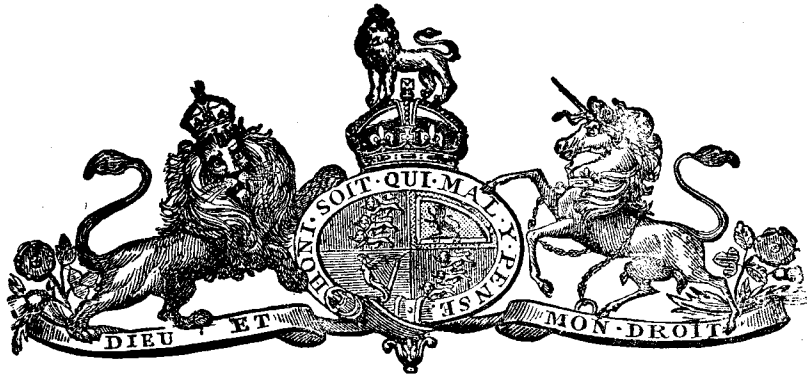


TASMANIA.



1913.

ANNO QUARTO

GEORGI V. REGIS.

No. 43.

ANALYSIS.

- | | |
|--|--|
| <ul style="list-style-type: none"> 1. Short title and incorporation with 7 Ed. VII. No. 27. 2. Repeal of 1 Geo. V. No. 28. 3. Amendment of definition "motor-vehicle" in Section 4 of Principal Act. 4. Amendment of Section 6 of Principal Act. 5. Intoxication of operator. Offence. 6. Excessive smoke, noise, or smell an offence. | <ul style="list-style-type: none"> 7. Re-enactment of Section 3 of 1 Geo. V. No. 28.
Commissioner of Police may grant permission to clubs to hold contests. 8. Amendment of Section 12 of Principal Act. 9. Amendment of Section 13 of Principal Act. 10. Amendment of Section 20 of Principal Act. 11. Penalties. 12. Amendment of schedule to Principal Act. |
|--|--|

AN ACT to further amend "The Motor Traffic Act, 1907." [24 December, 1913.] A.D. 1913.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

- 1 This Act may be cited as "The Motor Traffic Act, 1913," and shall be incorporated and read as one with "The Motor Traffic Act, 1907," in this Act called the Principal Act. Short title and incorporation with 7 Ed. VII. No. 27.
 - 2 "The Motor Traffic Act, 1910," is hereby repealed. Repeal of 1 Geo. V. No. 28.
- 4d.]

Motor Traffic Amendment.

A.D. 1913.

—
Amendment of
definition "motor-
vehicle" in
Section 4 of
Principal Act.

Amendment of
Section 6 of
Principal Act.

Cf. No. 2237 of
1909, s. 15
(Vic.).

Cf. No. 2237 of
1909, s. 15
(Vic.).

3 The definition "motor vehicle" in Section Four of the Principal Act is hereby amended by inserting immediately after the word "tramways" in the Sixth line of the said definition the words "or for the purposes of any fire brigade, nor any vehicles whilst being used for police patrol or ambulance purposes."

4 Section Six of the Principal Act is hereby amended—

i. By omitting therefrom Paragraphs I., II., IV., V., IX., and XII., and substituting therefor, respectively, the following paragraphs:—

"I. With respect to the use of motor vehicles and their construction or the construction of the machinery, engine, or wheels, or other part thereof, and the conditions under which motor vehicles may be used":

"II. For regulating and controlling the speed of motor vehicles—

(a) In any city, or town, or village, or any part or parts of, or place or places in any city, or town, or village;

(b) In any other part of the State (and either generally or in specified areas) outside the boundaries of cities, towns, and villages, or in any place or places outside such boundaries;

(c) Whenever and wherever the Governor deems desirable":

"IV. Providing for preventing or minimising noise from the action or working of the machinery or engine of any motor vehicle whether by the use of a silencer or otherwise, or for preventing or minimising smoke, smells, or fumes from any motor vehicle":

"V. Prohibiting the use of motor vehicles which, owing to any cause are in the opinion of the Governor unsuitable for safe use":

"IX. Providing that each motor vehicle shall have a separate distinguishing number regulating the form thereof, the manner of placing the number upon the motor vehicle, or on a vehicle (whether a motor vehicle or not), drawn by the motor vehicle, or on both, and the issue and return of each number: Provided that a vehicle (not being a motor vehicle), which is drawn by a motor vehicle need not be registered":

"XII. Prescribing the qualifications as to character and ability to drive, of drivers of motor vehicles, and a method of determining such ability":

ii. By omitting the last Two lines of Subsection (1) thereof.

