

Queensland



ANNO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 27

An Act to Amend "The Traffic Acts, 1949 to 1960,"
in certain particulars

[ASSENTED TO 3RD NOVEMBER, 1961]

BE it enacted by the Queen's Most Excellent Majesty,
by and with the advice and consent of the Legislative
Assembly of Queensland in Parliament assembled, and by
the authority of the same, as follows:—

1. (1) This Act may be cited as "*The Traffic Acts Amendment Act of 1961.*" Short title

(2) "*The Traffic Acts, 1949 to 1960,*" are in this Act Principal Act
referred to as the Principal Act.

(3) The Principal Act and this Act may be Collective
collectively cited as "*The Traffic Acts, 1949 to 1961.*" title

2. Section three of the Principal Act is amended by Amendment
inserting after the words "PART VIA.—METERED of s. 3
PARKING ;" the words "PART VIB.—PARKATAREA
PARKING ;".

Amendment
of s. 5

3. Section five of the Principal Act is amended by omitting in paragraph (b) of subsection one thereof the words " or a Superintendent " and inserting in their stead the words " a Superintendent, the Traffic Engineer or the Commission ".

Amendments
of s. 9

4. Section nine of the Principal Act is amended—

(a) by omitting in subsection one thereof from the definition " Address " the words " license to hire or other " ;

(b) by inserting in subsection one thereof in the definition " Address " after the words " carries on business " the words " or, in the case of a corporation incorporated or registered in Queensland under any Act, its registered office or, if the corporation is not so incorporated or registered in Queensland, the principal place where it carries on business in Queensland " ;

(c) by omitting in subsection one thereof the definition " Animal " and inserting in its stead the following definition :—

“ “Animal” —Any animal of any sex or age belonging to a species to which any of the following animals belong, namely, horse, cow, mule, donkey, camel, sheep, pig, dog, or goat ; ” ;

(d) by omitting in subsection one thereof the definition " Articulated vehicle " and inserting in its stead the following definition :—

“ “Articulated vehicle” —Any vehicle having at the rear thereof a portion on wheels which is pivoted on and partly superimposed on the forward part of the vehicle ; ” ;

(e) by inserting in subsection one thereof in the definition " Drug " after the word " permanently " the words " of any " ;

(f) by inserting in subsection one thereof in the definition " Fixed hours " after the words " this Act " the words " , or determined by the Traffic Engineer after consultation with the Local Authority in question, " ;

(g) by inserting in subsection one thereof in the definition " Metered Zone " after the words " this Act " the words " or determined by the Traffic Engineer after consultation with the Local Authority in question, " ;

(h) by omitting in subsection one thereof from the definition “Minister” the words “The Secretary for Health and Home Affairs” and inserting in their stead the words “The Minister for Labour and Industry”;

(i) by omitting in subsection one thereof the definition “Official Traffic Sign” and inserting in its stead the following definition :—

“ “Official Traffic Sign”—Any sign, signal, marking, light or device, not inconsistent with this Act, placed or erected for the purpose of regulating, warning or guiding traffic ;” ;

(j) by inserting in subsection one thereof after the definition “Owner” the following definitions :—

“ “Parkatarea”—The term includes the stand on ^{Parkatarea} which the parkatarea is installed ;

“ “Parkatarea parking”—Parking or standing in ^{Parkatarea parking} a parkatarea space pursuant to the provisions of Part VI B of this Act ;

“ “Parkatarea space”—A section or part of a ^{Parkatarea space} Traffic Area marked or otherwise delineated on any road within the Traffic Area and set aside for the parkatarea parking of one vehicle and/or horse pursuant to the provisions of Part VI B of this Act, in which or adjacent to which a parkatarea is installed for the regulation of parkatarea parking in that parkatarea space ;” ;

(k) by omitting in subsection one thereof the definition “Parking” and inserting in its stead the following definition :—

“ “Parking”—The standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading goods or passengers :

Provided that, in relation to parking in a metered space, during fixed hours, the term “Parking” means the standing of a vehicle, whether engaged in loading or unloading goods or passengers, or not ;” ;

(l) by omitting in subsection one thereof the definition “Person” ;

(m) by omitting in subsection one thereof the definition “Prescribed” ;

(n) by omitting in subsection one thereof the definition “ Regulations ” ;

(o) by omitting in subsection one thereof the definition “ This Act ” ;

(p) by inserting in subsection one thereof after the definition “ Traffic ” the following definition :—

Traffic Area

“ “ Traffic Area ”—All roads and parts of roads in any area defined, pursuant to the provisions of section 12H of this Act, as a Traffic Area ; ” ; and

(q) by omitting in subsection one thereof the definition “ Velocipede ”.

