



ANNO DECIMO QUARTO

# GEORGII V REGIS.

A.D. 1923.

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## No. 1580.

An Act to make further and better provision for Regulating the Width of the Tires of Vehicles used on Public Roads and the Weights which may be carried on such Vehicles, and for other purposes.

*[Assented to, November 28th, 1923.]*

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

1. This Act may be cited as the "Width of Tires Act, 1923." Short title.
2. The Width of Tires Act of 1867 and the Act No. 9 of 1868-9, being an Act to amend the said Act, are hereby repealed. Repeal of Acts No. 12 of 1867 and No. 9 of 1868-9.
3. In this Act, unless some other meaning is clearly intended— Interpretation.
  - "Council" means a Municipal or District Council:
  - "Inspector" means Inspector of the Local Government Department appointed for the purposes of this Act by the Minister:
  - "Load" includes everything inanimate or animate carried on a vehicle or motor vehicle:
  - "Local government area" or "area" means a Municipality or a District Council District:
  - "Motor vehicle" means a motor vehicle within the meaning of the Motor Vehicles Act, 1921: Provided that the term shall not apply to any motor vehicle not used exclusively or principally for the conveyance of goods: "Owner"

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“ Owner ”, when used in relation to a vehicle or motor vehicle, includes not only the owner but also the hirer or borrower or other person for the time being entitled to the possession of the vehicle or motor vehicle, and also any manager, overseer, foreman, agent, or other representative of the owner with whose orders the driver or other person in charge of the vehicle or motor vehicle is bound to comply:

“ Road ” means any street, road, terrace, thoroughfare, court, lane, alley, cul-de-sac, or other place commonly used by the public, or to which the public are permitted to have access:

“ Vehicle ” means any wagon, dray, trolley, lorry, cart, car, truck, or any other vehicle drawn or propelled by animal power, or any trailer, semi-trailer, or jinker attached to any vehicle (howsoever drawn or propelled) or to any motor vehicle, but does not include any motor vehicle:

“ Width ”, when used in relation to the tire (being a metal tire) of a wheel of a vehicle or motor vehicle, means the width of the bearing surface of the tire which would actually come in contact with or bear upon a road when the wheel is attached to the axle and the vehicle or motor vehicle is ready for use, and when used in relation to the tire (being a rubber tire) of a wheel of a vehicle or motor vehicle shall mean the distance between the inside of the flanges on the rim of such wheel.

Maximum weight that may be carried by vehicles.

Cf. Traffic Act, 1919 (W.A.), s. 35.

4. (1) Any person who carries, or causes or permits to be carried on any road—

- (a) on any vehicle a weight, including the weight of the vehicle, greater than that calculated in accordance with the rules contained in the Schedule hereto;
- (b) on any vehicle having metal tires a weight, including the weight of the vehicle, greater than that calculated at the rate of five tons for each axle of such vehicle; or
- (c) on any vehicle having rubber tires a weight, including the weight of the vehicle, greater than that calculated at the rate of six tons for each axle of such vehicle,

shall be guilty of an offence against this section.

Maximum axle load for four-wheeled vehicles.

(2) Any person who carries, or causes or permits to be carried, on any road on the axle of any four-wheeled vehicle a greater weight than the maximum weight that may lawfully be carried on any road by a two-wheeled vehicle, fitted with wheels of the same diameter and width of tire as the two wheels turning on such axle, shall be guilty of an offence against this section.

Penalty on over-weight.

12, 1867, s. 8.

(3) If any person is guilty of an offence against this section, such person shall be liable to a penalty for the first or any subsequent offence calculated at the rate of not less than Two Shillings and Six Pence for each hundredweight or part of a hundredweight carried in excess of the quantity allowed by this Act.

(4) Nothing

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(4) Nothing in this section shall apply to any tractor or traction engine not usually used upon a road or the conveyance of any piece of heavy machinery or other merchandise which cannot be taken apart without great expense or loss so long as the vehicle conveying such machinery follows the special route (if any) along which the Town Clerk or District Clerk of the Municipality or District in which such machinery is, has ordered that it be conveyed to its destination. 9, 1868-9, s. 2 (part).

5. (1) The following rules shall be observed in respect of every vehicle having metal tires on any road:— Rules to be observed with respect to tires.

