



ANNO DUODECIMO

GEORGII V REGIS.

A.D. 1921.

No. 1480.

An Act to make further and better provision for
Regulating the Use of Motor Vehicles.

[Assented to, December 7th, 1921.]

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

PART I.

PRELIMINARY.

1. This Act may be cited as the "Motor Vehicles Act, 1921."
2. The provisions of this Act are arranged as follows:—
PART I.—Preliminary:
PART II.—Registration of Motor Vehicles and Licensing of Drivers:
PART III.—Duties of Drivers and Owners of Motor Vehicles, and Offences:
PART IV.—General and Supplementary.

PART I.

Short title.

Arrangement of Act.

3. The following enactments are hereby repealed, namely:—

- I. The Motor Vehicles Act, 1907:
- II. Sections 8 and 9 of the Motor Vehicles Tax Act, 1915:
- III. Section 5 of the Motor Vehicles Tax Act Amendment Act, 1917.

Repeal of Act 938 of 1907, and of Act 1225 of 1915, ss. 8 and 9, and of Act 1301 of 1917, s. 5.

4. In

PART I.

Motor Vehicles Act.—1921.

Interpretation.

4. In this Act, unless inconsistent with the context, or some other meaning is clearly intended—

“ Court ” means the Special Magistrate or Justices before whom an information or complaint for an offence against this Act is heard :

“ Driver ” means any person driving a motor vehicle or a motor cycle :

“ Licence ” means licence under this Act :

938, 1907, s. 3; 1301,
1917, s. 3.

“ Motor vehicle ” means and includes any motor car, motor carriage, automobile, motor cycle, or other vehicle or carriage driven or propelled, or ordinarily capable of being driven or propelled, either partly or wholly, by any volatile spirit, steam, or electricity, or by means other than animal power ; but does not include any vehicle run upon a railway or tramway, or any farm tractor which is not used on a public road :

“ Number ” includes a number combined with one or more letters of the alphabet :

“ Owner ” includes the holder under a hire purchase agreement :

“ Registrar ” means the Registrar of Motor Vehicles appointed under this Act or the Act hereby repealed :

“ Road ” means and includes every public road, terrace, thoroughfare, or other public place, and also includes every private road commonly used by the public, or to which the public are permitted to have access :

“ Street ” means and includes every public street or other public place, and also includes every private street commonly used by the public, or to which the public are permitted to have access.

PART II.

PART II.

REGISTRATION OF MOTOR VEHICLES AND
LICENSING OF DRIVERS.

Registrar and
Inspectors of Motor
Vehicles.

5. (1) The Governor may, for the purposes of this Act, appoint a Registrar of Motor Vehicles, and such Inspectors of Motor Vehicles as he considers necessary.

Cf. 938, 1907, s. 5.

(2) Every Inspector appointed under this Act shall have the same powers, functions, and duties as are conferred by this Act upon members of the Police Force, and every reference in this Act to a member of the Police Force shall be deemed to include a reference to such an Inspector.

6. (1) The

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PART II

6. (1) The Registrar shall keep a register for the registration of motor vehicles. Such register shall be called the "Register of Motor Vehicles."

Registrar to keep register of motor vehicles.

ibid., s. 6.

(2) Such register shall be in the prescribed form, and may be kept in two parts, one part relating to motor vehicles not being motor cycles, and the other part relating to motor cycles.

7. (1) Every owner of a motor vehicle shall, whether such motor vehicle is already registered in the name of a former owner or not, make application to the Registrar in manner prescribed to register such motor vehicle, and shall furnish with respect thereto the prescribed particulars; Provided that this subsection shall not apply in the case of a motor vehicle kept for sale by a manufacturer of, or dealer in, motor vehicles, if such motor vehicle is not in actual use or available for hire.

Registration of motor vehicles.

Cf. ibid., s. 7.

(2) The Registrar shall thereupon assign a number to the motor vehicle and register it in the Register of Motor Vehicles: Provided that the owner of any registered motor vehicle shall, subject to anything prescribed in that behalf, be entitled to have the number of such motor vehicle assigned to any other motor vehicle which is acquired by him in substitution for such registered motor vehicle.

(3) The coloring of the plates bearing any registered number assigned under this section shall be black, and the coloring of the number thereon shall be white.

(4) A fee of Ten Shillings, in the case of a motor vehicle not being a motor cycle, and of Two Shillings and Sixpence, in the case of a motor cycle, shall be paid before the motor vehicle is registered.

