighting
equipment with which a vehicle or
class of vehicle shall be equipped, the
manner and position in which any
lamp, reflector or lighting equipment
shall be carried on a vehicle or class
of vehicle and the occasions when

they shall be carried or used and prohibit the use of lights, reflectors and lighting equipment other than those prescribed;

- (g) prescribe the use on any vehicle of efficient brakes and similar appliances; Formerly (d), relettered (g) in 1935 reprint.
- (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 therefore 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 demand the return of the identification tablets or number plates upon the expiry, revocation, cancellation or suspension of the license in respect of which the tablets or plates were issued and 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; Formerly (e), relettered (h) in 1935 reprint. Amended by No. 74 of 1956, s. 22.
- (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 and regulate the manner in which those vehicles may be hired; Added by No. 39 of 1925, s. 21 as (ea); relettered (i) in 1935 reprint. Amended by No. 76 of 1957, s. 28.
- (j) prescribe and regulate the use on any vehicles of bells and alarms; Formerly (f), relettered (j) in 1935 reprint.

Formerly (g),
relettered
(k) in 1935
reprint.

- (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;

Formerly
(h), re-
lettered (l)
in 1935
reprint.

- (l) provide for minimising the noise and the issue of fumes or smoke from the working of motor vehicles and locomotive or traction engines;

Formerly (i),
relettered
(m) in
1935 reprint.

- (m) prescribe the hours during which and the conditions on which locomotive or traction engines, jinkers, and whims may proceed over any road;

Formerly (j),
relettered
(n) in 1935

- (n) regulate the manner in which horses or other animals in teams shall be driven, yoked, or harnessed;

Formerly
(k), re-
lettered (o)
in 1935
reprint.

- (o) regulate the use of roads by travelling stock;

Formerly (l),
relettered
(p) in 1935
reprint.

- (p) regulate the use of trailers;

Formerly
(m), re-
lettered (q)
in 1935
reprint;
amended by
No. 39 of
1935, s. 21.

- (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;

Added by
No. 39 of
1935, s. 21
as (ma),
relettered
(r) in 1935
reprint.

- (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;
Formerly (n), re-lettered (s) in 1935 reprint.
- (t) define the powers and duties of inspectors with regard to traffic on roads;
Formerly (o), re-lettered (t) in 1935 reprint.
- (u) prohibit the use of any specified road by any vehicle, or by any person riding, driving, or in charge of any animal;
Formerly (p), re-lettered (u) in 1935 reprint.
- (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;
Formerly (q), re-lettered (v) in 1935 reprint.
- (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;
Formerly (r), relettered (w) in 1935 reprint.
- (x) regulate the relative position in the roadway of traffic of different speeds or types;
Formerly (s), relettered (x) in 1935 reprint.
- (y) provide for the placing, erection or installation on roads or footpaths of traffic signs, lights and directions for the control and direction of traffic, both vehicular and pedestrian and including the driving of animals, for the marking on roads or footpaths of signs for the control and direction of the traffic and for the regulation and prohibition of the traffic in relation to the signs, lights and directions;
Added by No. 39 of 1935, s. 21 as (sa) relettered (y) in 1935 reprint.
New (y) substituted by No. 74 of 1953, s. 12.
- (z) prescribe safety regulations in connection with pillion riding;
Added by No. 39 of 1935, s. 21 as (sb), re-lettered z in 1935 reprint.

Formerly (t),
relettered
(za) in 1935
reprint.

- (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;

Formerly (u),
relettered
(zb) in 1935
reprint.

- (zb) [*Repealed by No. 24 of 1950, s. 9.*]

Formerly (u),
relettered
(zc) in 1935
reprint.

- (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;

Added by
No. 39 of
1935, s. 21
as (w),
relettered
(zd) in 1935
reprint.

- (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;

Inserted by
No 16 of
1941, s. 10.

- (ze) regulate the conveyance of petroleum spirit on roads, and, in relation thereto, prescribe conditions for protecting persons and property from risk of danger or injury likely to arise from the conveyance of petroleum spirit on roads: Provided that no regulations made under subparagraph (ze) shall apply to any vehicle which is owned by any of the persons, and used solely or mainly for any of the purposes, mentioned in subparagraphs, (ii) to (iv), both inclusive, of the fourth proviso to subsection (1) of section eleven of the principal

Act, in respect to the carriage of petroleum spirit in metal drums or other similar containers;

- (zf) regulate the construction of and the classes of vehicles specially constructed for the conveyance of petroleum spirit on roads;

Inserted by
No. 16 of
1941, s. 10.
- (zg) regulate the construction and fitting and use upon or in connection with motor vehicles of attachments or appliances such as gas producers, filters, coolers, gas cylinders, gas bags, and other attachments and appliances which are not normally an integral part of the motor vehicle to which they are attached;

Inserted by
No. 16 of
1941, s. 10.
- (zh) prescribe the maximum height for any vehicle and the maximum height of any load which may be carried in any vehicle;

Inserted by
No. 16 of
1941, s. 10.
- (zi) prescribe special provisions in relation to major roads and authorise the Minister to declare and define, by notice published in the *Gazette*, major roads for the purpose of the regulations pursuant to this subsection, and to cancel or vary any such notice by subsequent notice published in the *Gazette*;

Added by
No. 57 of
1951, s. 14.
- (zj) provide for the grant and issue of permits by or with the authority of the Minister, authorising the use of vehicles on any road in such circumstances and for such purposes as may be prescribed, and subject to such conditions as the Minister may impose, and may prescribe fees for such permits;

Added by
No. 57 of
1951, s. 14.

Added by
No. 57 of
1951, s. 14.
[Cf. s. 24A
(4) ante.]

- (zk) provide for the grant, issue, suspension, and cancellation of extraordinary licenses and impose, or provide for the imposition by any person or class of persons, in exercise of a discretionary authority, of conditions subject to the observance of which, authority to drive on roads pursuant to an extraordinary license may be exercised, and may prescribe fees for such licenses;

Added by
No. 35 of
1952, s. 7.

- (zl) prohibit or restrict the parking of vehicles or vehicles of a specified class or classes in all roads or in specified roads or specified parts of roads, at all times or at specified times;

Added by
No. 35 of
1952, s. 7.

- (zm) prescribe the penalty mentioned in paragraph (xiv) of this subsection as the penalty for a breach of a regulation made under subparagraph (zl) of this paragraph;

- (ii) Regulate the use, management, and equipment of passenger vehicles, and for that purpose may—

Subpara.
(a) repealed
and new
subpara.
inserted by
No. 24 of
1947, s. 9.

