

CONTROL OF ROADS ORDINANCE 1953-1959.*

203

Amended 22/62

✓ 8/63

✓ 40/63

✓ 21/64

✓ 25/66

✓ 25/68

✓ 40/70

✓ 41/70

Short title
Short title
amended:
No. 17, 1938,
s. 4.

42/71

An Ordinance to provide for the Administration
and Control of Roads.

PART I.—PRELIMINARY.

1. This Ordinance may be cited as the *Control of Roads Ordinance 1953-1959*.*

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

Commence-
ment.

3. This Ordinance is divided into Parts, as follows:—

Parts.

Part I.—Preliminary.

Part II.—Administration.

Part III.—General Powers of Administrator.

Part IV.—Opening and Closing of Roads.

Part V.—Use of Roads by Vehicles.

Division 1.—Length, Width and Height of
Vehicles.

The *Control of Roads Ordinance 1953-1959* comprises the *Control of Roads Ordinance 1953* as amended. Particulars of the Principal Ordinance and of the amending Ordinances are set out in the following table:—

Ordinance.	Number and Year.	Date of Notification of Governor-General's Assent in <i>Northern Territory Government Gazette</i> .	Date of Commencement.
<i>Control of Roads Ordinance 1953</i> ..	No. 8, 1953	1st July, 1953 ..	1st April, 1954
		Date of Assent by Administrator.	
<i>Control of Roads Ordinance 1955</i> ..	No. 9, 1955	8th June, 1955 ..	15th October, 1955
<i>Control of Roads Ordinance 1956</i> ..	No. 18, 1956	4th May, 1956 ..	19th September, 1956
<i>Control of Roads Ordinance 1958</i> ..	No. 21, 1958	14th November, 1958	13th February, 1959
<i>Administrator's Council Ordinance 1959</i> ..	No. 22, 1959	7th July, 1959 ..	28th April, 1960

† The date fixed was 1st April, 1954—see table above.

Control of Roads Ordinance
1953-1959.

Division 2.—Use of Trailers.

Division 3.—Maximum Weights and Speeds of
Vehicles.

Part VI.—Miscellaneous.

Repeal.

4. The Acts of the State of South Australia in their application to the Northern Territory and the Ordinances specified in the First Schedule to this Ordinance are repealed.

Definitions.
Amended by
N. 9, 1955,
s. 3; No. 18,
1956, s. 3;
and No. 21,
1958, s. 3.

5. In this Ordinance, unless the contrary intention appears—

“ adjoining owner ” means an owner in fee simple, or a lessee under a Crown Lease, of land which is contiguous to, or affected by, land comprising a road, or a part of a road;

“ articulated vehicle ” means a combination of—

(a) a vehicle with motive power; and

(b) a vehicle without motive power—

(i) which is constructed or adapted for being drawn by another vehicle;

(ii) which is attached by means of a turntable and kingpin to a vehicle with motive power; and

(iii) a substantial portion of the weight of which rests upon, or is supported by, the vehicle with motive power;

“ attached ”, in relation to the connexion between a prime mover and a trailer, includes connected indirectly through another trailer;

“ bogie axle ” means a group of two or more axles—

(a) not more than eight feet apart;

(b) on a vehicle with three or more axles; and

(c) not less than eight feet from any other axle of the vehicle or a vehicle attached to the vehicle;

“ diameter ”, in relation to a wheel to which a pneumatic tyre is attached, means the diameter of the tyre when inflated;

“ independently braking ”, in relation to a trailer, means equipped with effective brakes which are capable of being operated by the driver of the vehicle by which the trailer is hauled while the driver is sitting in the driving seat of the hauling vehicle;

“length”, in relation to a vehicle, including an articulated vehicle, means—

(a) in the case of a vehicle to which a trailer is attached, the distance from the foremost end of the vehicle, a projecting part of the vehicle or its load, to the hindmost end of the hindmost trailer, a projecting part of that trailer or its load, whichever is the greatest; and

(b) in any other case, the distance from the foremost end of the vehicle, a projecting part of the vehicle or its load, to the hindmost end of the vehicle, a projecting part of the vehicle or its load, whichever is the greatest;

“loaded weight” means the total of the weight of the vehicle and the weight of its load;

“officer” means a member of the Northern Territory Police Force;

“pneumatic tyre” means a tyre consisting of a pliable outer covering enclosing an inner tube inflated with air or water;

“prime mover” means a vehicle with motive power;

“Real Property Act” means the Real Property Act 1886, of the State of South Australia in its application to the Northern Territory, as amended by the *Real Property Ordinance* 1918-1932;

“Registrar-General” means the Registrar-General appointed under the *Registration Ordinance* 1927-1942;

“rigid”, as applied to a vehicle, means that the longitudinal axis of the vehicle can not deviate from a straight line in a horizontal direction;

“road” means—

(a) all streets, roads, courts, alleys, thoroughfares and *culs-de-sac* which were, immediately before the date when this Ordinance comes into operation, public streets, roads, courts, alleys, thoroughfares or *culs-de-sac* within the meaning of any law then in force in the Northern Territory; and

Control of Roads Ordinance
1953-1959.

- (c) land which, whether before or after the date when this Ordinance comes into operation and whether within the limits of a mineral or gold field proclaimed under the provisions of the *Mining Ordinance 1939-1953*, or otherwise—
- (i) is proclaimed, dedicated, resumed or otherwise established as a public street, road or thoroughfare;
 - (ii) is opened as a road or is declared to be a road by the Administrator pursuant to this Ordinance;
 - (iii) is reserved or left as a road in a sub-division of Crown land;
 - (iv) is conveyed or transferred to the Commonwealth in fee simple and is accepted by the Commonwealth as a road; or
 - (v) not being Crown land leased for purposes which include the construction of a road at the expense of the lessee, is used as a thoroughfare passing through or over Crown land whether alienated or otherwise;

“self-tracking”, in relation to a trailer, means equipped with a device which causes the distances between wheels on the same side of the trailer to vary as the trailer is hauled round a curve in a road in such a manner that the trailer follows approximately round the curve the track of the prime mover to which it is attached;

“Surveyor-General” means the Surveyor-General appointed under the *Licensed Surveyors Ordinance 1933-1937*;

“trailer” means—

- (a) a vehicle without motive power constructed or adapted for being drawn by another vehicle; and
- (b) a machine which is mounted on wheels and is constructed or adapted for being drawn by another vehicle,

but does not include a vehicle without motive power constructed or adapted for being drawn by another vehicle if—

- (c) it is constructed or adapted for attachment to another vehicle by means of a turntable and kingpin; and
- (d) a substantial part of its weight rests upon or is supported by the vehicle, having motive power, by which it is drawn;

“weighing machine” means a weighbridge or mechanical device used for determining the weight of an object;

“weight per inch width of tyre” means the quotient obtained by dividing the number of pounds comprised in the wheel load on a wheel by the number of inches comprised in the width of tyre on that wheel;

“width” means—

(a) in relation to a vehicle, including an articulated vehicle—

(i) in the case of a vehicle to which a trailer is attached, the distance from one side of the vehicle, the trailer, a projecting part of the vehicle, the trailer or the load of the vehicle or trailer, to the other side of the vehicle, the trailer, a projecting part of the vehicle, the trailer or load of the vehicle or trailer, whichever is the greatest; and

(ii) in any other case, the distance from one side of the vehicle, a projecting part of the vehicle or its load, to the other side of the vehicle, a projecting part of the vehicle or its load, whichever is the greatest;

(b) in relation to a tyre, the width of the surface of the tyre which ordinarily comes into contact with the surface of the road; and

(c) in relation to tyres on a group of co-axial wheels on one side of the longitudinal centre line of a vehicle, the sum of the widths of the surfaces of those tyres which ordinarily come into contact with the surface of the road.

