

(Queensland)



ANNO QUARTO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 26 of 1965

An Act to Amend "The Traffic Acts, 1949 to 1962," "The Main Roads Acts, 1920 to 1964," and "The Local Government Acts, 1936 to 1964," each in certain particulars

[ASSENTED TO 29TH APRIL, 1965]

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:—

PART I—PRELIMINARY

1. (1) **Short title.** This Act may be cited as "*The Traffic Acts and Other Acts Amendment Act of 1965.*"

(2) **Commencement of Act.** This Act shall come into force on a date to be fixed by the Governor in Council by Proclamation published in the *Gazette*.

2. **Parts of Act.** This Act is divided into Parts as follows:—

PART I—PRELIMINARY;

PART II—AMENDMENTS TO "THE TRAFFIC ACTS, 1949 TO 1962";

PART III—AMENDMENTS TO "THE MAIN ROADS ACTS, 1920 TO 1964";

PART IV—AMENDMENTS TO "THE LOCAL GOVERNMENT ACTS, 1936 TO 1964."

3. Transitional. (1) On and after the date of the commencement of this Act—

- (a) any part of the Area of a Local Authority, or any road or part of a road in the Area of a Local Authority, within or to which the provisions of Part VIA of "*The Traffic Acts, 1949 to 1962,*" applied immediately prior to the date of commencement of this Act shall be deemed to be a Traffic Area defined as such by the Local Authority in question by by-law pursuant to its powers in that behalf under the provisions of Part VIA of "*The Traffic Acts, 1949 to 1965*";
- (b) any part of the Area of a Local Authority within which the provisions of Part VIB of "*The Traffic Acts, 1949 to 1962,*" applied immediately prior to the date of commencement of this Act shall be deemed to be a Traffic Area defined as such by the Local Authority in question by by-law pursuant to its powers in that behalf under the provisions of Part VIA of "*The Traffic Acts, 1949 to 1965*";
- (c) all official traffic signs, parking meters and parkatareas which, at the date of the commencement of this Act are in any part of the Area of a Local Authority deemed by paragraph (a) or paragraph (b) of this subsection to be a Traffic Area or, in the case of any official traffic sign, is on a road, other than a declared road, in the Area of a Local Authority, shall be deemed to be official traffic signs, parking meters and parkatareas placed, erected or installed by the Local Authority in question under the authority of "*The Traffic Acts, 1949 to 1965*";
- (d) any Order in Council or regulation made under Part VIA or Part VIB of "*The Traffic Acts, 1949 to 1962,*" and in force at the commencement of this Act and any determination made by the Traffic Engineer under the authority of any provision of the said Part VIA or Part VIB or of any regulation made pursuant to a provision of either such Part and in force at the commencement of this Act which, in respect of any part of the Area of a Local Authority deemed by paragraphs (a) or (b) of this subsection to be a Traffic Area, prescribes, provides for, regulates, controls or prohibits any matter or thing which, in respect of a Traffic Area, a Local Authority is empowered by "*The Traffic Acts, 1949 to 1965,*" to prescribe, provide for, regulate, control or prohibit by by-law or by determination by resolution, shall be deemed to be a by-law or as the case may be a determination by resolution made by the Local Authority in question and, subject to this Act, shall continue in force accordingly until it is revoked by the Governor in Council or superseded by a by-law or, according to its powers under this Act, by a determination by resolution made by the Local Authority.

Any reference in any such Order in Council or regulation to the Traffic Engineer shall be read as a reference to the Local Authority concerned.

(2) Any balance existing in The Trust Fund—Traffic Engineer established under subsection (9) of the repealed section 44L of "*The Traffic Acts, 1949 to 1962,*" on the date of the commencement of this Act shall be transferred to the Traffic Engineering Trust Fund created under section 14A of "*The Traffic Acts, 1949 to 1965,*" and may be applied for any of the purposes for which moneys in that fund may be applied.

(3) All fees, penalties, charges or other sums of money payable or due pursuant to "The Traffic Acts, 1949 to 1962," in respect of parkatarea parking or the parking or standing of any vehicle, or horse, or vehicle and horse within any part of a Traffic Area and received after the commencement of this Act which under those Acts would have been payable to the Trust Fund—Traffic Engineer shall be paid into the Traffic Engineering Trust Fund.

(4) The Commissioner of Main Roads may apply any moneys in the Traffic Engineering Trust Fund to pay interest on and redemption of loans borrowed by the Traffic Engineer.

(5) **Assets and property of Traffic Engineer.** On and after the date of the commencement of this Act—

(a) all property and assets of the Traffic Engineer shall be vested in the Commissioner of Main Roads and the Commissioner of Main Roads shall be empowered to dispose of any or all of those assets and property by negotiation with Brisbane City Council or a Local Authority or by any other means he considers appropriate. The proceeds of such disposal shall be credited to the Traffic Engineering Trust Fund established under section 14A of "The Traffic Acts, 1949 to 1965";

(b) the persons who immediately prior to that date, held the offices of Traffic Engineer and Secretary of the Traffic Commission and any officers who, being appointed under "The Public Service Acts, 1922 to 1963," were employed in the office of the Traffic Engineer shall, without further or other appointment become and be officers of the Department of Main Roads.

(6) **Disposal of moneys in Metered Parking Account.** All moneys standing to the credit of the Metered Parking Account established by a Local Authority pursuant to subsection (5) of section 49E of "The Local Government Acts, 1936 to 1964," shall be paid by the Local Authority into the Regulated Parking Account established pursuant to subsection (5) of section 49E of "The Local Government Acts, 1936 to 1965."

(7) Nothing in this section shall be construed so as to limit the operation and effect of "The Acts Interpretation Acts, 1954 to 1962."

PART II—AMENDMENTS TO "THE TRAFFIC ACTS, 1949 TO 1962"

4. (1) **Interpretation of Part II.** This Part II of this Act shall be read as one with "The Traffic Acts, 1949 to 1962."

(2) **Collective title.** "The Traffic Acts, 1949 to 1962," and this Part II of this Act may be collectively cited as "The Traffic Acts, 1949 to 1965."

5. **Amendments of s. 3.** Section three of "The Traffic Acts, 1949 to 1962," is amended by—

(a) omitting the words, numeral and letter "PART IIA—TRAFFIC COMMISSION" and inserting in their stead the words, numeral and letter "PART IIA—OFFICIAL TRAFFIC SIGNS";

(b) omitting the words, numeral and letter "PART VIA—METERED PARKING" and inserting in their stead the words, numeral and letter "PART VIA—REGULATED PARKING"; and

(c) omitting the words, numeral and letter "PART VIB—PARKATAREA PARKING".

6. Amendments of s. 5. Section five of "The Traffic Acts, 1949 to 1962," is amended by—

(a) omitting the words, numerals and quotation marks " "The Local Government Acts, 1936 to 1948" ", wherever appearing in that section, and inserting in their stead, wherever so omitted the words, numerals and quotation marks " "The Local Government Acts, 1936 to 1965" ";

(b) omitting the words, numerals and quotation marks " "The City of Brisbane Acts, 1924 to 1948" " where appearing in subsection (1) and inserting in their stead the words, numerals and quotation marks " "The City of Brisbane Acts, 1924 to 1960" ";

(c) omitting the words " the Traffic Engineer or the Commission ", where appearing in paragraph (b) of subsection (1) and inserting in their stead the words " or the Commissioner of Main Roads ";

(d) adding the following subsections:—

"(6) **Power to control certain traffic and obstructions in roads vested in Local Authority.** Notwithstanding the foregoing provisions of this section the power of a Local Authority to make by-laws or, in the case of Brisbane City Council, ordinances under "The Local Government Acts, 1936 to 1965," or under those Acts and "The City of Brisbane Acts, 1924 to 1960," includes power to make by-laws or ordinances, and accordingly a Local Authority or Brisbane City Council may make by-laws or ordinances, with respect to all or any of the following matters:—

(a) The prohibition, regulation and control of the driving, riding, leading, wheeling or standing of vehicles or animals in, on or across a footway, water-channel or gutter and the seizure, removal, detention and disposal of any of them which are found under circumstances which constitute an offence against such by-laws or, as the case may be, ordinances.