(5) The Registrar shall, if required, and on payment of the prescribed fee, furnish the owner of any registered motor vehicle with a copy of the entries in the Register relating to such motor vehicle.

8. (1) Upon the application of any person who is registered under this Act or any other Act as the owner of a motor vehicle, and who shows to the satisfaction of the Registrar that he has ceased to be the owner of such motor vehicle or that such motor vehicle is permanently unfit for use as a motor vehicle, the Registrar may cancel the registration of such motor vehicle, and thereupon such person shall cease to be so registered in respect of such motor vehicle.

Registration may be cancelled.

1225, 1915, s. 9;
1301, 1917, s. 5.

(2) Every application under this section shall be accompanied by such evidence (if any), by way of statutory declaration or otherwise, as is prescribed, or as the Registrar may require.

9. (1) The Registrar may, upon payment of a fee of One Pound for each number, assign to any manufacturer of, or dealer in, motor vehicles, one or more general identification numbers.

Special registration for manufacturers and dealers.

Cf. 938, 1907 s. 8.

(2) No

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(2) No manufacturer of, or dealer in, motor vehicles, and no employee of any such manufacturer or dealer, shall drive a motor vehicle, not being registered in the manner prescribed by section 7, in any street or road unless one of the general identification numbers assigned to such manufacturer or dealer, and which is not at the time attached to any other motor vehicle, is attached thereto in the position and in the manner prescribed.

(3) The coloring of the plates bearing any general identification number assigned under this section shall be white, and the coloring of the number thereon shall be red, but all the other provisions of this Act as to the registered numbers provided for by section 7 shall apply also to the general identification numbers provided for by this section.

(4) The Registrar shall keep in the Register of Motor Vehicles a record showing the name and place of business of every manufacturer or dealer to whom any general identification number has been assigned under this section.

(5) A general identification number shall be used only on one of the following occasions (not being on a Sunday or public holiday):—

- I. On the trial of a motor vehicle on or before or after the completion thereof, or of any repairs thereto;
- II. On the trial of a motor vehicle for an intending purchaser thereof, or on the delivery of a motor vehicle to a purchaser after sale; or
- III. On driving a motor vehicle to any public show or other public exhibition for trial or display, or on returning therefrom.

If any such number is used on any other occasion, the driver of the motor vehicle whereon the same is used shall be guilty of an offence against this Act.

Registered number to be carried on motor vehicle.

Cf. *ibid.*, ss. 9, 10.

10. (1) Every motor vehicle required by this Act to be registered shall, at all times whilst it is being driven or is standing in any street or road, carry attached thereto in the prescribed positions two plates as prescribed, one on the front and one on the rear thereof, each having the registered number conspicuously painted or otherwise legibly and permanently marked thereon in manner prescribed.

(2) If the provisions of this section are not complied with in the case of any motor vehicle, the owner thereof, and also the driver 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 contravention.

11. When

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11. Where any motor vehicle is registered under this Act and is also licensed by a Municipal or District Council to ply for hire within its Municipality or District, there may appear on the number plates required by this Act to be attached to such motor vehicle, in addition to the registered number, some distinctive design, character, or letter approved by the Registrar, for the purpose of indicating that such motor vehicle is so licensed.

Number plates of motor vehicle licensed to ply for hire may bear distinctive letter.
Cf. 938, 1907, s. 9 (c).

12. (1) The Registrar may, subject to the provisions of this Act, issue a licence to any person who—

Power to issue licences.

Cf. *ibid.*, s. 12 (part), s. 13 (part).

(a) makes written application therefor in the prescribed form ; and

(b) forwards with such application a fee of Five Shillings, in the case of an application for a licence to drive a motor vehicle not being a motor cycle, and a fee of Two Shillings and Six Pence in the case of an application for a licence to drive a motor cycle,

and, subject as aforesaid, may, upon application in the prescribed form, renew any licence. Such renewal shall be in the prescribed form.

(2) Every application for the renewal of a licence shall be accompanied by the same fee as was payable on the issue of the licence.

13. (1) Subject to section 52, every licence shall continue in force for the period of twelve months from the first day of July in each year.

Duration of licence.

Cf. *ibid.*, s. 13 (part).

(2) Any person to whom a licence is issued between the first day of January and the thirtieth day of June in any year shall pay only one-half the amount payable for a licence for a year.