Incorporation
of Lands
Acquisition
Ordinance and
Act.

6. Subject to the provisions of this Ordinance the provisions of the *Lands Acquisition Ordinance* 1911-1926 and of the *Lands Acquisition Act* 1906-1936 are incorporated with this Ordinance.

PART II.—ADMINISTRATION.

Roads, &c.,
vested in
Commonwealth.

7. All roads in the Northern Territory, together with the timber growing on those roads and all bridges, culverts, water-tables, kerbs, gutters, footpaths, lamps, direction boards, mile-stones, mile-posts, rails, posts, walls, chains, fences and other things erected on or affixed to those roads are the property of and vested in the Commonwealth and are under the care, control and management of the Administrator.

PART III.—GENERAL POWERS OF ADMINISTRATOR.

Power to form,
maintain,
drain, &c.,
roads.
Sub-section (1.)
amended by
N. 18, 1956,
s. 4.

8.—(1.) The Administrator may form, pave, drain, level and repair roads and footpaths, alter the levels of roads and footpaths, erect or construct bridges, culverts, water-tables, kerbs, gutters, lamps, direction boards, mile-stones, mile-posts, rails, posts, walls, chains and fences and may drain water from roads into or through adjacent land.

(2.) The owner in fee simple, or the lessee under a Crown Lease, of land into or through which water is drained from a road, may claim compensation from the Commonwealth except where the drainage follows the natural fall of the ground.

Power to plant
trees, &c.

9.—(1.) The Administrator may cause trees, shrubs, gardens or lawns to be planted at the side of a road and tree-guards, stakes or other supports to be erected.

(2.) The Commonwealth shall not be liable for any damage to property which results from the planting of a tree, shrub, garden or lawn at the side of a road or from the existence of a tree or shrub growing in a road whether caused to be planted by the Administrator or not.

(3.) The Administrator may cause to be—

- (a) pulled down or demolished a house, building, verandah, hedge, fence or structure or other obstruction erected, built or placed on a road;
- (b) filled in a ditch, drain, gutter, sink or water course constructed; and

- (c) cleared out and removed an obstruction in a ditch, drain, gutter, sink or watercourse at the side of a road, which had been placed there

in contravention of the provisions of this Ordinance and may, in the name of the Commonwealth, recover the cost of so doing from the person who contravened the provisions of this Ordinance, whether or not that person has been convicted of an offence under this Ordinance, as a debt due to the Commonwealth by that person.

10.—(1.) Where a tree or other thing growing on land adjacent to a road obstructs or damages that road, the Administrator may, by notice in writing, served by post on the occupier of that land, require that occupier to remove the tree or other thing or a part of the tree or thing on or before such date as the Administrator specifies in that notice.

Trees, &c., obstructing or damaging roads.

(2.) Where a person fails to comply with a requirement made by the Administrator under the last preceding sub-section, the Administrator may cause the tree or other thing, or a part of the tree or thing, to be removed and may, in the name of the Commonwealth, recover the cost of so doing from that person as a debt due to the Commonwealth by that person.

11. The Administrator may temporarily close a road or a part of a road whilst the road or a part of the road is under construction, alteration or repair—

Administrator may close road temporarily for construction, &c.

- (a) by causing fences or barriers to be erected on or across the road or a part of the road; or
- (b) by causing—
- (i) fences or barriers to be erected on or across the road or a part of the road; and
 - (ii) a notice to be published in the *Gazette* at least seven days before the road is temporarily closed, prohibiting the passage of vehicles, horses and cattle over the road or the part of the road described in that notice.

12.—(1.) Where land adjoining a road is not enclosed to the satisfaction of the Administrator, the Administrator in Council may, by notice in writing served by post on the occupier of that land, require the occupier, on or before a date mentioned in that notice, to enclose the land by a fence, wall or other structure, sufficient to prevent drift sand, soil or other material from being carried on to the road.

Administrator may require fence, &c., to be erected to prevent drift sand, &c.
Sub-section (1.) amended by No. 22, 1959, s. 6 and First Schedule.

Amended by
No. 22, 1959,
s. 6 and First
Schedule.

(2.) Where the occupier of the land fails or neglects to comply with a requirement made under the last preceding sub-section, the Administrator in Council may cause the fence, wall or other structure to be erected and the Administrator may, in the name of the Commonwealth, recover the cost of so doing from the occupier as a debt due to the Commonwealth by that person.

Administrator
may license
timber cutting,
quarrying, &c.,
on a road.

13.—(1.) The Administrator, in his absolute discretion and subject to such conditions as he sees fit, may grant a licence to a person, authorizing that person—

- (a) to cut and remove timber and bark from a road;
- (b) to quarry and remove stone, clay, gravel or sand from a road;
- (c) to erect, maintain and operate on a road a petrol pump, together with such tanks, apparatus, pipes and erections as are reasonably necessary for the operation of a pump for the supply of petrol for sale; or
- (d) to construct and maintain a cattle ramp on a road.

(2.) The Administrator may, at any time, by notice in writing served by post on a person to whom a licence has been granted under the last preceding sub-section—

- (a) require that person to do such acts or things as the Administrator, in his absolute discretion, deems necessary or desirable; or
- (b) cancel a licence, whether or not the licensee has observed all of the conditions under which the licence was granted.

(3.) Where a person fails to comply with the requirements of a notice served under the last preceding sub-section, the Administrator may cause to be done the act or things required to be done and may, in the name of the Commonwealth, recover the cost of so doing from that person as a debt due to the Commonwealth by that person.

Power to
construct
temporary
roads, &c.

14. A person acting with the authority, or under the orders, of the Administrator may—

- (a) construct a temporary road over uncultivated land for use as a passage for vehicles whilst a road or a part of a road is being made or repaired; and
- (b) remove a tree or thing, growing on land adjacent to a road, which—
 - (i) obstructs, damages or is likely to obstruct or damage that road; or

- (ii) obstructs or is likely to obstruct the vision of the driver of a vehicle approaching a bend or corner in the road

and for any of these purposes or for the purpose of carrying out or giving effect to the provisions of this Ordinance, may, with or without workmen, horses, machinery and vehicles, enter in and upon land adjoining a road.

PART IV.—OPENING AND CLOSING OF ROADS.

15. Notwithstanding the provisions of any law in force in the Northern Territory, but subject to the provisions of this Ordinance, the Administrator in Council may, whether by one proceeding or otherwise, from time to time—

Power to close and open roads.

Amended by No. 22, 1959, s. 6 and First Schedule.