- (a) subject to the right of appeal mentioned in subsection (5) of section twenty-three of this Act, prevent any person not being of good character and of a prescribed age from becoming or remaining licensed to drive a passenger vehicle, or from acting as driver or conductor of any such vehicle;

Amended by
No. 24 of
1947, s. 9.

- (b) provide for the issue (subject to sections twenty-three, twenty-five, and thirty-seven) of licenses to drivers and conductors, and prohibit any unlicensed person or (subject to the right of appeal mentioned in

subsection (5) of section twenty-three of this Act) prohibit any person of bad character from acting or being employed as a driver or conductor, and prescribe the fees to be paid for such licenses;

- (c) prescribe special tests in relation to any types of passenger vehicle for ascertaining the qualification of persons to drive any particular type of passenger vehicle; Inserted by No. 16 of 1941, s. 10 as (b1), relettered (c) in 1950 reprint.
- (d) prescribe working hours and conditions in relation to drivers and conductors respectively employed on passenger vehicles; Inserted by No. 48 of 1946, s. 11 as (b2), relettered (d) in 1950 reprint.
- (e) provide for the employment of conductors on omnibuses; Inserted by No. 48 of 1946, s. 11 as (b3), relettered (e) in 1950 reprint.
- (f) regulate the queuing of intending passengers at points upon the routes of omnibuses where such omnibuses stop to take on passengers. Inserted by No. 48 of 1946, s. 11 as (b4), relettered (f) in 1950 reprint.

Provided that if any award of the State Court of Arbitration covers or deals with any of the matters set out in paragraphs (d) or (e) above, the provisions of such award shall prevail and any order or regulation made under the said paragraphs (d) or (e) which conflicts with any such award shall have no force or effect;

- (g) limit the number of passengers and the quantity of baggage and goods to be carried; Formerly subpara. (c), relettered (g) in 1950 reprint.
- (h) prescribe rules for the taking up and setting down of passengers; Formerly subpara. (d), relettered (h) in 1950 reprint.
- (i) prescribe how vehicles are to be equipped and maintained in proper order and condition; Formerly subpara. (e), relettered (i) in 1950 reprint.

Formerly
subpara. (f),
relettered
(j) in 1950
reprint.

- (j) provide for the disposal of articles left in such vehicles;

Formerly
subpara. (g),
relettered
(k) in 1950
reprint.

- (k) prevent smoking in or on any such vehicle;

Formerly (h),
relettered
(l) in 1950
reprint.

- (l) prohibit the conveyance of any corpse in or on any such vehicle;

Formerly (i),
relettered
(m) in 1950
reprint.

- (m) 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;

Formerly (j),
relettered
(n) in 1950
reprint.

- (n) require the carrying of inside lights after sunset;

Formerly (k),
relettered
(o) in 1950
reprint.

- (o) require the rates of fares to be kept displayed inside such vehicles;

Formerly (l),
relettered
(p) in 1950
reprint.

- (p) prevent what is called the nursing or shepherding of passenger vehicles by other passenger vehicles and prevent one passenger vehicle being persistently driven before or after another passenger vehicle;

Formerly
(m), re-
lettered (q)
in 1950
reprint.

- (q) 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;

Formerly (n),
relettered
(r) in 1950
reprint.

- (r) prevent touting on roads or in public places for passenger vehicles;

Formerly (o),
relettered
(s) in 1950
reprint.

- (s) impose an obligation on owners and drivers to convey passengers on demand;

- (t) prescribe special provisions relating to the use and hiring of private taxi-cars, regulating or prohibiting the use of public taxi stands by drivers of private taxi-cars and exempting private taxi-cars from any provisions of the regulations relating generally to taxi-cars;
- (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 in the year;

Added by
No. 76 of
1957, s. 28.

- (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 tyres 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 a vehicle on any road of a load which (including the weight of the vehicle) exceeds the weight prescribed as the maximum load that may be lawfully carried on the road, notwithstanding the fact that there may have been issued a license which authorises the carrying by the vehicle of a greater load;

Inserted by No. 22 of 1926, s. 20 as subpara. (n), relettered (l) in 1926 reprint.

New subpara. substituted by No. 74 of 1953, s. 12.

- (m) prescribe the method or methods by which the aggregate or gross weight of a goods motor vehicle is to be ascertained for any of the purposes of this Act;

Added by No. 76 of 1957, s. 28.

- (viii) Provide for the suspension and cancellation of licenses granted under any regulation;

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

Added by No. 74 of 1956, s. 22.

- (a) define the expression “official traffic sign”;
 - (b) empower a local authority or a person authorised by a local authority to construct, make, mark, place, or erect into, on or near any road any official traffic sign; to maintain or renew that sign from time to time or to substitute for that sign any other official traffic sign or signs;
 - (c) authorise the entry into private property of duly authorised persons for the purpose of removing any sign or device displayed in contravention of this Act if the owner or occupier

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of that property fails to remove the same within a prescribed period after being requested to do so by the local authority;

- (d) prohibit the doing of anything in contravention of an official traffic sign so constructed, made, marked, placed, erected, affixed or painted.
 - (e) prohibit a person from obstructing a local authority or the person authorised by a local authority acting in the exercise of any power conferred by subparagraph (b) of this paragraph;
 - (f) prohibit a person from demolishing, destroying, erasing, removing, defacing, damaging or interfering with any official traffic sign, except with the authority of the local authority;
 - (g) prohibit a person from displaying in any manner, without the authority of the local authority, an unauthorised traffic sign or any other sign, or device which in the opinion of the local authority is similar to or is likely to be mistaken for an official traffic sign.
- (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;

New para. substituted by No. 39 of 1935, s. 21.
- (xii) Enable a license obtained by misrepresentation or fraud to be cancelled, and its return to be required or enforced;

Inserted by No. 22 of 1926, s. 20 as (xb), re-numbered (xii) in 1926 reprint.
- (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;

Formerly (xi), re-numbered (xiii) in 1926 reprint.
- (xiv) Impose for a first offence a penalty not exceeding twenty pounds or imprisonment not exceeding one month with or without hard labour, and for any subsequent offence a penalty not exceeding fifty pounds or imprisonment not exceeding fifty days with or without hard labour, for the breach of any regulation, except where paragraph (xiva) of this subsection authorises the imposition of other punishment.