Without in any way limiting the matters which are not included within the ordinary scope and meaning of the subject matter of the powers conferred by this paragraph such subject matter shall not include, in particular, any of the following matters:—

- (i) the right of way of any vehicle or animal so driven, ridden, led or wheeled;
 - (ii) the qualification of a person to drive a motor vehicle;
 - (iii) the driving of or attempting to put in motion or occupying the driving seat of or being in charge of a motor vehicle whilst under the influence of liquor or a drug;
 - (iv) the driving or being in charge of a horse or other animal or the driving or being in charge of a vehicle (other than a motor vehicle) or attempting to put in motion any vehicle (other than a motor vehicle) whilst under the influence of liquor or a drug;
 - (v) the manner of driving of a vehicle or animal including the driving of the same dangerously or without due care and attention or without reasonable consideration for other persons or negligently, recklessly or at a speed in excess of the maximum speed at which the vehicle may lawfully be driven;
- (b) The prohibition, regulation and control of the washing or cleansing, painting, repairing, alteration or maintenance of vehicles in, on or over a road;

- (c) The prohibition, regulation and control of the stacking, storing or exposure of goods in, on or over a road and the seizure, removal, detention and disposal of any goods so stacked, stored or exposed;
- (d) Making provision for and the prohibition, regulation and control of the setting-up and use in or on a road of stalls, booths, stands or standing vehicles for a purpose of or connected with the carrying on of any business, calling or employment other than the setting-up and use of a booth for religious, charitable, educational or political purposes or of a booth to be used at or near a polling place for, or for a meeting in connection with, an election in respect of either House of the Commonwealth Parliament, the Legislative Assembly or a Local Authority.

(7) When a Local Authority has made a by-law or, as the case may be, an ordinance, with respect to any of the matters specified in subsection (6) of this section as being within the powers of the Local Authority the provisions of this Act concerning that matter shall cease to have force and effect in the Area of the Local Authority which has made such by-law or ordinance or, if such by-law or ordinance has been made to apply to one or more parts only of such Area then the provisions of this Act concerning that matter shall cease to have force and effect in such part or parts.

The revocation of the by-law or ordinance shall not revive the provision in question of this Act."

7. Amendment of s. 7. Section seven of "*The Traffic Acts, 1949 to 1962*," is amended by omitting the words, numerals and quotation marks " "*The Main Roads Acts, 1924 to 1943* " ", wherever they appear and inserting in their stead wherever so omitted the words, numerals and quotation marks " "*The Main Roads Acts, 1924 to 1965* " ".

8. New s. 7A inserted. "*The Traffic Acts, 1949 to 1962*," are amended by inserting after section seven the following section:—

"[7A.] (1) **Advisory committee.** The Commissioner and the Commissioner of Main Roads shall constitute an advisory committee to report to the Minister from time to time on the operation of this Act and the regulations made under it.

(2) **Regulations to control traffic on roads.** The Commissioner of Main Roads shall advise the Minister on the making, altering and repealing of regulations or any of them for and with respect to the regulation and control of vehicular, animal and pedestrian traffic on roads and any matters incidental or related thereto, and in particular, without affecting the generality of the foregoing for and with respect to the matters specified in clauses two, eight, 8A, nine, ten, eleven, 11A, twelve, twenty-one, twenty-five, twenty-eight, thirty, thirty-five and thirty-six of the Schedule to "*The Traffic Acts, 1949 to 1962* ".

This subsection applies so as not to limit or prejudice the power of the Governor in Council to make regulations under this Act or the validity of any regulation made by the Governor in Council under this Act.

(3) **Delegation by Commissioner of Main Roads.** (a) The Commissioner of Main Roads with the prior approval of the Minister for the time being administering "*The Main Roads Acts, 1920 to 1965*," may from time to time, in relation to any matters or class of matters, or in relation to a particular part of the State, by instrument in writing under his hand, delegate all or any of his powers, functions, authorities and duties under this Act as may be specified in the instrument (other

than this power of delegation) so that the delegated powers, functions, authorities and duties may be exercised or, as the case may be, shall be performed by the delegate with respect to the matters or class of matters or in relation to the particular part of the State specified in the instrument of delegation.

(b) Any delegation under this subsection may, if the said Commissioner deems it so desirable, be made by the delegation of all or any of his powers, functions, authorities and duties under this Act as may be specified in the delegation to the holder of an office specifying the office but without naming the holder; and in every such case each successive holder of the office in question and each person who for the time being occupies or performs the duties of that office may exercise or, as the case may be, shall perform without further or other authority and while he holds or occupies or performs the duties of that office every delegated power, authority, function or duty with respect to the matters or class of matters or in relation to the particular part of the State specified in the instrument of delegation.

(c) Where, by or under this Act, the exercise of a power, function or authority or the performance of a duty of the said Commissioner is dependent upon the opinion, belief, or state of mind of the said Commissioner in relation to any matter, that power, function or authority may be exercised or the duty performed, upon the opinion, belief, or state of mind of the person to whom it is delegated by an instrument of delegation under this subsection.

(d) The said Commissioner may, at his will, revoke a delegation made by him under this subsection, and the said Commissioner shall, if thereunto directed by the Minister for the time being administering "*The Main Roads Acts, 1920 to 1965*," revoke such a delegation. No delegation shall prevent the exercise of any power, function or authority, or the performance of any duty by the said Commissioner.

(e) The said Commissioner, subject in every case to prior approval by the Minister for the time being administering "*The Main Roads Acts, 1920 to 1965*," may make such and so many delegations under this subsection and to such number of persons, as he may consider necessary or desirable.

(f) Any delegation under this subsection may be published in the *Gazette* and upon such publication shall be judicially noticed."

9. Amendments of s. 9. Section nine of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) inserting after the definition "Animal" the following definition:—

" "Area"—An Area under and within the meaning of "*The Local Government Acts, 1936 to 1965*". In relation to Brisbane City Council the term means the City of Brisbane as constituted and defined by and under "*The City of Brisbane Acts, 1924 to 1960*"; ";

(b) omitting the definition "By-law" and inserting in its stead the following definition:—

" "By-law"—A by-law made by a Local Authority or an ordinance made by Brisbane City Council under "*The Local Government Acts, 1936 to 1965*," or under "*The City of Brisbane Acts, 1924 to 1960*"; ";

(c) omitting the definition "Commission";

(d) inserting after the definition "Court" the following definition:—

" "Declared road"—A declared road under and within the meaning of "*The Main Roads Acts, 1920 to 1965*"; ";

(e) omitting the definition "Fixed hours" and inserting in its stead the following definition:—

" "Fixed hours"—In relation to any metered space or parkatarea space the hours determined by by-laws or determined by resolution of the Local Authority concerned pursuant to by-laws made pursuant to Part VIA of this Act, during which metered parking or, as the case may be, parkatarea parking only shall be permitted in that metered space or parkatarea space and parking other than metered parking or parkatarea parking therein is prohibited;"

(f) inserting after the definition "Local Authority" the following definition:—

" "Manual of Uniform Traffic Control Devices"—The Manual of Uniform Traffic Control Devices (Queensland) issued by the Commissioner of Main Roads. The term includes that manual as amended from time to time by the said Commissioner.