14. (1) Upon the application of the licensee under any licence the Registrar may, on proof to his satisfaction of the loss or destruction of such licence, and on payment of a fee of Two Shillings and Six Pence, issue to such licensee a duplicate licence bearing all memoranda indorsed on the original licence.

If licence lost, duplicate may be issued.

(2) Such duplicate shall avail for all purposes as if it were the original licence.

15. A licence shall not be issued to any person applying for a licence who appears to be suffering from any serious physical incapacity, unless the Registrar is satisfied that such person is competent to drive a motor vehicle with safety to the public. The Registrar, in order to satisfy himself of the competence of any such person, may require him to furnish such evidence of competency as is prescribed, or as the Registrar thinks necessary, or to submit to such tests as are prescribed, or as the Registrar thinks proper to impose, and may refuse to issue the licence until the applicant furnishes such evidence or satisfies such tests.

Power to impose tests of competency to drive in the case of certain persons.

16. A

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Age of drivers.
Cf. *ibid.*, s. 12.
(a), proviso.

16. A licence shall not be issued—

- /// (a) to any person who is under the age of sixteen years, to drive a motor vehicle, other than a motor cycle; or
- /// (b) to any person who is under the age of fourteen years, to drive a motor cycle.

Licences may be refused in certain cases.

17. Upon the direction in writing of the Minister, the Registrar shall refuse to issue or renew a licence to any person who has been convicted of driving a motor vehicle whilst so much under the influence of intoxicating liquor as to be incapable of exercising effective control of such motor vehicle, or of driving a motor vehicle in any street or road negligently, furiously, or recklessly, or at a speed or in a manner which is dangerous to the public, or of any offence which, in the opinion of the Minister, renders him unfit to hold a licence, or who, in the opinion of the Minister, is otherwise unfit to hold a licence.

Appeal on refusal to issue or renew licence.

18. (1) Any applicant for the issue or renewal of a licence whose application has been refused may, on giving to the Registrar at least seven clear days' notice in writing of his intention so to do, appeal against such refusal to the Local Court of Adelaide, or, in the option of the applicant, to the Local Court nearest to his residence.

(2) If after hearing the appeal the Local Court decides that the application ought to be granted, the Registrar shall issue or renew the licence accordingly.

(3) The decision of the Local Court shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed, or called in question, or be subject to prohibition or mandamus, in any Court on any account whatever.

(4) The Local Court on the hearing of any such appeal may make any such order as to costs as it thinks fit.

(5) For any such appeal the Local Court shall consist of a Special Magistrate.

Register of licences.
Ibid., s. 11.

19. (1) The Registrar shall keep a register of the names and addresses of all licensed drivers, and of all indorsements on, and renewals and cancellations of, licences.

(2) Such register shall be in the prescribed form, and shall be called the "Register of Licences."

PART III.

DUTIES OF DRIVERS AND OWNERS OF MOTOR VEHICLES, AND OFFENCES.

20. (1) Any person who drives a motor vehicle—

Speed limits for motor vehicles.

- (a) in any street or road in any Municipality, or in any street or road in any town or township outside a Municipality, at a greater speed than twenty miles per hour; or
- (b) in any street or road (not being within a town or township) outside a Municipality, at a greater speed than thirty miles per hour; or
- (c) in any prescribed street or road, or in any street or road in any prescribed locality, at a greater speed than is prescribed for that street or road or for the streets and roads in that locality

shall be guilty of an offence against this Act.

(2) This section shall not apply to—

- (a) any motor vehicle owned by the Fire Brigades Board which is being driven to a fire for use in connection with the extinguishing thereof;
- (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.

21. (1) Any person who drives a motor vehicle in any street or road negligently, furiously, or recklessly, or at a speed or in a manner which is dangerous to the public, shall be liable to a penalty 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.

Negligent, furious, or reckless driving.

N.S.W., 5, 1909, s. 4 (1), (2); cf. S.A. 938, 1907, s. 17.

(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 street or 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 such street or road.

22. (1) Any driver of a motor vehicle who, when requested by a member of the Police Force in the execution of his duty under this Act to produce his licence or to state his name and place of abode, or the name and place of abode of the owner of such motor vehicle, refuses or fails to do so, or, when so requested, states a false name or place of abode, shall be guilty of an offence against this Act: Provided

Driver to produce licence and give name and address when required.