Amendments
of s. 11

5. Section eleven of the Principal Act is amended—

(a) by omitting in subsection one thereof the words “ shall, by virtue of his office ” and inserting in their stead the words “ , the Deputy Commissioner of Police, the Commissioner’s Inspector of Police and the Chief Inspector of Police shall each by virtue of his respective office ” ;

(b) by omitting subsection (1A) thereof ; and

(c) by omitting subsection two thereof.

Amendments
of s. 12H

6. Section 12H of the Principal Act is amended—

(a) by inserting after subsection two thereof the following new subsection :—

“ (2a) The Traffic Engineer may from time to time and for the purposes of particular functions of regulation or control of traffic define Traffic Areas, and may erect official traffic signs marking the boundaries thereof.” ;

(b) by inserting after subsection seven thereof the following new subsection :—

“ (7a) Any person who, while in any Traffic Area defined in accordance with subsection (2a) of this section, contravenes or fails to comply with—

(a) any direction or indication given by an official traffic sign marking the boundary of that Traffic Area ; or

- (b) any direction or indication given by any other official traffic sign on a road or part of a road within that Traffic Area which direction or indication modifies, varies, or otherwise limits a direction or indication given by an official traffic sign marking the boundary of that Traffic Area ; or
- (c) any Order in Council, regulation or determination made under this Act applying to the whole or any part of that Traffic Area, whether or not the provisions of that regulation or determination are shown or indicated on an official traffic sign marking the boundary of that Traffic Area or on any other official traffic sign on a road or part of a road within that Traffic Area,

shall be guilty of an offence.” ; and

(c) by inserting in subsection eight thereof after the words “Any person who,” the words “without lawful authority, or”.

7. Section 12J of the Principal Act is amended by omitting subsection one thereof and inserting in its stead the following subsection :—

Amendment
of s. 12j

“(1.) Where any injury is done to an official traffic sign the following persons, namely :—

- (a) any person who negligently or wilfully causes such injury ; and
- (b) if that person is an agent or employee, the principal or employer of that person,

shall each be answerable in damages to the Traffic Engineer for the whole injury, and such damages may be recovered in a summary way under “*The Justices Acts, 1886 to 1960*,” on complaint of the Traffic Engineer or of any person authorised by the Traffic Engineer in that behalf, either generally or in the particular case, but the Traffic Engineer shall not be entitled by virtue of these provisions to recover twice for the same cause of action.

The Traffic Engineer may appear before any court in any action under this subsection by any person authorised by the Traffic Engineer in that behalf either generally or in the particular case.”

Amendment
of s. 14

8. Section fourteen of the Principal Act is amended by omitting in subsection two thereof the words " Drivers' licenses shall be in the prescribed form or to the like effect and where the licensee " and inserting in their stead the words " Where a license ".

Amendment
of s. 15

9. Section fifteen of the Principal Act is amended by omitting subsection two thereof and inserting in its stead the following subsection :—

" (2) A person shall not at any time permit or allow another person to drive a motor vehicle on a road if at that time he knows that that other person is not the holder of a driver's license authorising that other person to drive that vehicle on that road."

Amendments
of s. 16

10. Section sixteen of the Principal Act is amended—

(a) by omitting in paragraph (a) of subsection one thereof the words ", or is in charge of " ;

(b) by omitting the comma at the end of paragraph (c) of subsection one thereof and adding to that paragraph the word " ; or " ;

(c) by inserting after paragraph (c) of subsection one thereof the following new paragraph :—

" (d) Is in charge of a motor vehicle," ;

(d) by adding to subsection one thereof the following new paragraphs :—

" If the offender has been previously convicted under this subsection he shall be liable on summary conviction to a penalty not exceeding two hundred pounds or to imprisonment for a term not exceeding twelve months or to both such penalty and imprisonment.

If the offender has been twice previously convicted under this subsection the justices shall upon conviction impose, as the whole or part of the punishment, imprisonment." ;

(e) by inserting therein after subsection one thereof the following new subsections :—

Penalty
where driver
under
influence
manifests
intention not
to drive

" (1a) Notwithstanding any other provision of this Act, if any person is convicted of an offence against paragraph (d) of subsection one of this section and the justices find, either on the evidence upon oath or, upon

a plea of guilty, the statement of facts by the prosecutor or evidence upon oath, that, at the time the offence was committed—

- (a) that person,
 - (i) by occupying a compartment of that motor vehicle other than the compartment containing the driving seat of that motor vehicle ; or
 - (ii) not being in that motor vehicle, by some action,
 - had manifested an intention of refraining from driving that motor vehicle whilst he was under the influence of liquor or a drug ;
- (b) that person was not under the influence of liquor or a drug to such an extent as to be incapable of understanding what he was doing or as to be incapable of forming the intention referred to in paragraph (a) of this subsection ;
- (c) the motor vehicle in respect of which the offence was committed was parked in such a manner as not to constitute a source of danger to other persons or other traffic ; and
- (d) that person had not been previously convicted of an offence against subsection one of this section within a period of one year prior to the date of the commission of the offence in question,

that person shall, in lieu of any punishment prescribed by subsection one of this section be liable, in the case of a first offence against that subsection, to a penalty not exceeding fifty pounds and, in the case of a second or subsequent offence against that subsection, to a penalty not exceeding one hundred pounds.