- (a) open a new road;
- (b) alter a road or a part of a road;
- (c) close a road or a part of a road;
- (d) exchange land comprising a road or a part of a road for land required for a new road or for an alteration of a road;
- (e) retain land comprising a road or a part of a road, which has been closed under this Ordinance, for any purpose of the Commonwealth or dedicate the land for any public purpose;
- (f) dispose of land comprising a road, or a part of a road, which has been closed under this Ordinance, whether retained under the last preceding paragraph of this section or otherwise; and
- (g) execute a transfer, conveyance, lease or other document to give effect to the provisions of this Ordinance.

16.—(1.) The Administrator may make an agreement with an adjoining owner for the exchange of land comprising a road, or a part of a road, for land required for a new road or an alteration of a road.

Agreement for exchange.

(2.) An agreement may be made under this section, whether before or after an order is made under this Ordinance, but if an order is not made the agreement shall be of no force or effect.

(3.) An agreement made under this section—

- (a) shall provide for the transfer to the adjoining owner of an estate or interest in the land to be transferred, equivalent to the estate or interest which he has in the land which is contiguous to or

affected by the land which is to be received by him by way of exchange and, in the case of an estate of leasehold, for a term equivalent to the unexpired portion of the term of the lease which he holds; and

- (b) shall be as nearly as possible in the form contained in the Second Schedule to this Ordinance.

Proceedings to
pen, alter,
&c., roads.

17.—(1.) When it is proposed to open a new road, alter or close a road or a part of a road, the Administrator shall deposit with the Surveyor-General—

- (a) a plan in duplicate showing the approximate position, boundaries, bearings and admeasurements of the proposed new road, of the alteration of the road, or part of the road, or of the road, or part of the road, proposed to be closed or exchanged;
- (b) a statement showing the names of adjoining owners, together with their last known address; and
- (c) a statement showing the names of all persons registered as the holders of, or as being entitled to, a mortgage, encumbrance, easement or other charge over the land affected by the proposal, together with their last known address.

(2.) A plan deposited by the Administrator under this section shall—

- (a) be signed by the Administrator;
- (b) be certified by the Surveyor-General or by a surveyor licensed under the *Licensed Surveyors Ordinance* 1933-1937; and
- (c) comply with the provisions of this Ordinance and of the *Licensed Surveyors Ordinance* 1933-1937.

Duties of
Surveyor-
General.

18. When a plan is deposited with the Surveyor-General, in accordance with the last preceding section, he shall, after satisfying himself that the two copies of the plan deposited with him are identical—

- (a) cause a notice to be inserted in the *Gazette* stating a general description of the proposal and setting forth the names of adjoining owners;
- (b) endorse one copy of the plan and return it to the Administrator; and
- (c) retain one copy of the plan and permit a person, at all reasonable times, to inspect that copy.

19 The Administrator shall permit a person, at all reasonable times to inspect a plan returned to him by the Surveyor-General under the last preceding section.

Person may inspect plan.

20. Any person may, at any time within twenty-eight days from and including the date of publication of the notice referred to in section eighteen of this Ordinance, object to the proposal by serving a notice, stating the grounds for the objection, on the Administrator either personally or by post.

Person may object to proposal.

21. The Administrator shall, not less than twenty-eight nor more than ninety days after the date of publication of the notice referred to in section eighteen of this Ordinance, forward to the Minister—

Administrator to forward report and documents to Minister.

Amended by No. 18, 1956, s. 5.

(a) a report stating—

- (i) particulars of the proposal; and
- (ii) the names of adjoining owners;

(b) a copy of the plan and statements referred to in sub-section (1.) of section seventeen of this Ordinance; and

(c) a copy of any objection served on the Administrator in accordance with the provisions of the last preceding section.

22.—(1.) The Minister shall consider the plan and documents forwarded to him under the last preceding section and may, at any time within six months from and including the date when the Administrator forwards the plan and documents, authorize the Administrator to order the road, or a part of the road, to be opened, altered or closed in the manner proposed.

Minister may authorize Administrator to make order.

(2.) Upon receiving an authority from the Minister under the last preceding sub-section, the Administrator shall, in accordance with the authority and by notice in the *Gazette*, order the road or a part of the road to be opened, altered or closed.

23. Upon the publication in the *Gazette* of an order made under the last preceding section—

Effect of order.

(a) land to be taken for a new road or for an alteration to a road, or a part of a road, is, by virtue of this Ordinance, vested in the Commonwealth and is under the care, control and management of the Administrator; and

(b) the Administrator may, subject to this Ordinance—

- (i) pay or receive money agreed to be paid or received for the exchange or disposal of land affected by the order;

- (ii) dispose of land comprising a road, or a part of a road, which is closed by the order; and
- (iii) execute such documents as are required or are necessary to be executed.

Land to be offered to adjoining owners.

24.—(1.) Where the Administrator desires to dispose of the land comprising a road, or a part of a road, ordered to be closed under this Ordinance, he shall, unless he has already made an agreement for exchange, offer so much of that land as is contiguous to or affects the land of adjoining owners to those owners at a price to be determined by the Administrator.

(2.) Where land has been offered to two or more adjoining owners, in accordance with the last preceding sub-section, and, within twenty-eight days from and including the date when the land is offered, two or more of those adjoining owners inform the Administrator in writing that they desire to acquire the land, the Administrator shall invite those owners to tender for the land and shall dispose of the land to the owner who offers the best price, not being less than the price determined by the Administrator under the last preceding sub-section, for the land.

(3.) Where, in pursuance of this section, the Administrator offers to dispose of land comprising a closed road, or a part of a closed road, to an adjoining owner, he shall offer an estate or interest in that land equivalent to the estate or interest which the adjoining owner has in the land which is contiguous to or affected by the land which is offered and, in the case of an estate of leasehold, for a term equivalent to the unexpired portion of the term of the lease which that owner holds.

In certain cases land may become Crown lands.

25. If a road, or a part of a road, is ordered to be closed and—

- (a) the Surveyor-General certifies that the land comprising that road or part of the road can be conveniently used separate from other land; or
- (b) an adjoining owner does not, within one year from and including the date of the publication in the *Gazette* of the order, acquire, or enter into an agreement to acquire the land, or so much of the land as is not disposed of,

the land shall become Crown lands and be subject to the laws of the Northern Territory relating to Crown lands.

Reservations.

26. The Administrator may, at any stage in a proceeding under this Ordinance, direct that a certificate of title to be issued, or a lease to be granted, pursuant to this Ordinance shall be subject to such reservations as he directs.

27 Where an order has been made for the opening, altering or closing of a road, or a part of a road, and the Administrator has agreed to dispose of, or exchange land comprising that road, or a part of the road, with an adjoining owner, the Administrator shall, on being satisfied that the proceedings are in order and that all moneys due by the adjoining owner to the Commonwealth in respect of the proceedings have been paid, direct the Registrar-General to, and the Registrar-General shall—

Administrator to direct Registrar-General as to issue, &c., of title or lease.
Amended by No. 18, 1956, s. 6.

- (a) cancel the existing certificate of title to, or lease of, the land which the adjoining owner holds and which is contiguous to or affected by the land to be transferred or leased to that owner in pursuance of that agreement; and
- (b) issue a new certificate of title to, or lease of, the land to be retained by that adjoining owner together with the land which is to be transferred or leased to, that adjoining owner in pursuance of that agreement.

28. Where land subject to an easement, mortgage or other charge is included in land for which a certificate of title or lease is to be issued pursuant to the last preceding section, the certificate of title or lease issued shall be subject to that easement, mortgage or other charge.