N.S.W., 11, 1915, s. 4 (part); cf. S.A. 938, 1907, ss. 16, 23 (c), (d).

that,

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that, in the case of a request made to a driver to produce his licence, such driver shall not be deemed to be guilty of an offence under this section if he produces his licence within forty-eight hours of the making of the request.

(2) Any member of the Police Force may, without any warrant other than this Act, apprehend any driver of a motor vehicle who is guilty of any offence under this section.

Owner to give information to identify driver.

Cf. N.S.W. 5, 1909, s. 5 (3).

23. (1) Any owner of a motor vehicle shall, if required by a member of the Police Force, truly answer any question put to him which may lead to the identification of the person who was driving such motor vehicle on any occasion when an offence under this Act is alleged to have been, or is suspected of having been, committed.

(2) If such owner refuses to answer, or fails to truly answer, any such question he shall be guilty of an offence against this Act.

Manufacturers and dealers to give information to identify driver.

24. (1) Every manufacturer or dealer to whom a general identification number has been assigned under section 9 shall, if required to do so by any member of the Police Force, furnish to such member the name and address of any person driving on any occasion specified by such member any motor vehicle whereto such number was attached.

(2) If any manufacturer or dealer, upon being so required, refuses or fails to furnish such name and address, or furnishes a false name or a false address, he shall be guilty of an offence against this Act.

Driving on footpaths prohibited.

S. A. 938, 1907, s. 22.

25. Any person who drives any motor vehicle upon any footpath, except at right angles in crossing to or from any premises, shall be guilty of an offence against this Act.

Driver of motor vehicle intoxicated.
N.S.W. 11, 1915, s. 4 (part).

26. Any person who drives a motor vehicle whilst he is so much under the influence of intoxicating liquor as to be incapable of exercising effective control of such motor vehicle, shall be liable to a penalty 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.

Driver of motor vehicle subject to control of police constables.

S. A. 938, 1907, s. 25 (a), (b).

27. (1) Every driver of a motor vehicle shall stop such vehicle if and when required to do so by a member of the Police Force, and shall obey any reasonable directions of such member.

(2) Every driver of a motor vehicle who is engaged in taking up or setting down persons in any street or road, or is waiting in any street or road for any such purpose, shall forthwith obey the reasonable directions of any member of the Police Force

Registered owners and licensed drivers to notify change of address.

28. Every person registered as the owner of a motor vehicle and every person licensed to drive a motor vehicle who permanently changes his place of abode shall, within fourteen days of so doing, give written notice to the Registrar of his new place of abode.

29. Every

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29. Every person registered as the owner of a motor vehicle who sells or otherwise disposes of such motor vehicle shall, within fourteen days of such sale or disposal, cause notice in writing of such sale or disposal, and of the name and address of the new owner of such motor vehicle, to be given to the Registrar.

Owner disposing of motor vehicle to give notice to Registrar.

30. (1) No person shall drive in any street or road a motor vehicle which has not attached thereto, under the immediate control of the hand or foot of the driver, a proper bell, horn, or other instrument capable of giving audible and sufficient warning of the approach and position of such motor vehicle.

Bell or horn to be carried.
Cf. S. A. 938, 1907, s. 20.

(2) Every driver of a motor vehicle shall, whenever necessary, by sounding the bell, horn, or other instrument attached thereto, give audible and sufficient warning of the approach or position of such motor vehicle.

Ibid., s. 21.

31. Whenever, except for some temporary or accidental cause, a motor vehicle emits smoke or visible vapor or any offensive noise or smell in any street or road in such a quantity or to such an extent as to be a source of annoyance or danger to the public, the owner and also the driver of such motor vehicle shall be guilty of an offence against this Act: Provided that both shall not be punished in respect of the same contravention of this section.

Excessive smoke, noise, or smell not to be emitted.
Vic. 2237, 1909, s. 11.

32. (1) Every motor vehicle other than a motor cycle which is being driven or is standing at any time between half an hour after sunset and half an hour before sunrise in any street or road shall carry attached thereto—

Lighted lamps to be carried at night.
Cf. S. A. 938, 1907, ss. 18, 19.