Until the first such manual is issued by the said Commissioner the Manual of Uniform Traffic Control Devices (Queensland) issued pursuant to the provisions in that behalf of this Act prior to and in force at the date of the commencement of "The Traffic Acts and Other Acts Amendment Act of 1965," shall, with and subject to any amendments thereof made from time to time by the said Commissioner, be and continue to be the Manual of Uniform Traffic Control Devices;"

(g) in the definition "Metered parking" omitting the words "pursuant to the provisions of Part VIA of this Act";

(h) omitting the definition "Metered space" and inserting in its stead the following definition:—

" "Metered space"—A space on a road defined by an official traffic sign to be a metered space;"

(i) omitting the definition "Metered Zone";

(j) in the definition "Minister" omitting the words "Labour and Industry" and inserting in their stead the words "Mines and Main Roads";

(k) adding to the definition "Official Traffic Sign" the words and paragraphs—

" the design of which and methods, standards and procedures in relation to which—

(a) are contained in the Manual of Uniform Traffic Control Devices; or

(b) are approved by the Commissioner of Main Roads;"

(l) in the definition "Parkatarea parking" omitting the words "pursuant to the provisions of Part VIB of this Act";

(m) omitting the definition "Parkatarea space" and inserting in its stead the following definition:—

" "Parkatarea space"—A space on a road defined by an official traffic sign to be a parkatarea space;"

(n) inserting after the definition "Railway" the following definition:—

" "Regulated parking"—Parking in accordance with the provisions of Part VIA of this Act. The term includes metered parking, parkatarea parking, and parking for no longer than the period specified either by official traffic signs in, on or near to the road on which the parking occurs or specified by official traffic signs at the boundary of the Traffic Area which includes the road on which the parking occurs;";

(o) omitting in the definition "Traffic Area" the words, numeral and letter " , pursuant to the provisions of section 12H of" and inserting in their stead the words " or deemed to be defined pursuant to the provisions of";

(p) omitting the definition "Traffic Engineer".

10. Amendment of s. 10. Section ten of "*The Traffic Acts, 1949 to 1962*," is amended by omitting the words "the Traffic Commission, the Traffic Engineer and all other officers of the Traffic Commission" and inserting in their stead the words "and the Commissioner of Main Roads".

11. Repeal of and new Part IIA. The headnote appearing immediately prior to section 12A of "*The Traffic Acts, 1949 to 1962*," and sections 12A to 12J, both inclusive, of "*The Traffic Acts, 1949 to 1962*," are hereby repealed and the following headnote and sections are inserted in their stead:—

"PART IIA—OFFICIAL TRAFFIC SIGNS

[12A.] **Definitions.** In this Part IIA and in Part VIA of this Act, unless the context otherwise indicates or requires—

- (a) "Install"—means construct, make, mark, place or erect, or affix to or paint on any structure, and repair, maintain, manage and control;
- (b) "On"—means on, in, into, over or near;
- (c) "Remove"—means remove, alter, discontinue, cancel, demolish or erase;
- (d) "Structure"—includes any building, wall, fence, pillar, post or other structure, erection or device wheresoever situated and by whomsoever owned.

[12B.] (1) **Commissioner of Main Roads may install official traffic signs.** The Commissioner of Main Roads may install on a road any official traffic sign and may remove from a road any official traffic sign.

(2) **Local Authority may install official traffic signs.** A Local Authority may install on a road in its Area which is not a declared road any official traffic sign and may remove from a road in its Area which is not a declared road any official traffic sign.

[12C.] **Notice to install or remove an official traffic sign.** (a) If, in the opinion of the Commissioner of Main Roads, an official traffic sign should be installed on, or removed from, any road in an Area which is not a declared road, he may serve notice on the Local Authority for such Area specifying the nature of the official traffic sign required to be installed or removed and the location at or from which such official traffic sign shall be installed or removed. The notice shall specify a date not less than fourteen days from the date of service of the notice on or before which the installation or removal of the official traffic sign specified shall be completed.

(b) If the Local Authority does not comply with the terms of the notice within the time specified, the Commissioner of Main Roads may install or remove the official traffic sign specified in the notice and recover any cost and expense incurred by him in so doing from the Local Authority.

[12D.] Installation of official traffic signs in case of danger. Where the Commissioner of Main Roads, a Superintendent, a holder of a prescribed office under the Crown, a Town Clerk, or a person authorised in that behalf by the Commissioner of Main Roads, a Superintendent, a holder of a prescribed office under the Crown, a Local Authority or a Town Clerk, as the case may be, is satisfied in the circumstances of the case that a danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist, or the use of a road or any part thereof is prevented, hindered or obstructed, or likely to be prevented, hindered or obstructed, such person may install any official traffic sign which, in his opinion, may be necessary, required or desirable for the purpose of regulating, guiding or warning traffic.

Any official traffic sign so installed may, unless otherwise directed by the Commissioner of Main Roads pursuant to section 12C of this Act be maintained and continued for so long as the said Commissioner, Superintendent, holder of a prescribed office under the Crown, Town Clerk, or person authorised as prescribed by this section is satisfied that the danger, hindrance or obstruction to traffic or other emergency exists or is likely to exist or the use of the road or the part thereof is prevented, hindered or obstructed or likely to be prevented, hindered or obstructed.

[12E.] Obstruction of prescribed officer and destruction of official traffic signs to be an offence. Any person who—

- (a) obstructs the Commissioner of Main Roads, a Superintendent, a holder of a prescribed office under the Crown, or a Town Clerk in the exercise of his powers under this Part IIA or Part VIA of this Act; or
- (b) obstructs any person acting under an authority given under section 12D of this Act in the exercise of the powers under this Part IIA or Part VIA of this Act had by him by virtue of such authority; or
- (c) without lawful authority demolishes, destroys, pulls down, erases, removes, defaces or otherwise damages or interferes with an official traffic sign,

shall be guilty of an offence.

A person guilty of an offence against any provision of this section shall also be liable to pay the amount of the expenses of making good any damage occasioned by the offence.

The court convicting him of the offence may, whether an application or complaint is made in respect thereof or not, order him to pay such amount or such amount may be recovered by either the Commissioner of Main Roads or a Local Authority or any person duly authorised by the Commissioner of Main Roads or a Local Authority, either generally or in the particular case, by action in any court of competent jurisdiction.

Without limit to the power of a member of the Police Force or any other person thereunto authorised by some other provision of this Act to prosecute an offence against this section.—

- (a) an offence against this section committed in relation to the Commissioner of Main Roads or the holder of a prescribed office under the Crown, or any person acting under the authority of either of them, or in relation to an official traffic sign

installed on a road by the said Commissioner or holder of a prescribed office under the Crown, or any person acting under the authority of either of them, may be prosecuted by the said Commissioner or holder or by any person thereunto authorised by the said Commissioner; and

- (b) an offence against this section committed in relation to the Town Clerk or a Local Authority or a person acting under the authority of the Town Clerk or Local Authority, or in relation to an official traffic sign installed on a road in its Area by the Local Authority may be prosecuted by the Town Clerk or by any person thereunto authorised by the Town Clerk.

[12F.] Contravention of or failure to comply with an official traffic sign to be an offence. Any person who contravenes or fails to comply with—

- (a) (Where a direction or indication given by an official traffic sign is prescribed) that direction or indication; or
 (b) In any other case, the direction or indication given by an official traffic sign,

shall be guilty of an offence.

[12G.] Unlawful installation of official traffic signs. Any person who without lawful authority installs on a road an official traffic sign or other thing in the nature of or similar to or which is likely to be mistaken for an official traffic sign shall be guilty of an offence, and any such sign or other thing may be removed by the Commissioner of Main Roads or the Local Authority (whether or not any proceeding is taken for an offence with respect thereto).

Upon convicting a person for an offence against any of the provisions of this section the Court, in addition to any penalty which it may impose, may (whether an application or complaint is made in respect thereof or not) order him to pay the costs of the removal of the official traffic sign or other thing in question to the Commissioner of Main Roads or the Local Authority, as the case may be.

Without prejudice to subsection (3) of section forty-five of this Act any offence against section 12F of this Act or this section may—

- (a) if committed in relation to a declared road, be prosecuted on the complaint of a person thereunto authorised by the Commissioner of Main Roads; or
 (b) if committed in relation to a road in any Area which is not a declared road, be prosecuted on the complaint of a person thereunto authorised by the Local Authority for such Area or by the Town Clerk of such Local Authority.

