



ANNO PRIMO

# EDWARDI VIII REGIS.

A.D. 1936.

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## No. 2332.

An Act to amend the Road Traffic Act, 1934, to provide for the protection of third parties against risks arising out of the use of motor vehicles, and for purposes incidental to those matters.

*[Assented to, 3rd December, 1936.]*

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

1. (1) This Act may be cited as the "Road Traffic Act Amendment Act, 1936". Short titles.

(2) The Road Traffic Act, 1934, and this Act may be cited together as the "Road Traffic Acts, 1934 and 1936".

(3) The Road Traffic Act, 1934, is in this Act called the "principal Act".

2. This Act shall come into operation on a day to be fixed by the Governor by proclamation: Provided that the Governor may, by proclamation, fix different days on which different provisions of this Act shall come into operation. Commencement of Act.

3. This Act is incorporated with the Road Traffic Act, 1934, and this Act and that Act shall be read as one Act. Incorporation.

4. Subsection (2) of section 8 of the principal Act is amended so as to read as follows :— Amendment of principal Act, s. 8—

(2) Upon application duly made and payment of the fee as required by subsection (1) the Registrar shall Provision for half-yearly registration.

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register the motor vehicle in the register of motor vehicles for a period of either six months or twelve months, at the option of the person applying for registration, and shall assign a number to the vehicle.

Amendment of  
principal Act,  
s. 9 (6)—

5. Paragraph (6) of section 9 is amended so as to read as follows:—

Further pro-  
vision as to  
half-yearly  
registration.

(6) The fees previously set out in this section are those payable for a full period of twelve months. If any registration is effected for a period of six months the fee for registration shall be the percentage hereinafter mentioned of that which would be payable for the full period of twelve months.

The percentage referred to in this subsection shall be as follows:—

- (a) If registration is effected during the period of twelve months after the commencement of the Road Traffic Act Amendment Act, 1936, fifty-five per centum:
- (b) If registration is effected within the period of twelve months commencing after the expiration of the period mentioned in paragraph (a), fifty-three and three-quarters per centum:
- (c) If registration is effected at any time after the expiration of the period mentioned in paragraph (b), fifty-two and one-half per centum.

Amendment of  
principal Act,  
s. 9 (7)—

Primary  
producers'  
vehicles used  
for carrying  
mails.

6. Paragraph (7) of section 9 of the principal Act is amended by inserting after the word "carrying" in the fifth line the words "His Majesty's mails".

Amendment of  
principal Act,  
s. 9—

Fee for  
registration of  
vehicles in  
outside areas.

7. Section 9 of the principal Act is amended by inserting after paragraph (10) thereof the following paragraph:—

(10A.) If the Registrar is satisfied by statutory declaration or such other evidence as he requires—

- (a) that any motor vehicle will, during the period for which registration is applied for, be used wholly or mainly in areas which are not within any municipality or district council district;
- (b) that during the said period that motor vehicle will be in the possession and under the control of a person whose place of abode at the time will not be within any municipality or district council district; and

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(c) that that motor vehicle, when not in use, will during the said period be usually kept at premises not within any municipality or district council district,

the registration fee shall, if the applicant is not entitled to have the motor vehicle registered at a reduced fee under paragraph (7), (8), (9), or (10) of this section, be the amount which would otherwise be payable under this section, less fifty per centum thereof.

If the Registrar is satisfied that at any time during the period for which a vehicle has been registered at a reduced fee by virtue of this paragraph that vehicle did not comply with sub-paragraph (a), (b) or (c) of this paragraph, he may, by notice in writing, notify the person who applied for registration of the vehicle that the balance of the full fee for that period must be paid. Upon the expiration of seven days after the giving of the notice that balance shall become due and payable and the Registrar may recover it by action in any court of competent jurisdiction; and without prejudice to his right to do so may cancel any registration of the vehicle for the time being in force if that balance is not paid in full upon its becoming due and payable. For the purposes of this paragraph the whole of Kangaroo Island shall be taken to be outside any municipality or district council district.

8. The following sections are enacted and inserted in the principal Act after section 8 thereof:—

Enactment of sections 8A and 8B of principal Act—

8A. If a Court has ordered that a vehicle shall not be registered until some condition is complied with, the Registrar shall not register that vehicle until he is satisfied that that condition has been complied with.

Refusal to register unfit vehicles.

8B. After the day proclaimed as the day on which Part IIA of this Act shall come into operation, the Registrar shall not register any vehicle unless the application contains a statement by the owner of the vehicle or by the person applying for registration on behalf of the owner that a policy of insurance complying with this Act is in force in relation to the vehicle and a statement of the name of the insurer who has issued the policy.

Statements in application as to insurance.

9. The following section is enacted and inserted in the principal Act after section 10 thereof:—

Enactment of s. 10A of principal Act—

10A. If during the period for which a motor vehicle has been registered any alteration is made to that vehicle and that alteration is such that if it had been made before the

Refunds in certain cases.

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registration of the vehicle the fee for registration would have been less than the amount actually paid, the Treasurer may, at his discretion, make to the owner of the vehicle a refund of such amount as he deems just in the circumstances.

Amendment of  
principal Act,  
s. 13—

Forgery and  
fraud in  
connection  
with plates,  
etc.

**10.** Section 13 of the principal Act is amended by inserting at the end thereof the following subsection :—

(5) Any person who forges or fraudulently alters or uses or fraudulently lends or allows to be used by any other person any number plate, trader's plate, or registration card shall be guilty of an offence and liable to a fine of not more than one hundred pounds, or to imprisonment for not more than twelve months.

Amendment of  
principal Act,  
s. 16—

Duration of  
registration.

**11.** Section 16 of the principal Act is amended so as to read as follows :—

16. (1) Every registration of a motor vehicle effected prior to the commencement of the Road Traffic Act Amendment Act, 1936, shall, unless sooner terminated under this Part, expire on the thirty-first day of March, nineteen hundred and thirty-seven.

(2) Every registration of a motor vehicle effected on or after the date of the commencement of the Road Traffic Act Amendment Act, 1936, shall expire upon the expiration of six months or twelve months calculated as from the commencement of the month in which it was effected, according to the period for which registration was applied for.

Amendment of  
s. 31 of  
principal Act—  
Exchange of  
licences.

**12.** Section 31 of the principal Act is amended by adding at the end thereof the following subsection :—

(4) A licence to drive a motor cycle may be surrendered to the Registrar in exchange for a licence to drive a motor vehicle of any kind expiring on the same day as the licence to drive a motor cycle upon payment of the following fee :—

(a) If the licence issued in exchange takes effect from a day between the thirtieth day of June and the first day of January, Five Shillings ;

(b) If the licence issued in exchange takes effect from a day between the thirty-first day of December and the first day of July, Two Shillings and Sixpence.

Amendment of  
principal Act,  
s. 31—

Statement in  
application for  
licence, as to  
applicant's  
knowledge of  
compulsory  
insurance.

**13.** Section 31 of the principal Act is amended by inserting at the end thereof the following subsection :—

(5) Every application for a licence shall contain a statement, signed by the applicant, that he is aware that

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it is an offence to drive a motor vehicle on a road unless there is in force a policy of insurance insuring any person driving that vehicle against his liability in respect of the death of or bodily injury to any person caused by or arising from the use of the vehicle.

**14.** Subsection (1) of section 32 of the principal Act is amended so as to read as follows:—

Amendment of  
principal Act,  
s. 32—

(1) If the Registrar suspects that any applicant for a driver's licence is for any reason incompetent to drive a motor vehicle without danger to the public, the Registrar shall not issue a driver's licence to that applicant until he is satisfied that that applicant is competent to drive a motor vehicle without danger to the public.

Tests of  
drivers.

If the Registrar refuses to grant a licence to any applicant, that applicant may, in accordance with rules of court made under this section, appeal against that refusal to any Special Magistrate sitting in chambers. On the appeal the Special Magistrate may—

- (a) hear the parties and their witnesses;
- (b) confirm, reverse or vary the decision appealed against;
- (c) make any other order which he thinks just including any order as to costs.

Rules of court shall be made under the Local Courts Act, 1926, prescribing the time within which, and the mode in which appeals are to be instituted and dealt with under this section, and any other matters relevant to such appeals.

**15.** The following section is hereby enacted and inserted in the principal Act after section 32 thereof:—

Enactment  
of section  
32A—

**32A.** (1) Where an applicant for a driver's licence has not previously held a licence and applies for a licence after a day to be proclaimed by the Governor as the day on which this section shall come into operation, the Registrar shall not issue a licence unless the applicant produces to the Registrar a certificate from an examiner certifying that the applicant has passed an examination conducted by that examiner, in the rules required by law to be observed by owners and drivers of motor vehicles. No person shall be deemed to have passed an examination for the purposes of this section unless he has answered correctly at least three quarters of the questions asked in the examination.

Examination  
of applicant  
for driver's  
licence.

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(2) Every member of the police force shall be an examiner for purposes of this section, and the Governor may appoint such other persons as he thinks fit to be examiners.

(3) The examination shall consist of twelve questions to be answered by the applicant in writing; and the questions for each applicant shall be selected by the examiner from a series of questions formulated and supplied to him by the Registrar. Every question shall be such that the answer to it is either "Yes" or "No".

(4) A person who has sat for and failed to pass an examination under this section may again sit for a similar examination at any time after an interval of two clear days.

Amendment of  
principal Act,  
s. 33—

16. Section 33 of the principal Act is amended so as to read as follows :—

Age of drivers  
to whom  
licences may  
be issued.

33. No licence (whether to drive a motor vehicle or a motor cycle) shall be issued to any person who has not previously been granted a licence and who is under the age of sixteen years.

Enactment of  
sections  
38A-38F—

17. The following sections are hereby enacted and inserted in the principal Act after section 38 thereof :—

Suspension of  
licence and  
disqualification  
of holder on  
conviction.

38A. (1) When any person is convicted, before any court, for any offence against any provision of this Act relating to motor vehicles, or for any offence in the commission of which a motor vehicle was used, or the commission of which was facilitated by the use of a motor vehicle, the court may order that that person be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

(2) An order made under this section may be in addition to any other penalty to which the defendant is liable.