(a) two lighted lamps carried one on each side of such motor vehicle, such lamps being so constructed and carried as to show a bright white light in front of such motor vehicle; and

(b) a lighted lamp carried on the off side of the rear of such motor vehicle, such lamp being so constructed and carried as to illuminate and render easily distinguishable from a distance of at least twenty yards each figure and letter on the number-plate attached to the rear of such motor vehicle, and so as to show a red light in such a position and manner as to be clearly visible to any person approaching such motor vehicle from the rear:

Provided that if one or more trailers are attached to such motor vehicle the light provided for by subdivision (b) hereof shall be placed on the offside of the rear of such trailer, or on the offside of the rear of the rearmost of such trailers, if there is more than one, instead of on such motor vehicle.

(2) Every

(2) Every motor cycle which is being driven or is standing at any time between half an hour after sunset and half an hour before sunrise in any street or road shall carry attached thereto a lighted lamp carried on the front of such motor cycle, such lamp being so constructed and carried as to show a bright white light in front of such motor cycle and also to illuminate and render easily distinguishable from a distance of at least ten yards each figure and letter on the number-plate attached to the front of such motor cycle.

(3) If a side-car is attached to such motor cycle, there shall be carried, in addition to the lighted lamp provided for by subsection (2) hereof, a lighted lamp attached to the front of such side-car, such lamp being so constructed and carried as to show a bright white light in front of such side-car.

(4) If any contravention of this section occurs, the owner and also the driver of the motor vehicle concerned shall be guilty of an offence against this Act: Provided that both shall not be punished in respect of the same contravention.

Side-car to be on left side of motor cycle.

33. (1) No motor cycle having a side-car attached thereto shall be driven or shall stand in any street or road unless such side-car is so attached on the left side of such motor cycle.

(2) If any contravention of this section occurs, the owner and also the driver of the motor cycle concerned shall be guilty of an offence against this Act: Provided that both shall not be punished in respect of the same contravention.

(3) This section shall not apply to any motor cycle and side-car in use at the time of the passing of this Act.

Driver must be licensed, and vehicle numbered.

Ibid., s. 6, cf. S.A. 938, 1907, s. 15.

34. Any person who, unless exempted by the regulations,—

(a) drives a motor vehicle in any street or road without being licensed for that purpose; or

(b) employs or permits any person not so licensed to drive a motor vehicle in any street or road; or

(c) drives or causes or permits to be driven in any street or road a motor vehicle—

i. not being registered under this Act; or

ii not having the prescribed number-plates affixed thereto, in the prescribed manner or at all; or

iii. having either of the number-plates obscured so that the numbers upon such plates are not clearly visible; or

iv. having the registered number upon either of the number-plates wholly or partly obliterated by paint or any other material; or

v. having

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- v. having either of the number plates so damaged that the registered number is not complete and distinctly visible; or
- vi. having upon either of the number plates a number which is not the registered number assigned to such motor vehicle,

shall be guilty of an offence against this Act: Provided that no person shall be liable to a penalty for any breach of this section if he proves to the satisfaction of the Court that he took all reasonable precautions to prevent such breach, or that such breach was the result of an accident.

35. Any person who—

- (a) by any false statement or misrepresentation obtains or attempts to obtain a licence under this Act; or
- (b) without lawful excuse has in his possession a licence, or any article resembling a licence and liable to be mistaken therefor; or
- (c) forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any licence or any number-plate or mark for identifying a motor vehicle under this Act; or
- (d) owns, or drives upon a street or road, any unregistered motor vehicle having upon it any numbers or number-plate of a description prescribed to be fixed to registered motor vehicles,

Unlawfully obtaining or possessing licences, etc.

Cf. N.S.W. 5, 1909, s. 7.

shall be guilty of an offence against this Act.

36. (1) Any person driving a motor vehicle shall in any case, if an accident occurs to any person, or to any animal or vehicle in charge of any person, caused by such motor vehicle or owing to the presence of such motor vehicle upon any street or road, stop, and, if required by any person, state his name and place of abode, and also the name and place of abode of the owner and the registered number of the motor vehicle.

Driver to stop in case of accident.

Cf. S.A. 938, 1907, s. 24.

(2) Any person wilfully acting in contravention of this section shall be guilty of an offence against this Act.

37. (1) Any person who drives or uses any motor vehicle without first obtaining the consent of the owner thereof shall be guilty of an offence against this Act: Provided that the provisions of this section shall not apply to a member of the Police Force in the execution of his duty under this Act.

Motor vehicles not to be used without consent of owner.

N.S.W. 11, 1915, s. 6 (part).

(2) Any person who is guilty of any contravention of this section shall be liable to imprisonment for any period not exceeding six months, in addition to the pecuniary penalty provided by this Act.