- i. The tire of each wheel of any such vehicle shall have an even-bearing surface across its full width :
- ii. No tire of any such vehicle shall be less than one-and-a-quarter inches in width.

(2) If any vehicle in respect of which any of the said rules is not complied with is on any road, the person in charge of such vehicle and also the owner of such vehicle shall be guilty of an offence against this Act: Provided that both shall not be punished in respect of the same non-compliance.

(3) This section shall not apply to any private passenger vehicle not plying for hire, and ordinarily used for private passenger purposes only, even if goods or merchandise are on any particular occasion carried in such private passenger vehicle.

6. (1) Any person who carries, or causes or permits to be carried, on any road— Maximum axle load for motor vehicles.

- (a) on the axle of any motor vehicle a greater weight than the maximum weight that may according to the Schedule hereto lawfully be carried on any road by a two-wheeled vehicle fitted with wheels of the same diameter and width of tires as the two wheels turning on such axle ;
- (b) on the axle of any motor vehicle having metal tires a greater weight than six tons and ten hundredweights ; or
- (c) on the axle of any motor vehicle having rubber tires a greater weight than eight tons,

shall be guilty of an offence against this section.

(2) Any person who carries, or causes or permits to be carried, on any road by any motor vehicle a weight, including the weight of the vehicle, greater than that calculated for vehicles in accordance with the rules contained in the Schedule hereto, shall be guilty of an offence against this section. Maximum load for motor vehicles.

(3) If any person is guilty of an offence against this section such person shall be liable to a penalty for the first, or any subsequent offence, calculated at the rate of not less than Two Shillings and Six Pence for each hundredweight, or part of a hundredweight, carried in excess of the quantity allowed by this section.

(4) The

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(4) The provisions of sections 8 to 17 inclusive of this Act shall apply, *mutatis mutandis*, in respect of motor vehicles, and to the owners thereof and the persons in charge thereof.

**Authorised officers.**

**7.** (1) Any Council may appoint any person to be an authorised officer for the purpose of carrying out the provisions of this Act within the area of such Council, and any person so appointed shall, within the area of the Council appointing him, be an authorised officer for the purposes of this Act.

(2) The Minister may appoint any person to be an authorised officer for the purpose of carrying out the provisions of this Act in any part of the State not within a local government area, and any person so appointed shall, within any such part of the State, be an authorised officer for the purposes of this Act.

**Weighing machines.**  
Cf. 12, 1867, s. 9.

**8.** (1) Any Council may within its area erect weighing machines with suitable houses or structures for the weighing of vehicles, goods, or merchandise for the purposes of this Act, or may provide any weighing apparatus of a prescribed kind for similar purposes, and may license any weighing machine erected, or any such apparatus as aforesaid provided, by any person within its area.

(2) The Minister may, in any part of the State not within a local government area, erect weighing machines with suitable houses or structures for the weighing of vehicles, goods, or merchandise for the purposes of this Act, or may provide any weighing apparatus of a prescribed kind for similar purposes, and may license any weighing machine erected, or any such apparatus as aforesaid provided, by any person within any such part of the State.

**Vehicles and load to be weighed if required.**Cf. *ibid.*, s. 6.

**9.** (1) Every person in charge of a vehicle on any road shall, if required by any member of the Police Force, any Inspector, or any authorised officer, forthwith cause such vehicle, with the load (if any) thereon, to be weighed by means of any weighing apparatus of a prescribed kind provided or licensed by a Council or the Minister which is available, or at the most convenient weighing machine erected or licensed by a Council or the Minister, for the purpose of ascertaining the weight of such vehicle, and the load thereon, or the weight carried on any axle of such vehicle.

(2) If there is any such weighing apparatus or such a weighing machine within one mile of the place where the requisition is made, and any such person refuses or fails to comply with any such requisition, such person shall be guilty of an offence against this Act.

**Load may be measured.**Cf. *ibid.*, s. 4.

**10.** (1) Every person in charge of any vehicle on any road shall, if required by any member of the Police Force, any Inspector, or any authorised officer, allow such member of the Police Force, Inspector, or officer—

(a) to measure and examine such vehicle, or the tires or the load on such vehicle ; or

(b) to

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(b) to ascertain the weight of the load on the vehicle, or the weight carried on any axle of such vehicle, by measurement or otherwise in accordance with the appropriate regulation.