The minute of conviction shall record all such findings if the justices make them.

(1b) (a) Where any person is convicted of an offence against paragraph (d) of subsection one of this section and the justices find the matters contained in paragraphs (a), (b), (c) and (d) of subsection (1a) of this section, the complainant may appeal upon the ground that the justices erred in finding that those matters had been established. ^{Appeal}

(b) Where upon convicting a person for an offence against paragraph (d) of subsection one of this section the justices make no finding as to the matters contained in paragraphs (a), (b), (c) and (d) of subsection (1a) of this section, or find that those matters are not established, that person may appeal upon the ground that the justices erred in not finding that all of those matters were established.

(c) The provisions of “*The Justices Acts, 1886 to 1960*,” with respect to appeals from decisions of justices shall apply to any appeal under this subsection, but this subsection shall not apply so as to limit or affect in any way any right of appeal had otherwise by the complainant or the person convicted.”

Amendments
of s. 19

11. Section nineteen of the Principal Act is amended—

(a) by adding in paragraph (d) of subsection one thereof after the words “any road” the words “where a prize or trophy or other benefit or advantage in excess of the value of fifty pounds may be won by a competitor,” ;

(b) by omitting subsection two thereof ;

(c) by renumbering subsection three thereof as subsection two ; and

(d) by omitting subsection four thereof.

Amendments
of s. 20

12. Section twenty of the Principal Act is amended—

(a) by inserting in paragraph (c) thereof after the words “Supreme Court” the words “or District Court” ;

(b) by inserting in paragraph (c) thereof after the words “of this section” the words “or, in the case of a person in respect of whom justices have found the matters contained in paragraphs (a), (b), (c) and (d) of subsection (1a) of section sixteen of this Act, for such period as the justices may order” ; and

(c) by adding the following provisoes :—

“Provided that the provisions of paragraph (a) of this section shall not apply in any case where justices have found the matters contained in paragraphs (a), (b), (c) and (d) of subsection (1a) of section sixteen of this Act :

Provided further that a conviction for an offence in relation to a motor vehicle against paragraph (d) of subsection one of section sixteen of this Act shall not be taken into account for the purposes of paragraph (b) of this section if justices in relation to that conviction found the matters contained in paragraphs (a), (b), (c) and (d) of subsection (1a) of section sixteen of this Act."

13. Section twenty-three of the Principal Act is ^{Amendments} amended— _{of s. 23}

(a) by inserting in the first paragraph thereof after the words "Supreme Court" the words "or District Court";

(b) by inserting in paragraph (a) thereof after the words "Supreme Court" the words "or District Court";

(c) by inserting in paragraph (b) thereof after the words "Supreme Court" the words "or District Court";

(d) by omitting in the final paragraph thereof the words "or Circuit Court" and inserting in their stead the words ", Circuit, or District Court"; and

(e) by inserting in the final paragraph thereof after the word "Commissioner" the words "for Transport".

14. Section thirty-one of the Principal Act is ^{Amendments} amended— _{of s. 31}

(a) by omitting in the third paragraph of subsection three thereof the words ", if required,";

(b) by omitting in the first paragraph of subsection six thereof all the words beginning with the words "and, in the absence of evidence in rebuttal thereof" and ending with the words "shall be conclusive evidence of that matter.";

(c) by omitting subsection seven thereof;

(d) by omitting in subsection eight thereof the words "subsection seven of this section" twice occurring and by inserting in their stead, wheresoever omitted, the words "section fifty-four of this Act"; and

(e) by inserting in subsection eight thereof after the words "Supreme Court" the words "or District Court".

Repeal
of s. 32

15. Section thirty-two of the Principal Act is repealed.

Repeal of
and new s. 34

16. Section thirty-four of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

Scheme to
facilitate
supply of
information
as to road
incidents

“ [34.] (1) The Commissioner or the Traffic Engineer, with the approval of the Minister, may authorise a scheme to facilitate the supply of information in the possession of a member of the Police Force or the Commission, as the case may be, as to the facts relating to any incident whereby, owing to the presence on a road of a vehicle, tram, train or animal, death or injury has been caused to any person, or damage has been caused to any property (including any animal in the charge of any person) to any person who or whose property has been involved in that incident, or to the agent, servant or other representative of that person, and to any insurer or other person having a *bona fide* interest in that incident.