Easements, &c., preserved.
Substituted by No. 18, 1956, s. 7.

29.—(1.) Upon issuing of a certificate of title or the granting of a lease, pursuant to this Ordinance, the Registrar-General shall make such alterations and corrections as are necessary on any deposited plan and in the Register Book or in the Register Book of Crown Leases, as the case may be.

Registrar-General to correct Register Books, &c.

(2.) The Registrar-General may serve notice in writing, by registered post, on a person who holds a land grant of, certificate of title to, or a lease of, land which is affected by the issue of a certificate of title or lease pursuant to the provisions of this Ordinance, requiring that person to deliver the land grant, certificate of title or lease, as the case may be, to the Registrar-General, within a time stated in that notice, in order that he may cancel, correct or alter it in the manner required.

(3.) A person shall not fail to comply with the requirements of a notice given in accordance with the provisions of the last preceding sub-section.

Penalty: Two hundred pounds.

(4.) When the Registrar-General is satisfied that all corrections and alterations required to be made have been made he shall—

- (a) deliver the new or corrected land grant, certificate of title or lease, as the case may be, to the person entitled to it; and
- (b) bind up a copy of the certificate of title or lease, issued in accordance with this Ordinance, as a separate folio in the Register Book or Register Book of Crown Leases, as the case may be, and the certificate of title or lease shall thereupon be deemed to be registered and may be transferred, mortgaged or dealt with for all the purposes of the Real Property Act.

Prohibition of removal to the Supreme Court.

30. An order purporting to be made under the provisions of this Ordinance shall not be removed or removable into the Supreme Court after the provisions of the last preceding section have been complied with in respect of that order.

Compensation.

31. If a road or a part of a road which is ordered to be opened, altered or added to runs through or over land, in the original grant or in the Crown lease of which a power of making roads has not been reserved, a person, not being a party to an agreement for exchange, who has an estate or interest in the land or a part of the land taken, may, within twelve months from the date of the *Gazette* in which the order was published, serve a notice in writing on the Administrator, claiming compensation for the land taken.

Closing of certain roads. Sub-section (1.) amended by No. 22, 1959, s. 6 and First Schedule.

32.—(1.) Notwithstanding any other provision of this Ordinance, the Administrator in Council may, on the recommendation of the Surveyor-General, by notice in the *Gazette*, order that a road or a part of a road be closed if all the land contiguous to that road, or a part of that road, is land—

- (a) occupied by or on behalf of the Commonwealth or by an agent or instrumentality of the Commonwealth; or
- (b) belonging to the Commonwealth or an agent or instrumentality of the Commonwealth which has not been granted, sold, leased or contracted to be granted, sold or leased to any persons and is vacant land.

(2.) The date upon which a road, or a part of a road, is to be closed under this section shall be not less than one month after the date of the *Gazette* in which the order is published.

(3.) From and including the date when a road or a part of a road is closed under this section, the land referred to in the order shall be Crown lands and shall be subject to the provisions of the laws of the Northern Territory relating to Crown lands.

(4.) The Registrar-General shall make such corrections on any deposited plan and in the Register Book or in the Register Book of Crown Leases as are necessary to give effect to an order made under this section.

33. An order made under this Ordinance may affect more than one road, or part of a road, and may affect more than one act or proceeding with regard to a road or a part of a road.

Order may affect more than one road.

34. Where land contiguous to a road is fenced and the boundary of that road is altered in consequence of an order made under this Ordinance, other than an Order made under section thirty-two of this Ordinance, the Administrator, at the expense of the Commonwealth, shall cause the road to be fenced so that the boundary of the contiguous land is fenced with a substantial fence of the same nature as the fence previously separating the road from that land.

Duty to fence.

35.—(1.) Where a private street, road, court, alley, thoroughfare or *cul-de-sac*, situated within a town, has been made or paved at the cost of its owner, whether before or after the date when this Ordinance comes into operation, the Administrator in Council may, on the written request of the owner, declare the street, road, court, alley, thoroughfare or *cul-de-sac* to be a road.

Administrator may declare private streets, &c., to be roads, &c.
Sub-section (1.) amended by No. 22, 1959, s. 6 and First Schedule.

(2.) The Administrator may, on behalf of the Commonwealth, accept as a road land which is transferred or conveyed to the Commonwealth in fee simple by the owner of the land.

(3.) When land is declared to be, or is accepted by the Commonwealth as, a road, under this section, compensation is not payable to the owner by or on behalf of the Commonwealth.

36. The provisions of this Part apply, notwithstanding the provisions of the Real Property Act, the *Crown Lands Ordinance* 1931-1952 or any other law of the Northern Territory relating to Crown lands.

Application of Real Property Act.

37. Where, before the date of commencement of this Ordinance, the Administrator has given public notice of his intention to close a road in pursuance of the provisions of the *Closing of Roads Ordinance* 1918 and that road has not been closed, that notice shall remain effective, and upon or after the date mentioned in that notice, the Administrator may close the road as though that Ordinance had not been repealed.

Saving of closures commenced before date of operation of this Ordinance.

PART V.—USE OF ROADS BY VEHICLES.

Division 1.—Length, Width and Height of Vehicles.

38.—(1.) A person shall not drive or haul, or cause or permit to be driven or hauled, on a road—

- (a) a prime mover, the length of which exceeds forty feet;
- (b) an articulated vehicle, the length of which exceeds forty-five feet;
- (c) an articulated vehicle, the length of a component portion of which exceeds thirty-five feet;
- (d) a trailer, the length of which—
 - (i) where the trailer is self-tracking, exceeds fifty-five feet;
 - (ii) where the trailer is not self-tracking, exceeds thirty-one feet;
 - (iii) where the trailer is one of two or three trailers attached to the same prime mover, exceeds forty-five feet; or
 - (iv) where the trailer is hauled behind an articulated vehicle, exceeds twenty feet;
- (e) a prime mover to which one trailer is attached if the total length of the prime mover and trailer exceeds one hundred feet;
- (f) a prime mover to which two or three trailers are attached if the total length of the prime mover and trailers exceeds one hundred and forty-five feet;
- (g) a vehicle, or a vehicle to which a trailer is attached, if the width of the vehicle or trailer exceeds eight feet; or
- (h) a vehicle, or a vehicle to which a trailer is attached, if the distance from the surface of the road to the highest part of the vehicle, the trailer or the load on the vehicle or trailer exceeds fourteen feet six inches.

Penalty: Fifty pounds.

(2.) Where—

- (a) the length of—
 - (i) an articulated vehicle exceeds forty-five feet but does not exceed forty-seven feet six inches; or
 - (ii) a component portion of an articulated vehicle exceeds thirty-five feet but does not exceed thirty-six feet;

Maximum length, &c., of vehicles.

Substituted by No. 18, 1956, s. 8.

Sub-section (1.) amended by No. 21, 1958, s. 4.

Added by No. 21, 1958, s. 4.

- (b) the articulated vehicle is so designed that it may be efficiently used for transporting cattle; and
- (c) a person intends to use the articulated vehicle only for transporting cattle or for making journeys incidental to the transporting of cattle,

the person may make application in accordance with this section for a permit to drive the articulated vehicle on a road, or cause or permit it to be so driven.