Formerly (xii), re-numbered (xiv) in 1926 reprint.
Amended by No. 74 of 1956, s. 22
No. 76 of 1957, s. 28.
- (xiva) Impose a penalty not exceeding fifty pounds or imprisonment not exceeding six months for a breach of a regulation which provides that where a sign displaying the word "STOP" is erected or placed at or near a railway crossing by, or with the authority of the appropriate local authority, a person driving an animal or a vehicle on a road and approaching the sign shall not drive the animal or vehicle past the sign without first stopping the animal or vehicle, and shall not continue over the crossing if the crossing is not sufficiently clear to enable him to do so with safety.

Added by No. 74 of 1956, s. 22.
- (xv) Prescribe the fee and regulate other matters for any vehicle not otherwise provided for in this Act;

Formerly (xiii), re-numbered (xv) in 1926 reprint.

Added by
No. 76 of
1937, s. 28.

(xva) Notwithstanding the provisions of subsection (1a) of section sixteen of this Act, prescribe special provisions enabling or requiring persons duly licensed as dealers under Part IIIA of this Act, by arrangement with the appropriate local authority or otherwise, to make application and pay the fees prescribed for transfers of vehicle licenses in respect of used motor vehicles acquired by them;

Formerly
(xiv), re-
numbered
(xvi) in
1926 reprint.
Amended by
No. 22 of
1926, s. 20.

(xvi) Regulate the driving or leading of cattle (within the meaning of that word in the Municipal Corporations Act, 1906¹) 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.

Added by
No. 86 of
1956, s. 25.

(1a) After the coming into operation of the City of Perth Parking Facilities Act, 1956, the powers conferred by this section shall be deemed not to include the power to make regulations having force or operation within a parking region prescribed under that Act with respect to any matter with respect to which the Council of the City of Perth is empowered to make by-laws under that Act.

(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

¹ Now Municipal Corporations Act, 1906-1956.

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.

48. (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—

Regulations as to motor omnibuses. New section inserted as s. 41A by No. 22 of 1926, s. 21.

Renumbered s. 42 in 1926 reprint, s. 47 in 1935 reprint and s. 48 in 1950 reprint.

Amended by No. 20 of 1930, s. 12; No. 2 of 1931, s. 4.

(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;

Para. (b) inserted by No. 20 of 1930, s. 12 as (a), re-lettered (b) in 1935 reprint.

(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;

Formerly (b), amended by No. 20 of 1930, s. 12, relettered (c) in 1935 reprint.

(d) the maximum fares for prescribed routes or sections thereof to be charged for passengers carried by omnibuses;

Formerly (c), relettered (d) in 1935 reprint.

(e) the maximum number of omnibuses which may be licensed to ply for hire on any prescribed route; and

Formerly (d), relettered (e) in 1935 reprint.

(f) stopping places on such routes, and prohibit the taking up or setting down of passengers elsewhere than at a prescribed stopping

Formerly (e), relettered (f) in 1935 reprint.

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.

Inserted by
No. 3 of
1931, s. 4 as
subsec. (1a),
renumbered
(2) in 1935
reprint.

(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 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.

Formerly
subsec. (2),
renumbered
(3) in 1935
reprint.

(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.

Formerly
subsec. (3),
renumbered
(4) in 1935
reprint.

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

- (a) that a passenger vehicle license for an omnibus shall be a “regular service” license or a “special service” license;

- (b) that a "regular service" license shall authorise the omnibus for which it is granted to ply for hire for the purpose only of maintaining a regular service upon a prescribed route to be specified in the license (including any authorised temporary deviation from such a route), except in cases where the local authority may consent in writing to such omnibus plying for hire for the purpose only of maintaining a regular service on such other prescribed route and for such period, as specified in the consent; and except where a special consent is granted by the local authority to authorise the omnibus to ply elsewhere on specified days;
- (c) that in any case where such a consent is granted, the omnibus shall not ply for hire during the period so specified on any route other than the prescribed route specified in the consent;
- (d) that a "regular service" license shall not be granted, and a consent as aforesaid under such a license shall not be granted, in respect of any prescribed route for any omnibus in excess of the number of omnibuses prescribed for that route;
- (e) that a "special service" license shall authorise the omnibus for which it is granted to ply for hire in accordance only with permits in writing to be issued from time to time by the local authority, permitting the omnibus to ply for hire to and from such places, and on such special occasions, and on such dates as are specified in the permit; and that no such permit shall be granted more than twenty-one days before the date of the special occasion for which is it 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.

Formerly
subsec. (4),
renumbered
(5) in 1935
reprint.

(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.

Formerly
subsec. (5),
renumbered
(6) in 1935
reprint.

(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 tyres other than rubber tyres shall not be used on motor omnibuses, and the thickness and condition of tyres 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.

Formerly
subsec. (6),
renumbered
(7) in 1935
reprint.

Formerly
subsec. (7),
renumbered
(8) in 1935
reprint.

(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 omnibuses, and the use of vehicles as omnibuses has been prohibited unless a prescribed route is specified in or indorsed on the license for the vehicle, any owner of, or person in charge of, a vehicle who uses the vehicle or suffers or permits the vehicle to be used within the metropolitan area or other defined part of the State as an omnibus without a prescribed route being specified in or indorsed on the license, or on any route other than that specified in or indorsed on the license, or in a consent granted by the local authority under a regulation prescribed pursuant to subsection (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.

Formerly
subsec. (8),
renumbered
(9) in 1935
reprint.

(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.

Delegation
of powers
to local
authorities.
No. 60 of
1919, s. 42,
renumbered
s. 43 in 1926
reprint, s. 48
in 1935
reprint and
s. 49 in 1950
reprint.
Amended by
No. 24 of
1950, s. 10.

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

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

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

(4) Every order made pursuant to the provisions of this section—

Subsec. (4)
added by
No. 24 of
1950, s. 10.

whether made before or after the coming into operation of the Traffic Act Amendment Act, 1950,*—

shall be deemed to empower and to have always empowered the local authority to prescribe a penalty—

not exceeding twenty pounds or imprisonment not exceeding one month, with or without hard labour—

for the breach of any regulation or by-law made by the local authority pursuant to the order—

unless the order either expressly or by implication from its context provides otherwise.

50. 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. No. 60 of 1919, s. 43, renumbered s. 44 in 1926 reprint, s. 49 in 1935 reprint and s. 50 in 1950 reprint; amended by No. 22 of 1926, s. 23; No. 20 of 1930, s. 13; No. 39 of 1935, s. 28.