38. Any

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Biding without consent.

38. Any person who rides on or causes himself to be drawn by a motor vehicle, without the consent of the driver of such motor vehicle, shall be guilty of an offence against this Act.

Interfering with motor vehicle.

39. Any person who interferes with or tampers with a motor vehicle or any part thereof, without first obtaining the consent of the owner thereof, shall be guilty of an offence against this Act

Procuring use of car by fraud.
Ibid., s. 6 (part).

40. (1) Any person who procures the use or hire of any motor vehicle by fraud or misrepresentation shall be guilty of an offence against this Act.

(2) Any person who is guilty of any contravention of this section shall be liable to imprisonment for any period not exceeding six months, in addition to the pecuniary penalty provided by this Act.

Production of licence at Court.
N.S.W. 5, 1909, s. 9.

41. (1) Whenever a licensed driver is charged with any breach of this Act he shall produce his licence to the Court at the time of the hearing of the charge.

(2) If such driver fails without reasonable excuse to produce his licence as aforesaid, he shall be guilty of an offence against this Act.

False statement by applicant for licence or for registration punishable.

42. Any person who wilfully makes any false statement in an application under this Act for the registration of a motor vehicle, or in an application for the issue or renewal of a licence to drive a motor vehicle, shall be guilty of an offence against this Act.

Powers and duties of Police.

43. (1) Every member of the Police Force shall see that this Act is duly observed.

(2) In all cases not expressly provided for by this Act, any member of the Police Force in the execution of his duty under this Act may give such reasonable directions to persons driving motor vehicles upon any street or road as may, in his opinion, be necessary for the safe and efficient regulation of the traffic thereon, or for the purpose of ascertaining whether any offence against this Act has been or is being committed.

(3) Any person who —

(a) obstructs or hinders any member of the Police Force in the exercise of his duties under this Act; or

(b) in any way interferes with or prevents the exercise of any of the powers conferred or the discharge of any of the duties imposed by this Act upon members of the Police Force; or

(c) disobeys any lawful order or direction of a member of the Police Force in the exercise of his duties under this Act,

shall be guilty of an offence against this Act.

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PART IV.

PART IV.

GENERAL AND SUPPLEMENTARY.

44. (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 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, and in particular (without limiting the effect of this section) for all or any of the following purposes, namely:—

Regulations.
Cf. N.S.W. 5, 1909,
s. 3.
Cf. S.A. 938, 1907,
s. 28.

- i. Regulating the use of motor vehicles and the conditions under which they may be used ;
- ii. Regulating the speed of motor vehicles in particular localities or under particular circumstances, and for such purposes varying the rates of speed prescribed by this Act ;
- iii. Prescribing and regulating the affixing and use of bells or alarms on motor vehicles ;
- iv. Prescribing and regulating the affixing of efficient brakes on motor vehicles ;
- v. Providing for minimising the noise, and the issue of smoke or fumes, from the working of motor vehicles ;
- vi. Prohibiting the use of motor vehicles that, owing to defects in construction or other causes, are unsuitable for safe use ;
- vii. Prohibiting or restricting the use of motor vehicles upon any specified streets or roads, or within the streets and roads in any specified area, either generally or within certain hours ;
- viii. Providing for the regulation of the owners and drivers of motor vehicles ;
- ix. Prohibiting or regulating the carrying of any person on a motor cycle in addition to the rider thereof ;
- x. Regulating the form of the registered numbers assigned to motor vehicles, the manner of placing them upon such vehicles ;
- xi. Providing that any regulations under this section may be of a local nature and limited in their application to a particular area, or may be restricted in their operation to any specified class of motor vehicle ;
- xii. Providing

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xii. Providing for the erection of uniform signs and notices for the guidance of motor drivers ;

xiii. Providing for the temporary registration of motor vehicles owned by persons resident outside this State and temporarily in this State, and the drivers thereof ; and

xiv. Providing for any other purpose which the Governor may consider necessary for the safety or convenience of the public, or for the protection of property.

(2) Any such regulation may impose a penalty not exceeding Twenty Pounds for any breach of the same or any other regulation.

Provision for exemption from speed limits in certain cases.

S.A. 938, 1907, s. 26.

45. (1) The Minister may, upon application by any person who is desirous of holding races for motor vehicles or speed tests for motor vehicles in a particular place or on a particular road on a specified day, exempt the persons taking part in such races or tests whilst so taking part from the necessity to observe in such place or on such road any limit of speed prescribed under this Act which such persons would otherwise be bound to observe.