Power of  
suspension,  
cancellation,  
and disqualifi-  
cation where  
vehicle used  
for criminal  
purposes.

38B. If a court of summary jurisdiction on complaint duly laid is satisfied that any person has used or is likely to use a motor vehicle in connection with the commission of any offence by himself or any other person, or to facilitate the escape of himself or any other person from arrest or punishment, it may order that the person who used or is likely to use the vehicle be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

Disqualification  
of addicts to  
liquor or  
drugs.

38C. If a court of summary jurisdiction presided over by a Special Magistrate on complaint duly laid by the Commissioner of Police or by the Registrar, is satisfied that any person is by reason of intemperance in the consumption of alcoholic liquor or by reason of the

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habitual use of drugs, likely to cause danger to the public if he drives a motor vehicle on roads, the court may order that that person be disqualified either for a period fixed by the court or until further order from holding and obtaining a driver's licence.

38D. (1) Where an order has been made against any person disqualifying him from holding and obtaining a driver's licence until further order that person may on complaint duly laid before a court of summary jurisdiction, and served on the Commissioner of Police as defendant to the proceedings, apply to that court for an order removing the disqualification, and the court may, if it deems it expedient to do so, order that the disqualification be removed as from any date which it thinks proper.

Removal of  
disqualification.

(2) No application shall be made under this section earlier than three months after the making of the original order for disqualification, nor shall any application under this section be made within three months of a previous application relating to the same order of disqualification.

38E. (1) If the Commissioner of Police or the Registrar has reasonable cause to suspect that any person holding a driver's licence is incompetent to drive a motor vehicle without danger to the public, he may require that person to satisfy him by a practical test that he is competent to drive a motor vehicle without danger to the public and if he fails to pass such a test may suspend the licence held by him.

Suspension of  
licence on the  
ground of  
incompetence  
to drive.

(2) The Commissioner of Police or the Registrar, at the request of any person whose licence has been suspended under this section, shall at a convenient time conduct a further test of that person's ability to drive a motor vehicle; and if that person fails to pass the test he shall be entitled to undergo further tests from time to time at intervals of not less than fourteen days. When that person passes a test the suspension of his licence shall forthwith cease.

38F. Every suspension imposed by the Registrar or the Commissioner of Police, shall be by a document in writing under his hand, and shall be served on the holder of the licence either personally or by registered post.

Mode of  
suspension by  
Commissioner  
of Police or  
Registrar.

38G. (1) If the Registrar has reasonable cause to suspect that any applicant for temporary registration of a motor vehicle registered in another State, or any person who has been granted such temporary registration, has used, is using, or is likely to use that motor vehicle in connection with the commission of any offence by

Refusal or  
revocation of  
temporary  
registration of  
vehicle from  
other States.

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himself or any other person, or to facilitate the escape of himself or any other person from arrest or punishment, he may refuse to issue or, as the case may be, revoke such temporary registration.

(2) The revocation shall be by a document in writing under the hand of the Registrar, and personally served on the person thereby affected.

Amendment of  
principal Act,  
s. 40—  
Warning  
devices.

**18.** Section 40 of the principal Act is amended—

(a) by striking out the word “bell” in the third and tenth lines thereof respectively; and

(b) by adding at the end thereof the following subsection:—

(3) A bell or siren shall not be taken to be a proper horn or other instrument within the meaning of this section except where the motor vehicle to which it is attached is—

(a) being used at the time by the Fire Brigades Board or a fire brigade or the Police Department; or

(b) an ambulance; or

(c) an emergency vehicle being used at the time by the Municipal Tramways Trust.

Enactment of  
s. 40A—

**19.** The following section is hereby enacted and inserted in the principal Act after section 40 thereof:—

Misuse of  
warning  
devices.

**40A.** (1) If any person—

(a) uses the warning device of a motor vehicle otherwise than for giving reasonable warning of the approach of that vehicle; or

(b) uses the warning device of a motor vehicle in such a manner as to produce an offensive noise,

he shall be guilty of an offence.

(2) If any person in any road sounds any bell or siren attached to or being upon any motor vehicle other than—

(a) a vehicle being used at the time by the Fire Brigades Board, or a fire brigade, or the Police Department; or

(b) an ambulance; or

(c) an emergency vehicle being used by the Municipal Tramways Trust,

he shall be guilty of an offence.

Amendment of  
principal Act,  
s. 42—  
Lights on  
motor vehicles.

**20.** Section 42 of the principal Act is amended—

(a) by inserting after the word “visible” in the fourteenth line of subsection (1) thereof the words “at a distance of at least two hundred yards”;



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- (b) by striking out the words “ off side head-light or side-light ” in the third line of paragraph (c) of subsection (1) thereof, and inserting in lieu of those words the words “ rear lamp ”;
- (c) by inserting after subsection (1) thereof the following subsections :—

(1A) Every motor vehicle which, or the load on which, is more than seven feet wide and which is at any time between half an hour after sunset and half an hour before sunrise on any road, shall carry attached to the extreme offside of the vehicle or, where there is a load projecting from the offside of the vehicle, at the extreme offside of that load, a lighted lamp so constructed and carried as to show a bright green light in front of the vehicle. The lamp so carried shall be not less than three and not more than six feet from the ground, and shall be affixed as near as practicable to the edge of the vehicle or load.

It shall be a sufficient compliance with this subsection if any lamp or lamps carried in pursuance of the other provisions of this Act also comply with this section.

(1B) Every motor vehicle the load on which extends more than three feet behind the rear of the motor vehicle and which is at any time between half an hour after sunset and half an hour before sunrise on any road shall carry attached to the extreme rear of that load a lighted lamp so constructed and carried as to show a red light clearly visible from a distance of two hundred yards from the rear of the motor vehicle.

For the purpose of this subsection any frame work, fixed or placed on a motor vehicle, shall be deemed to be the load or portion of the load on that motor vehicle.

21. The following heading and sections are enacted and inserted in the principal Act, after section 42 :—

Enactment of  
sections 42A,  
42B, and 42C—

*Brakes on Motor Vehicles.*

42A. (1) In this section, unless the context otherwise requires—

Brakes on  
motor vehicles.

“ independent brake ” means a brake of which the entire operating mechanism or system is either—

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(a) separate from all parts and connections of any other brake or brake system, so that the brake in question cannot be adversely affected by the operation or failure of any other brake ; or

(b) common to any other brake or brake system only in parts or connections which are of such design and strength, that there is no reasonable probability of failure of the independent brake by reason of the failure of any other brake or brake system :

“retaining-brake” means a brake so constructed and of such a nature that it is capable, when applied on used grades with any load carried or likely to be carried by the vehicle, of retaining all road-wheels, other than the steering-wheels, immovable for an indefinite period and without further attention than the initial application :

“tractor” means any motor vehicle used solely for the purposes of traction, and not for the carriage thereon of passengers (other than the driver) or goods :

“used grades” includes every road of whatever grade upon which the motor vehicle in question is used or likely to be used.

(2) In this section the term “capable of stopping” as applied to a brake means capable of bringing to a stand-still the vehicle to which it is attached from a speed of twenty miles per hour upon a hard, dry, level road having a surface of tar, bitumen, concrete, or similar substance, and free of loose material, without assistance from the compression of the engine, within the specified distance from the point at which the brake is applied.

(3) Every motor vehicle (not being a motor cycle, and not being a tractor the maximum possible speed of which is fifteen miles per hour or less) shall be equipped with two independent brakes attached thereto.

(4) At least one of the brakes shall be a retaining brake.

(5) At least one of the brakes shall be so constructed as to act directly on the wheels, and not through transmission gear.

(6) In the case of a vehicle driven by steam—

(a) if the engine is capable of being reversed ; and

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(b) if the engine is incapable of being disconnected from all the road-wheels or all the axles, other than the front wheel or axle, save by the sustained action of the driver ; and

(c) if there is no differential gear or similar mechanism between any two of the axles,

then it shall be sufficient if the vehicle is equipped with one brake independent of the engine, and complying with the requirements of subsections (4) and (5) of this section.

(7) One brake of a motor vehicle shall, if that brake acts on four wheels, be capable of stopping the vehicle within thirty feet, and if it acts on two wheels, within forty-five feet, and the other brake shall be capable of stopping the motor vehicle within seventy feet.

(8) Every motor cycle (with or without a side-car attached) shall be equipped with at least one brake which shall be capable of stopping the cycle within forty feet.

(9) Every motor cycle having a side-car attached shall, after the first of April, nineteen hundred and thirty-eight, be equipped with two independent brakes attached thereto, one being a retaining brake complying with the requirements of the last preceding subsection and the other a brake of reasonable efficiency.

(10) A trailer need not be equipped with brakes, if the motor vehicle by which it is drawn has brakes capable of stopping that vehicle with the trailer attached, within the distance prescribed by this section.

(11) A motor vehicle of the self-laying track type, having a continuous band or bands as its sole means of locomotion or traction, or having in addition thereto no more than two wheels in contact with the ground, is hereby exempted from the requirement of subsection (5).

(12) Each brake referred to in this section shall be capable of easy adjustment, and shall be maintained at all times in good working order.

(13) Any person who drives or causes or permits any person to drive on any road any motor vehicle which in any particular does not comply with this section shall be guilty of an offence.

*Windscreen Wipers and Rear Vision Mirrors.*

42B. (1) Every motor vehicle having a windscreen, shall be equipped with a windscreen wiper, capable at all times of effectively removing rain or other moisture from the portion

Windscreen  
wipers.

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of the windscreen immediately in front of the driver, and so constructed and situated that it can be controlled or operated from the driver's seat of the vehicle.

(2) If the motor vehicle is registered for the first time after the first of January, nineteen hundred and thirty-seven, the windscreen wiper shall be capable of being operated by a mechanical power.

(3) Any person who drives or causes or permits any person to drive on any road any motor vehicle which in any particular fails to comply with this section, shall be guilty of an offence.

Reflecting  
Mirrors.

42c. (1) Every motor vehicle, other than a motor cycle, shall be equipped with a mirror, so constructed and fitted to the motor vehicle as to give the driver of the motor vehicle a view along the carriage-way of the road behind the vehicle, for at least one hundred yards on a straight road: Provided that this section shall not apply to a motor vehicle when drawing a trailer.