(2) If any such person refuses or fails—

(a) to allow any member of the Police Force, any Inspector, or any authorised officer, to measure or examine any such vehicle or the tires or the load on any such vehicle, or to ascertain the weight of the load on any such vehicle, or the weight carried on any axle of any such vehicle, as provided by this Act; or

(b) obstructs or interferes with any such member, Inspector, or authorised officer, in so doing,

he shall be guilty of an offence against this Act.

**11.** (1) The weight of the load on any vehicle ascertained in accordance with the appropriate regulation shall, in any proceedings in respect of any offence against this Act, be taken to be, in the absence of proof to the contrary, the actual weight of the load, unless the owner or the person in charge of the vehicle, at the time of the ascertainment as aforesaid, gives notice to such member of the Police Force, Inspector, or authorised officer of his intention to have the load weighed at a weighing machine erected or licensed by a Council or the Minister, or by means of any weighing apparatus of a prescribed kind provided or licensed by a Council or the Minister, and forthwith upon such weighing delivers, or causes to be delivered, to such member of the Police Force, Inspector, or authorised officer the document showing the result of such weighing. In the event of any proceedings for an offence against this Act in respect of the load so weighed, the document (if any) showing the result of such weighing received by such member of the Police Force, Inspector, or authorised officer shall be produced to the Court at the hearing.

Weight ascertained in accordance with regulation *prima facie* proof.

(2) The weight carried on the axle of any vehicle ascertained in accordance with the appropriate regulation shall, in any proceedings in respect of any offence against this Act, be taken to be, in the absence of proof to the contrary, the actual weight carried on such axle.

**12.** (1) Any member of the Police Force, any Inspector, or any authorised officer may require the person in charge of any vehicle on any road to stop, and may request such person to state his name and address and the name and address of the owner of the vehicle.

Vehicles may be stopped and questions asked.

(2) If any person in charge of any vehicle on any road—

(a) upon being required to stop as aforesaid, refuses or fails to stop; or

(b) upon

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(b) upon being requested as aforesaid, refuses or fails to state his name or address, or the name or address of the owner of the vehicle, or states a false name or address,

he shall be guilty of an offence against this Act.

(3) Any member of the Police Force may, without any warrant other than this Act, apprehend any person who is guilty of any offence under this section.

Vehicles to have names of owner, &c., painted on conspicuous part.

Cf. *ibid.*, s. 5.

**13.** (1) Every vehicle carrying or constructed to carry goods or merchandise of any kind whatever, and every vehicle carrying passengers for hire, in actual use on any road, shall have the Christian name and surname and the place of abode of the owner, or of the principal partner or owner thereof, and the weight of such vehicle unladen, painted on some conspicuous part of the off side thereof, in letters being not less than two inches in height and of a breadth in proportion.

(2) If the provisions of this section are not complied with in respect of any vehicle in actual use on any road, the owner of such vehicle and also the person in charge thereof for the time being shall be guilty of an offence against this Act: Provided that both shall not be punished in respect of the same non-compliance.

9, 1869-70, s. 3.

(3) This section shall not apply to any private passenger vehicle not plying for hire, and ordinarily used for private passenger purposes only, even if goods or merchandise are on any particular occasion carried in such private passenger vehicle.

Vehicle to be weighed if required.

**14.** (1) The owner of any vehicle, upon being served with a notice in the prescribed form signed by any member of the Police Force, any Inspector, or any authorised officer and by a Justice of the Peace, requiring him with all practical speed to cause the vehicle to be weighed unladen by means of any apparatus of a prescribed kind provided or licensed by a Council or the Minister, which is available, or on any weighing machine erected or licensed by a Council or the Minister, shall forthwith obey such order, and shall forthwith upon such weighing deliver, or cause to be delivered, to such member of the Police Force, Inspector, or officer the document showing the result of such weighing.

(2) If any such owner refuses or fails forthwith to obey any such order or forthwith upon such weighing to forward the document showing the result of such weighing, as provided by subsection (1) hereof, he shall be guilty of an offence against this Act.

(3) This section shall not apply if—

(a) the distance from the place where such vehicle is to such apparatus or the nearest weighing machine erected or licensed by a Council or the Minister is greater than two miles; and

(b) the

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- (b) the owner produces to the Inspector or authorised officer signing such notice a statement of the weight of such vehicle signed by the person in charge of any such apparatus or weighing machine, wherever situated.