(2) Any such scheme may provide for the payment of fees for the supply of that information on any basis or bases set out in the scheme.

(3) The supply in pursuance of any scheme under this section of any information in relation to any incident of a kind referred to in this section shall not render the Crown, the Minister, any member of the Police Force, the Commission, the Traffic Engineer, or any officer of the Commission liable in any way in law in respect thereof.”

Repeal of
and new s. 37

17. Section thirty-seven of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

Diversion of
traffic

“ [37.] (1) The Commissioner or a District Superintendent or the Traffic Engineer may order the closure of any road, permanently or temporarily (notice whereof shall, if practicable, be given in some newspaper circulating in the locality concerned) against any class or description of traffic, provided that another road or route is available for that traffic.

(2) Whenever a Superintendent, the Traffic Engineer, or, in the event of an emergency, any member of the Police Force, is of opinion that it is expedient for the proper execution of this Act, or otherwise is in the public

interest, he may temporarily prohibit, divert or direct all or any part of the traffic in or from any road, and may take any measure and give or cause to be given any direction, signal or order which he considers necessary or desirable for the safe and effective regulation of traffic in the locality where that road is situated.

(3) Any person who contravenes or fails to comply with any prohibition, direction, signal or order made or given under this section shall be guilty of an offence.”

18. Section thirty-nine of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

- “ [39.] (1) Any member of the Police Force who—
- (a) finds any person committing, or reasonably suspects that any person has committed an offence against this Act ; or
- (b) is making inquiries or investigations with a view to establishing whether or not an offence against this Act has been committed by any person ; or
- (c) is of the opinion that any person was present at the scene of any incident on a road in which any vehicle, tram or animal was involved, resulting in death of or injury to any person, or damage to any property (including an animal in the charge of any person, a vehicle, or a tram), and may be able to give information or evidence in relation to that incident ; or
- (d) is of the opinion that the name and address of any person is necessary for the purpose of giving effect to any of the provisions of this Act, or for the purpose of enabling him to carry out any of his functions or duties under this Act,

may require that person—

- (i) to stop, or where that person is the driver of any vehicle, tram or animal, to stop that vehicle, tram or animal ;
- (ii) to produce any license issued to him under this Act ; and

Repeal of
and new s. 39

Driver to
stop and
supply name,
&c., when
required

- (iii) to state his name and address and, if that member of the Police Force has reasonable ground to suspect that the name and address or the name or the address given is false, to supply evidence of the correctness thereof.
- (2) Any person who, when required under this section so to do—
- (a) fails to stop or, being the driver of a vehicle, tram or animal, fails to stop that vehicle, tram or animal ; or
 - (b) fails without reasonable cause, or refuses to produce any license issued to him under this Act ; or
 - (c) fails or refuses to state his name and address, or his name or his address ; or
 - (d) states a false name or address ; or
 - (e) fails without reasonable cause to supply evidence, or supplies false evidence of his name and address, or of his name or his address,
- shall be guilty of an offence.”

Repeal of
s. 40

19. Section forty of the Principal Act is repealed.

Repeal of
and new s. 42

20. Section forty-two of the Principal Act is repealed and, in lieu of that repealed section, the following section is inserted :—

General
power of
arrest
without
warrant

“ [42.] (1) Any member of the Police Force may arrest any person found committing an offence against the provisions of any of the following sections of this Act, that is to say, of sections 12H, 12I (excepting the provisions of paragraph (c) of subsection one thereof), fifteen, sixteen, seventeen, eighteen, nineteen, thirty, thirty-one, thirty-six, thirty-seven, thirty-nine, 44I, fifty-three, sixty, or sixty-one.

(2) Any member of the Police Force may arrest any person who, in the opinion of that member of the Police Force, has committed an offence against the provisions of any of the following sections of this Act, that is to say, of sections sixteen, seventeen, eighteen, nineteen, thirty-one, or sixty.

(3) Any member of the Police Force may arrest any person if that member has reasonable ground to believe—

- (a) that the person has committed an offence against this Act ; and
- (b) that proceedings against the person by summons would not be effective.”

21. Section forty-four of the Principal Act is amended— Amendments of s. 44

(a) by inserting in the first paragraph of subsection one thereof after the words “ safe keeping or ” the word “ for ” ;

(b) by omitting in paragraph (b) of subsection one thereof the words “ left unattended after being ” and by inserting in that paragraph after the words “ to any animal ” the words “, and in the opinion of such member is required to be detained for the purpose of completing any inquiries and investigations with respect to such incident ” ;

(c) by inserting in the final paragraph of subsection one thereof after the words “ safe keeping or ” the words “ for any ” ; and

(d) by omitting in the first paragraph of subsection three thereof the words “ sold or ” and inserting in their stead the words “ sold by public auction (after notice of such sale has been given by advertisement in a newspaper circulating in the locality where the vehicle, tram or animal was found) or, in a proper case, may be ”.