(2) Any person who, on any road, drives a motor vehicle which in any respect fails to comply with this section, shall be guilty of an offence.

(3) It shall be a defence to any charge made under this section if the defendant shows that owing to the mode of construction of the vehicle, or the load carried thereon, it was not practicable to comply with this section.

Enactment of  
s. 43A—

**22.** The following section is enacted and inserted in the principal Act, after section 43 thereof:—

Speed of  
motor cycles  
carrying pillion  
passengers.

43A. (1) Any person who on any road, drives at a greater speed than twenty-five miles per hour a two wheeled motor cycle carrying any person in addition to the driver, shall be guilty of an offence.

(2) This section does not apply to a motor cycle having a side-car attached thereto.

Consequential  
repeal of  
principal Act,  
s. 44.

**23.** Section 44 of the principal Act is repealed.

Consequential  
repeal of  
principal Act,  
s. 46.

**24.** Section 46 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 48—

**25.** Section 48 of the principal Act is amended as follows:—

Driving vehicle  
whilst under  
influence of  
drug.

(a) After the word "liquor" in the second line the words "or a drug" are inserted:

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- (b) All words in the section after the word "offence" first occurring in the fourth line thereof are struck out and the following passage is inserted:—

**Penalty—**

For a first offence, a fine of twenty pounds and disqualification from holding and obtaining a driver's licence for three months:

For a second offence, a fine of fifty pounds or imprisonment not exceeding three months or both such fine and imprisonment and in any case disqualification from holding and obtaining a driver's licence for six months.

For a third or any subsequent offence, imprisonment for three months and disqualification from holding and obtaining a driver's licence for such period as the court thinks fit, but in no case less than three years.

Notwithstanding any other Act the fines, imprisonment, and disqualification provided for by this section shall not be reduced or mitigated in any way except as follows:—

In the case of a first offence the court, if it is satisfied that the offence is trifling, may order disqualification for a period less than three months or may refrain from ordering disqualification.

26. Sections 47 and 49 of the principal Act are repealed.

Consequential repeal of principal Act, ss. 47 and 49.

27. Sections 52 and 54 of the principal Act are repealed.

Consequential repeal of principal Act, ss. 52 and 54.

28. Section 67 of the principal Act is repealed, and the following sections are enacted and inserted in lieu thereof:—

Repeal of principal Act, s. 67, and enactment of ss. 67, 67A, and 67B—  
Endorsement of disqualification.

67. (1) When the holder of a driver's licence is disqualified under this Act from holding and obtaining a licence, or when the licence of any such holder is suspended, he shall forthwith produce his licence to such person as the court or other person or authority ordering the disqualification or suspension directs for the purpose of having a memorandum of the disqualification or suspension endorsed thereon.

(2) Any person who fails to produce a licence as and when required to do so under this section shall be guilty of an offence.

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Effect of  
disqualifica-  
tion from  
holding licence.

67A. (1) A driver's licence shall during the period during which it is suspended or the holder is disqualified from holding and obtaining a licence be of no force or effect.

(2) The Registrar shall not issue a driver's licence to any person who is disqualified from holding and obtaining a driver's licence.

Enforcement  
of obligation  
to procure  
driver's licence.

67B. The Commissioner of Police shall at intervals of not less than twelve months take such steps as are reasonably practicable to ascertain whether any persons are driving motor vehicles without holding drivers' licences.

Enactment of  
principal Act,  
s. 67C—

29. The following section is hereby enacted and inserted in the principal Act after section 67B thereof:—

Suspension of  
registration.

67C. In any proceedings against the owner of a motor vehicle for any offence against this Act if the court is satisfied that the vehicle does not comply with any requirement of this Act or is otherwise so defective that it cannot be driven on a road without danger to the public, the court may order that—

(a) the registration of the vehicle be suspended and not renewed; or

(b) if the vehicle is unregistered, that the vehicle be not registered,

until the vehicle is made to comply with this Act or otherwise rendered safe for use to the satisfaction of a police officer.

Enactment of  
s. 67D of  
principal Act—

30. The following section is hereby enacted and inserted in the principal Act after section 67C thereof:—

Offences by  
employees.

67D. If a person charged with driving a motor vehicle which does not comply with a requirement of this Act as to lights, warning devices, brakes, windscreen wipers, rear-vision mirrors, or other equipment, proves—

(a) that he is the employee of another person;

(b) that he drove the vehicle on the relevant occasion under the express instructions of his employer;

(c) that he was not aware that the vehicle did not comply with this Act or that before driving the vehicle he called the attention of his employer to the fact that the vehicle did not comply with this Act,

that person so charged shall be acquitted.

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31. The following headings and sections are enacted and inserted in the principal Act as Part IIA thereof :—

Enactment of  
Part IIA—  
Insurance  
against third  
party risks.

## PART IIA.

*Insurance against third party risks arising out of the use of Motor Vehicles.*

70A. (1) In this Part, unless the context otherwise requires—

Interpretation  
and application  
of this Part.

“approved insurer” means any person or association of persons carrying on the business of insurance who or which has been approved by the Treasurer as an approved insurer under this Part :

“insured person” means the owner of a motor vehicle in respect of which a policy of insurance is in force under this Part and the driver and the person in charge at the material time whether with or without the consent of the owner.

“owner” includes every person who is the owner or joint owner or part owner of a motor vehicle and any person who has the use of any motor vehicle under a hire purchase agreement, but does not include an unpaid owner of a motor vehicle the subject of a hire purchase agreement.

“policy of insurance” includes a cover note which is binding on the insurer.

(2) Other words and expressions used in this Part shall, unless the context otherwise requires, have the same meaning as they have in Part II. of this Act.

(3) This Part shall not render it obligatory to insure any vehicle owned by the Crown and used solely in the public business of the State or any vehicle owned by the Municipal Tramways Trust and used solely in connection with the business of that Trust : Provided that in relation to any motor vehicle which is owned by the Crown or the Municipal Tramways Trust and is not insured the Crown or the Municipal Tramways Trust shall be under the same liabilities and have the same rights as an insurer who has issued to the Crown or the Municipal Tramways Trust (as the case may be) a policy of insurance complying with this Part in relation to the use of that vehicle.

70B. (1) After a day to be proclaimed by the Governor as the day on which this Part shall come into operation no person shall use, or cause or permit any other person to use, a motor vehicle on a road unless there

Insurance  
against third  
party risks.  
U.K. 20 and  
21, Geo. 5,  
c. 43, s. 36.

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is in force in relation to the use of the vehicle by that person or that other person, as the case may be, a policy of insurance complying with this Part.

Any person contravening this subsection shall be guilty of an offence and liable for a first offence to a fine of not more than one hundred pounds and for any subsequent offence to a fine of not more than two hundred pounds.

(2) Any person convicted of an offence under this section shall (unless the court for special reasons thinks fit to order otherwise) be disqualified from holding and obtaining a driver's licence or the registration of a motor vehicle under this Act for a period of twelve months from the date of the conviction.

(3) Proceedings for an offence under this section may be commenced—

(a) within a period of six months from the date of the commission of the alleged offence ; or

(b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

(4) In any prosecution for an offence under this section, the allegation in the complaint that at any time mentioned in the complaint there was not in force in respect of any particular motor vehicle a policy of insurance complying with this Part shall be *prima facie* evidence of the fact so alleged.

(5) Any owner of a motor vehicle shall on being so requested by a member of the police force produce evidence that there is in force in respect of every motor vehicle owned by him a policy of insurance complying with this Part. The owner shall be deemed to have complied with this subsection if he produces the necessary evidence at a police station (to be nominated by the owner to the member of the police force at the time when the request is made) within five days of the time when its production was requested.

Any person who without just excuse fails to comply with this subsection shall be guilty of an offence and liable to a fine not exceeding fifty pounds.



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(6) Every application for registration of a motor vehicle shall contain a statement by the owner of the vehicle or by the person applying for registration on behalf of that owner that a policy of insurance complying with this Part is in force and a statement of the name of the insurer who has issued the policy.

70c. (1) In order to comply with this Part, a policy of insurance must—

Requirements  
in respect of  
policies.  
Cf. U.K. 20 and  
21 Geo. 5, c. 43,  
s. 36.

(a) be issued by an approved insurer :

(b) except as provided in this section insure the owner of the vehicle mentioned in the policy and any other person who at any time drives that vehicle, whether with or without the consent of the owner, in respect of all liability for negligence which may be incurred by that owner or other person in respect of the death of, or bodily injury to, any person caused by or arising out of the use of the vehicle.

(2) A policy of insurance shall be deemed to comply with this Part notwithstanding that the liability of the insurer—

(a) is limited to two thousand pounds in respect of any claim made by or in respect of any passenger carried in the vehicle mentioned in the policy, and to twenty thousand pounds in respect of all claims made by or in respect of such passengers, and such limits shall be inclusive of all costs in relation to any such claim or claims :

(b) does not indemnify the insured in respect of any claim based on the death of, or injury suffered by, any person who at the time of the accident was—

(i.) the spouse or a child or other relative of the insured of a degree not more remote than the fourth :

(ii.) a servant of the insured :

(iii.) driving, or being conveyed in, or on, or entering or alighting from, the vehicle mentioned in the policy, or about to enter that vehicle or alight therefrom, unless the vehicle was then being used in the business of carrying passengers for hire and the claim is made by or in respect of a fare-paying passenger.

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(3) Notwithstanding anything in any enactment, a person issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

**Liability of Insurers.**

70D. (1) Any person who has obtained a judgment against an insured person in respect of death or bodily injury caused by negligence in the use of a motor vehicle specified in a policy of insurance under this Part may recover by action from the insurer such amount of the money (including costs or a proportionate part thereof) payable pursuant to the judgment as relates to death or bodily injury and is unsatisfied: Provided that before or as soon as possible after the commencement of the proceedings against the insured person, he gave notice to the insurer of the commencement or intended commencement of the proceedings.

(2) Where an insured person has caused death or bodily injury by negligence in the use of a motor vehicle specified in a policy of insurance under this Part but that insured person is dead or cannot be served with process, any person who could have obtained a judgment in respect of the death or bodily injury so caused against that insured person if he were living or if he had been served with process may recover by action against the insurer the amount of the judgment which he could have so recovered against the insured person: Provided that he cannot so recover unless he proves that he gave to the insurer notice of the claim and a short statement of the grounds thereof as soon as possible after he knew that the insured person was dead or could not be served, or that such notice was given within such time as would prevent the possibility of the insurer being prejudiced by want of such notice.