(3.) The application—

(a) shall be in writing signed by the applicant and addressed to the Administrator;

(b) may be served by post on the Administrator; and

(c) shall state—

- (i) the full name and address of the applicant;
- (ii) the registration number of the articulated vehicle;
- (iii) the length of the articulated vehicle;
- (iv) the length of each component portion of the articulated vehicle;
- (v) that the articulated vehicle is so designed that it may be efficiently used for transporting cattle; and
- (vi) that the applicant intends to use the articulated vehicle on roads in the Northern Territory only for transporting cattle or for journeys incidental to the transporting of cattle.

Added by
No. 21, 1958,
s. 4. ;

(4.) The Administrator, or a person authorized by him in writing to do so, shall, if satisfied as to the truth of the statements in the declaration and that the articulated vehicle is one in respect of which the application may be made, grant a permit under this section to a person who makes application in accordance with this section for the permit.

Added by
No. 21, 1958,
s. 4.

(5.) A permit granted under this section shall state—

- (a) the name and address of the person to whom the permit is issued;
- (b) the registration number of the articulated vehicle to which the permit relates;
- (c) the date of commencement of the permit;
- (d) the conditions to which the permit is subject; and
- (e) such other matters as are prescribed.

Added by
No. 21, 1958,
s. 4.

Added by
No. 21, 1958,
s. 4.

(6.) A permit granted under this section expires twelve months after the date on which it commences, but the granting of a permit and its expiry do not prevent the granting of another permit in relation to the same articulated vehicle.

Added by
No. 21, 1958,
s. 4.

(7.) A permit granted under this section is subject to—

(a) the condition that the articulated vehicle shall not be driven on a road in the Northern Territory except for transporting cattle or for making a journey incidental to the transporting of cattle; and

(b) such other conditions as are—

(i) relevant to the minimizing of danger or annoyance to the public or damage to roads;

(ii) approved by the Administrator; and

(iii) specified in the permit.

Added by
No. 21, 1958,
s. 4.

(8.) The Administrator may, by writing served on the holder of a permit under this section, revoke the permit, if—

(a) a person is convicted under this section of an offence in relation to the articulated vehicle to which the permit relates; or

(b) a condition to which the permit is subject is not observed.

Added by
No. 21, 1958,
s. 4.

(9.) The notice of revocation may be served by post.

Added by
No. 21, 1958,
s. 4.

(10.) The revocation becomes effective after the date on which the service is effected, or after a date specified in the revocation, whichever is the later.

Added by
No. 21, 1958,
s. 4.

(11.) Notwithstanding sub-section (1.) of this section, a person may drive, or cause or permit to be driven, on a road an articulated vehicle in respect of which a permit has been granted and is in force under this section, if—

(a) the length of the articulated vehicle does not exceed forty-seven feet six inches;

(b) the length of each component portion of the articulated vehicle does not exceed thirty-six feet; and

(c) the articulated vehicle is driven on the road in accordance with the condition stated in the permit.

Division 2.—Use of Trailers.

39 A person shall not drive, or cause or permit to be driven, on a road a prime mover to which there are attached more than three trailers.

Penalty: Fifty pounds.

Maximum number of trailers.

Substituted by No. 18, 1956, s. 9; amended by No. 21, 1958, s. 5.

40. A person shall not drive, or cause or permit to be driven, on a road an articulated vehicle to which there are attached two or more trailers.

Penalty: Fifty pounds.

Not more than one trailer to be drawn by articulated vehicle.

Amended by No. 21, 1958, s. 6.

41. A person shall not drive, or cause or permit to be driven, on a road a prime mover to which—

- (a) one trailer the length of which exceeds twenty feet is attached, unless the trailer is independently braking; or
- (b) two or three trailers are attached unless—
 - (i) each trailer is independently braking; and
 - (ii) each trailer is self-tracking, if the length of any of the trailers exceeds twenty feet.

Penalty: Fifty pounds.

Trailers to be independently braking, &c., in certain circumstances. Substituted by No. 18, 1956, s. 10; amended by No. 21, 1958, s. 7.

Division 3.—Maximum Weights and Speed of Vehicles.

42. Subject to section forty-six of this Ordinance, a person shall not drive, or cause or permit to be driven, on a road a vehicle, or a vehicle to which a trailer is attached, to any wheel of which vehicle or trailer, neither a rubber tyre more than one and one quarter inches thick nor a pneumatic tyre is fitted—

- (a) if the loaded weight of the vehicle or trailer exceeds three tons;
- (b) if the axle load on any axle of the vehicle or trailer exceeds three thousand pounds;
- (c) if the weight in pounds per inch width of tyre on any wheel of the vehicle or trailer exceeds the maximum weight in pounds per inch width of tyre, prescribed in the Third Schedule of this Ordinance, for a wheel having the diameter of that wheel; or
- (d) at a speed exceeding ten miles per hour.

Penalty: Fifty pounds.

Vehicle or trailer without rubber or pneumatic tyres.

Vehicle or trailer having some pneumatic tyres.

43. Subject to section forty-six of this Ordinance, a person shall not drive, or cause or permit to be driven on a road a vehicle, or a vehicle to which a trailer is attached, to one or more of the wheels of which vehicle or trailer, rubber tyres are fitted and to the remaining wheels pneumatic tyres are fitted—

- (a) if the loaded weight of the vehicle or trailer, exceeds four tons;
- (b) if the axle load on any axle of the vehicle or trailer exceeds four thousand pounds;
- (c) if the weight in pounds per inch width of tyre on any wheel of the vehicle or trailer, which is not fitted with a pneumatic tyre, exceeds the maximum weight in pounds per inch width of tyre prescribed according to the thickness of the tyre, measured at its thinnest point, as set forth in the Fourth Schedule to this Ordinance, or that prescribed for the diameter of the wheel in the Third Schedule to this Ordinance;
- (d) if the weight in pounds per inch width of tyre on any wheel of the vehicle or trailer exceeds the maximum weight in pounds per inch width of tyre, prescribed in the Third Schedule to this Ordinance, for the wheel having a diameter of that wheel; or
- (e) at a speed exceeding fifteen miles per hour.

Penalty: Fifty pounds.

Tyres filled with water.

44. Pneumatic tyres which are filled or partly filled with water shall be regarded for the purposes of this Ordinance as rubber tyres.

Vehicle or trailer fully equipped with pneumatic tyres.

Sub-section (1.) amended by No. 18, 1956, s. 11; and No. 21, 1958, s. 8.

45.—(1.) Subject to section forty-six of this Ordinance, a person shall not drive, or cause or permit to be driven, on a road a vehicle, or a vehicle to which a trailer is attached, to all of the wheels of which vehicle or trailer, pneumatic tyres are fitted—

- * * * * *
- (b) if the axle load on any axle of the vehicle or trailer exceeds eighteen thousand pounds;
 - (c) if the wheel load on a wheel of the vehicle or trailer exceeds nine thousand pounds;
 - (d) if the load on a tyre of the vehicle or trailer exceeds five thousand pounds;

- (e) if the pressure in a tyre of the vehicle or trailer exceeds one hundred pounds per square inch;
- (f) if the load on a bogie axle of the vehicle or trailer exceeds thirteen tons;
- (fa) if—
 - (i) the distance between the centres of any two axles of the vehicle or vehicle combination is equal to or greater than the distance first specified and less than the distance last specified in a line in the first column of the Fifth Schedule to this Ordinance; and
 - (ii) the loaded weight on those axles is greater than the weight specified in that line in the second column of that Schedule;or
- (g) at a speed exceeding the maximum speed prescribed in the regulations for vehicles, or vehicles with trailers attached, included in a specified class of vehicles, or vehicles with trailers attached, to which that vehicle, or vehicle with trailer attached, belongs.