51. (1) Any license granted in respect of an omnibus, or passenger vehicle, or goods 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, when the omnibus or passenger vehicle or goods vehicle is licensed within the metropolitan area or any out-lying land, or with the previous consent in writing of the local authority in whose district the omnibus or passenger vehicle or goods vehicle is licensed, when such omnibus or passenger vehicle or goods vehicle is not licensed within the metropolitan area or any out-lying land as aforesaid, to substitute another omnibus or vehicle for the bus or vehicle

Substitution of vehicle for vehicle whilst under repair. New section inserted by No. 22 of 1926, s. 22 incorporated in 1926 reprint as s. 45, renumbered s. 50 in 1935 reprint; repealed and new section substituted by No. 16 of 1941, s. 11; renumbered s. 51 in 1950 reprint. Amended by No. 76 of 1957, s. 29.

under repair, and to ply for hire therewith or otherwise use the same for profit without being required to pay a further license fee during only such period or periods as the firstmentioned omnibus or vehicle is under repair and not plying for hire or otherwise being used for profit.

Added by
No. 76 of
1957, s. 29.

(2) The consent in writing, of the Commissioner of Police and of the local authority, referred to in subsection (1) of this section, shall only be given on payment by the licensee to the Commissioner or local authority, as the case may be, of a fee of ten shillings.

Special
regulations
as to speed.
No. 60 of
1919, s. 44,
renumbered
s. 46 in
1926 reprint,
s. 51 in
1935 reprint
and s. 52 in
1950 reprint;
amended by
No. 22 of
1926, s. 24.
[S.A. 1907,
No. 938, s. 26.]

52. (1) Whenever any number of persons, or any club or clubs, intimate to the local authority that they desire permission of the local authority to hold race meetings or speed tests in any particular place or locality on a day to be fixed, the holding of which will necessitate the temporary suspension of the operation of any regulations under this Act, the local authority may refuse permission, or may grant permission and by notice published in the *Government Gazette* 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.

Subsec. (2)
added by
No. 35 of
1952, s. 8.
Amended by
No. 76 of
1957, s. 30.

(2) A person who—

- (a) conducts or takes part in a race meeting or speed test mentioned in subsection (1) of this section permission mentioned in that subsection not having been obtained; or
- (b) that permission having been obtained fails to observe the conditions if any so defined as those under which the race meeting or speed test shall be conducted;

commits an offence.

Penalty—For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

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

Notice of regulations.
No. 60 of 1919, s. 45; renumbered s. 47 in 1926 reprint, s. 52 in 1935 reprint and s. 53 in 1950 reprint; amended by No. 22 of 1929, s. 25.

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

Existing by-laws
No. 60 of 1919, s. 46; renumbered s. 48 in 1926 reprint, s. 53 in 1935 reprint and s. 54 in 1950 reprint.

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

By-laws under this Act to prevail.
No. 60 of 1919, s. 47, renumbered s. 49 in 1926 reprint, s. 54 in 1935 reprint and s. 55 in 1950 reprint.

PART V.—MISCELLANEOUS.

56. (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.
No. 60 of 1919, s. 48; renumbered s. 50 in 1926 reprint, s. 55 in 1935 reprint and s. 56 in 1950 reprint.
Amended by No. 22 of 1926, s. 26.
No. 76 of 1957, s. 31.

(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—For a first offence a fine not exceeding ten pounds; for any subsequent offence, a fine not exceeding twenty-five pounds or imprisonment not exceeding twenty-five days.

Provision of
parking
areas by
local
authorities.
Added by
No. 76 of
1957, s. 32.

56A. No provision of this or any other Act shall be deemed to preclude a council of a municipality or a road board from expending any part of its revenue derived pursuant to this Act in setting apart, providing, and maintaining, any land vested in it or under its control as an area for the parking of vehicles generally or for the parking of a class or specified classes of vehicles.

Power of
road
authority
to recover
expenses of
damage
caused by
heavy or
extraordinary
traffic.
No. 60 of
1919, s. 49;
renumbered
s. 51 in
1926 reprint,
s. 56 in
1935 reprint
and s. 57 in
1950 reprint;
amended by
No. 22 of
1926, s. 27.
[See 41 and
42 Vic. c. 77,
s. 23; 61 and
62 Vic. c. 29,
s. 12.]

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

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

(2) For the purposes of this section the Minister shall be deemed the authority which is liable or authorised or has undertaken to repair any Government road, and he may in his name of office bring an action for recovery of expenses under this section

accordingly: provided that any moneys recovered by him shall be paid into the consolidated revenue fund.

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

58. (1) For the purposes of this section—

“Commissioner” means the Commissioner of Police;

“light” includes any fire, lamp, light, illuminated sign, street light, or other mechanical manufactured or constructed illumination, and also the glow from any such light;

“owner” includes the owner, lessee, tenant, purchaser, hirer, or other person in possession or entitled to the possession of a light, and, in the case of a street light, means the local government authority in whose district such street light is erected or installed.

Regulation of lights affecting traffic on roads.

New section inserted as s. 56A by No. 16 of 1941, s. 12; renumbered s. 58 in 1950 reprint. See No. 15 of 1939, s. 3.

Interpretation.

Amended by No. 74 of 1956, s. 23.

(2) Where any light is used, kept, burnt, or exhibited at any place or in such a manner as in the opinion of the Commissioner to be likely to confuse or create circumstances or conditions likely to interfere with adversely or to cause risk of danger to the traffic of persons, animals, or vehicles on any road, the Commissioner may by notice in writing require the owner of or the person in charge of such light or the occupier of the place or premises where such light is used, kept, burnt, or exhibited within a time specified in the notice to take effectual means—

Powers in relation to lights.

(a) to extinguish the light; or

(b) to remove the light entirely or to some other position; or

- (c) to modify the light or to alter its character or colour, or to screen the light to such an extent and in such manner as the Commissioner may direct; or
- (d) to refrain from using, keeping, burning, or exhibiting the light either entirely or for such period or during such hours as the Commissioner may direct; or
- (e) to do or refrain from doing such other act, matter, or thing in relation to using, keeping, burning, or exhibiting the light as the Commissioner may direct and in accordance with his directions.

(3) Any notice under subsection (2) of this section may be served, either personally or by delivery, at the place of abode of the person to be served, or by affixing it in some conspicuous place on or near the place or premises upon or in which the light to which the notice relates is used, kept, burnt, or exhibited.

(4) It shall be the duty of the owner or occupier or other person served with a notice under subsection (2) of this section to comply with such notice.