(2) Such exemption shall apply only so long as the conditions (if any) prescribed by the Minister in granting the exemption are observed.

(3) No exemption shall be granted under this section unless the Minister is satisfied that the written consent of the Municipal or District Council, or other authority having the care, control, or management of the place or road in question, to hold such races or tests has been obtained.

Temporary saving of certain provisions of repealed Act.

46. (1) Until new forms are prescribed under this Act for the purposes of Part II. of this Act, the forms in the First, Second, Fourth, Fifth, Sixth, Seventh, and Eighth Schedules to the Act hereby repealed shall be deemed to be the forms prescribed for the purposes of the said Part II.

(2) Until regulations are made under this Act for the purposes of subsection (1) of section 10 of this Act, the provisions of sections 9 and 10 of the Act hereby repealed, and the provisions set out in the Third Schedule to the Act hereby repealed, shall, in so far as the same are not inconsistent with this Act, be deemed to have been prescribed for the purposes of the said section 10.

Inconsistency of regulation or by-law. Cf. S.A. 938, 1907, s. 30.

47. When any regulation or by-law made by any Municipal or District Council or other authority is inconsistent with a regulation made under this Act, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Offences.

48. Any contravention of or failure to observe any provision of this Act, whether by act or omission, shall be an offence against this Act.

49. Any

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PART IV.

49. Any person guilty of an offence against this Act for which no specific pecuniary penalty is provided shall be liable to a penalty of not more than Twenty Pounds. Penalties.

50. A document purporting to be an extract from, or copy of, any entry contained in the Register of Motor Vehicles or in the Register of Licences and purporting to be certified under the hand of the Registrar shall, in all Courts and upon all occasions whatsoever, be admissible as evidence, and shall be *prima facie* evidence of the truth of the matters stated in such document without requiring the production of such Registers, or any licence, notice, or other document upon which any entry may be founded. Copy of record of registration and licences to be evidence.
Cf. N.S.W. 5, 1909, s. 12.

51. In any proceedings for an offence against this Act— Facilitation of proof.

- (a) proof that a motor vehicle has not upon it a distinguishing number as prescribed by this Act shall be *prima facie* evidence that such motor vehicle is not registered;
- (b) proof that a person is registered as the owner of a motor vehicle shall be *prima facie* evidence that such person is the owner of such motor vehicle;
- (c) the fact that any place is described as a street or road shall be *prima facie* evidence that such place is a street or road within the meaning of this Act; and
- (d) the allegation that any street or road whereon it is alleged that any such offence was committed is situated in a Municipality, or in a town or township, shall be *prima facie* evidence that such street or road is situated as alleged.

52. (1) The Court before which a person is convicted of an offence against this Act may, in addition to imposing a penalty for the offence,— Court may suspend or cancel licence upon conviction.
Cf. S.A. 938, 1907, s. 27.

- (a) if the person convicted holds any licence under this Act, suspend such licence for such time as the Court thinks fit, or cancel such licence, and in either case also declare the person convicted disqualified for obtaining a licence for such further time after the expiration of the licence as the Court thinks fit; or
- (b) if the person convicted does not hold any licence under this Act, declare him disqualified for obtaining such a licence for such time as the Court thinks fit.

(2) If the person convicted holds any licence under this Act, the Court may cause particulars of the conviction, and of any order made under this section, to be indorsed upon his licence. If such licence is cancelled, the licence shall be surrendered to the Clerk of the Court, who shall forward or deliver it to the Registrar.

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(3) A licence suspended under this section shall, during the period of suspension, be of no effect, and a person whose licence is suspended, or who is declared by the Court to be disqualified for obtaining a licence, shall, during the period of suspension or disqualification, be disqualified for obtaining a licence.

(4) The Court may cause particulars of each conviction or order in respect of an offence under this Act to be forwarded to the Registrar.

Summary proceedings
for offences.

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

Appeal.

54. There shall be an appeal in respect of proceedings in respect of offences against this Act.

Special case.

55. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated.

Persons in service of
the Crown bound.

56. This Act applies to persons in the Public Service of the Crown while engaged on such service, as well as when not so engaged.

Common law or
statutory liability
not affected.

57. Nothing in this Act shall affect any liability of any person under any statute or at common law.

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

W. E. G. A. WEIGALL, Governor.