(3) Where the driver of a motor vehicle has caused death or bodily injury by negligence in the use of a motor vehicle, but the identity of the vehicle cannot be ascertained, any person who could have obtained a judgment in respect of the death or bodily injury so caused against that driver may obtain by action against a nominal defendant to be named by the Treasurer the judgment which in the circumstances he could have recovered against the driver of the vehicle: Provided that as soon as possible after he knew that the identity of the vehicle could not be ascertained, he gave to the Treasurer notice of the claim and a short statement of the grounds thereof.

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(4) It shall be no defence by an insurer to an action against him under this section that he is not liable under a policy of insurance by reason of the fact that—

- (a) the policy was obtained by any mis-statement or non-disclosure whether fraudulent, material, or otherwise ;
- (b) the insured person has committed any breach of any term, condition or warranty of a policy or any provision of this Part ; or
- (c) the insured has failed to comply with any condition of the policy as to what the insured person should do or should not do after the event giving rise to liability.

(5) The insurer may, in addition to any other right or remedy he may have, recover from the insured person liable in respect of any such accident, and if two or more persons were so liable from those persons jointly and severally—

- (a) such part of any judgment so obtained against the insurer ; or
- (b) such sums as the insurer has paid in payment settlement or compromise of the claim or judgment against the insured person or the insurer ; and
- (c) such costs and expenses,

as would not have been recovered from or incurred or paid by the insurer but for the last preceding subsection of this section, and that amount may be recovered either in a separate action or by means of third party procedure in the action against the insurer by the person who obtained the judgment : Provided that if the insured person has made any written request to the insurer that he should settle or compromise up to any specified sum or should pay or should contest the claim, and if the insurer acts unreasonably in failing to comply with such request then the insurer shall not recover more than the amount of the liability which the insurer would have paid or incurred if he had not so acted unreasonably.

(6) This section shall not apply—

- (a) so as to confer any rights against an insurer upon the spouse or a child or other relative of the insured person of a degree not more remote than the fourth ; or upon a servant of the insured person or any passenger (other than

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a fare-paying passenger as mentioned in paragraph (b) of this subsection), in, or any person entering or alighting from, or about to enter or alight from the vehicle specified in the policy, nor

(b) so as to make an insurer liable for more than two thousand pounds (including costs) in respect of any one fare-paying passenger nor more than twenty thousand pounds (including costs) in respect of all fare-paying passengers in the motor vehicle specified in the policy if at the material time it was being used in the business of carrying passengers for hire :

(c) to any accident which happened before the commencement of this Part.

(7) A nominal defendant shall not be liable to satisfy any judgment obtained against him but the judgment and the nominal defendant's costs shall be paid by all those who were approved insurers at the date of the accident giving rise to the liability in proportions determined by the Treasurer who, in so determining, shall have regard to the premium income for insurance under this Part received by each such insurer during the previous year.

(8) No policy shall be deemed to comply with this Act if any term, warranty or condition thereof is in form or substance a term, warranty or condition of which the Committee appointed under section 70M of this Act has expressed its disapproval by notice in the *Gazette*: Provided that every such notice shall come into effect upon the expiration of three months after the publication thereof in the *Gazette* and not earlier.

Duties of  
owner or  
insurer.

70E. (1) Upon the happening of any accident which results in the death of or causes bodily injury to any person and is caused by, or arises out of the use of a motor vehicle, the driver and the person in charge thereof shall give written notice forthwith to the insurer concerned, and such notice (which notice shall not be subject to discovery or admissible in evidence in any proceedings except proceedings for an offence under this section) shall set forth the following information with as full particulars as the owner is able to give :—

(a) The fact of the accident :

(b) The time and place at which it occurred :

(c) The circumstances of the accident :

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(d) The name and address of any person killed or injured therein :

(e) The names of any witnesses of the accident.

(2) When neither the driver nor the person in charge of the motor vehicle is the owner of the motor vehicle concerned the owner shall give a like notice immediately upon the accident coming to his knowledge.

(3) An insured person, immediately upon any claim being made upon him in respect of an accident, shall give notice of the claim to the insurer concerned, and supply to that insurer such particulars of the claim as he requires.

(4) If any person fails to comply with any requirement of subsection (1) or subsection (3) of this section he shall be guilty of an offence and liable to a fine not exceeding five pounds.

(5) An insured person shall not, without the consent in writing of the insurer concerned—

(a) enter upon, or incur any expense in, any litigation :

(b) make any offer or promise of payment or settlement :

(c) make any payment or settlement : or

(d) make any admission of liability,

in respect of any claim in respect of which he is insured with such insurer, but this provision shall not prevent any person truthfully answering any question reasonably asked of him.

(6) The insurer shall be entitled to recover from an insured person who has failed to comply with any provision of this section all moneys paid and costs incurred by the insurer in relation to any claim arising out of the accident in respect of which such failure has occurred.

70F. (1) The insurer may on behalf of the insured, conduct the negotiations in respect of any claim against the insured, and may assume the conduct and control of any legal proceedings in respect of any such claim, and at any stage of those negotiations or proceedings may pay, compromise, or settle any such claim.

Power of  
insurers to  
deal with  
claims against  
insured.

(2) The insured shall sign and execute all such warrants, authorities, and other documents as are necessary to give effect to this section, and, if the insured makes default in doing so or is absent or cannot be found, the warrants, authorities, or other documents may be signed or executed by the insurer on behalf of the insured.

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**Emergency  
treatment.**  
Cf. U.K. 24  
and 25, Geo. 5  
c. 50, s. 16.

## 70G. (1) Where—

- (a) (i.) any legally qualified medical practitioner or registered nurse renders emergency treatment in respect of bodily injury (including fatal injury) to any person caused by or arising out of the use of a motor vehicle ; or
- (ii.) the person so injured is immediately after such injury conveyed in any vehicle ; and
- (b) any payment is made (whether or not with an admission of liability) by an insurer under or in consequence of a contract of insurance under this Part in respect of the death of or bodily injury to that person ; and
- (c) notice in writing of a claim under this section is given by the medical practitioner, nurse, or person who conveyed the injured person, to the insurer within one month after the occurrence out of which the death or bodily injury arose,

the insurer shall make such of the following payments as are applicable to the case :—

- (i.) To the medical practitioner the sum of twelve shillings and six pence for each person to whom emergency treatment is rendered together with any travelling expenses reasonably and necessarily incurred in respect of the emergency treatment so rendered :
- (ii.) To the nurse the sum of ten shillings and six pence for all emergency treatment rendered by her to the person or persons injured in the accident together with any travelling expenses reasonably and necessarily incurred in respect of the emergency treatment so rendered which sum shall, if emergency treatment is rendered to two or more persons, be deemed to have been paid on behalf of all those persons in equal shares :
- (iii.) To any person who conveyed the injured person as mentioned in paragraph (a) of this subsection, an amount to be ascertained in accordance with the regulations.

(2) Where two or more insurers make payments under or in consequence of a contract of insurance under this Part in respect of the death of or bodily injury to a person caused by or arising out of the use of two or more motor

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vehicles each such insurer shall pay an equal share of the payments required to be made under subsection (1) of this section.

(3) The liability (if any)—

- (a) of the owner or driver of such motor vehicle in respect of the death or bodily injury ; and
- (b) of the insurer to the owner or driver in respect of the contract of insurance,

shall be reduced by the amount paid by the insurer under this section.

(4) In this section “ emergency treatment ” means such medical or surgical treatment or examination by a legally qualified medical practitioner or a registered nurse as is immediately required as the result of any such injury as mentioned in subsection (1).

70H. (1) Where—

- (a) any payment is made (whether or not with an admission of liability) by an insurer, under or in consequence of a contract of insurance under this Part, in respect of the death of or bodily injury to any person caused by or arising out of the use of a motor vehicle ; and
- (b) the person who has so died or been injured received treatment at a hospital, whether as an in-patient or as an out-patient in respect of the bodily injury (fatal or otherwise) so caused or arising ; and
- (c) notice in writing of a claim under this section is made by that hospital to the insurer within one month after the occurrence out of which the death or bodily injury arose,

Hospital  
treatment.  
U.K. 24 and 25  
Geo. 5, c. 50,  
s. 16.

there shall be paid by the insurer to the hospital the amount owing to the hospital in respect of treatment afforded to the person who has so died or been injured.

(2) Where two or more insurers make payments under or in consequence of a contract of insurance under this Part in respect of the death or of bodily injury to a person caused by or arising out of the use of two or more motor vehicles each such insurer shall pay an equal share of the payments required to be made under subsection (1) of this section.

(3) The liability (if any)—

- (a) of the owner or driver of the motor vehicle in respect of the death or bodily injury ; and

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(b) of the insurer to the owner or driver in respect of the contract of insurance,

shall be deemed to be reduced by the amount paid by the insurer to the hospital under this section.

(4) The amount to be paid by the insurer to the hospital in respect of any such bodily injury (fatal or otherwise), shall not exceed fifty pounds for each person so treated as an in-patient or five pounds for each person so treated as an out-patient: Provided that in either case the amount to be paid to the hospital as aforesaid shall not exceed one-fifth of the total amount (exclusive of costs) paid by the insurer in respect of such fatal or bodily injury.

(5) If the person who has died or been bodily injured has received treatment at more than one hospital, and the total amount owing to those hospitals in respect of treatment afforded to that person exceeds fifty pounds, the sum of fifty pounds shall be divisible between the hospitals in proportion to the claims of the hospitals.

(6) The insurer shall not be liable to pay the amounts payable under this section as well as the amount payable under the Public Hospitals (Charges) Act, 1931, but shall pay the larger of such amounts.

Actions to be  
tried without  
jury.

70i. Every action brought against the owner or driver of a motor vehicle for damages in respect of the death of or bodily injury to any person caused by or arising out of the use of that vehicle, shall be tried without a jury.

Insurance by  
visiting  
motorists.

