

TRAFFIC ORDINANCE 1966

No. 10 of 1967

An Ordinance to amend the *Traffic Ordinance* 1949-1962

[Reserved 24 September, 1966]
[Assented to 10 April, 1967]*

BE it ordained by the Legislative Council for the Northern Territory of Australia, in pursuance of the powers conferred by the *Northern Territory (Administration) Act* 1910-1965, as follows:—

Short title
and
citation

1.—(1.) This Ordinance may be cited as the *Traffic Ordinance* 1966.

(2.) The *Traffic Ordinance* 1949-1962 is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Traffic Ordinance* 1949-1966.

Commencement

2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*. †

3. The Principal Ordinance is amended by inserting after section 50 the following section:—

Restrictions
on
prosecutions
for certain
offences

“50A.—(1.) This section applies to—

(a) offences alleged to have been committed against any of the following provisions of this Ordinance:—

- (i) section six;
- (ii) sub-section (1.) of section seven;
- (iii) sub-section (2.) of section thirty-six;
- (iv) sub-section (2.) of section thirty-seven; and

(b) the offence of leaving, upon a public street, any motor vehicle, vehicle, bicycle or animal unattended in such a position as to obstruct traffic or unreasonably cause inconvenience to any person.

“(2.) Subject to sub-section (4.) of this section a person may not be convicted of an offence to which this section applies unless—

* Notified in *Northern Territory Government Gazette* dated 19 April, 1967.

† The date fixed was 14 June, 1967 (see *Northern Territory Government Gazette* No. 30 of 31 May, 1967, page 150).

- (a) a summons was served on him within twenty-eight days after the date on which the offence was committed; or
- (b) a notice of intention to prosecute for an offence to which this section applies was served at the time of the commission of the offence or within twenty-eight days after the date of the commission of the offence—
 - (i) on the defendant; or
 - (ii) where the offence was committed by a person driving, riding or in charge of a motor vehicle—on the person, if any, who was the registered owner of the motor vehicle at the time of the commission of the offence.

“(3.) For the purposes of paragraph (b) of the last preceding sub-section, a notice shall be deemed to have been served on any person if it was sent by registered post to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

“(4.) Failure to comply with the requirement of serving a summons or notice in accordance with sub-section (2.) of this section is not a bar to the conviction of the defendant in a case where the court is satisfied—

- (a) that neither the name and address of the defendant nor, in the case of an offence committed by a person driving, riding or in charge of a motor vehicle, the name and address of the person, if any, who was the registered owner of the motor vehicle at the time of the commission of the offence could with reasonable diligence have been ascertained in time for a summons or notice to be served in compliance with that sub-section;
- (b) that the accused by his own conduct contributed to the failure; or
- (c) that, in the case of an offence committed by a person driving, riding or in charge of a motor vehicle, the motor vehicle was not registered at the time of the commission of the offence.”.

4. Section 56 of the Principal Ordinance is amended by adding after sub-section (2.) the following sub-sections:—

Limitation
of speed

(3.) A person may not be convicted of an offence against sub-section (2.) of this section solely upon the evidence of one witness to the effect that, in the opinion of the witness, the person was driving the motor vehicle in a public street at a speed

greater than the limit of speed permitted therein for that motor vehicle.

“(4.) A complaint for an offence against sub-section (2.) of this section shall specify the speed at which it is alleged that the defendant drove the motor vehicle.”.