(5) Every owner, occupier, or other person on whom a notice is served under subsection (2) of this section who fails without reasonable cause (proof whereof shall lie upon him) to comply in all respects with the directions contained in the notice shall be guilty of an offence against this Act.

Penalty—One hundred pounds, and, in addition, a daily penalty of five pounds for every day or part of a day during which the directions contained in the notice are not complied with after the time specified in the notice for the compliance therewith.

Commis-
sioner may
cause
requisitions
of notice to
be carried
out.

(6) If any owner, occupier, or other person served with a notice under subsection (2) of this section fails in any respect to comply with the directions of such notice within the time specified in the notice for such compliance, the Commissioner or any person authorised in writing by the Commissioner may

enter upon the place or premises whereon the light to which the notice relates is used, kept, burnt or exhibited, and forthwith take effectual means (but doing no unnecessary damage) to carry out and otherwise give effect to the directions contained in the notice which have not been complied with as aforesaid.

(7) Any expense incurred by the Commissioner or the person authorised by the Commissioner under subsection (6) of this section shall be a debt owing to the Commissioner by the person upon whom the notice was served as aforesaid and shall be recoverable at the suit of the Commissioner in any court of competent jurisdiction.

(8) If the owner, occupier, or other person upon whom a notice under subsection (2) of this section has been served, or any other person obstructs or hinders, prevents, or interferes with or attempts to obstruct, hinder, prevent, or interfere with the Commissioner or the person authorised by the Commissioner in the exercise of the power conferred by subsection (6) of this section, he shall be guilty of an offence against this Act.

Penalty—Fifty pounds.

(9) Where any owner, occupier, or other person Civil rights. upon whom a notice under subsection (2) of this section has been served has failed within the time specified in such notice to comply with the directions of such notice, and by reason of such non-compliance and by reason of the light to which the said notice relates confusing or creating circumstances or conditions which interfered with adversely or caused risk of danger to the traffic of persons, animals, or vehicles on a road, any person suffers injury to the person or damage to his property, the said non-compliance with the said notice shall, for the purpose of enabling the person who has suffered such injury or damage to recover compensation or damages in respect of the injury or damage suffered, be deemed to be a tort in the nature of a nuisance

committed by such owner, occupier, or person aforesaid upon which an action for damages may be instituted.

Saving
provision.

(10) The omission on the part of the Commissioner to give any notice under subsection (2) of this section, or the failure on the part of the Commissioner to exercise the power conferred by subsection (6) of this section shall not make the Commissioner in any respect responsible or liable for any injury to the person or damage to property suffered as the result of any light confusing or creating circumstances or conditions which interfered with adversely or caused risk of danger to the traffic of any person or vehicle on a road.

[Note: S. 57
of the 1935
reprint
repealed by
No. 32 of
1943, s. 29.]

Advertising
for
passengers
in private
vehicles
prohibited.
New section
inserted as
s. 52A by
No. 39 of
1935, s. 23;
renumbered
s. 58 in 1935
reprint and
s. 59 in
1950 reprint.
Amended by
No. 74 of
1956, s. 24.
No. 76 of
1957, s. 33.

59. (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.

Penalty—For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds.

(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.

Penalty—For a first offence, a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds.

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

Unauthorised use of vehicles.
No. 60 of 1919, s. 50; renumbered s. 53 in 1926 reprint, s. 59 in 1935 reprint and s. 60 in 1950 reprint; amended by No. 22 of 1926, s. 29, No. 20 of 1930, s. 14. (See N.S.W. 1915, No. 11, s. 6.)

Repealed and re-enacted by No. 74 of 1956, s. 25. Amended by No. 76 of 1957, s. 34.

Penalty—

(i) for a first offence,

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

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

(ii) For a second or subsequent offence,

Maximum: Imprisonment for two years;

Minimum, irreducible in mitigation notwithstanding the provisions of any Act: Imprisonment for three months.

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

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

(i) in the case of a first offence,

disqualified for a period of twelve months from the date of the conviction from holding or obtaining under this Act any license to drive a motor vehicle;

(ii) in the case of a subsequent offence,

disqualified for a period of two years from the date of the conviction from holding or obtaining under this Act any license to drive a motor vehicle;

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

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

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

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

the seventeenth anniversary of his birthday

or

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

whichever is the later date;

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

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

61. 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.

Unlawful interference with mechanism of motor vehicles. No. 60 of 1919, s. 51; renumbered s. 54 in 1926 reprint, s. 60 in 1935 reprint and s. 61 in 1950 reprint.

Penalty—Fifty pounds, or imprisonment with or without hard labour for three months.

62. 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.

"Car watching" prohibited. New section inserted as s. 54A by No. 39 of 1935, s. 24; renumbered s. 61 in 1935 reprint and s. 62 in 1950 reprint.

Penalty—Five pounds.

63. 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.

Procuring use or hire of car by fraud, etc. No. 60 of 1919, s. 52; renumbered s. 55 in 1926 reprint, s. 62 in 1935 reprint and s. 63 in 1950 reprint; amended by No. 22 of 1926, s. 30. [See N.S.W. No. 11 of 1915, s. 6.]

Penalty—Fifty pounds, or imprisonment with or without hard labour for three months.

64. (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.

Roads may be closed. No. 60 of 1919, s. 53; renumbered s. 56 in 1926 reprint, s. 63 in 1935 reprint and s. 64 in 1950 reprint; amended by No. 22 of 1926, s. 31. No. 76 of 1957, s. 35.

(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—For a first offence a fine not exceeding twenty pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

Production of license.
No. 60 of 1919, s. 54; renumbered s. 57 in 1926 reprint, s. 64 in 1935 reprint and s. 65 in 1950 reprint.

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

Penalty—Three pounds.

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

Forfeited license to be delivered up.
No. 60 of 1919, s. 55; renumbered s. 58 in 1926 reprint, s. 65 in 1935 reprint and s. 66 in 1950 reprint.

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

Penalty—Five pounds.

Lost license.
No. 60 of 1919, s. 56; renumbered s. 59 in 1926 reprint, s. 66 in 1935 reprint and s. 67 in 1950 reprint.

67. 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.

Offences.
No. 60 of 1919, s. 57; renumbered s. 60 in 1926 reprint, s. 67 in 1935 reprint and s. 68 in 1950 reprint; amended by No. 20 of 1930, s. 15. No. 76 of 1957, s. 36.