Penalty: Fifty pounds.

(2.) In this section, "vehicle combination" means a combination of a prime mover and a trailer or trailers attached to the prime mover.

Added by
No. 21, 1958,
s. 8.

(3.) It shall be a defence to a prosecution for an offence against paragraph (b), (c), (d) or (f) of sub-section (1.) of this section if the person charged with the offence proves to the satisfaction of the court hearing the charge that he made or caused to be made reasonable efforts to comply with the requirements of this section and that the respective load limits prescribed thereby have not been exceeded by more than ten per centum of such limits.

Added by
No. 21, 1958,
s. 8.

45A.—(1.) For the purposes of sections forty-two, forty-three, forty-five and forty-six of this Ordinance, any axles the centres of which may be included between two parallel transverse vertical planes not more than forty inches apart shall be deemed to be one axle.

Axle loads
on axles not
more than
forty inches
apart and
wheel loads
on co-axial
wheels.

(2.) For the purposes of sections forty-five, forty-six and fifty D of this Ordinance, a group of co-axial wheels on one side of the centre line of a vehicle or trailer shall be deemed to be one wheel.

Inserted by
No. 21, 1958,
s. 9.

Alteration of maximum loads, &c.

Sub-section (1.) amended by No. 18, 1956, s. 12.

46.—(1.) The Administrator may, by notice published in the *Gazette*, prescribe maximum weights, maximum axle, wheel or tyre loads, maximum tyre pressures or maximum speeds, lower than those fixed under this Division, for vehicles, classes of vehicles or vehicles having different kinds of tyres, travelling on a particular road or part of a road specified in that notice, during periods specified in that notice.

(2.) A maximum weight, load or speed prescribed by the Administrator, by notice under the last preceding sub-section shall be deemed to be substituted for that fixed by or under the appropriate provision of this Division in respect of—

- (a) vehicles of the class;
- (b) vehicles having the kind of tyres;
- (c) vehicles travelling on the road or part of the road; and
- (d) the period

specified in the notice.

Administrator may exempt particular vehicle.

Sub-section (1.) amended by N. 18, 1956, s. 13.

47.—(1.) The Administrator, in his absolute discretion and subject to such conditions and for such period as he sees fit, may, by writing under his hand, exempt a particular vehicle or vehicles included in a particular class of vehicles from the operation of one or more of the provisions of this Part.

Added by No. 21, 1958, s. 10.

(2.) The Administrator may, by writing under his hand, delegate all or any of his powers under the last preceding sub-section.

Added by No. 21, 1958, s. 10.

(3.) A power so delegated may be exercised by the delegate with respect to a matter specified in the instrument of delegation.

Added by N. 21, 1958, s. 10.

(4.) A delegation under this section is revocable at will and does not prevent the exercise of a power by the Administrator.

Proof of exemption defence in certain cases.

48. It shall be a defence, in proceedings alleging an offence against a provision of this Part, to show that the vehicle in respect of which the offence is alleged to have been committed was, at the time of the alleged offence, exempted from the operation of that provision and was being used in pursuance of, and in accordance with, the conditions of an exemption granted by the Administrator under the last preceding section.

PART VI.—MISCELLANEOUS.

49. An officer may require the driver of a vehicle on a road—

- (a) to stop the vehicle;
- (b) to give information concerning the weight of—
 - (i) the vehicle,
 - (ii) a trailer attached to the vehicle,
 - (iii) the load of the vehicle; and
 - (iv) the load of the trailer;
- (c) whom he reasonably suspects of having committed an offence against the provisions of this Ordinance, to state his name and place of abode;
- (d) to drive or cause that vehicle to be driven to, and weighed at, a weighing machine situated within ten miles of the place where the officer makes that requirement;
- (e) to permit that officer to measure and examine—
 - (i) the vehicle, its wheels, tyres and load; and
 - (ii) a trailer attached to the vehicle and the wheels, tyres and load of that trailer, the vehicle and its load;
- (ea) to permit that officer to weigh—
 - (i) the load on a tyre;
 - (ii) the wheel load on a wheel;
 - (iii) the axle load on an axle; and
 - (iv) the loaded weight,of the vehicle and any trailer attached to the vehicle; or
- (f) whom the officer, after the vehicle and its load, and any trailer attached to the vehicle and the load of the trailer, have been weighed in accordance with the provisions of paragraph (d) or (ea) of this section, considers to have committed an offence against the provisions of this Ordinance, to remove such portion of the load as the officer deems fit.

Powers of officers.
Amended by No. 21, 1958, s. 11.

50. A person shall not—

- (a) fail or neglect to comply with a requirement made by an officer under the last preceding section;
- (b) refuse to permit an officer—
 - (i) to measure or examine a vehicle, a trailer attached to a vehicle or the wheels, tyres or load of a vehicle or a trailer attached to a vehicle; or

Person to comply with requirements, &c., of officers.
Amended by No. 21, 1958, s. 12.

- (ii) to weigh the load on a tyre, wheel or axle of a vehicle or a trailer attached to a vehicle or the loaded weight of a vehicle or a trailer attached to a vehicle;
- (c) when lawfully required to state his name and place of abode by an officer, state a false name or place of abode to that officer;
- (d) when lawfully required by an officer to give information, give false or misleading information to that officer;
- (e) use obscene language to that officer;
- (f) assault, resist or obstruct an officer in the exercise of his powers under this Ordinance; or
- (g) impersonate an officer.

Penalty: Twenty-five pounds.

Determination
of axle loads.
Inserted by
No. 21, 1958,
s. 13.

50A.—(1.) For the purposes of this Ordinance, the axle load on an axle of a vehicle or trailer shall be determined as prescribed in this section.

(2.) Where the axle load on an axle of a vehicle or trailer is to be determined—

- (a) subject to the next succeeding paragraph, the wheels on the axle shall be placed simultaneously on a weighing machine or weighing machines; or
- (b) if the centre of the axle is not more than eight feet from the centre of another axle, the wheels on both axles may be placed simultaneously on a weighing machine or weighing machines.

(3.) The axle load on an axle of a vehicle or trailer shall be deemed to be—

- (a) where the procedure specified in paragraph (a) of the last preceding sub-section is followed, the weight shown by the weighing machine, or the total of the weights shown by the weighing machines, as the case may be; or
- (b) where the procedure specified in paragraph (b) of the last preceding sub-section may be and is followed, one-half of that weight or total, as the case may be.

50B. The loaded weight of a vehicle or trailer shall be deemed to be—

Determination of loaded weight of vehicle or trailer.

Inserted by No. 21, 1958, s. 13.

(a) where all the wheels of the vehicle or trailer are weighed simultaneously on a weighing machine or weighing machines, the weight shown by the weighing machine or the total of the weights shown by the weighing machines, as the case may be; or

(b) in any other case, the sum of the axle loads on the axles of the vehicle or trailer.