[12H.] Injury to official traffic signs. (a) Where any injury is done to an official traffic sign the following persons, namely:—

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

shall each be answerable in damages to the Commissioner of Main Roads or the Local Authority (according to which of them installed such sign) for the whole injury, and such damages may be—

- (iii) sued for by; or

- (iv) recovered in a summary way under "*The Justices Acts, 1886 to 1964,*" on complaint of,

the Commissioner of Main Roads or the Local Authority or any person authorised by the Commissioner of Main Roads or the Local Authority

in that behalf, either generally or in the particular case, but the Commissioner of Main Roads or the Local Authority shall not be entitled by virtue of the provisions of this section to recover twice for the same cause of action.

(b) Where the owner of any vehicle pays any money in respect of any injury caused through the wilful act or negligence of the driver of that vehicle to any official traffic sign, he shall be entitled to recover the money so paid, with costs, from that driver.

[12L.] **Application of Part IIA.** The provisions of this Part IIA of this Act shall apply to all official traffic signs whatsoever and whether in relation to regulated parking or otherwise."

12. Amendment of s. 14. Section fourteen of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) in subsection (6)—

(i) omitting the words, numerals and quotation marks "*The Main Roads Acts, 1920 to 1952*," and inserting in their stead the words, numerals and quotation marks "*The Main Roads Acts, 1920 to 1965*,"";

(ii) omitting the words "fifteen shillings" and inserting in their stead the words "one pound";

(iii) omitting the last paragraph;

(b) inserting after subsection (6) the following subsection:—

"(7) (a) Save as provided under paragraph (b) of this subsection a licensing fee of two pounds shall be paid in respect of a driver's license (other than a learner's permit) issued to an applicant—

(i) who has not previously been issued with a driver's license; and

(ii) who, when the driver's license is issued to him, is not registered in a certificate of registration as the sole owner of the motor vehicle thereby registered.

(b) The fee prescribed by paragraph (a) of this subsection shall not be payable in respect of a driver's license issued to an applicant who has not previously been issued with a driver's license in any of the following cases, namely:—

(i) where, when the driver's license is issued, no other person who is registered in a certificate of registration as the owner jointly with the applicant of the motor vehicle thereby registered holds a driver's license;

(ii) where, when the driver's license is issued, the applicant is carrying on business with any other person or persons under a business name which is then registered under "*The Business Names Act of 1962*," and the applicant and such other person or persons are, under such business name, registered in a certificate of registration as the owner of the motor vehicle thereby registered, and no such other person holds a driver's license;

(iii) where, in respect of any motor vehicle whereof a body or association of persons, corporate or unincorporate, is registered in a certificate of registration as the owner, the applicant produces to the Superintendent to whom he has applied for the issue of a driver's license a statutory declaration made by the secretary of the body or association in question or by some other employee thereof whose duty it is to supervise the use of such motor vehicle, stating that the driver's license is

required by the applicant for the purpose of enabling his employment by such body or association of persons in driving such motor vehicle and that, in respect of such motor vehicle, a prior statutory declaration under this subparagraph has not been made by the declarant or by any other person whomsoever during the period current at the date of the making of the statutory declaration of the certificate of registration thereof.

(c) In this subsection the term "certificate of registration", in relation to a motor vehicle, means the certificate of the registration or renewal of the registration of the motor vehicle in question under the provisions of the regulations under "*The Main Roads Acts, 1920 to 1965*," as in force at the time of the issue of the drivers' license in question.

(d) A Superintendent shall not issue a driver's license to an applicant unless—

- (i) such applicant satisfies him that a driver's license has been previously issued to him; or
- (ii) in the case of an applicant who fails to so satisfy him, such applicant pays to him a licensing fee of two pounds or satisfies him that such applicant is then registered in a certificate of registration as the sole owner of the motor vehicle thereby registered or that, by virtue of a provision of paragraph (b) of this subsection, such fee is not payable in respect of the issue of a driver's license to such applicant pursuant to his application.

(e) Any licensing fee paid by an applicant for a drivers' license shall be paid by the Superintendent into Consolidated Revenue"; and

(c) re-numbering subsection (7) as subsection (8).

13. New s. 14A. "*The Traffic Acts, 1949 to 1962*," are amended by inserting after section fourteen the following section:—

"[14A.] **Traffic Engineering Trust Fund.** (1) A trust fund called "The Traffic Engineering Trust Fund" in this section called "the Trust Fund", shall be established in the Treasury.

(2) In respect of each annual driving fee collected under section fourteen of this Act the Commissioner of Main Roads shall pay—

- (a) an amount equal to twenty per centum of the fee into the Trust Fund; and
- (b) the balance into Consolidated Revenue.

Section sixty-two of this Act applies subject to this subsection.

(3) Expenditure incurred by the Commissioner of Main Roads in respect of the installation or removal of official traffic signs, or in respect of the alleviation, reduction or elimination of traffic congestion or danger to traffic, or for the improvement of traffic flow on existing roads including interest on, redemption of or instalments into a sinking fund in respect of any loan money borrowed for the purpose of any of the matters specified in this subsection may be defrayed from the Trust Fund.

(4) With the approval of the Minister for the time being administering "*The Main Roads Acts, 1920 to 1965*," the Commissioner of Main Roads may apply moneys in the Trust Fund to the payment of a subsidy to a Local Authority in respect of expenditure incurred by it in respect of the installation of official traffic signs, or in respect of the alleviation, reduction or elimination of traffic congestion or danger to traffic or for the improvement of traffic flow on existing roads."

14. Amendment of s. 15 (4). Subsection (4) of section fifteen of "The Traffic Acts, 1949 to 1962," is amended by, in the first paragraph—

(a) omitting the words "one hundred pounds" and inserting in their stead the words "two hundred pounds"; and

(b) omitting the words "six months" and inserting in their stead the words "twelve months".

15. Amendment of s. 16 (1). Subsection (1) of section sixteen of "The Traffic Acts, 1949 to 1962," is amended by—

(a) in the first paragraph—

(i) omitting the words "one hundred pounds" and inserting in their stead the words "two hundred pounds";

(ii) omitting the words "six months" and inserting in their stead the words "nine months";

(b) in the second paragraph—

(i) omitting the words "on summary conviction";

(ii) omitting the words "two hundred pounds" and inserting in their stead the words "three hundred pounds";

(iii) omitting the words "twelve months" and inserting in their stead the words "eighteen months";

(c) adding the following paragraph—

"For the purpose of determining whether or not the provisions of this subsection require imprisonment to be imposed as the whole or part of the punishment for an offence (in this paragraph called the "latest offence") against this subsection, no previous conviction for an offence against this subsection incurred by the offender earlier than the period of ten years immediately preceding the date of his conviction for the latest offence shall be taken into account."

16. Amendment of s. 18. Section eighteen of the Principal Act is amended by omitting subsection (1) and inserting in its stead the following subsection:—

"(1) Any person who drives a vehicle (other than a motor vehicle), a tram, a train or an animal on a road dangerously shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

If the offender has been previously convicted under this subsection he shall be liable 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 Court shall, upon conviction, impose imprisonment as the whole or part of the punishment.

For the purpose of determining whether or not the provisions of this subsection require imprisonment to be imposed as the whole or part of the punishment for an offence (in this paragraph called the "latest offence") against this subsection, not more than one previous conviction for an offence against this subsection incurred by the offender earlier than the period of ten years immediately preceding the date of his conviction for the latest offence shall be taken into account.

The term "drives a vehicle (other than a motor vehicle), a tram, a train or an animal dangerously" includes the driving of a vehicle (other than a motor vehicle), a tram, a train or an animal at a speed or in a

manner dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic which is on the road at the time or which might reasonably be expected to be on the road."