**15.** (1) In addition to any power by any other section of this Act conferred on the Governor to make regulations (which power shall in every case be implied for the purpose of any section in which the word "prescribed" is used) the Governor may make regulations—

- (a) prescribing the method of ascertaining the weight of the load on any vehicle, and the weight carried on any axle of any vehicle, whether by weighing, measurement, or otherwise; and
- (b) prescribing any kinds of apparatus which the Minister or a Council may provide or license for the weighing of vehicles, goods, or merchandise for the purposes of this Act; and
- (c) prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, or which appear to him to be necessary or convenient to be prescribed, for the purpose of more effectually carrying out any of the provisions of this Act or for better effecting the objects of this Act.

(2) Any such regulation may fix penalties not exceeding in any case the sum of Ten Pounds for the breach of the same or any other regulation.

**16.** (1) The Governor may at the request of any Council make regulations, applicable only to the area of such Council—

Alteration of maximum loads by regulation in specified areas.

- (a) declaring that the rates prescribed by the Schedule to this Act for calculating the maximum weight which may be carried on any vehicle shall cease to apply as regards all or any of the roads in such area and that rates lower than those in the said Schedule shall apply as regards such roads:
- (b) declaring that the maximum weight prescribed by section 6 subsection (2) of this Act which may be carried on the axle of any motor vehicle shall cease to apply as regards all or any of the roads in such area and that a lower weight shall apply as regards such roads.

(2) Such regulations may, according to the tenor thereof, apply during the whole year, or during any specified portion thereof.

(3) The rates and weights so declared by regulation shall, while such regulations are in force, be deemed to be the rates and weights mentioned in the Schedule and section 6 of this Act respectively.

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Evidence.

**17.** In any proceedings for an offence against this Act—

(a) the production of a statement purporting to be signed by the person in charge of any apparatus of a prescribed kind owned or licensed by a Council or the Minister, or any weighing machine erected or licensed by a Council or the Minister shall be *prima facie* evidence of the weight of the load or of the vehicle therein specified, or of the weight both of such load and of such vehicle, or the weight carried on the axle of such vehicle; and

(b) any apparatus of a prescribed kind or weighing machine shall, until the contrary is proved, be deemed to be apparatus of a prescribed kind or a weighing machine erected or licensed by a Council or the Minister (as the case may require) for the purposes of this Act.

Penalty.

**18.** Any person who is guilty of any offence against this Act for which no other penalty is provided shall be liable for the first offence to a penalty of not more than Ten Pounds, and for every subsequent offence to a penalty of not less than Two Pounds and not more than Twenty Pounds.

Summary proceedings for offences.

**19.** All proceedings in respect of offences against this Act shall be disposed of summarily.

Appropriation of penalties.

**20.** Where any fine is imposed in respect of any offence against this Act committed within a local government area, one moiety of such fine shall be paid to the Council of such area for the use and benefit of the area, and the other moiety shall be paid to the Treasurer for the public uses of the State. Save as aforesaid, all fines imposed in respect of offences against this Act shall be paid to the Treasurer for the public uses of the State.

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

TOM BRIDGES, Governor.



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**THE SCHEDULE.**

**RULES FOR CALCULATING THE MAXIMUM WEIGHT THAT MAY BE CARRIED ON ANY ROAD BY ANY VEHICLE. THESE WEIGHTS INCLUDE THE WEIGHT OF THE VEHICLE, AND THESE RULES APPLY TO MOTOR VEHICLES.**

1. The maximum weight which may be carried on any vehicle shall be calculated at the rate of seven hundredweights for each inch of the total width of the tires of any wheels fitted to such vehicle which are thirty inches or less in diameter, and at the rate of eight hundredweights for each inch of the total width of the tires of any wheels fitted to such vehicle which are more than thirty inches in diameter.

2. In computing the maximum weight which may be carried on a three-wheeled vehicle, such vehicle shall be treated as if it were a two-wheeled vehicle fitted with the two wheels of such vehicle which turn on the same axle.

3. For the purpose of these rules—

(a) If the two wheels of any vehicle which turn on the same axle are not of the same width, the wider tire shall be deemed to be of the same width as the narrower tire; and

(b) The total width of the tires shall be calculated to the nearest half inch.

4. The maximum weight which may be carried on any motor vehicle shall be calculated according to rules 1, 2, and 3 of this Schedule.