22. Section 44G of the Principal Act is amended by omitting in subsection one thereof the words “ in the prescribed form ”. Amendment of s. 44G

23. The following headnote and section are inserted after section 44K and before the headnote appearing before section forty-five of the Principal Act :— New s. 44L

“ PART VI B.—PARKATAREA PARKING.

[44L.] (1) (a) The Governor in Council may by Order in Council declare that the provisions of this Part of this Act with respect to parkatarea parking shall apply, as specified in that Order in Council, within the whole Parkatarea parking

or any part of any Traffic Area defined in accordance with subsection (2a) of section 12H of this Act and hereinafter in this section referred to as "the Traffic Area".

(b) The boundary of the Traffic Area shall be marked by official traffic signs at or near that boundary, in, on, or near each and every dedicated public road open to vehicular traffic and crossing that boundary.

(2) Subject to this Act the Traffic Engineer may instal in or adjacent to any marked parking space on any road or part of a road within the Traffic Area a parkatarea which shall indicate in respect of that parkatarea or in respect of the parking space in which or adjacent to which that parkatarea is installed—

- (a) the fixed hours for parkatarea parking in that parking space ;
- (b) the times between which any one vehicle and/or horse may be parked or stand in that parking space ;
- (c) the denomination of the coin or the number of coins of a denomination required to pay the appropriate fee as specified in accordance with subsection three of this section.

Any such matters may be indicated in an abbreviated form.

(3) (a) Notwithstanding any other provisions of this Act the Governor in Council may, in relation to the Traffic Area, by Order in Council—

- (i) prescribe the hours during and days upon which parkatarea parking only shall be permitted in a parkatarea space in the Traffic Area and parking, other than parkatarea parking, therein shall be prohibited in such parkatarea space (hereinafter referred to in this section as "the fixed hours") ;
- (ii) in respect of parkatarea parking, prescribe the maximum period for which any vehicle and/or horse may be parked or may stand in a parkatarea space, which maximum period may be so prescribed differently for different parkatarea spaces ; and
- (iii) in respect of parkatarea parking, prescribe the appropriate fee or fees in relation to parkatarea parking in the Traffic Area.

(b) The Governor in Council may, in lieu of prescribing the matters set out in paragraph (a) of this subsection, by Order in Council, authorise the Traffic Engineer, with the approval of the Minister, to determine all or any of the matters set out in subparagraphs (i), (ii) and (iii) of paragraph (a) of this subsection.

Authority to determine as aforesaid includes power to make at any one time or from time to time such one or more determinations as the Traffic Engineer with the approval of the Minister determines, and by any such determination to revoke, amend, or substitute a fresh determination for a prior determination.

(4) The Governor in Council may by Order in Council specify a date for the commencement of parkatarea parking in the Traffic Area and, in such event, parkatarea parking shall commence on the day next following the date on which parkatareas have been installed in the Traffic Area and for the purposes of this section, that day shall be deemed to be the date specified in such Order in Council for the commencement of parkatarea parking in the Traffic Area.

(5) (a) On and after the date specified by the Governor in Council by Order in Council for the commencement of parkatarea parking in the Traffic Area, it shall be lawful for a person to park or stand a vehicle and/or horse in a parkatarea space during the fixed hours if, and only if—

- (i) he does not park or stand that vehicle and/or horse in that parkatarea space for any period of time beyond the period of time indicated on the parkatarea provided in respect of that parkatarea space ;
- (ii) he pays, as prescribed by subsection six of this section, the appropriate fee ascertained as prescribed by subsection three of this section ;
and
- (iii) where additionally to any direction or indication on the parkatarea there is any other official traffic sign directing or indicating a modification, variation or limitation of the direction or indication on that parkatarea, he complies in every respect with that further direction or indication.

(b) For the purposes of paragraph (a) of this subsection the appropriate fee shall be a coin of the denomination or the number of coins of a denomination (which denomination or number the Traffic Engineer is hereby authorised to fix) required to pay the fee as prescribed in accordance with subsection three of this section.

(6) For the purposes of subsection five of this section, a person thereunto required by that subsection immediately upon parking or standing a vehicle and/or horse in a parkatarea space, shall forthwith pay the appropriate fee by inserting or causing to be inserted in the parkatarea provided in respect of that parkatarea space a coin of the denomination, or the number of coins of a denomination, prescribed by subsection three of this section.