17. Amendments of s. 20. Section twenty of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) in paragraph (a)—

(i) omitting the words "three years" and inserting in their stead the words "ten years";

(ii) omitting the words "three months" and inserting in their stead the words "six months";

(b) in paragraph (b) omitting the words "three years" and inserting in their stead the words "ten years".

18. Amendments of s. 34. Section thirty-four of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) in subsection (1) omitting the words "or the Traffic Engineer" and the words "or the Commission, as the case may be"; and

(b) in subsection (3) inserting after the word "Minister" the word "or", and omitting the words "the Commission, the Traffic Engineer, or any officer of the Commission".

19. Amendments of s. 37. Section thirty-seven of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) omitting the words "the Traffic Engineer", wherever they appear, and inserting in their stead, wheresoever they are omitted, the words "the Commissioner of Main Roads"; and

(b) adding the following subsection—

"(4) The Commissioner of Main Roads may carry out such construction works as are necessary to give effect to the closure of any road ordered under subsection (1) of this section. The cost of such works may be defrayed from the Traffic Engineering Trust Fund."

20. Amendment of s. 42. Section forty-two of "*The Traffic Acts, 1949 to 1962*," is amended by omitting the words, numerals and letters "12H, 12I (excepting the provisions of paragraph (c) of subsection one thereof)" and inserting in their stead the numerals and letters "12E, 12F, 12G,".

21. Amendment of s. 44. Section forty-four of "*The Traffic Acts, 1949 to 1962*," is amended by adding the following subsection:—

"(7) **Power to remove and dispose of abandoned vehicles vested in Local Authorities.** (a) When there is on a road within any Area any vehicle in respect of which there are reasonable grounds for suspecting that the same has been abandoned by the person who last drove or used the same the Local Authority of that Area may remove and detain, or cause to be removed and detained, at a place of safe keeping that vehicle and may deal with such vehicle or cause the same to be dealt with, in the manner provided by this subsection.

(b) (i) As soon as practicable after removal of such vehicle, the Local Authority concerned shall cause notice in writing to be given to the owner thereof, if he can be ascertained, of such removal and of the place at which such vehicle is then detained.

(ii) Such notice shall, if practicable, be served upon the owner personally, but if it is not so served within fourteen days from the date of such removal it may be given by public advertisement in a newspaper circulating in the locality in which such vehicle was found.

(c) If within one month from the date of service or advertisement of such notice the owner of such vehicle or a person acting on his behalf or a person claiming a right to the possession of such vehicle, has not obtained possession of such vehicle in accordance with the provisions of this subsection, the Local Authority may—

- (i) by notice published in a newspaper circulating in the locality in which such vehicle was found, advertise that it will offer such vehicle for sale by public auction at the place and time stated in the advertisement;
- (ii) at the time on the day stated in the advertisement (which day shall be not earlier than fourteen days after the date when the advertisement was published) and at the place stated in the advertisement, offer such vehicle for sale by public auction unless the owner thereof or a person acting on his behalf or a person claiming a right to possession thereof has sooner obtained possession of such vehicle in accordance with the provisions of this subsection;
- (iii) if no offer for such vehicle is received at such auction, dispose of the same in such manner and on such terms as the Local Authority may determine.

(d) The proceeds of the sale or disposal of such vehicle shall be applied as follows:—

- (i) firstly, in payment of the expenses of the sale or disposal;
- (ii) secondly, in payment of the cost of removal and detention of the vehicle and the service and advertisement of any notice served or advertised under this subsection;
- (iii) thirdly, in payment of the balance of such proceeds to the owner of such vehicle or, if after reasonable enquiry, he cannot be ascertained, into the general fund of the Local Authority.

(e) The Local Authority which has caused a vehicle to be removed and detained under this subsection may deal with any goods, equipment or thing contained in, on or about such vehicle at the time of its removal in the same manner as it may deal with the vehicle pursuant to this subsection: Provided that any perishable goods contained in such vehicle at the time of its removal may be disposed of in such manner as the Clerk of the Local Authority concerned shall direct and the proceeds, if any, of such disposal shall be applied in accordance with the provisions of paragraph (d) of this subsection.

(f) The Clerk of a Local Authority which has removed and detained, or caused so to be, a vehicle pursuant to the provisions of this subsection shall not deliver possession of such vehicle to the owner thereof, or to another person acting on his behalf, or to any other person claiming a right to the possession thereof unless the following provisions of this paragraph have been complied with:—

- (i) the owner, or person acting on his behalf, or other person claiming a right to possession of such vehicle shall have applied in writing signed by him to the Clerk of the Local Authority concerned for the release from such detention of such vehicle;
- (ii) the applicant shall have furnished proof to the satisfaction of the Clerk of his ownership or of his right to possession of such vehicle and, in the case of the applicant's being a person acting on behalf of the owner, shall have furnished proof to the satisfaction of the Clerk, of his authority to act on behalf of such owner;

- (iii) the applicant shall have paid all expenses incurred by the Local Authority concerned in connection with the removal and detention of such vehicle and the service, or advertisement, of any notice served or advertised by such Local Authority in relation to such removal and detention or intended sale of such vehicle;
- (iv) the applicant has signed a receipt for the delivery of such vehicle to him.

Any person who takes delivery, or obtains possession of or removes or attempts to remove from the detention of a Local Authority a vehicle removed and detained pursuant to the provisions of this subsection except in accordance with the provisions of this paragraph shall be guilty of an offence.

(g) In this subsection the term "vehicle" includes any part of a vehicle."

22. Repeal of and new headnote. "*The Traffic Acts, 1949 to 1962*," are amended by omitting the headnote "PART VIA—METERED PARKING", where it appears immediately prior to section 44A, and inserting in its stead the headnote "PART VIA—REGULATED PARKING".

23. Amendment of s. 44A. Section 44A of "*The Traffic Acts, 1949 to 1962*," is amended by omitting the words, numerals and quotation marks "*The Main Roads Acts, 1920 to 1959*," and inserting in their stead the words, numerals and quotation marks "*The Main Roads Acts, 1920 to 1965*,".

24. Repeal of and new s. 44B. "*The Traffic Acts, 1949 to 1962*," are amended by repealing section 44B and inserting in its stead the following section:—

"[44B.] **Parking.** (1) Except to the extent to which it is thereunto authorised by the Commissioner of Main Roads a Local Authority shall not have or exercise in respect of a declared road or part of a declared road any power or authority conferred upon it by this section or by any other provision of this Part VIA of this Act.

The Commissioner of Main Roads may by an instrument in writing authorise a Local Authority to exercise the powers conferred upon a Local Authority by this section in respect of the declared road or part of a declared road or the declared roads or parts of declared roads in the Area specified in the instrument and, during the continuance in force of such authority, the Local Authority may prohibit, regulate and control the parking of traffic in accordance with the provisions of this Act on any and every road or part of a road specified in the instrument of Authority, and shall have and may exercise accordingly in respect of any and every such road or part of a road the powers and authorities conferred upon a Local Authority by this section in respect of a road other than a declared road. An instrument of authority under this subsection or a notice of the revocation by the said Commissioner of the authority may be published in the *Gazette* and thereupon shall be judicially noticed.

(2) (a) The Commissioner of Main Roads may prohibit, regulate and control parking on any declared road.

(b) A Local Authority may prohibit, regulate and control parking in accordance with the provisions of this Act on any road within its Area which is not a declared road.

(c) The Commissioner of Main Roads or a Local Authority may install official traffic signs for the purpose of prohibiting, regulating and controlling parking and the provisions of Part IIA of this Act shall apply to any official traffic sign so installed.

(3) **Traffic Areas.** (a) A Local Authority from time to time may by by-law—

- (i) define any part of its Area to be a Traffic Area;
- (ii) abolish any Traffic Area;
- (iii) amalgamate two or more Traffic Areas into one Traffic Area;
- (iv) amend the boundaries of any Traffic Area so as to exclude therefrom any part thereof or to include therein any part of the Area which is not included in a Traffic Area;
- (v) exclude from any Traffic Area any part thereof and define that part to be a Traffic Area or include it in another Traffic Area;
- (vi) assign a name to any Traffic Area.