70j. The Registrar shall not grant a certificate of temporary registration in respect of any motor vehicle of a person visiting the State unless in his opinion that person is adequately insured against any liability which may be incurred by him in respect of the death of or bodily injury to any person caused by or arising out of the use of that motor vehicle in the State.

Power to  
suspend or  
cancel drivers'  
licences on  
application of  
approved  
insurer

70k. (1) Any approved insurer may apply on complaint to a court of summary jurisdiction for an order that any person be disqualified for such period as the court fixes from holding and obtaining a driver's licence.

(2) If it is proved to the satisfaction of the court that the defendant is likely, in the event of his continuing to drive motor vehicles, to endanger unduly the safety of the public, the court may make such order under subsection (1) as it thinks just.



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(3) An insurer shall not terminate a policy of insurance complying with this Part before its expiry by effluxion of time except upon fourteen days' notice in writing given to the person to whom the policy was issued and to the Registrar of Motor Vehicles, unless the insurer substitutes another policy of insurance which complies with this Part, and commences immediately upon the termination of the previous policy.

(4) Upon the termination of the policy on such a notice, the motor vehicle specified in the policy shall be an unregistered vehicle unless and until the Registrar is satisfied that another policy of insurance has been issued in respect of the use of that vehicle.

70L. (1) Every approved insurer shall, whenever so required by the Treasurer, furnish to the Treasurer such information as the Treasurer reasonably requires relating to the following matters :—

Information to  
be furnished  
by insurers.

- (a) Premiums received for insurance under this Part :
- (b) Claims paid under this Part :
- (c) Persons insured under this Part :
- (d) Any other matters relevant to this Part.

(2) Any insurer who without lawful excuse fails to furnish any information to the Treasurer within two months after receipt of a written notice demanding such information shall be guilty of an offence and liable to a penalty of one hundred pounds.

(3) Any insurer who wilfully or negligently furnishes any false information to the Treasurer shall be guilty of an offence and liable to a penalty of two hundred pounds.

70M. (1) Upon the recommendation of the Treasurer the Governor may from time to time appoint a committee to enquire into and report upon the question whether the premiums charged for insurance under this Part are fair and reasonable.

Inquiries into  
premium.

(2) The persons appointed to such a committee shall be—

- (a) a judge of the Supreme Court or a special magistrate or a legal practitioner actually practising law, who shall be chairman :
- (b) the Public Actuary :
- (c) two persons appointed as representing owners of motor vehicles :

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(d) two persons appointed as representing approved insurers.

(3) The members referred to in paragraphs (c) and (d) of the last preceding subsection shall be appointed after consultation with such body or bodies as in the opinion of the Treasurer represent the interests of approved insurers and owners of motor vehicles respectively.

(4) The committee shall have all the powers of a Royal Commission, and the Royal Commissions Act, 1917, with the necessary modifications shall apply to the chairman and other members of the committee and its proceedings and to witnesses and persons summoned as witnesses before the committee.

(5) The Treasurer shall lay every report of the committee before Parliament.

Summary  
procedure.

70N. Proceedings for any offence against this Part shall be disposed of summarily.

Regulations.

70o. The Governor may make any regulations necessary or convenient for carrying this Part into effect or for facilitating the operation of this Part, and may by any regulation impose penalties recoverable summarily and not exceeding twenty pounds for breach of any regulation.

Consequential  
repeal of  
principal Act,  
s. 100.

**32.** Section 100 of the principal Act is repealed.

Amendment of  
principal Act,  
s. 109—

Lights on  
vehicles more  
than six feet  
wide.

**33.** Section 109 of the principal Act is amended by inserting at the end thereof the following subsection (the previous part of the section being read as subsection (1) thereof):—

(2) No person shall drive upon any road or cause or permit to be upon any road at any time between half an hour after sunset and half an hour before sunrise any vehicle which, or the load on which, is more than seven feet wide unless that vehicle carries attached to the extreme offside of the vehicle or, where there is a load projecting from the offside of the vehicle, at the extreme offside of that load, a lighted lamp so constructed and carried as to show a bright green light in front of the vehicle.

It shall be a sufficient compliance with this subsection if any lamp carried in pursuance of subsection (1) of this section also complies with this subsection.

Amendment of  
principal Act,  
s. 110—  
Lights on  
bicycles and  
tricycles.

**34.** (1) Subsection (3) of section 110 of the principal Act is amended by inserting after the word "tricycle" in the first line of paragraph (b) thereof the words "not more than twenty inches above the ground".

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(2) Subsection (4) of section 110 of the principal Act is amended by striking out the word "fifty" in the second line and inserting in lieu thereof the words "two hundred".

35. The following headings and sections are enacted and inserted at the end of the principal Act :—

Enactment of Part VI. of the principal Act.

PART VI.

PART VI.

GENERAL RULES TO BE OBSERVED BY TRAFFIC.

119. (1) In this Part, unless the context otherwise requires—

General provisions as to traffic.

"vehicle" includes motor vehicle as defined in Part II. of this Act, vehicle propelled by animal power, bicycle, tricycle, and any other like vehicle propelled by human power, but does not include a vehicle run on a tramway or railway line :

"animal" means horse, mule, ass, bullock, camel, or other beast used to draw or carry vehicles, loads, or human beings :

"driver" means any person driving or riding a vehicle or animal and as regards a trailer means a person driving the vehicle by which the trailer is being drawn :

"left" means left reckoned by reference to the direction in or towards which the vehicle, animal, or person is proceeding or facing at the material time :

"road" includes every public road, street, terrace, thoroughfare, or other public place, and every private road or street commonly used by the public, or to which the public are permitted to have access :

"trailer" means any vehicle without motive power constructed or adapted or used for being drawn by another vehicle : Provided that a vehicle without motive power constructed and adapted for being drawn by a motor vehicle shall not be deemed a trailer, but shall be deemed part of the motor vehicle by which it is drawn if—

(a) it has two wheels only ;

(b) it is constructed for attachment to a motor vehicle by means of a turntable and kingpin ; and

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(c) a substantial part of its weight and of the weight of its load rests upon the motor vehicle by which it is drawn.

(2) This Part does not apply to any stock travelling loose on a road.

Careless  
driving.  
U.K. 20 and 21,  
Geo. 5, c. 43,  
s. 12.

120. (1) If any person drives or rides any vehicle or animal or walks on a road without due care or attention or without reasonable consideration for other persons using the road he shall be guilty of an offence.

(2) If any person rides a bicycle on any road without having at least one hand upon the handle-bar in such a position as to have adequate control of the steering of the bicycle he shall be guilty of an offence.

Reckless  
driving.  
U.K. 20 and 21  
Geo. 5, c. 43  
s. 11.

121. (1) If any person drives or rides any vehicle or animal on a road recklessly or at a speed or in a manner which is dangerous to the public he shall be guilty of an offence and liable to a fine for a first offence of not less than ten pounds and not more than fifty pounds, and for any subsequent offence of not less than fifty pounds and not more than one hundred pounds, and may for any subsequent offence be imprisoned for any term not exceeding three months.

(2) In considering whether an offence has been committed under this section the court shall have regard to all the circumstances of the case including the nature, condition and use of the road upon which the offence is alleged to have been committed, and to the amount of traffic which at the time actually is or which might reasonably be expected to be upon that road.

Crossing  
railways at  
unauthorised  
places.

122. (1) If any person crosses or attempts to cross or rides or drives or attempts to ride or drive any vehicle or animal across any line of railway elsewhere than at an authorised crossing place he shall be guilty of an offence.

(2) If any person crosses or attempts to cross or rides or drives or attempts to ride or drive any vehicle or animal across any line of railway at an authorised crossing place—

(a) carelessly; or

(b) in such a manner or at such a time as to give rise to the possibility of a collision between that person, vehicle or animal and any train or vehicle which is using the railway at or in the vicinity of the crossing place; or

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(c) when warned not to do so by an employee of the Railways Commissioner; or

(d) when any mechanical or electrical or other warning device at or in the vicinity of the crossing is operating,

he shall be guilty of an offence.

123. If any person driving or riding or in charge of any vehicle or animal or walking on any road—

Obedience to police directions and traffic signs.

(a) fails to obey any reasonable direction of any member of the police force given for the purpose of regulating traffic; or

(b) fails to conform to the indication given by any sign lawfully placed on or near any road for regulating the movement of traffic or indicating the route to be followed by traffic,

he shall be guilty of an offence.

124. If any person riding or driving any vehicle or animal upon any road—

Duty to keep vehicles and animals to the left.

(a) does not keep as near as practicable to his left hand side of that road; or,

(b) when meeting any other vehicle or animal going in the opposite direction, does not pass on his left hand side of that other vehicle or animal,

he shall be guilty of an offence.

125. If any person leaves any vehicle or animal stationary on the carriage-way of any road, and not being drawn in as near as practicable to the left-hand side of the road, he shall be guilty of an offence.

Duty to keep stationary vehicle on left of road.

126. If any person riding or driving any vehicle or animal on any road, does not, when passing any other vehicle or animal going in the same direction, keep on his right hand side of that other vehicle or animal, he shall be guilty of an offence.

Duty to overtake vehicle on right-hand side.

127. If any person riding or driving any vehicle or animal, does not, when passing any tram car travelling or about to travel in the same direction, keep on his left hand side of the tram car, he shall be guilty of an offence: Provided that if the tramway line is laid so near the left hand side of the road as not to permit the free passage of the animal or vehicle on the left of the tram car, or if

Overtaking tramcars.

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owing to any obstruction in the road, it is not practicable to pass on the left of the tram car, the animal or vehicle may lawfully be ridden or driven on the right of the tram car.

Pedestrians on  
road to face  
traffic.

128. (1) If any person walking on the carriage-way of a road parallel with the line of the traffic thereon, does not keep as near as practicable to his right hand side of that carriage-way, he shall be guilty of an offence.

(2) This section shall not restrict the operation of any Act, regulation or by-law which regulates walking upon roads.

Overtaking  
other vehicles.

129. If any driver of a vehicle on any road commences to overtake any vehicle proceeding in the same direction, and if the road is not then clearly visible to the driver of the overtaking vehicle, or is not clear of traffic in front of the vehicle which is being overtaken, for a sufficient distance to enable the overtaking vehicle to completely pass the other vehicle without impeding the free passage or endangering the safety of traffic on that road, the driver of the overtaking vehicle shall be guilty of an offence.