68. No person shall—

- (a) whilst disqualified for obtaining any particular license apply for or obtain any such license; or
- (b) wilfully mislead any inspector, police officer, or licensing officer in any particular likely to affect the discharge of his duty under this Act; or
- (c) forge or fraudulently alter any license or any identification tablet or number plate 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 or certificate of registration 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—For a first offence, a fine not exceeding twenty-five pounds; for any subsequent offence, a fine not exceeding fifty pounds or imprisonment not exceeding fifty days.

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

Proof of person being unlicensed. No. 60 of 1919, s. 58; renumbered s. 61 in 1926 reprint, s. 68 in 1935 reprint and s. 69 in 1950 reprint; amended by No. 22 of 1926, s. 32.

69A. For the purposes of this Act, section one hundred and sixty-seven of the Justices Act, 1902,¹ as amended, shall be read and construed as if the period of imprisonment to be inserted in a warrant of commitment referred to in subsection (1) of that section and issued in any proceedings

Scale of imprisonment for non-payment of penalty or costs under this Act. Added by No. 76 of 1957, s. 36A.

¹ Now Justices Act, 1902-1957.

under this Act shall be calculated at the rate of one day for every pound payable under the warrant, any fractional part of a pound being disregarded, but the maximum period of imprisonment to be so inserted shall be as provided in that subsection.

Savings.
No. 60 of
1919, s. 59;
renumbered
s. 62 in
1926 reprint,
s. 69 in 1935
reprint and
s. 70 in
1950 reprint.

70. 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.
No. 60 of
1919, s. 60;
renumbered
s. 63 in
1926 reprint,
s. 70 in 1935
reprint and
s. 71 in
1950 reprint;
amended by
No. 24 of
1947, s. 10,
No. 35 of
1952, s. 9.

71. This Act applies to persons and vehicles in the public service of the Crown, or of any local authority, but does not apply to any extent to a vehicle for the personal use of the Governor nor to a person in charge of the vehicle while carrying out the Governor's personal directions; and does not apply to any other vehicle or class of vehicle or person or class of person to the extent of such exemption as may from time to time be declared by the Governor by Order in Council,² which the Governor may from time to time vary or cancel by further Order in Council, and section seventy-two of the Justices Act, 1902-1948,¹ applies in respect of complaints of offences against this Act as if the complaints negatived exemptions under this section.

Protection of
Minister,
local
authorities
and officers.
No. 60 of
1919, s. 61;
renumbered
s. 64 in
1926 reprint,
s. 71 in 1935
reprint and
72 in 1950
reprint;
amended by
No. 22 of
1926, s. 33.

72. 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.

¹ Now Justices Act, 1902-1957.

² See Order in Council published in *Gazette* dated 28/8/53, p. 1599.

73. 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.

Repeal of s. 237 of Act No. 32 of 1906, and s. 147 of Act No. 29 of 1911. No. 60 of 1919, s. 62; renumbered s. 65 in 1926 reprint. s. 72 in 1935 reprint, and s. 73 in 1950 reprint.

74. (1) 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. No. 60 of 1919, s. 63; renumbered s. 66 in 1926 reprint. s. 73 in 1935 reprint and s. 74 in 1950 reprint; amended by No. 57 of 1951, s. 15.

(2) Such regulations may require that the form of any license or of the certificate of registration to be issued to the owner of a licensed vehicle shall be in accordance with a form to be determined from time to time by the Minister and published in the *Gazette*.

Subsec. (2) added by No. 57 of 1951, s. 15.

74A. (1) The Governor, having regard to subsection (2) of this section, may make regulations authorising the infliction and collection by prescribed officers of the Public Service of penalties for offences against this Act prescribed as minor offences and may by the regulations prescribe—

Added by No. 37 of 1955, s. 2.

(a) what offences against this Act are minor offences;

Regulations relating to minor offences. Cf. No. 18 of 1930, s. 265, N.S.W. Cf. No. 30 of 1918, s. 4; "This Act" includes regulations.

(b) modified penalties for first or subsequent minor offences;

(c) the method of notifying a person alleged to have committed a minor offence of the alleged offence and how it may be dealt with; and

(d) the records to be kept and the manner of keeping them.

(2) Regulations made in pursuance of this section—

(a) shall provide that a person alleged to have committed a minor offence may decline to have the offence dealt with under the regulations so made; and

(b) shall have effect throughout the whole or such part or parts of the State as may be prescribed in the regulations.

(3) The maximum penalty that may be prescribed under this section shall not exceed the sum of five pounds.

Section 3.
[See also
s. 73 of this
reprint.]

FIRST SCHEDULE.

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.
No. 29 of 1911	The Roads Act, 1911.	The following portions of Section 181, namely:—Paragraphs a, b, and c. The following portion of the 12th Schedule, namely:—Part VII (except subdivision 3 relating to porters).
		The following portions of Section 179, namely:—Paragraphs 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 24, 25, 52, 53 and 54.

SECOND SCHEDULE.

Section 5.

Vehicle.	Description.	
Caravan (motor propelled)—	A vehicle which is fitted or designed for habitation for any person or party in the course of a journey and which is capable of being propelled by its own power.	Amended by No. 22 of 1926, s. 34. No. 20 of 1930, s. 16. No. 39 of 1935, s. 25. No. 48 of 1946, s. 12; No. 47 of 1954, s. 5. No. 74 of 1956, s. 26. No. 76 of 1957, s. 37.
Caravan (trailer type)—	A vehicle which is fitted or designed for habitation for any person or party in the course of a journey, and to be 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, tricycle or velocipede driven or propelled by human power only.	
External power vehicle	A vehicle which derives its motive power from a source external to the vehicle or from an electrical storage battery which is not connected to any source of power when the vehicle is in motion.	Inserted by No. 48 of 1946, s. 12.
Hand-cart	A cart drawn or propelled by human power.	
Motor car	Any motor vehicle designed primarily for the carriage of persons, whether the vehicle is, or is not, provided with space for the carriage of personal luggage, includes the class of motor vehicles some of which are known by the trade names, "Estate Car," "Countryman" or "Station Wagon," which class is designed primarily for the carriage of passengers in rural areas and provided with greater space for the carriage of personal luggage and other things than is provided in motor cars designed for use in urban and suburban areas, and including also the class of three wheeled vehicle which is designed and controlled in a manner similar to a four wheeled motor car, but excluding motor cycles, motor carriers, and motor omnibuses.	Amended by No. 47 of 1954, s. 5. No. 74 of 1956, s. 26.
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; and also includes a motorised wheel chair, being a class of chair-type vehicle fitted with a low powered motor and three or more wheels, and designed for the use of or by incapacitated or crippled persons only. The term "motor carrier" does not include the class of three wheeled vehicle which comes within the description of "motor car".	Amended by No. 47 of 1954, s. 5.