(b) The Local Authority shall install on a road at any place where the boundary of a Traffic Area crosses the road, an official traffic sign indicating such boundary, the hours during and the days upon which regulated parking shall be operative within such Traffic Area, and the maximum period of time for which a vehicle may be parked in such Traffic Area during those hours and on those days.

(c) With the exception of parking in accordance with official traffic signs installed thereon, parking on a road or part of a road within a Traffic Area shall be permitted for no longer than the period of time specified on the official traffic signs installed in respect of that Traffic Area as prescribed by paragraph (b) of this subsection.

(4) **Regulated parking.** (a) With respect to all roads and parts of roads in a Traffic Area parking shall be by regulated parking and not otherwise and in relation to and for the purposes of regulated parking the Local Authority may exercise the powers, authorities and functions prescribed by this subsection.

(b) In respect of any Traffic Area a Local Authority may by by-law:—

- (i) prescribe the hours during and days upon which (in this Part VIA called in relation to metered parking the "fixed hours") metered parking only shall be permitted (which fixed hours may be so prescribed differently in respect of different metered spaces) and, other than metered parking, parking in a metered space shall be prohibited;
- (ii) regulate metered parking by prescribing the maximum period for which any one vehicle may be parked in a metered space, which maximum period may be so prescribed differently for different metered spaces or, by reference to the insertion in the parking meter provided for a metered space of coins of different denominations or of different numbers of coins of the same denomination, for any one and the same metered space;
- (iii) prescribe the hours during and days upon which (in this Part VIA called in relation to parkatarea parking the "fixed hours") parkatarea parking only shall be permitted (which fixed hours may be so prescribed differently in respect of different parkatarea spaces) and, other than parkatarea parking, parking in a parkatarea space shall be prohibited;

- (iv) in respect of parkatarea parking, prescribe the maximum period for which any one vehicle may be parked or may stand in a parkatarea space, which maximum period may be so prescribed differently for different parkatarea spaces;
- (v) fix fees in respect of metered parking and parkatarea parking, respectively; and
- (vi) prescribe the hours during and days upon which regulated parking other than metered parking and parkatarea parking shall be operative within a Traffic Area.

By-laws made under this paragraph (b) may differ in respect of different Traffic Areas.

A by-law made under this paragraph (b) may authorise the Local Authority to determine by resolution any matter which the Local Authority is empowered by this paragraph to prescribe or fix by by-law.

Such an authority includes power to the Local Authority by resolution to make from time to time such determination in respect of the subject-matter of the authority as it deems necessary or desirable and by any such determination to revoke, amend or substitute a fresh determination for a prior determination.

Any indication in an official traffic sign of any of the matters set out in this paragraph (b) shall, unless and until the contrary is proved, be presumed to be a determination of that matter duly made by the Local Authority by resolution and in force when so indicated.

Any reference in this Act or in "*The Local Government Acts, 1936 to 1965*," to the declaring or prescribing of any matter to which this paragraph (b) applies shall include the determination of that matter as provided by this paragraph.

(c) **Powers of Local Authority.** A Local Authority may install and maintain in each metered space or immediately adjacent thereto a parking meter as specified in the Manual of Uniform Traffic Control Devices or as approved by the Commissioner of Main Roads.

(d) A Local Authority may install and maintain in each parkatarea space or immediately adjacent thereto a parkatarea as specified in the Manual of Uniform Traffic Control Devices or as approved by the Commissioner of Main Roads.

(e) A Local Authority may install, on any road or any part of a road in a Traffic Area, official traffic signs—

- (i) indicating where metered parking or parkatarea parking is authorised;
- (ii) defining spaces on roads to be metered spaces or parkatarea spaces;
- (iii) defining loading zones;
- (iv) defining vehicle stands;
- (v) defining roads or parts of roads in which parking is permitted for no longer than the period of time either specified on an official traffic sign installed on the road or part of a road in question or specified on official traffic signs installed in respect of the Traffic Area in question as prescribed by paragraph (b) of subsection (3) of this section;

(f) A Local Authority may remove any such official traffic sign."

25. Amendments of s. 44C. Section 44C of “*The Traffic Acts, 1949 to 1962,*” is amended by—

(a) omitting subsection (1) and inserting in its stead the following subsection—

“(1) On or after a date specified by the Local Authority for the commencement of metered parking in any Traffic Area in its Area, it shall be lawful for a person to park a vehicle in a metered space in that Traffic Area during the fixed hours if, but only if—

- (a) he does not park that vehicle in that metered space for a period of time exceeding the appropriate maximum period of time ascertained as prescribed by subsection (2) of this section;
- (b) he pays, as prescribed by subsection (4) of this section, the appropriate parking fee ascertained as prescribed by subsection (3) of this section; and
- (c) (where additionally to any direction relating to the insertion in the parking meter for the metered space in question of a coin or coins, any further direction for the effective operation thereof is specified thereon) he complies in every respect with that further direction.

Metered parking in any and every metered space in any Traffic Area defined as such after the date so specified shall commence on the day next following the date upon which a parking meter shall have been installed in that metered space or immediately adjacent thereto.

This subsection applies subject to section 44M of this Act.”;

(b) in subsection (2)—

(i) omitting paragraph (a) and inserting in its stead the following paragraph:—

“(a) That period as prescribed or determined as provided by subsection (4) of section 44B of this Act; or”;

(ii) in paragraph (b) omitting the words “pursuant to the said subparagraph (iii) prescribed differently as specified therein” and inserting in their stead the words “prescribed or determined differently as provided by subparagraph (ii) of paragraph (b) of the said subsection (4)”;

(c) in subsection (3) omitting the words, numerals and quotation marks ““*The Local Government Acts, 1936 to 1957,*”” wherever they appear, and inserting in their stead wheresoever omitted, the words, numerals and quotation marks ““*The Local Government Acts, 1936 to 1965,*””;

(d) in paragraph (b) of subsection (3) omitting the words, symbols, numerals and letters “subparagraph (iii) of paragraph (b) of subsection 1A of section 44B of this Act” and inserting in their stead the words “the by-laws”;

(e) in subsections (4) and (5) omitting the words and symbol “and/or horse” wherever occurring;

(f) omitting subsection (6).

26. Amendments of s. 44D. Section 44D of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) omitting the words and symbol "and/or horse" wherever appearing;

(b) in paragraph (b) of subsection (1) omitting the words, symbols, numerals and letters " , pursuant to subparagraph (iii) of paragraph (b) of subsection (1A) of section 44B of this Act prescribed differently " and inserting in their stead the words, " prescribed or determined differently as provided by subparagraph (ii) of subsection (4) of section 44B of this Act ";

(c) in subsection (1) omitting paragraph (e);

(d) omitting subsection (3).

27. Amendments of s. 44E. Section 44E of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) in subsection (1) omitting the words "metered parking" and inserting in their stead the words "regulated parking";

(b) in subsection (2) omitting the words, numerals and quotation marks " "*The Main Roads Acts, 1920 to 1952*," " and inserting in their stead the words, numerals and quotation marks " "*The Main Roads Acts, 1920 to 1965*," "; and

(c) in subsection (3) omitting the words and symbol "the metered parking of any vehicle and/or horse" and inserting in their stead the words "regulated parking" and inserting after the words "parking meter" the words "or parkatarea".

28. Amendments of s. 44F. Section 44F of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) omitting the words "metered parking", wherever occurring, and inserting in their stead wheresoever omitted, the words "regulated parking";

(b) in paragraph (g) of subsection (1) omitting the words "and time" and inserting in their stead the words "or within the period";

(c) inserting after subsection (2) the following subsection:—

"(3) When at any time when regulated parking is operative in a Traffic Area an authorised person, when acting in the execution of his authority, or a member of the Police Force finds a vehicle parked, stopped or standing in that Traffic Area under circumstances constituting an offence against a provision of this Act other than a provision of this Part and such offence is prescribed pursuant to section 45A of this Act to be a minor traffic offence, then such offence shall be deemed to be an offence in relation to regulated parking and a contravention of this Part of this Act.