Warning by  
driver of  
overtaking  
vehicle.

130. (1) If any driver of a motor vehicle, before overtaking another vehicle, signals by use of the warning instrument his desire to pass that other vehicle, thereupon the driver of that other vehicle shall move to his left, if the movement is possible with safety, so as to allow the overtaking vehicle a reasonable space in which to pass.

(2) After the signal has been given, the driver of the vehicle being overtaken, shall not increase his speed until the overtaking vehicle has had a reasonable opportunity to pass and draw clear of the overtaken vehicle.

(3) If any person contravenes this section in any way, he shall be guilty of an offence.

Right-of-way  
at points where  
roads meet.

131. (1) When two vehicles are approaching the junction or intersection of two or more roads in such circumstances that there is a reasonable possibility that they might arrive at the same point simultaneously, or that a dangerous situation might otherwise be created, the rider or driver of the vehicle who has the other vehicle on his right shall either decrease the speed of his vehicle to such an extent, or stop his vehicle for such time, as is necessary to allow the vehicle on his right to continue on its course in front of his vehicle without change of speed: Provided that a person shall not be convicted for failure to comply with this section, if it

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appears to the court that he was not aware, and could not, by exercising reasonable care, have become aware, of the approach of the other vehicle.

(2) When a vehicle and a tram car are approaching the junction or intersection of two or more roads in such circumstances that there is a reasonable possibility that they might arrive at the same point simultaneously, or that a dangerous situation might otherwise be created, the rider or driver of the vehicle shall either decrease the speed of his vehicle to such an extent, or stop his vehicle for such time, as is necessary to allow the tram car to pass in front of his vehicle without change of speed.

(3) This section shall not apply if at the junction or intersection the traffic was at the material time being controlled by a member of the police force or some other authorised person, or by any system of signs or lights.

(4) Subsection (1) and subsection (2) of this section, shall each be deemed to create a single offence, and no objection shall be taken on the ground of duplicity or uncertainty to a complaint under either subsection alleging that, in the circumstances mentioned in the subsection, the defendant "did not decrease the speed of his vehicle to such an extent or stop his vehicle for such time" as is required by the subsection.

(5) This section shall also apply in cases where two animals, or an animal and a vehicle or tramcar are approaching a junction or intersection in the circumstances mentioned in subsection (1) or (2), and the term "vehicle" shall be so construed as to include an animal.

132. (1) If any person in any municipality, town, or township drives or rides any vehicle or animal over that part of any intersecting roads, which is common to two or more roads, at a greater speed than twenty-five miles per hour, he shall be guilty of an offence.

Speed at  
intersections.

(2) In this section "intersecting roads" means roads each of which completely crosses and extends on both sides of the other.

(3) Subsections (1) and (2) of this section shall not apply to—

- (a) any motor vehicle owned by the Fire Brigades Board or any Fire Brigade, or the controlling authority thereof, and which is being driven to a fire for use in connection with the extinguishing thereof ;

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- (b) any motor vehicle which is being used by a member of the police force for the purpose of effecting an arrest or otherwise in connection with the detection, suppression or prevention of crime; or
- (c) any ambulance motor vehicle which is being used for ambulance work.

Speed in  
certain  
circumstances.

133. (1) If any person rides or drives any vehicle or animal at a greater speed than six miles per hour—

- (a) when proceeding from any land abutting on a road into that road; or
- (b) when passing any tramcar which, on any road in the course of a journey in the same direction as the overtaking vehicle or animal, has stopped for the purpose of allowing passengers to board or alight,

he shall be guilty of an offence.

(2) If any person rides or drives within ten miles from the General Post Office at Adelaide any vehicle or animal at a greater speed than ten miles per hour when turning from one road into another he shall be guilty of an offence.

(3) If any person rides or drives any vehicle or animal at a greater speed than fifteen miles an hour whilst passing any school or school playground or children's playground at any time when children are going into or coming out of that school or playground, he shall be guilty of an offence.

(4) In this section "children's playground" means a children's playground which is maintained by a municipal or district council.

Signals.

134. (1) Whenever the driver or rider of any vehicle or animal is about to turn his vehicle or animal to the right, in or into any road, he shall, at least one hundred feet before the point where he commences to turn, signify his intention to do so by extending his right arm horizontally from the right hand side of the vehicle or animal with the palm facing forward, the arm being in such a position that it is clearly visible from a distance of at least one hundred feet to any person following the vehicle or animal.

(2) Whenever the driver or rider of any vehicle or animal is about to slow down or stop he shall at least one hundred feet before the point where he commences to slow down signify his intention to do so—

- (a) by extending his right arm horizontally from the right-hand side of the vehicle or animal with



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the palm of the hand turned downwards the arm being in such a position that it is clearly visible at a distance of at least fifty feet to any person following the vehicle or animal; and

(b) by moving the arm slowly up and down.

(3) It shall be a sufficient compliance with the provisions of this section to give the appropriate signal by some mechanical or electrical device which has been approved by the Registrar of Motor Vehicles.

(4) If any person fails to comply with this section he shall be guilty of an offence.

135. (1) No person shall drive upon any road any vehicle having any vehicle (not being a trailer) attached thereto for the purpose of being towed, if any of the following provisions is not observed :—

Requirements  
as to towing.

(a) The space between the vehicles shall not exceed twelve feet :

(b) Where the towed vehicle is a motor vehicle, a competent person shall be in charge of that vehicle, to control it so far as the condition of its brakes and mechanism will permit :

(c) Where the two vehicles are joined by means of a tow rope, chain or wire, there shall be displayed on the tow rope, chain or wire, midway between the two vehicles, a white flag or cloth, so as to be clearly visible as a warning of danger :

(d) Between half an hour after sunset, and half an hour before sunrise, a lighted lamp, showing a bright white light, shall be affixed to the front of the towed vehicle in such a manner as to render clearly visible, any flag or cloth displayed in accordance with paragraph (c) of this subsection, and a lighted lamp shall be affixed to the offside of the rear of the towed vehicle, showing a red light clearly visible at a distance of 200 yards, to any person approaching the vehicle from the rear :

Provided that where the vehicle being towed is fastened in actual contact with the towing vehicle, the white flag or cloth mentioned in paragraph (c), and the lighted lamp affixed to the front of the towed vehicle, mentioned in paragraph (d), shall not be required.

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(2) If any person contravenes this section in any respect, he shall be guilty of an offence.

Leaving  
vehicles in  
dangerous  
positions.  
U.K. 20 and 21,  
Geo. 5, c. 43,  
s. 50.

136. If any person in charge of a vehicle or animal causes or permits that vehicle or any trailer drawn thereby or that animal to remain at rest on any road in such a position or in such condition or circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence.

Driving or  
riding on  
footpaths, &c.

137. If any person rides, drives, or leads any animal, or rides or drives any vehicle so that that animal or vehicle or any part thereof is on any footpath, causeway, or place set apart or constructed on or by the side of any road for the accommodation of foot passengers, he shall be guilty of an offence: Provided that this section shall not apply where the animal or vehicle is ridden, driven, or led across any such footpath, causeway, or place at right angles in crossing to or from any premises.

Control of  
animals by  
driver.

138. If the driver of a vehicle drawn by an animal on any road, is at such a distance from that vehicle or in such a situation that he cannot properly guide and control the animal drawing the vehicle, he shall be guilty of an offence.

Duty to stop  
in case of  
accident.  
U.K. 20 and  
21, Geo. 5,  
c. 43, s. 22.

139. (1) If, owing to the presence of a vehicle on a road, an accident occurs, whereby damage or injury is caused to any person, vehicle or animal, the driver of the vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner of the vehicle and, if the vehicle is a registered motor vehicle, the registered number of the vehicle.

(2) When any such accident happens, the driver of the vehicle shall also report the accident at a police station or to a police constable as soon as reasonably practicable, and in any case, within twenty-four hours after the occurrence thereof.

(3) In this section, the expression " animal " means any horse, cattle, ass, mule, sheep, pig, goat, or dog.

(4) If any person fails to comply with this section in any respect he shall be guilty of an offence: Provided that no person shall be punished for failing to comply with this section if the Court is of opinion that the accident was a trivial one or if the defendant satisfies the Court that he did not know that any accident had occurred.

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140. (1) Any owner of any vehicle shall, if required by a member of the police force, or by any inspector appointed under Part II. of this Act, truly answer any question put to him which may lead to the identification of the person who was driving that vehicle on any occasion when an offence under this Act is alleged to have been, or is suspected of having been, committed.

Duty of owner to give information to identify driver.

(2) Any such owner who refuses to answer, or fails to answer truly, any such question shall be guilty of an offence.

141. If any person drives or causes or permits to be driven on any road any vehicle, upon which the load extends beyond any portion of the vehicle, and—

Projecting loads.

(a) the load is not as nearly as practicable parallel to the sides of the vehicle ; or

(b) any iron, timber, piping, or other solid materials projecting beyond any portion of the vehicle, is not wrapped at the projecting ends thereof, with bagging or other suitable material, and securely tied so as to prevent noise, flapping, and swaying, and covered with some white material so as to indicate the presence of such projection,

he shall be guilty of an offence.

142. (1) No person shall drive any motor vehicle on any road if—

Width of vehicles, and number of trailers.

(a) the width of the vehicle or of any part of the load thereon exceeds eight feet ; or

(b) the vehicle (being a tractor) has more than two trailers attached thereto ; or

(c) the vehicle (being a vehicle other than a tractor) has more than one trailer attached thereto.

(2) Any person who contravenes this section shall be guilty of an offence.

In any proceedings for an offence of driving on a road a motor vehicle the width of which exceeds eight feet it shall be a defence to prove that the motor vehicle was, on the first day of September, nineteen hundred and thirty-six, a registered motor vehicle, and that at the said date the motor vehicle was of the same width as at the time of the alleged contravention, and that the load on the motor vehicle did not project beyond either side of the vehicle.