(7) During the fixed hours, a person shall not park or stand a vehicle and/or horse in a parkatarea space—

- (a) unless he has inserted or caused to be inserted a coin or coins in payment of the appropriate fee ;
- (b) unless the parkatarea provided in respect of that parkatarea space indicates that the appropriate fee has been paid ;
- (c) for any period beyond the period indicated on the parkatarea provided in respect of that parkatarea space ;
- (d) in which any other vehicle and/or horse is parked or is standing ; or
- (e) so that any part of the vehicle and/or horse is upon or across or partly upon or across an official traffic sign or is not wholly within the parkatarea space :

Provided that, in the case of a commercial vehicle actually engaged in loading or unloading goods, where such vehicle or vehicle and horse is of a greater length than the length of the parkatarea space there provided, such vehicle shall be placed as nearly as practicable wholly within that parkatarea space.

(8) Any member of the Police Force during any temporary obstruction or danger to traffic or in any case of emergency, or the Traffic Engineer in his discretion in special circumstances may—

- (a) direct any person not to park or stand or cause or permit to be parked or stood any vehicle and/or horse in any parkatarea space ;
- (b) direct the owner or driver of a vehicle and/or horse parked or standing in a parkatarea space to remove that vehicle and/or horse from that parkatarea space ; or
- (c) where the owner or driver of a vehicle and/or horse parked or standing in a parkatarea space cannot be readily located or, if located, fails to remove that vehicle and/or horse from that parkatarea space when directed in pursuance of this subsection so to do, remove or cause to be removed that vehicle and/or horse from that parkatarea space.

(9) (a) A trust fund called “ The Trust Fund—Traffic Engineer ” and hereinafter in this section called “ the Trust Fund ” shall be established in the Treasury.

(b) All expenses in respect of providing, installing, controlling, operating, maintaining and regulating parkatarea spaces and the parkatareas installed therein or adjacent thereto and the parking or standing of any vehicle and/or horse within any part of a Traffic Area during the fixed hours not being in a metered space or part of a metered zone shall be defrayed from the Trust Fund.

(c) All fees, penalties, charges or other sums of money in respect of parkatarea parking and the parking or standing of any vehicle and/or horse within any part of a Traffic Area during the fixed hours not being in a metered space or part of a metered zone shall be paid into the Trust Fund.

(d) Any surplus moneys in the Trust Fund may, subject to the provisions of this Act, be applied by the Traffic Engineer to or towards the alleviation, reduction, or elimination of traffic congestion or danger to traffic, and for the improvement of traffic flow in existing roads, including interest on, redemption of, or instalments into a sinking fund in respect of, any loan money borrowed for the purpose of such matters.”

Amendments
of s. 45

24. Section forty-five of the Principal Act is amended—

(a) by adding to subsection two thereof the following proviso :—

“ Provided that any person who contravenes or fails to comply with any provision of the regulations made under this Act shall be liable, if no specific penalty is provided therefor, to a penalty not exceeding fifty pounds or to imprisonment for a term not exceeding three months.” ;

(b) by omitting in subsection three thereof the words “ fares and other ” and inserting in lieu of those omitted words the words “ fees and ” ;

(c) by adding to the first paragraph of subsection three thereof the words “ Proceedings for the recovery of any fee may be brought in the Petty Sessions District in which such fee is payable.” ;

(d) by omitting the proviso to subsection three thereof and inserting in its stead the following paragraph :—

“ In any proceedings for the recovery of a fee a document purporting to be under the hand of a Superintendent and stating that any sum specified therein is the amount of a prescribed fee which became due and payable on the date set out therein and that such sum has not been paid shall be *primâ facie* evidence of the matters set out in that document.” ;

(e) by omitting subsection four thereof ;

(f) by omitting subsection five thereof ;

(g) by omitting subsection six thereof.

Repeal of
s. 46

25. Section forty-six of the Principal Act is repealed.

Amendments
of s. 48

26. Section forty-eight of the Principal Act is amended—

(a) by omitting in the first paragraph thereof the words “ convictions, estreats, forfeitures,” ; and

(b) by adding to the proviso to the first paragraph thereof the words “ Unless and until other arrangements are made as aforesaid, such particulars with respect to drivers’ licenses shall be kept by and recorded in the Department of Transport.”

27. Section forty-nine of the Principal Act is amended—^{Amendments of s. 49}

(a) by omitting in paragraph (a) of subsection one thereof the words “or of the Chief Inspector of Police” ;

(b) by omitting in paragraph (b) of subsection one thereof the words “or of the Chief Inspector of Police,” ;

(c) by omitting in paragraph (c) of subsection one thereof the words “the Chief Inspector of Police,” ;

(d) by omitting paragraph (f) of subsection one thereof and inserting in its stead the following paragraph :—

“(f) A document purporting to be a copy of a license under this Act and to be certified as a true copy by the officer ordinarily having the custody of the records relating thereto, shall upon its production in evidence be *primâ facie* evidence of that license, and particulars of a conviction, disqualification, suspension or cancellation set out in any endorsement on a license under this Act or on any document purporting to be a copy of a license under this Act certified as prescribed by this paragraph shall be *primâ facie* evidence that the holder of that license, or the holder of the license in respect of which that document purports to be a copy, was so convicted or disqualified or that the license of that holder was so suspended or cancelled, or as the case may be.” ;