If and when section nine of "*The Traffic Acts Amendment Act of 1960*," is proclaimed in force the expression "minor traffic offence" shall be read as referring to offences under this Act in relation to the parking, standing or stopping of vehicles which are prescribed pursuant

to section 45A of this Act as inserted by the said section nine to be traffic offences in respect of which the notice specified in paragraph (a) of subsection (1) of that section 45A may be given or affixed as prescribed by that paragraph.”; and

(d) renumbering subsection (3) as subsection (4).

29. Amendments of s. 44G. Section 44G of “*The Traffic Acts, 1949 to 1962,*” is amended by—

(a) in subsection (1) omitting the words “and time” and inserting in their stead the words “or within the period”; and

(b) in subsection (3)—

(i) omitting the words “metered parking” and inserting in their stead the words “regulated parking”; and

(ii) omitting the words “conclusive such evidence” and inserting in their stead the words “shall be conclusive evidence of such service”.

30. Amendment of s. 44H. Section 44H of “*The Traffic Acts, 1949 to 1962,*” is amended by omitting the words “metered parking” and inserting in their stead the words “regulated parking”.

31. Amendment of s. 44I (1). Subsection (1) of section 44I of “*The Traffic Acts, 1949 to 1962,*” is amended by inserting after the words “parking meter”, wherever occurring, the words “or parkatarea”.

32. Repeal of s. 44K. “*The Traffic Acts, 1949 to 1962,*” are amended by repealing section 44K.

33. Repeal of Part VIB and new ss. 44L and 44M. “*The Traffic Acts, 1949 to 1962,*” are amended by—

(a) repealing the headnote “PART VIB—PARKATAREA PARKING” where it occurs immediately prior to section 44L; and

(b) repealing section 44L and inserting in its stead the following sections:—

“[44L.] **Parkatarea parking.** (1) On and after a date specified by the Local Authority for the commencement of parkatarea parking in any Traffic Area in its Area, it shall be lawful for a person to park a vehicle in a parkatarea space in that Traffic Area during the fixed hours if, but only if,—

(a) he does not park that vehicle 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;

(b) he pays, as prescribed by subsection (2) of this section, the appropriate fee ascertained as prescribed by subsection (3) of this section; and

(c) (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.

Parkatarea parking in any and every parkatarea space in any Traffic Area defined as such after the date so specified shall commence on the day next following the date upon which a parkatarea shall have been installed in that parkatarea space or immediately adjacent thereto.

(2) For the purposes of subsection (1) of this section, a person thereunto required by that subsection immediately upon parking a vehicle 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 (3) of this section.

(3) For the purposes of subsection (1) of this section the appropriate fee shall be a coin of the denomination or the number of coins of a denomination (which denomination or number the Local Authority is hereby authorised to fix by by-law or resolution) required to pay the fee as fixed by the Local Authority by the by-laws.

(4) During the fixed hours, a person shall not park a vehicle in a parkatarea space—

- (a) unless he has inserted or caused to be inserted in the parkatarea provided in respect to that parkatarea space 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 is parked; or
- (e) so that any part of the vehicle 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 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.

[44M.] **Emergent control of parking in Traffic Area.** Any member of the Police Force during any temporary obstruction of or danger to traffic or in any case of emergency, or the District Superintendent in his discretion in special circumstances of which public notice shall be given if practicable in some newspaper generally circulating in the locality concerned, may—

- (a) direct any person not to park or cause or permit to be parked any vehicle in any Traffic Area or in any metered space or parkatarea space;
- (b) direct the owner or driver of any vehicle parked in any Traffic Area or in any metered space or parkatarea space to remove such vehicle from such Traffic Area or metered space or parkatarea space; and

- (c) where the owner or driver of a vehicle parked in a Traffic Area or in a metered space or parkatarea space cannot be readily located, or, if located, fails to remove such vehicle from such Traffic Area or metered space or parkatarea space when directed to do so in pursuance of this section, remove or cause to be removed such vehicle from such Traffic Area or metered space or parkatarea space.

The provisions of section forty-four of this Act shall extend and apply in respect of any vehicle mentioned in paragraph (c) of this section."

34. Amendment of s. 45A. (1) (a) Subsection (4) of section 45A of "*The Traffic Acts, 1949 to 1962*," is amended—

- (i) in paragraph (a) by omitting the words "metered parking" and inserting in their stead the words "regulated parking";
- (ii) in paragraph (b) by inserting before the words "By reading" the words and brackets "(In any case where the minor traffic offence is not deemed to be an offence in relation to regulated parking and a contravention of Part VIA of this Act)".

(b) This subsection shall cease to have any force and effect on and from the date on which section nine of "*The Traffic Acts Amendment Act of 1960*" comes into force.

(2) If and when section nine of "*The Traffic Acts Amendment Act of 1960*" is proclaimed in force, section 45A of this Act as inserted by the said section nine shall be amended by—

- (a) omitting the words "metered parking" wheresoever appearing and inserting respectively in their stead the words "regulated parking";
- (b) in subsection (3) inserting in paragraph (b) before the words "By reading" the words and brackets "(In any case where the traffic offence in respect of which the notice specified in paragraph (a) of subsection (1) of this section may be given or affixed as prescribed by that paragraph is not deemed to be an offence in relation to regulated parking and a contravention of Part VIA of this Act)".

35. Repeal of s. 45B. "*The Traffic Acts, 1949 to 1962*," are amended by repealing section 45B.

36. Amendments of s. 49 (1). Subsection (1) of section forty-nine of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) in paragraph (k) inserting after the words and symbol "of a Superintendent," the words and symbols "or of the Commissioner of Main Roads, or of a Town Clerk,"; and

(b) inserting after paragraph (p) the following paragraph:—

"(p1) A certificate purporting to be under the hand of the Commissioner, or of a District Superintendent, or of a Superintendent, stating that a micro-wave vehicle speed

indicator (commonly known as radar) specified therein is a scientific instrument of a kind likely to produce accurate results, and that the indicator has been tested and found to be producing accurate results on a date specified therein shall be *primâ facie* evidence of the facts therein stated, unless the defendant requires that the person who tested the indicator shall be called as a witness, in which case he shall give notice thereof to the complainant not less than three clear days before the return day of the summons or the date of hearing.

Proof of the matters hereinbefore required to be specified in the said certificate, whether by certificate or oral evidence, shall be *primâ facie* evidence that the indicator was producing accurate results on each of the sixty days immediately following the date on which such indicator was tested.

A notice given under this paragraph shall not be effective unless it be in writing and signed by the defendant or by his solicitor."

37. Amendment of s. 67. Section sixty-seven of "*The Traffic Acts, 1949 to 1962*," is amended by omitting subsection (1) and inserting in its stead the following subsection—

"(1) No matter or thing done by the Minister, or the Commissioner of Main Roads or a Local Authority, or a Town Clerk, or by any person acting with the authority of the Minister or the Commissioner of Main Roads or a Local Authority, or a Town Clerk, or done by any member of the Police Force 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 Commissioner of Main Roads, the Local Authority, the Town Clerk, the authorised person or the member of the Police Force or other person concerned to any liability in respect thereof."

38. Amendment of s. 68. Section sixty-eight of "*The Traffic Acts, 1949 to 1962*," is amended by—

(a) inserting before the words "the Commissioner for Railways" the words and symbol "the Commissioner of Main Roads,"; and

(b) omitting the words and symbols " "*The Main Roads Acts, 1920 to 1943* " " and inserting in their stead the words and symbols " "*The Main Roads Acts, 1920 to 1965* " ".

PART III—AMENDMENTS TO "THE MAIN ROADS ACTS, 1920 TO 1964"

39. (1) Interpretation. This Part of this Act shall be read as one with "*The Main Roads Acts, 1920 to 1964*."