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(3) If the Registrar of Motor Vehicles is satisfied that it is reasonable to permit any vehicle to be driven on any road, although the width of that vehicle or of any part of the load thereon exceeds eight feet he may on the application of the owner of the vehicle grant a permit, either general or restricted as to time, place, or circumstance, permitting that vehicle to be driven on any specified roads or on roads generally and such a permit shall render lawful anything done in accordance therewith.

(4) The Governor may by proclamation declare that this section shall not apply to any road or part of a road mentioned in the proclamation, and may from time to time revoke or alter any such proclamation. The operation of this section shall be restricted according to the terms of all proclamations for the time being in force under this subsection.

(5) Notwithstanding subsection (1) of this section it shall be lawful to drive on any road a vehicle carrying a load more than eight feet wide if that load consists of any agricultural machine or motor bodies more than eight feet wide.

(6) No agricultural machine shall be deemed to be a vehicle within the meaning of this section.

(7) In this section "agricultural machine" means any machine (other than a tractor) used for cultivating land or sowing or harvesting crops.

Restriction on  
carriage of  
persons on  
bicycles.  
U.K. 24 and 25,  
Geo. 5, c. 50,  
s. 20.

143. (1) If more than one person is carried on a road on a bicycle not propelled by mechanical power and not constructed or adapted for the carriage of more than one person, each of those persons shall be guilty of an offence.

(2) In this section references to a person carried on a bicycle shall include reference to a person riding the bicycle.

(3) This section shall apply only within the areas in which the Governor declares that it shall apply. The Governor may by proclamation declare the areas within which this section shall apply and may at any time by proclamation alter any such area, or revoke any proclamation in force under this section.

Holding on to  
motor vehicles,  
and riding  
without  
drivers's  
consent.

144. (1) If the driver of a vehicle knowingly permits any person riding a bicycle or other vehicle propelled by human power to attach himself to the vehicle being driven while it is in motion on any road, that driver shall be guilty of an offence.

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(2) Any rider of a bicycle or other vehicle propelled by human power, who attaches himself to any other vehicle whilst that vehicle is in motion on any road shall be guilty of an offence.

(3) Any person who rides on a vehicle without the consent of the driver of that vehicle shall be guilty of an offence.

145. If any person riding a bicycle travels on any road for more than three hundred yards behind any motor vehicle and within six feet from that vehicle he shall be guilty of an offence.

Pacing by  
cyclists.

146. Any person who in any road, boards or alights from any tram car or vehicle whilst in motion, shall be guilty of an offence.

Boarding and  
alighting from  
moving  
vehicles.

147. (1) If two or more vehicles are driven abreast of each other in the same direction on any road, the rider or driver of each of those vehicles shall be guilty of an offence : Provided that this section shall not apply—

Driving and  
riding abreast.

(a) where two bicycles and no more are ridden abreast :

(b) where a vehicle is driven abreast of another vehicle for the purpose of passing that other vehicle.

(2) A vehicle shall be deemed to be abreast of another vehicle if any part of the vehicle is by the side of any part of that other vehicle.

148. (1) If three or more horses are ridden abreast on the carriage-way of any road within twelve miles of the General Post Office at Adelaide, the rider of each horse shall be guilty of an offence : Provided that this section shall not apply where the horses are ridden by members of the police force on duty.

Prohibition of  
riding horses  
abreast.

(2) A horse shall be deemed to be abreast of another horse if any part of that horse is by the side of any part of the other horse.

149. If any person deposits or drops or causes or suffers to be deposited or dropped upon any road, any matter or substance likely to cause damage or danger to vehicles, being any wood, stone, sand, gravel, nail, tack, scrap iron, glass, wire, tin, bottle, thorn, clipping, oily or sticky substance or other matter or substance, he shall be guilty of an offence : Provided that it shall be a defence to a charge under this section if the defendant proves that he had taken reasonable precautions to prevent the matter or substance from being so deposited or dropped.

Injurious  
matter on  
roads.

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Removal of  
vehicles from  
roads.

## 150. (1) If—

- (a) any vehicle or animal is left unattended on a road in such a position or in such a condition or in such circumstances as to be likely to cause danger to other persons using the road ; or
- (b) on any day on which a road is closed to the public or forms part of the route of a procession which has been duly advertised under any enactment, regulation, or by-law, any vehicle is left unattended for more than one hour,

any member of the police force or any officer of any municipal or district council may remove that vehicle or animal to a place of safe custody.

(2) Forthwith after such removal, the person removing the vehicle or animal, or some person on his behalf, shall give the owner written notice of the removal, and of the place to which the vehicle or animal was removed. The notice shall, wherever practicable, be served upon the owner personally ; but if it is not so served within fourteen days after the removal, it shall forthwith upon the expiration of those fourteen days be given by public advertisement in two newspapers circulating generally in the State.

(3) If the owner of the vehicle or animal does not, within one month after the service or advertisement of the notice, pay all expenses in connection with the removal, custody, and maintenance of the vehicle or animal, and of serving or advertising the notice, and take possession of the vehicle or animal, the Commissioner of Police, or the municipal or district council whose officer removed the vehicle or animal shall sell it by public auction, and apply the proceeds as follows :—

- (a) Firstly, in payment of the expenses of the sale :
- (b) Secondly, in payment of the cost of removal, custody, and maintenance of the vehicle or animal, and of the notice served or advertised under this section :
- (c) Thirdly, in payment of the balance to the owner, or if, after reasonable enquiry, the owner cannot be found, to the Treasurer, in aid of the general revenue of the State.

Control of  
parking outside  
Parliament  
House.

151. (1) The Governor may by proclamation declare that any area in that part of any street which abuts on the site of either House of Parliament shall be a prohibited area within the meaning of this section and may revoke or amend any such proclamation.

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(2) If any person, whether holding any other licence, permit, or other authority or not, leaves any vehicle or animal stationary in any prohibited area proclaimed under this section, without the permission of the Commissioner of Public Works, he shall be guilty of an offence.

(3) This section shall take effect notwithstanding anything in the Local Government Act, 1934, or any other Act or any regulation or by-law.

(4) No prosecution for an offence against this section shall be commenced except with the authority of the Commissioner of Public Works. A document purporting to give such consent and purporting to be signed by the Commissioner of Public Works shall be *prima facie* evidence of such consent.

152. (1) Any member of the police force may, if he has reasonable cause to suspect that any vehicle has been involved in an accident or has been driven on a road recklessly or at a speed or in a manner which is dangerous to the public or has been stolen or taken without the consent of the owner and is on any land or premises, enter such land or premises and therein search for that vehicle and examine it if found.

Power of police to examine and test vehicles and animals.

(2) Any person who hinders any member of the police force, in the exercise of any power conferred upon him by this section, shall be guilty of an offence.

(3) If any member of the police force or any inspector appointed under Part II. of this Act has reasonable cause to suspect that any motor vehicle does not comply with any requirement of this Act he may—

(a) require the owner or person in charge of the vehicle to produce the vehicle to him or to some person named by him for the purpose of being tested :

(b) for that purpose remove the vehicle to the nearest convenient place where it can be tested :

(c) detain the vehicle for such time as is necessary for testing it.

(4) If the owner or person in charge of any vehicle when so requested by a member of the police force or an inspector appointed under Part II. of this Act does not produce the vehicle, together with any key or other device necessary for starting the engine, in accordance with a request under subsection (3) of this section, he shall be guilty of an offence.

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Closing roads  
for races, and  
exemptions.

153. (1) Upon the application of any persons interested the Minister of Local Government may make either or both of the following orders:—

- (a) That any road or part of a road be closed to traffic on any day or days for the purpose of permitting races or tests to be held on that road or part of a road:
- (b) That persons taking part in any races or tests be exempted from the duty to observe any enactment, regulation or by-law prescribing speed limits or other rules to be observed on roads by drivers and riders of vehicles.

(2) No order closing a road shall be made under this section except with the consent of every municipal or district council within whose area the road or part of a road is situated.

(3) At least two clear days before any road is to be closed or any exemption is to operate pursuant to an order under this section the Minister shall by advertisement in two newspapers, one of which shall be a daily newspaper, circulating generally in the State give notice of the intended closing of the road or exemption. The costs of every such advertisement shall be paid by the applicants.

(4) Any order made under this section shall be subject to any conditions which the Minister thinks fit to impose and upon breach of any condition shall cease to have any effect.

(5) An order under this section shall render lawful anything done in accordance therewith.

(6) If any person is requested by a member of the police force to depart from any road or part of a road closed under this section or to remove any vehicle of which he is in charge from any such road or part of a road and does not forthwith comply with that request he shall be guilty of an offence.

Vehicles used  
for carrying  
passengers for  
hire.

154. (1) After a day to be fixed by the Governor by proclamation for the commencement of this section no person shall drive any vehicle or cause any vehicle to be driven for the purpose of carrying passengers for hire unless that vehicle has been inspected and certified to be safe for the carriage of passengers by an officer appointed by the Registrar of Motor Vehicles: Provided that this section shall not apply where a vehicle is driven pursuant to a licence under the Road and Railway Transport Act, 1930, or under any by-law of a local governing authority.



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(2) Every certificate granted under this section shall remain in force for twelve months from the date of the granting thereof unless revoked by any such officer as aforesaid before the expiration of that period on the ground that the vehicle is no longer safe for the carriage of passengers.

155. (1) If any light, or any sign showing a light, is on or over or adjacent to any footpath or road in any municipality or district council district or is affixed to the wall or roof or other external part of any building or verandah in any municipality or district council district, and the council of the municipality or district council district is satisfied that the light or sign is dangerous to traffic on any road, the council may give notice in writing to the owner of the light or sign requiring him to remove the light or sign within a reasonable time specified in the notice.

Dangerous  
lights and  
signs.

(2) If within the time specified in the notice that owner does not remove the light or sign, the council may remove it and recover the costs of so doing from that owner in any court of competent jurisdiction as a debt due to the council.

(3) Any notice under this section may be given by post addressed to the last known place of business or abode of the person to whom it is to be given, or by delivering it to that person.

156. When any regulation or any by-law is inconsistent with any provision of this Part, that provision shall prevail and the regulation or by-law shall, to the extent of the inconsistency, be invalid.

Inconsistency  
of this Part  
with regulations  
and by-laws.

157. The allegation in any complaint for an offence against this Act, or against any regulation under this Act, that any person was, at any time mentioned in the complaint, the rider or driver of any animal or vehicle shall be *prima facie* evidence of that fact.