(e) by omitting paragraph (h) of subsection one thereof ;

(f) by omitting in paragraph (k) of subsection one thereof the words “or of the Chief Inspector of Police,” ;

(g) by inserting in paragraph (k) of subsection one thereof after the words “or of a Superintendent” the words “, or of a clerk of petty sessions or other officer ordinarily having custody of records relating to payments of moneys payable under this Act” ;

(*h*) by inserting in paragraph (*l*) of subsection one thereof after the words “upon its production” the words “(and provided that a copy thereof has been made available a reasonable time before the hearing of the proceedings to any party, if requested)” ;

(*i*) by omitting in paragraph (*o*) of subsection one thereof the words “or of the Chief Inspector of Police,” ;

(*j*) by omitting in paragraph (*p*) of subsection one thereof the words “or of the Chief Inspector of Police,” ; and

(*k*) by omitting in paragraph (*s*) of subsection one thereof the words “notice, warning, direction, standard, sign, signal, light, reflector, dome, sign-post, direction-post,” twice occurring, and by inserting in their stead, wheresoever omitted, the words “sign, signal, light, marking,”.

Repeal of
s. 50

28. Section fifty of the Principal Act is repealed.

Amendment
of s. 53

29. Section fifty-three of the Principal Act is amended by inserting in paragraph (*f*) of subsection one thereof after the words “Supreme Court” the words “or District Court”.

Amendments
of s. 54

30. Section fifty-four of the Principal Act is amended—

(*a*) by inserting in the first paragraph of subsection one thereof after the words “Supreme Court” the words “or District Court” ;

(*b*) by inserting in subsection four thereof after the words “this section shall” the words “, in relation to a driver’s license,” ;

(*c*) by inserting in subsection four thereof after the word “Commissioner” the words “for Transport and, in any other case to the Commissioner,” ; and

(*d*) by omitting in subsection four thereof the words “or Circuit Court” and inserting in their stead the words “, Circuit, or District Court,”.

Amendments
of s. 55

31. Section fifty-five of the Principal Act is amended—

(*a*) by inserting in subsection one thereof after the words “Supreme Court” the words “or District Court” ; and

(b) by inserting in the first paragraph of subsection two thereof after the words “ Supreme Court ” the words “ or District Court ”.

32. Section fifty-six of the Principal Act is amended ^{Amendment of s. 56} by omitting in subparagraph (i) of paragraph (b) of subsection one thereof the words “, to the Registrar of the Supreme Court or the Circuit Court ” and inserting in their stead the words “ or District Court, to the Registrar of the Supreme Court, Circuit Court, or District Court ”.

33. Section fifty-seven of the Principal Act is ^{Amendments of s. 57} amended—

(a) by omitting in the first paragraph of subsection one thereof the words “ other than the Commissioner ” twice occurring ;

(b) by omitting in the first paragraph of subsection one thereof the words “ to the Commissioner, whose decision shall be final and binding and without appeal ” and inserting in their stead the words “ to justices, whose decision, notwithstanding the provisions of “ *The Justices Acts, 1886 to 1960,* ” shall be final and binding and without appeal ” ;

(c) by inserting in the second paragraph of subsection one thereof after the words “ Supreme Court ”, where those words twice occur, the words “ or District Court ” ;

(d) by inserting in the first paragraph of subsection two thereof after the word “ absolutely ” the words “ or for a period in excess of two years ” ;

(e) by inserting in paragraph (a) of subsection two thereof after the words “ Judge of the Supreme Court ”, where those words twice occur, the words “ or District Court ” ;

(f) by omitting in paragraph (a) of subsection two thereof the words “ or Circuit Court ” and inserting in their stead the words “, Circuit Court, or District Court ” ;

(g) by inserting in paragraph (a) of subsection two thereof after the words “ order was made or ” the words “, where the order was made by a Judge of the Supreme Court,” ;

(h) by inserting in the third paragraph of subsection two thereof after the words “ Supreme Court ” the words “ or District Court ” ;

(i) by inserting in the final paragraph of subsection two thereof after the words "Supreme Court" the words "or District Court";

(j) by inserting in the first paragraph of subsection three thereof after the words "Supreme Court", wherever occurring, the words "or District Court";

(k) by inserting after subsection three thereof the following new subsection :—

"(3a) Where a person has, following upon a conviction, been disqualified from holding or obtaining a driver's license and has commenced an appeal against that conviction, that disqualification shall, upon the commencement of that appeal, and without further order in that behalf, be suspended pending the determination of that appeal :

Provided that, subject to any decision of a court upon that appeal, that portion of the period of disqualification which had not expired when such suspension began to operate shall take effect from the date of determination of that appeal." ;

(l) by inserting in subsection four thereof after the words "Supreme Court" the words "or District Court" ; and

(m) by inserting in subsection five thereof after the words "Supreme Court" the words "or District Court".