(2) **Collective title.** "*The Main Roads Acts, 1920 to 1964*," and this Part III of this Act may be collectively cited as "*The Main Roads Acts, 1920 to 1965*."

40. Amendments of s. 2. Section two of "*The Main Roads Acts, 1920 to 1964*," is amended by—

(a) inserting after the definition "Maintenance" the following definition—

" "Manual of Uniform Traffic Control Devices"—The Manual of Uniform Traffic Control Devices under and within the meaning of "*The Traffic Acts, 1949 to 1965*";";

(b) inserting after the definition "Occupier" the following definition:

" "Official traffic sign"—Any official traffic sign under and within the meaning of "*The Traffic Acts, 1949 to 1965*";";

41. New s. 9A. "*The Main Roads Acts, 1920 to 1964*," are amended by inserting after section nine the following section:—

" [9A.] **Regulation of traffic.** Subject to this Act and "*The Traffic Acts, 1949 to 1965*," the Commissioner may from time to time—

(a) compile, maintain and amend the Manual of Uniform Traffic Control Devices;

(b) make recommendations to the Minister for the elimination of causes of danger and traffic congestion on roads;

(c) make recommendations to the Minister for the improvement of traffic flow in the existing road system;

(d) install or arrange for the installation of official traffic signs on any road;

(e) publish or disseminate (orally or by writing or by any means of producing or transmitting light or sound or otherwise howsoever) information or literature in relation to the safe use of roads by persons driving or in charge of vehicles or animals and by pedestrians and to the reduction or elimination of traffic accidents;

(f) make recommendations for the making, altering or repealing of regulations under "*The Traffic Acts, 1949 to 1965*," for and with respect to the matters specified in clauses two, eight, 8A, nine, ten, eleven, 11A, twelve, thirteen, fourteen, sixteen, twenty, twenty-one, twenty-five, twenty-eight, thirty, thirty-five and thirty-six of the Schedule to those Acts;

(g) advise the Minister on any matter relating to traffic referred to him by the Minister; and

(h) generally advise the Minister or make recommendations to him as to any matter for the improvement of traffic conditions and the control of traffic."

PART IV—AMENDMENTS TO "THE LOCAL GOVERNMENT ACTS, 1936 TO 1964"

42. (1) Interpretation. This Part IV of this Act shall be read as one with "*The Local Government Acts, 1936 to 1964*."

(2) **Collective citation.** "*The Local Government Acts, 1936 to 1964*," and this Part IV of this Act may be collectively cited as "*The Local Government Acts, 1936 to 1965*."

43. Amendment of s. 3 (1). Subsection (1) of section three of “*The Local Government Acts, 1936 to 1964*,” is amended by inserting after the definition “*occupier*” the following definition—

““**Official traffic sign**”—Any official traffic sign under and within the meaning of “*The Traffic Acts, 1949 to 1965*” ;”.

44. Amendment of s. 49E. Section 49E of “*The Local Government Acts, 1936 to 1964*,” is amended by—

(a) omitting the marginal note;

(b) omitting subsections (1) and (2) and inserting in their stead the following note and subsections:—

“**Official traffic signs and regulated parking.** (1) The Local Authority may, subject to “*The Traffic Acts, 1949 to 1965*,” install and remove official traffic signs and prohibit, regulate and control parking on any road in the Area.

(2) The Local Authority shall, subject to this Act, take all action necessary to give effect to the provisions of “*The Traffic Acts, 1949 to 1965*.” ;”;

(c) in subsection (3)—

(i) omitting the words, numerals and quotation marks “ “*The Traffic Acts, 1949 to 1956*,” ” where they twice appear, and inserting in their stead where twice omitted the words, numerals and quotation marks “ “*The Traffic Acts, 1949 to 1965*,” ” ;

(ii) omitting paragraph (b) and inserting in its stead the following paragraph:—

“(b) the maximum period as prescribed or determined as provided by subsection (4) of section 44B of “*The Traffic Acts, 1949 to 1965*,” for which any one vehicle may be parked in that metered space or if, in respect of that metered space that period is prescribed or determined differently as provided by subparagraph (ii) of paragraph (b) of the said subsection (4) then, each of those maximum periods; and” ;

(iii) in paragraph (c) omitting the words “ and/or horse ” ; and

(iv) omitting the last paragraph being the paragraph commencing with the words “ Upon the abolition ” and inserting in its stead the following paragraph:—

“ Upon a space on a road ceasing to be a metered space the Local Authority shall forthwith remove the parking meter installed in respect of that space.” ;

(d) inserting after subsection (3) as amended by this section the following subsection:—

“(3A) Subject to “*The Traffic Acts, 1949 to 1965*,” the Local Authority shall cause to be firmly installed in or adjacent to each parkatarea space a parkatarea which shall clearly show or indicate in respect of that parkatarea or the parkatarea space in which or adjacent to which that parkatarea is installed—

(a) the fixed hours within the meaning of “*The Traffic Acts, 1949 to 1965*,” for parkatarea parking in that parkatarea space;

- (b) the maximum period, as prescribed or determined as provided by subsection (4) of section 44B of "The Traffic Acts, 1949 to 1965," for which any one vehicle may be parked or may stand in that parkatarea space; and
- (c) the denomination of the coin or the number of coins of a denomination (which denomination or number the Local Authority is hereby authorised to fix) required to be inserted in the parkatarea in payment of the fee appropriate to the maximum period for which any one vehicle may be parked or may stand in the parkatarea space.

Any such matters may be shown or indicated in an abbreviated form.

The Local Authority shall at all times maintain in good and serviceable condition all parkatareas installed pursuant to this subsection.

Upon a space on a road ceasing to be a parkatarea space, the Local Authority shall forthwith remove the parkatarea installed in respect of that space."; and

(e) omitting subsections (4) and (5) and inserting in their stead the following subsections:—

"(4) The expense of—

- (a) providing, installing, controlling, operating, maintaining, removing and regulating metered spaces and parkatarea spaces and the parking meters and parkatareas installed therein or adjacent thereto by a Local Authority including the payment of interest on, or redemption of, or instalments into a sinking fund in respect of any loan money borrowed for any such purpose;
- (b) providing, installing, maintaining and removing official traffic signs relating to or regulating the parking, stopping or standing of vehicles and or animals on any road or any part of a road within the Area and which were provided, installed, maintained or removed by a Local Authority or by the Commissioner of Main Roads pursuant to section 12C of "The Traffic Acts, 1949 to 1965";
- (c) supervising and enforcing the provisions of Part VIA of "The Traffic Acts, 1949 to 1965," and this Act relating to metered spaces and parking meters and parkatarea spaces and parkatareas (including expenses incurred pursuant to an agreement under section 44j of "The Traffic Acts, 1949 to 1965"); and
- (d) any preliminary inquiry, investigation, inspection, survey or other work whatsoever in connection with the provision of regulated parking undertaken by a Local Authority,

shall be borne by the Local Authority and shall be a charge against the special account in the Trust Fund established in conformity with the provisions of subsection (5) hereof.

(5) All fees and charges received by a Local Authority from parking meters and parkatareas or otherwise under Part VIA of "*The Traffic Acts, 1949 to 1965,*" and notwithstanding the provisions of section sixty-two of such Acts, any fines and penalties recovered for an offence against Part VIA of such Acts, including all prescribed sums of money by way of penalty paid pursuant to section 44F thereof, shall be the property of the Local Authority and shall be paid into a special account to be established by the Local Authority in the Trust Fund (called the "Regulated Parking Account") and, subject as hereinafter provided, shall be applied only towards meeting the expenses referred to in subsection (4) of this section."

45. Repeal of s. 49G. "*The Local Government Acts, 1936 to 1964,*" are amended by repealing section 49G.

46. Repeal of s. 49H. Section 49H of "*The Local Government Acts, 1936 to 1964,*" is repealed.