



ANNO DECIMO OCTAVO

GEORGII V REGIS.

A.D. 1927.

No. 1804.

An Act to amend the Criminal Law as to persons driving
Motor Vehicles.

[Assented to, November 30th, 1927.]

BE it Enacted by the Governor of the State of South Australia,
with the advice and consent of the Parliament thereof, as
follows:

1. This Act may be cited as the "Criminal Law Act, 1927."

Short title.

2. In this Act—

Interpretation.

"Motor vehicle" includes any motor car, motor carriage,
automobile, motor cycle, or other vehicle or carriage driven
or propelled or ordinarily capable of being driven or pro-
pelled either partly or wholly by any volatile spirit, steam
or electricity, or by means other than animal power, but
does not include any vehicle run upon a railway or
tramway.

3. (1) Any person who—

Causing death by
negligent driving.

(a) drives a motor vehicle in a culpably negligent manner, or
recklessly, or at a speed, or in a manner, which is
dangerous to the public; and

(b) by such negligence, recklessness, or other conduct, causes
the death of any person,

shall be guilty of a misdemeanour, and, on conviction thereof, shall
be liable to imprisonment for any term not exceeding seven years
with hard labour, or to a fine not exceeding Two Hundred and
Fifty Pounds, or to both such imprisonment and fine as aforesaid.

(2) Subsection

Criminal Law Act.—1927.

(2) Subsection (1) of this section shall be deemed to create a single offence, and no objection shall be taken to an information for such offence alleging that the defendant did drive a motor vehicle "in a culpably negligent manner, or recklessly, or at a speed, or in a manner, which was dangerous to the public" on the ground of duplicity or uncertainty.

Effect of Act as regards other offences.

4. (1) This Act shall not take away the liability of any person to be prosecuted for or found guilty of murder or manslaughter, or affect the punishment which may be imposed for manslaughter: Provided that no person who has been convicted or acquitted of an offence under this Act shall afterwards be prosecuted for manslaughter on the same or substantially the same facts, nor shall any person who has been convicted or acquitted of manslaughter be afterwards prosecuted for an offence under this Act on the same or substantially the same facts.

(2) A charge for murder or manslaughter shall not be joined in the same information with a charge for an offence under this Act.

Power of Coroner as to offences under this Act.

5. If on the holding of any inquest as to the cause of the death of any person it appears that the death of the deceased was caused by any person in such circumstances that such person has been guilty of an offence against this Act, the Coroner holding such inquest or (as the case may be) the jurors before whom such inquest is held may find that such person has been guilty of an offence against this Act and the inquisition founded upon such inquest may indict such person accordingly.

In the name and on behalf of His Majesty, I hereby assent to this Bill.

TOM BRIDGES, Governor.