50c. The loaded weight on any two axles of a vehicle or trailer shall be deemed to be the sum of the axle loads on those axles.

Determination of loaded weight on pair of axles.

Inserted by No. 21, 1958, s. 13.

50D. The wheel load on a wheel of a vehicle or trailer shall be deemed to be the load on the axle to which the wheel is attached, divided by the number of wheels attached to the axle.

Determination of wheel load.

Inserted by No. 21, 1958, s. 13.

50E. The load on a tyre of a vehicle or trailer shall be deemed to be the axle load on the axle to which the wheel with the tyre is attached, divided by the number of tyres on the wheels attached to that axle.

Determination of load on tyre.

Inserted by No. 21, 1958, s. 13.

50F.—(1.) For the purposes of this Ordinance, an officer may use a portable weighing machine to determine the wheel load on a wheel, the axle load on an axle, the load on a tyre or the loaded weight of a vehicle or trailer if the portable weighing machine has been tested, found accurate and sealed and a record of each test is kept in accordance with the requirements of this section.

Use of portable weighing machines.

Inserted by No. 21, 1958, s. 13.

(2.) The requirements of this section with respect to testing, finding accurate and sealing a portable weighing machine and keeping a record of each test are—

(a) the portable weighing machine shall be tested at the base workshops of the Commonwealth Department of Works at Darwin;

(b) the load supplied for the purpose of testing the portable weighing machine shall weigh not less than one ton;

(c) the portable weighing machine shall be found accurate only if the weight shown on the portable weighing machine does not exceed the

weight of the load applied to the portable weighing machine for the purposes of the test by more than five per centum of the weight of that load and the weight of that load does not exceed the weight shown on the portable weighing machine by more than five per centum of the weight of that load;

- (d) the portable weighing machine shall be tested at intervals of not more than twelve months;
- (e) if the portable weighing machine has been tested and found accurate, it shall be sealed with a seal which prevents the mechanism of the machine from being tampered or interfered with while the seal is unbroken; and
- (f) a full and accurate record of the testing of the portable weighing machine shall be kept by the person in charge of the workshops in a book provided for the purpose and shall include, for each test—
 - (i) the identifying number of the portable weighing machine;
 - (ii) the date on which the test was made;
 - (iii) the result of the test; and
 - (iv) the signature of the person conducting the test.

Statement to
be evidence.
Inserted by
No. 21, 1958,
s. 13.

50G. In a prosecution for an offence against a provision of this Ordinance, a statement purporting to be signed by the person in charge of the base workshops of the Commonwealth Department of Works at Darwin as to a matter specified in sub-paragraph (i), (ii), (iii) or (iv) of paragraph (f) of sub-section (2.) of the last preceding section may be produced and shall on production be admissible in evidence and be accepted as evidence as to that matter.

Averment.
Inserted by
No. 21, 1958,
s. 13.

50H. In a prosecution for an offence against a provision of this Ordinance, an averment in the complaint—

- (a) that a specified weight was, at the time the weight was determined—
 - (i) the wheel load on a wheel of a vehicle or trailer;
 - (ii) the axle load on an axle of a vehicle or trailer;
 - (iii) the load on a tyre of a vehicle or trailer;
 - or
 - (iv) the loaded weight of a vehicle or trailer;

- (b) that the weight was determined as prescribed in this Ordinance; and
- (c) if a portable weighing machine was used to determine the weight, that the portable weighing machine had, not more than twelve months before the date when the weight was determined, been tested, found accurate and sealed in accordance with section fifty F of this Ordinance,

shall be evidence of the matter averred.

51. A person shall not drive or haul a vehicle on the formed or paved part of a road, if a part of a wheel or tyre of the vehicle, which comes into contact with the road, has a metal projection, bar, spike or stud on, or attached to, it.

Metal
projections,
&c., on tyres.

Penalty: Twenty-five pounds.

52. A person shall not drive or haul, or cause or permit to be driven or hauled, a vehicle or object on or across the formed or paved part of a road—

Vehicles, &c.,
to have
wheels fitted.

- (a) unless the vehicle or object is so supported on or by wheels as to prevent any part of that vehicle or object, other than its wheels, from coming into contact with the surface of the road; and
- (b) having a wheel—
 - (i) to which a rubber tyre, not being a pneumatic tyre is fitted, if the thickness of that tyre, at its thinnest point, is less than one and one quarter inches; and
 - (ii) of which the surface which ordinarily comes into contact with the surface of the road is not at least one and one quarter inches in width and is even across its full width.

Penalty: Twenty-five pounds.

53. Notwithstanding the provisions of the last preceding section, a person may drive or haul a caterpillar type tractor or machine transversely across a road if the tracks of the tractor or machine are so constructed or protected that metal projections, bars, spikes or studs on or attached to those tracks do not come into contact with the surface of a road.

Caterpillar
type tractors.

54. A person shall not—

- (a) retard the progress of a vehicle by means of an instrument or device which comes into contact with the surface of a road;

Certain acts
forbidden.

- (b) make or assist in making, or cause to be made a fire on or within ten feet of a road;
- (c) suffer the effluent from a septic tank, dirty water, filth, dirt or other offensive matter, fluid or thing to run or flow on to a road from a house, land or premises occupied by that person;
- (d) leave a stone or other thing, having been used for blocking or stopping the wheels of a vehicle, to remain on a road or a part of a road after that vehicle has moved from the place where that stone or other thing was so used; or
- (e) except with lawful excuse, deposit sand, stone, rubbish or material of any description on a road or part of a road.

Penalty: Fifty pounds.

Vehicles, &c.,
not to stop on
bridges or
culverts.

55. A person shall not stop a vehicle on a road whilst the vehicle, a part of the vehicle or a trailer attached to the vehicle, is on a bridge or culvert, or causeway except in case of mechanical break-down, accident or other unavoidable cause.

Penalty: Twenty-five pounds.

Vehicles, &c.,
to be removed
from bridges
and culverts.

56. Where a person has stopped a vehicle on a road whilst the vehicle, a part of the vehicle or a trailer attached to the vehicle, is on a bridge or culvert, or causeway, he shall not fail to remove the vehicle, the part of the vehicle or the trailer attached to the vehicle, from that bridge or culvert or causeway as soon as is reasonably practicable.

Penalty: Twenty-five pounds.

Timber, &c.,
fixed to roads
not to be
damaged, &c.

57. A person shall not dig up, break, pull down, cut, destroy, injure or damage, or drive a vehicle on a road in such a manner as to destroy, injure or damage, timber growing on a road or a bridge, culvert, water-table, kerb, gutter, footpath, lamp, direction board, mile-stone, mile-post, rail, post, wall, chain, fence or other thing erected on or affixed to a road.

Penalty: Fifty pounds.

Person not to
cut timber,
quarry, erect
petrol pumps or
cattle ramps
without licence.

58. A person shall not—

- (a) cut or remove timber or bark from a road;
- (b) quarry or remove stone, clay, gravel, or sand from a road;
- (c) erect, maintain or operate a petrol pump on a road;
or
- (d) construct or maintain a cattle ramp on a road

unless he holds a licence, granted by the Administrator under section thirteen of this Ordinance, which is in force.