Vehicle.	Description.
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.
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.
Amended by No. 76 of 1957, s. 37.	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; the term also includes a type of trailer known as a pole type jinker or pole type trailer.
Amended by No. 47 of 1954, s. 5.	Tractor (prime mover type)— A motor vehicle which is a tractive unit designed for hauling a semi-trailer.
Tractor (other than prime mover type)—	That class of motor vehicle, which not being designed for use primarily for the carriage on roads of passengers or goods, is designed for use primarily in industry, including, without limiting the meaning of the expression, "industry," agricultural pursuits, earth moving, forestry pursuits, industrial pursuits generally, and road making, maintenance, and cleansing, and including, without limiting the generality of the description of the class of vehicle, tractors, rollers, flushers, sweepers, sprayers, excavators, elevators, graders, dozers, fork lifts, and scoops.

THIRD SCHEDULE.

PART I.*

License Fees for a period of twelve months shall be as indicated hereunder—

VEHICLE LICENSES FOR VEHICLES OTHER THAN MOTOR VEHICLES.

	£	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 the 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.

	£	s.	d.
For a cart being a jinker or whim	6	0	0

LICENSE FEES FOR MOTOR VEHICLES.

	£	s.	d.
1. For a motor car fitted with pneumatic tyres—			
for each Power Weight unit	0	4	0
2. For a motor wagon fitted with pneumatic tyres—			
not exceeding 50 P.W. units—			
per unit	0	5	3
exceeding 50 but not exceeding 75 P.W. Units—per unit	0	6	0
exceeding 75 but not exceeding 100 P.W. units—per unit	0	7	6
exceeding 100 P.W. units—per unit	0	9	0

Section 10.
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, No. 3 of
1931, s. 5,
No. 39 of
1935, s. 26,
No. 16 of
1941, s. 13,
No. 48 of
1946, s. 13,
No. 24 of
1947, s. 11,
No. 35 of
1952, s. 10,
No. 47 of
1954, s. 6,
No. 74 of
1956, s. 27.
No. 76 of
1957, s. 38.
No. 78 of
1957, s. 2.

Substituted
by No. 74 of
1956, s. 27.

* Part I. proclaimed to come into operation on 15th May, 1925. See Gazette dated 15/5/25, p. 876 and No. 37 of 1924, s. 4.

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

3. For a motor omnibus fitted with pneumatic tyres—

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

- (a) without side car attached—

where the engine capacity does not exceed 75 cubic centimetres	15	0	
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where the engine capacity exceeds 75 cubic centimetres but does not exceed 200 cubic centimetres	1	10	0
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where the engine capacity exceeds 200 cubic centimetres but does not exceed 350 cubic centimetres	2	0	0
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where the engine capacity exceeds 350 cubic centimetres	2	10	0
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(b) with side car attached	3	0	0
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5. For a motor carrier fitted with pneumatic tyres—

- (a) used for carriage of persons only—

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

where the weight of the vehicle does not exceed 10 cwt.	3	0	0
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where the weight of the vehicle exceeds 10 cwt. but does not exceed 15 cwt.	4	0	0
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Item 4.
Amended by
No. 78 of
1957, s. 2.

	£	s.	d.	
where the weight of the vehicle exceeds 15 cwt. but does not exceed 20 cwt.	6	0	0	
(c) Where the weight of the vehicle exceeds 20 cwt. the fee payable shall be calculated, if the carrier is used for the carriage of persons only, as though the motor carrier were a motor car, or if the carrier is not used exclusively for the carriage of persons, as though the motor carrier were a motor wagon.				
6. For a caravan fitted with pneumatic tyres—				
(a) if motor propelled, per power weight unit	0	5	3	Sub-item (a) Substituted by No. 76 of 1957, s. 33 (a).
(b) if trailer type and not exceeding 50 cwt. (unladen weight)—per cwt.	0	3	0	
exceeding 50 cwt. (unladen weight)				
for first 50 cwt.—per cwt.	0	3	0	
for each additional cwt.	0	5	0	
7. For a trailer fitted with pneumatic tyres—				Item 7. Substituted by No. 76 of 1957, s. 38 (b).
not exceeding 10 cwt. (unladen weight)	1	10	0	
exceeding 10 cwt. but not exceeding 15 cwt. (unladen weight)	3	0	0	
exceeding 15 cwt. but not exceeding 20 cwt. (unladen weight)	5	0	0	
exceeding 20 cwt. but not exceeding 25 cwt. (unladen weight)	10	0	0	
exceeding 25 cwt. but not exceeding 30 cwt. (unladen weight)	20	0	0	
exceeding 30 cwt. (unladen weight) per cwt.	1	0	0	
8. For a semi-trailer (including omnibus type and a pole type jinker or pole type trailer) the weight being				Item 8. Amended by No. 76 of 1957, s. 38 (c).

Traffic.

	£	s.	d.
inclusive of the weight of the semi-trailer plus declared maximum load—			
not exceeding 10 cwt.	1	10	0
exceeding 10 cwt. but not exceeding 1 ton 5 cwt.	3	0	0
exceeding 1 ton 5 cwt. but not exceeding 1 ton 10 cwt.	6	0	0
exceeding 1 ton 10 cwt. but not exceeding 2 tons	9	0	0
exceeding 2 tons but not exceeding 3 tons	14	5	0
exceeding 3 tons but not exceeding 4 tons	20	5	0
exceeding 4 tons but not exceeding 5 tons	27	0	0
exceeding 5 tons but not exceeding 6 tons	34	10	0
exceeding 6 tons but not exceeding 7 tons	42	15	0
exceeding 7 tons but not exceeding 8 tons	51	15	0
exceeding 8 tons but not exceeding 9 tons	61	10	0
exceeding 9 tons but not exceeding 10 tons	72	0	0
exceeding 10 tons—			
for the first 10 tons	72	0	0
for each additional ton	6	0	0
9. For a tractor (prime mover type) fitted with pneumatic tyres—			
not exceeding 50 P.W. units—per unit ..	0	5	3
exceeding 50 but not exceeding 75 P.W. units—per unit ..	0	6	0
exceeding 75 but not exceeding 100 P.W. units—per unit	0	7	6
exceeding 100 P.W. units—per unit ..	0	9	0
10. For a tractor (other than prime mover type) fitted with pneumatic tyres—			
for each P.W. unit	0	4	0

Provided that if it is proved to the satisfaction of the licensing authority that the license is required by a person carrying on the business of farming or grazing on any farm or other land, and is required for a tractor and trailer, or for a tractor with platform attached, having in either case a maximum payload capacity of not more than two tons and the licensing authority is satisfied that the tractor will be used during the currency of the license solely or mainly for the hauling or carriage of the products of or requisites for such business, then—

Added by
No. 49 of
1957, s. 2.