Evidentiary  
provisions.

158. Any person guilty of any offence against this Part, for which no other penalty is provided, shall be liable to a fine of not more than twenty pounds.

Penalty.

159. Proceedings for offences against this Part shall be disposed of summarily.

Summary  
proceedings.

160. (1) Where any offence against any provision of this Act mentioned in subsection (2) of this section is committed within the area of any municipal or district council, one half of any fine imposed in respect of that offence shall be paid to the council of that area.

Payment of  
penalties to  
Councils.

(2) The provisions of this Act to which this section applies are sections 123, 125, 128, 130, 134, 136, 141, 142, 143, and 144.

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## PART VII.

## PROTECTION OF ROADS.

Interpretation.

161. In this Part unless the context otherwise requires or some other meaning is clearly intended—

“Commissioner” means the Commissioner of Highways appointed pursuant to the Highways Acts, 1926 to 1935 :

“improved main road” means any main road within the meaning of the Highways Acts, 1926 to 1935, which has been formed, metalled, or gravelled, or which has any prepared surface, and includes the shoulders and drains thereof, and any bridge, culvert, guard fence, or post thereon :

“road authority” means the municipal or district council within whose area the road in question is situated, and includes the Commissioner when exercising the powers of a council in respect of any work :

“shoulders”, when used in relation to a main road, means the protection work formed or constructed of any material whatsoever for strengthening, backing up, or protecting the edges of any improved main road :

“drain”, when used in relation to a main road, means any work formed or constructed of any material whatsoever, which is provided for the drainage of such road :

“motor lorry” means a motor vehicle constructed in such a manner as to be ordinarily used for the carriage of goods, wares, or merchandise, or for the conveyance of any kind of material used in any trade, business, or industry, or for use in any work whatsoever other than the conveyance of passengers :

“motor vehicle” means a motor vehicle as defined in Part II. of this Act :

“tractor” means a motor vehicle used for hauling other vehicles, but not built to carry passengers or loads other than fuel or water for its own consumption.

Farm  
implements.

162. If any person drives or hauls over any improved main road any farm or other implement constructed in such a manner as to injure or damage any portion of the road when travelling thereon, he shall be guilty of an offence.

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163. If any person locks or prevents from revolving any wheel of any horse-drawn vehicle whilst such vehicle is proceeding along any improved main road, he shall be guilty of an offence.

Locking of wheels.

164. If any person draws or drags any sledge, timber, tree, or other heavy material on any improved main road, he shall be guilty of an offence.

Drags.

165. If any person, except in crossing a road, drives on or within six feet of any part of the metalled, gravelled, rubbled, tarred, or other prepared surface of any improved main road any motor vehicle having attached to the surface of any wheel or tire, which comes into contact with the road, any metal bar, spike, stud, grip, or other metal projection, he shall be guilty of an offence: Provided that this section shall not apply where the wheels or tires of the motor vehicle have no projection on the surface thereof which comes into contact with the road other than cross bars affixed thereto at an angle of not more than forty-five degrees with the edge of the wheel or tire, and each extending the full width of the wheel or tire, and being not less than three inches in width and not more than three-quarters of an inch in thickness, and being separated by a space of not more than three inches from the cross bar nearest to it on either side.

Wheels with bars, studs, &c.

166. If any person, except in crossing a road, uses or drives on or within six feet of any part of the metalled, gravelled, or other prepared surface of any improved main road any tractor of the caterpillar type which has any metal bar, spike, stud, grip, or other metal projection on the track or belt of that tractor, he shall be guilty of an offence.

Caterpillar tractors.

167. (1) If any person stops a vehicle on any bridge or culvert on any main road for any purpose whatever except in case of a breakdown or other unavoidable accident, he shall be guilty of an offence.

Stopping vehicles on bridges.

(2) If the owner of any vehicle which has stopped on a bridge or culvert because of a breakdown or other unavoidable accident fails to remove the vehicle from that bridge or culvert without unnecessary delay, he shall be guilty of an offence.

168. If any person drives any vehicle on any main road in such a way as to damage any bridge, culvert, guard fence, or post on or appertaining to that main road, he shall be guilty of an offence.

Damage to bridges.

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Driving on  
shoulders of  
roads.

169. If any person drives any vehicle on the shoulders of any improved main road except for the purpose of passing another vehicle, or leaving the metalled, gravelled, rubbled, tarred, or other improved surface, he shall be guilty of an offence.

Actions likely  
to cause  
fire.

170. If any person discharges any ashes, cinders, or other refuse from a tractor or any motor vehicle upon or within twenty feet of a bridge or culvert upon a main road, or upon any main road within twenty feet of the centre of that road, and does not completely extinguish and spread out such ashes, cinders, or refuse, so as not to injure that road or any fence thereon or adjacent thereto, and so as not to interfere with the drainage, he shall be guilty of an offence.

Depositing  
material  
on roads.

171. If any person without the permission of the Commissioner in writing stacks or deposits any wood, sand, stone, or material of any description on any main road or part of a main road which is in any way being maintained by the Commissioner, he shall be guilty of an offence.

Use of wheel  
chains.

172. If any person drives or hauls upon any improved main road any vehicle having solid rubber tires which are fitted with chains, or having metal studs or other metal projections inserted in the rubber thereof, he shall be guilty of an offence.

Defective  
tires.

173. If any person drives on any improved main road any motor vehicle having any wheel shod with a rubber tire (not being a pneumatic tire) which has not rubber at least one inch thick over the whole of the outer surface of the wheel, or which is in any way defective, he shall be guilty of an offence.

Speed of  
lorries and  
tractors.

174. If any person on any road drives any motor vehicle, which has all or any of its wheels fitted with rubber tires other than pneumatic tires, at a greater speed than that applicable thereto in the following table, he shall be guilty of an offence :—

	Miles per hour.
(a) If the weight of the vehicle unladen does not exceed three tons.....	20
(b) If the weight of the vehicle unladen exceeds three tons .....	16
(c) If a trailer which has all or any of its wheels fitted with rubber tires other than pneumatic tires is attached to the vehicle .....	16

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175. If any person on any road which is not paved with bitumen, concrete, or wooden blocks drives at a greater speed than thirty miles per hour any motor vehicle which weighs more than two tons when unladen, he shall be guilty of an offence.

Speed of heavy motor vehicles on certain roads.

176. (1) If any person on any improved main road drives any motor vehicle having one or more metal tires at a greater speed than six miles per hour he shall be guilty of an offence.

Vehicles with metal tires.

(2) If any person on any improved main road drives any vehicle drawing a trailer having one or more metal tires he shall be guilty of an offence: Provided that if the Commissioner of Highways is satisfied that any piece of heavy machinery or other merchandise cannot be taken apart without great expense or loss, he may issue to any person a permit (subject to any conditions specified therein) authorising that person to use a trailer with metal tires for transporting that piece of machinery or other merchandise along any main road specified in the permit.

177. (1) Every motor lorry (not being a buckboard) and every vehicle carrying passengers or goods for hire in actual use on any road shall have the name and address of the owner thereof and the weight of the vehicle unladen painted on some conspicuous part of the off side of the vehicle in letters not less than two inches high and one inch wide.

Information to be painted on vehicles.

For the purpose of this subsection:

“name” means—

- (a) in the case of a vehicle owned by an individual, the Christian names or the initials of the Christian names and the full surname of that individual; and
- (b) in the case of a vehicle owned by a firm, the registered name of the firm; and
- (c) in the case of a vehicle owned by a company or body corporate, the registered name of the company, or the full name of the body corporate:

“address” means either place of abode or place of business:

“buckboard” means a vehicle adapted partly for the carriage of goods and partly for the carriage of passengers and weighing when unladen less than thirty-two hundredweights.

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(2) Every motor lorry or tractor (for whatever purpose used) having any tires which are not pneumatic tires shall have, in addition to any particulars required under subsection (1), its weight unladen, together with the speed at which the lorry or tractor may travel under section 174 clearly and distinctly painted on the off side of the lorry or tractor in figures not less than two inches high and one inch wide.

(3) If any person owns or drives on any road any vehicle not complying with this section he shall be guilty of an offence: Provided that where the owner and the driver are different persons, both shall not be punished in respect of the same non-compliance.

Damage to  
roads and  
works.

178. Any person who—

- (a) otherwise than by reasonable use thereof damages any road, bridge, or culvert; or
- (b) removes, damages, or interferes with any guard fence, post, traffic sign, direction sign, notice, mark, light, signal, barrier, lamp, or other thing erected or placed thereon by or with the consent of a road authority, or by the Royal Automobile Association of South Australia, Incorporated; or
- (c) does any act or makes any omission of such a nature as to be likely to injure any such road or other thing,

shall be guilty of an offence, and in addition to being liable to a fine, shall pay to the road authority compensation for the damage done.

Notice of  
damage.

179. If the driver or person in charge of any vehicle causing damage to any improved main road does not forthwith give to the road authority in whose area the damage has been caused notice of that damage, with full particulars of any damage to the surface of the road or to bridges, culverts, guard fences, or posts on the road, he shall be guilty of an offence.

Penalty

180. Any person who commits an offence against this Part shall be liable, on summary conviction, to a penalty not exceeding twenty pounds.

Appointment  
of authorised  
officers.

181. The Commissioner may appoint any person to be an authorised officer for the purpose of this Part, and any municipal or district council may appoint any person to be an authorised officer for the purpose of this Part within the district of such district council or municipal corporation.

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*Road Traffic Act Amendment Act.—1936.*

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182. This Part shall be binding on any person in the employ of the Government of the State.

Application to employees of Crown.

**36.** (1) Paragraph (d) of subsection (1) of section 85 of the Police Act, 1916 (which paragraph was amended by section 11 of the Police Act Amendment Act, 1934), and the whole of section 85A of the Police Act, 1916 (which section was enacted by section 12 of the Police Act Amendment Act, 1934), are repealed.

Consequential repeal of ss. 85 (d) and 85A of Police Act, 1916.

(2) Paragraph (d) of subsection (1) of section 122 of the Police Act, 1936, and the whole of section 123 of the Police Act, 1936, are repealed.

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

W. DUGAN, Governor.