Penalty: Twenty-five pounds.

59. A person shall not—

- (a) erect or build, or cause to be erected or built, a house or other building, verandah wall, fence or structure on or at the side of a road, or in such a place or in such a manner as to reduce the width of, or encroach upon, the road;
- (b) make or cause to be made a drain, gutter, sink or water-course, in or across a road or a part of a road;
- (c) fill up or obstruct a ditch, drain, gutter, sink or water-course at the side of a road; or
- (d) obstruct the public use of a road or part of a road.

Houses and other obstructions on roads.

Penalty: Twenty-five pounds.

60. A person shall not drive or cause or permit a vehicle, horse or beast on a road or a part of a road while that road or part of a road is temporarily closed in pursuance of the provisions of section eleven of this Ordinance.

Road temporarily closed not to be used.

Penalty: Twenty-five pounds.

61. The owner of a vehicle, which is used for the carriage of goods or passengers for fee or reward, is adapted for the carriage of goods or is of a type commonly called a "buckboard" or "utility", shall cause—

Commercial vehicles to carry name, &c., of owner.

- (a) in the case of an individual, his Christian names, or the initials of his Christian names, his surname and place of abode;
- (b) in the case of a firm, the registered name of the firm and its place of business; and
- (c) in the case of a registered company or a body corporate, the registered name of the company or the full name of the body corporate, as the case may be, and its registered place of business,

and the unladen weight of the vehicle to be painted, in a conspicuous place, on the off-side of the vehicle in letters and figures not less than two inches high and one inch wide.

Penalty: Ten pounds.

61A. A prosecution for an offence against a provision of this Ordinance shall not be commenced except upon the authority of a person authorized thereto by the Administrator.

Prosecutions under this Ordinance not to be commenced without special authority.

Inserted by No. 18, 1956, s. 14.

Regulations.

62. The Administrator may make regulations, not inconsistent with this Ordinance prescribing all matters which by this Ordinance are required or permitted to be prescribed, or which are necessary or convenient to be prescribed for carrying out or giving effect to this Ordinance.

Control of Roads Ordinance 1953-1959.

THE SCHEDULES.

Section 4.

FIRST SCHEDULE.

The Width of Tires Act of 1867 of the State of South Australia.
 Width of Tires Amendment Act of 1868-9 of the State of South Australia.
 Roads Act, 1884 of the State of South Australia.
 The Roads Amendment Act, 1908 of the State of South Australia.
 Roads Ordinance 1915.
 Roads Ordinance 1928.
 Roads Ordinance 1929.
 Roads Ordinance 1934.
 Roads Ordinance 1938.
 Closing of Roads Ordinance 1918.
 Bagot Road Board (Vesting of Roads) Ordinance 1935.
 Military Roads Ordinance 1942.

Section 16.

SECOND SCHEDULE.

Control of Roads Ordinance 1953.

AGREEMENT FOR EXCHANGE.

MEMORANDUM OF AGREEMENT made between
 (The Administrator of the Northern Territory) and
 (owner of the land to be taken) of (address and
 description) whereas is the owner of an
 estate in that piece of land (description of the
 portion of land to be taken) being portion of the land comprised in
 (Register Book Reference) and whereas the Administrator considers it expedient
 that (the road or part of the road) should be exchanged for that portion of the
 land first above described being (description of the portion of land to be taken)
 now it is agreed that the exchange shall be made (and as consideration for the
 exchange hereby acknowledges receipt of the sum of) on
 condition that if an order is not made in the manner and within the period pre-
 scribed by the Control of Roads Ordinance 1953 (all monies paid shall be refunded
 by to and) this agreement shall be void and
 of no further effect.

Dated this day of

Section 42.

THIRD SCHEDULE.

Diameter of wheel in feet.	Maximum weight in pounds per inch width of tyre.	
	For other than pneumatic tyres and solid rubber tyres 1½ inches thick.	For solid rubber tyres not less than 1½ inches thick.
Less than 1 foot	300	500
Not less than 1 foot and less than 2 feet	400	600
Not less than 2 feet and less than 3 feet	500	700
Not less than 3 feet and less than 4 feet	600	800
Not less than 4 feet and less than 5 feet	700	800
5 feet or more	800	800

Section 43.

FOURTH SCHEDULE.

Thickness of tyre in inches.	Maximum weight in lb. per inch width of tyre.
Not less than 1½ inches and less than 1½ inches	600
Not less than 1½ inches and less than 1½ inches	650
Not less than 1½ inches and less than 2 inches	700
Not less than 2 inches and less than 2½ inches	750
2½ inches or more	800

THE SCHEDULES—continued.

FIFTH SCHEDULE.

Section 45.

Repealed by
No. 18, 1956,
s. 15.
Added by
No. 21, 1958,
s. 14

Distance between centres of any two axles of vehicles or vehicle combination.	Maximum loaded weight on these axles.	
	Tons.	Cwt.
3½ feet or more but less than 8 feet	13	0
8 feet or more but less than 9 feet	15	0
9 feet or more but less than 10 feet	15	8
10 feet or more but less than 11 feet	15	17
11 feet or more but less than 12 feet	16	6
12 feet or more but less than 13 feet	16	14
13 feet or more but less than 14 feet	17	3
14 feet or more but less than 15 feet	17	11
15 feet or more but less than 16 feet	17	19
16 feet or more but less than 17 feet	18	8
17 feet or more but less than 18 feet	18	16
18 feet or more but less than 19 feet	19	4
19 feet or more but less than 20 feet	19	12
20 feet or more but less than 21 feet	20	0
21 feet or more but less than 22 feet	20	8
22 feet or more but less than 23 feet	20	16
23 feet or more but less than 24 feet	21	4
24 feet or more but less than 25 feet	21	12
25 feet or more but less than 26 feet	21	19
26 feet or more but less than 27 feet	22	7
27 feet or more but less than 28 feet	22	15
28 feet or more but less than 29 feet	23	3
29 feet or more but less than 30 feet	23	10
30 feet or more but less than 31 feet	23	18
31 feet or more but less than 32 feet	24	5
32 feet or more but less than 33 feet	24	13
33 feet or more but less than 34 feet	25	0
34 feet or more but less than 35 feet	25	7
35 feet or more but less than 36 feet	25	14
36 feet or more but less than 37 feet	26	2
37 feet or more but less than 38 feet	26	9
38 feet or more but less than 39 feet	26	16
39 feet or more but less than 40 feet	27	3
40 feet or more but less than 41 feet	27	10
41 feet or more but less than 42 feet	27	17
42 feet or more but less than 43 feet	28	4
43 feet or more but less than 44 feet	28	10
44 feet or more but less than 45 feet	28	17
45 feet or more but less than 46 feet	29	4
46 feet or more but less than 47 feet	29	11
47 feet or more but less than 48 feet	29	17
48 feet or more but less than 49 feet	30	4
49 feet or more but less than 50 feet	30	10
50 feet or more but less than 51 feet	30	17
51 feet or more but less than 52 feet	31	3
52 feet or more but less than 53 feet	31	9
53 feet or more but less than 54 feet	31	16
54 feet or more but less than 55 feet	32	2
55 feet or more but less than 56 feet	32	8
56 feet or more but less than 57 feet	32	14