Amendment
of s. 62

34. Section sixty-two of the Principal Act is amended by omitting the last paragraph thereof, being the paragraph commencing with the words "Provided that any sum recovered".

New s. 63

35. The following section is inserted after section sixty-two of the Principal Act :—

Scheme to
facilitate
children
crossing
streets

" [63.] (1) The Commissioner, with the approval of the Minister, may—

(a) from time to time authorise any scheme to facilitate the safe crossing by children of public streets, such a scheme to be conducted by persons desirous of taking part therein, and who are referred to therein ;

(b) from time to time authorise any person or class of persons by whom any such scheme may be conducted to exercise and discharge,

for the purposes of that scheme, those powers, authorities, duties and functions specified in that scheme ; and

- (c) at any time and from time to time revoke, amend or substitute a fresh authority for any prior authority.

(2) Any scheme so authorised shall come into force on the date specified in such scheme.

(3) At any time and from time to time the Commissioner, with the approval of the Minister, may revoke, amend or substitute a fresh scheme for any prior scheme.

(4) Without limiting the generality of the power to make regulations contained in section seventy of this Act, the Governor in Council may from time to time make regulations providing for all or any matters necessary or convenient for the purpose of carrying out any scheme under this section, which regulations may be general or in relation to any particular scheme. In particular, and without prejudice to the generality of the foregoing provisions, the regulations may—

- (a) provide for “ Stop ” signs and the exhibition thereof ;
- (b) provide for the placing of barriers across or partly across any public street near a marked footcrossing whilst a “ Stop ” sign is being exhibited ;
- (c) prescribe conditions relating to the wearing or display of any insignia, badge, belt or other article of uniform by any person taking part in any scheme under this section ; and
- (d) provide that, whilst a “ Stop ” sign is exhibited, as prescribed, at or near a marked footcrossing which children are about to use or are upon any portion of, the driver of a motor vehicle facing that sign shall stop the vehicle and cause it to remain stationary until all the children have completed the passage of the footcrossing.

(5) In any proceedings for an offence against any regulation made under this section, evidence that a “ Stop ” sign was exhibited, as prescribed, by a person, at or near a marked footcrossing which children were

about to use, or were upon any portion of, shall be *primâ facie* evidence that the exhibition of that "Stop" sign by that person was authorised under this Act and the regulations under this Act."

Amendment
of s. 65

36. Section sixty-five of the Principal Act is amended by inserting in paragraph (c) of subsection one thereof after the words "forwarding the same by" the word "registered".

Amendments
of s. 66

37. Section sixty-six of the Principal Act is amended—

(a) by omitting in subsection one thereof the words "direction, or other document" and inserting in their stead the words "or direction";

(b) by omitting the figure and symbols "(1)" at the beginning of subsection one thereof; and

(c) by omitting subsection two thereof.

Amendment
of s. 67.

38. Section sixty-seven of the Principal Act is amended by omitting subsection one and inserting in its stead the following subsection:—

"(1) No matter or thing done by the Minister or any person acting with the authority of the Minister or the Commission or any member thereof or the Traffic Engineer, or done by any member of the Police Force, officer of the Commission, or any other person in good faith and without negligence for the purpose of executing this Act or in the execution of his powers and duties under this Act, shall subject the Crown, the Minister, the person acting with the authority of the Minister, the Commission or any member thereof, the Traffic Engineer, or any member of the Police Force, officer of the Commission or other person to any liability in respect thereof."

Amendments
of s. 68

39. Section sixty-eight of the Principal Act is amended—

(a) by omitting the words "on the license issued in respect of such vehicle, or, in the case of a vehicle in respect of which a license has not been issued under this Act, or if so issued, does not contain a record of the tare of the vehicle,";

(b) by omitting the words "licensed or"; and

(c) by inserting after the words "the tare of such vehicle" the words "as shown thereon or".

40. Clause three of the Schedule to the Principal Act is amended—

Amendments
of c. 3 of
Schedule

- (a) by omitting paragraph (a) thereof ;
- (b) by omitting paragraph (b) thereof ;
- (c) by renumbering paragraph (c) thereof as paragraph (a) ;
- (d) by renumbering paragraph (d) thereof as paragraph (b) ;
- (e) by renumbering paragraph (e) thereof as paragraph (c) ;
- (f) by renumbering paragraph (f) thereof as paragraph (d) ; and
- (g) by omitting paragraph (g) thereof.

41. Clause twenty-two of the Schedule to the Principal Act is omitted.

Repeal of
c. 22 of
Schedule