- (a) in any case where the applicant for the license holds no other license under this Act in respect of which a concessional fee was paid, the fee shall notwithstanding the provisions of this Act and the scale shown under items 7 or 10 of this Schedule, be one-half of the prescribed fee for the tractor or of the fees prescribed for the licensing of both the trailer and the tractor, or the sum of ten pounds, whichever of such amounts is the lesser;
- (b) in any case where such applicant holds a license under this Act in respect of which a concessional fee was paid, the licensing authority may at its discretion charge the applicant the fee payable under paragraph (a) of this proviso; and
- (c) in any case when an applicant for a license can satisfy the licensing authority that the license is required for a tractor, or a tractor with direct mounted or trailing equipment that is *bona fide* used in the pursuit of his business and will only travel on the road for the purpose of moving from job to job or to a place for repair, and does not ply for hire or reward while using the road, then the license fee charged shall be £3 per ton weight of such tractor.

Provided also that—

- (a) the fee for any tractor designed and used primarily for earth moving or road making shall be twenty-five per centum of the fee prescribed in this item; and
- (b) the fee for any tractor which in the opinion of the local authority is not generally used on roads shall be five pounds per annum or twenty-five per centum of the fee prescribed for a tractor in this item, which ever is the lesser amount; but

Added by
No. 76 of
1957, s. 38 (d).

- (c) the maximum fee under this item for a tractor operated on motor spirit as defined in paragraph (d) of subsection (3) of section eleven of this Act shall not, in any event exceed fifty pounds per annum.

Numbered
11 by No. 74
of 1956, s. 27.

11. 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.

Numbered
12 by No. 74
of 1956, s. 27.

12. 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.

Numbered
13 by No. 74
of 1956, s. 27.

13. 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.

Numbered
14 by No. 74
of 1956, s. 27.

14. 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.

Item 15.
Added by
No. 74 of
1956, s. 27 (e).
Substituted
by No. 76 of
1957, s. 38.

15. (1) Where the fuel used for propelling a motor vehicle is not motor spirit as defined in paragraph (d) of subsection (3) of section eleven of this Act, the license fee for that vehicle shall, subject to the provisions of subparagraph (2) of this paragraph, be double the rate prescribed for that vehicle in this Part of this Schedule: Provided that, subject to the provisions of subparagraph (2) of this paragraph, the maximum fee under this Part of this Schedule for any tractor operated on fuel other than motor spirit as so defined shall not exceed one hundred pounds.

(2) The Minister may, in such cases as he thinks proper, by notice published in the *Gazette*, reduce any fee referred to in subparagraph (1) of this paragraph, and the fee as so reduced shall be payable in accordance with that notice.

PASSENGER VEHICLE AND CARRIERS' LICENSES.

£ s. d.

Amended by
No. 74 of
1956, s. 27 (f).

Fee for a passenger vehicle (other than a passenger vehicle licensed under the State Transport Co-ordination Act, 1933-1948) License, per wheel or pair of dual wheels	0	15	0
Fee for a carrier's license, per wheel or per pair of dual wheels	0	15	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 wagon or tractor of any type	1	0	0	Substituted by No. 74 of 1956, s. 27 (g).
Motor cycle, motor carrier, trailer, semi-trailer, carriage or cart	0	10	0	
Hand cart	0	5	0	
Passenger vehicle or carrier's license	1	0	0	

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:—

Amended by
No. 20 of
1930, s. 18,
No. 3 of
1931, s. 5.

- (1) If a motor omnibus is used within the metropolitan area as prescribed under section fourteen, 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.

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 DETERMINING POWER WEIGHT UNITS FOR THE PURPOSES OF THIS SCHEDULE.

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

Provided that—

- (i) in the case of a vehicle in which the fuel normally used to generate the motive power is petroleum spirit only, but to which an appliance is fitted, or a trailer or other vehicle is attached

Amended by
No. 39 of
1935, s. 28;
No. 16 of
1941, s. 13;
No. 48 of
1946, s. 13.
No. 74 of
1956, s. 27 (h).

carrying an appliance, which enables some fuel other than petroleum spirit to be used for generating the motive power of such vehicle, the weight of such appliance or the weight with such appliance of such trailer or other vehicle aforesaid shall not be taken into account when ascertaining the weight of such first-mentioned vehicle for the purpose of assessing the power weight thereof.

- (ii) This proviso shall have effect and be deemed to have had effect as from and including the first day of January, one thousand nine hundred and forty-two.

2. Where the result obtained by computing the Power Weight units by applying the rule contained in paragraph 1 of this Part contains a fraction, the result shall be taken to the next higher integral figure.

Substituted by No. 74 of 1956, s. 27 (l).

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

Substituted by No. 74 of 1956, s. 27 (m).

The formula is as follows:—

d = diameter of cylinder in inches.

n = number of cylinders.

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

Or

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

when "d" is taken in millimetres.

4. The horsepower 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 horsepower for every three square feet in such effective heating surface, and the effective heating surface shall be taken to be—

Amended by No. 74 of 1956, s. 27.

- (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.

5. The horsepower (H.P.) of an electrically propelled vehicle shall be ascertained by the following formula, that is to say—The product of the volts and amperes (divided by

1,000) taken by the motor when full battery voltage is applied to the motor and such motor is running at a speed of 1,000 revolutions per minute shall be taken as the horsepower of the vehicle.

FOURTH SCHEDULE.

S. 41, New Schedule: Old Schedule repealed and re-enacted by s. 27 of No. 39 of 1935.

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

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 hundredweights.	Load.		
wheels.			tons.	cwt.	qrs.
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	" " $1\frac{3}{4}$ "	$4\frac{1}{2}$	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	" " $2\frac{1}{2}$ "	$5\frac{1}{2}$	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	" " $3\frac{1}{2}$ "	$6\frac{1}{2}$	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	" " $4\frac{1}{2}$ "	$7\frac{1}{2}$	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	" " $5\frac{1}{2}$ "	$8\frac{1}{2}$	9	12	2

The width of bearing surface as defined by section 4 of the Act is for 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.

[Fifth Schedule omitted pursuant to No. 39 of 1935, s. 28].