Motor Traffic Amendment.

5 After Section Seven of the Principal Act the following Section is hereby inserted :—

“**7a** Whosoever shall operate or attempt to operate a motor vehicle while under the influence of intoxicating liquor shall be guilty of an offence under this Act.”

A.D. 1913.
Intoxication of operator.
Offence.
Cf. No. 2237 of 1909, s. 25 (Vic.).
Cf. ch. 176, s. 4-90 (Vermont).

6 After Section Eight of the Principal Act the following section is hereby inserted :—

“**8a** Where a motor vehicle on any public street emits smoke, or visible vapour, or any offensive noise or smell in such a quantity or extent as to be an annoyance or danger to the public except for some temporary or accidental cause, the owner and the driver of such motor vehicle shall each be guilty of an offence under this Act.”

Excessive smoke, noise, or smell an offence.
No. 2237 of 1909, s. 11 (Vic.).

7 After Section Ten of the Principal Act the following section is hereby inserted :—

“**10a**—The Commissioner of Police may, in his discretion, on the application, in writing, of any automobile or motor cycle club, and with the consent of the council of the municipality, grant, by writing under his hand, permission to the club to use, during a specified time, any specified public roads for speed or hill-climbing contests to the extent mentioned in the permission, and at a rate of speed exceeding any prescribed rate, and subject to such conditions (including payment of a deposit or expenses) as the said Commissioner may think fit.

Re-enactment of Section 3 of 1 Geo. V., No. 28.
Commissioner of Police may grant permission to clubs to hold contests.

Such conditions shall be embodied in the written permission.

Every such club to which any such permission is granted shall comply with the terms and conditions subject to which the permission is granted.”

8 Section Twelve of the Principal Act is hereby amended by—

- i. Inserting at the end of the Second line thereof the words “or the regulations”;
- ii. Omitting therefrom the Third and Fourth lines thereof being Paragraph i. of Subsection (1) thereof;
- iii. Inserting at the end of Paragraph iv. of Subsection (1) the words “and every renewal thereof”;
- iv. Inserting at the end of Subsection (3) the words “who shall endorse the particulars of every such conviction or order against any person upon every licence or renewal of licence which may be issued to such person”;
- v. Inserting after Subsection (3) thereof the following subsection—

Amendment of Section 12 of Principal Act.

“(4) If any person, who under the provisions of this Act is disqualified for obtaining a licence, applies for or obtains a licence while he is so disqualified, or if any person whose licence has been indorsed applies for or obtains a licence without giving particulars of the indorsement, that person shall be guilty of an offence under this Act, and any licence so obtained shall be of no effect.”

Motor Traffic Amendment.

A.D. 1913.

Amendment of
Section 13 of
Principal Act.

- 9** Section Thirteen of the Principal Act is hereby amended by—
- i. Omitting from the Second line thereof the words “in books kept for the purpose”:
 - ii. Omitting from the Sixth and Ninth lines thereof the word “books” and substituting therefor the word “record.”

Amendment of
Section 20 of
Principal Act.

- 10** Section Twenty of the Principal Act is hereby amended by inserting after Paragraph iv. thereof the following Paragraph v. :—
- “v. The production of a certificate purporting to be signed by the proper officer authorised to register motor vehicles and licence drivers—
- (a) That a motor vehicle therein referred to is unregistered, shall be *prima facie* evidence that such vehicle is unregistered; or
 - (b) That a person therein named is unlicensed shall be *prima facie* evidence that such person is unlicensed.”

Penalties.

11 After Section Twenty of the Principal Act the following section is hereby inserted :—

“**20a**—(1) If any person acts in contravention of any of the provisions of this Act, or any regulation thereunder, he shall for every such contravention be guilty of an offence under this Act.

“(2) A person guilty of an offence under this Act for which no special penalty is provided, shall be liable on summary conviction in respect of each offence to a penalty not exceeding Twenty Pounds, or in the case of a Second or subsequent conviction to a penalty not exceeding Fifty Pounds, or in the discretion of the court to imprisonment for a period not exceeding Three months.”

Amendment of
schedule to
Principal Act.

12 The schedule to the Principal Act is hereby amended by omitting from the Third line thereof the words “licence, Two Shillings and Sixpence yearly,” and substituting therefor the words “for First licence—Three Shillings, and for renewal of First licence, Two Shillings and Sixpence annually.”