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ELIZABETHAE II REGINAE

A.D. 1960

No. 55 of 1960

An Act to amend the Motor Vehicles Act, 1959-1960.

[Assented to 24th November, 1960.]

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

Short title.

1. (1) This Act may be cited as the "Motor Vehicles Act Amendment Act (No. 2), 1960".

(2) The Motor Vehicles Act, 1959 as amended by the Motor Vehicles Act Amendment Act, 1960 and this Act may be cited as the "Motor Vehicles Act, 1959-1960".

(3) The Motor Vehicles Act, 1959 is hereinafter called "the principal Act".

Incorporation.

2. This Act is incorporated with the Motor Vehicles Act, 1959-1960 and that Act and this Act shall be read as one Act.

Commencement.

3. (1) Sections 1, 2 and 3 of this Act shall commence on the day on which this Act is assented to by the Governor.

(2) The other provisions of this Act shall commence on a day or on the several days fixed by the Governor by proclamation.

Repeal of s. 72 of principal Act and enactment of other provisions—Classes of driver's licences.

4. Section 72 of the principal Act is repealed and the following section inserted in its place :—

72. (1) There shall be two classes of licences, namely licences of class A, and licences of class B.

(2) A licence of class A shall authorize the holder thereof to drive motor vehicles of any kind.

(3) A licence of class B shall authorize the holder thereof to drive motor vehicles of any kind the weight of which inclusive of the weight of any trailer attached thereto does not exceed three tons exclusive of the weight of such additional equipment as may be fitted for particular uses which equipment does not increase the carrying capacity of the vehicle.

(4) Every motor vehicle licence in force immediately before this section comes into operation shall be deemed to be a licence of class A.

(5) Every motor cycle licence in force immediately before this section comes into operation shall be deemed to be a licence of class B endorsed with a restrictive condition that the holder thereof is thereby authorized to drive motor bicycles only, with or without side-cars.

5. Section 74 of the principal Act is amended—

(a) by inserting after the word "licence" in the second line the words "or a learner's permit"; and

(b) by striking out subsection (2) thereof and inserting in its place the following subsection:—

(2) "Appropriate licence" in relation to the driving of any motor vehicle, means a licence which authorizes the holder to drive motor vehicles of the class to which that motor vehicle belongs.

Amendment of
s. 74 of the
principal Act—
Duty to hold
licence.

6. The following section is enacted and inserted in the principal Act after section 75 thereof—

75a. (1) Subject to this Act, the Registrar shall issue a learner's permit to any person who—

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

(b) forwards with the application the fee fixed by this Act; and

(c) has passed the examination prescribed in section 79 of this Act.

(2) A learner's permit shall—

(a) be in the prescribed form;

(b) authorize the holder to drive a motor vehicle on roads during the period and subject to the conditions and restrictions specified in the permit; and

Enactment of
s. 75a of
principal Act—
Learner's
permits.

(c) while the conditions and restrictions therein are observed, have effect as a licence.

(3) The conditions and restrictions in a learner's permit shall be those prescribed by regulations under this Act: Provided that the Registrar, if he considers that reasonable cause exists for doing so in any case, may insert in a learner's permit conditions and restrictions different from or additional to those prescribed by regulations.

(4) If an applicant is not willing to accept a learner's permit containing the conditions and restrictions included therein the Registrar shall refuse to issue a learner's permit to the applicant.

(5) A person shall not contravene a condition inserted in a learner's permit pursuant to this section.

Penalty : Fifty pounds.

(6) Sections 87 to 97 of this Act shall apply in relation to learner's permits and to the holders of learner's permits in the same way as they apply to licences and the holders of licences; and in their application to learner's permits and the holders thereof the said sections shall be construed as if the words "learner's permit" were inserted therein wherever the word "licence" occurs.

Amendment of
s. 76 of the
principal Act—
Licence fee.

7. Section 76 of the principal Act is amended by striking out the first three lines thereof and inserting in their place the following passage :—

The fee—

(a) for a licence of Class A or a licence of Class B shall be one pound ;

(b) for a learner's permit shall be ten shillings.

Amendment of
s. 77 of
principal Act—
Issue of
duplicate
learner's
permits.

8. Section 77 of the principal Act is amended by inserting therein after the word "licence" wherever it occurs the words "or learner's permit".

Amendment of
s. 78 of the
principal Act—
Age of drivers
to whom
learner's
permits may
be issued.

9. Section 78 of the principal Act is amended by inserting after the word "licence" therein the words "or learner's permit".

Amendment of
s. 79 of the
principal Act—
Examination of
applicants for
learner's
permits.

10. Section 79 of the principal Act is amended by inserting after the word "licence" first occurring in the second line thereof the words "or learner's permit".

11. The following section is enacted and inserted in the principal Act after section 79 thereof—

Enactment of
s. 79a of
principal Act—

79a. Subject to this Act, the Registrar shall not issue a licence to an applicant who has not previously held a licence, or who has not held a licence at any time during the three years preceding his application, unless the applicant produces to the Registrar a certificate signed by a member of the police force appointed for the purpose by the Commissioner of Police certifying that the applicant has passed a practical driving test conducted by that member and appropriate to the class of licence applied for: Provided that if an applicant satisfies the Registrar that he has passed a driving test conducted by some other public authority and the Registrar is satisfied with the standard of that test, he may issue a licence to the applicant although he has not produced a certificate as provided by the previous part of this section.

Practical
driving tests.

12. Section 80 of the principal Act is amended—

Amendment of
s. 80 of
principal Act—
Power to test
applicants.

(a) by striking out the first three lines and inserting in lieu thereof the following passage—

(1) If in the opinion of the Registrar it is desirable that an applicant for the issue or renewal of a driver's licence or the holder of a licence should be tested;

(b) by striking out all words in subsection (2) after the word "person" in the third line and inserting in lieu thereof the words "a learner's permit".

13. Section 81 of the principal Act is amended—

Amendment of
s. 81 of
principal Act—
Restricted
driving
licences.

(a) by inserting after the figures "79" in the third line of subsection (2) the words "or to pass a driving test under section 79a"; and

(b) by adding after the word "examination" in the fourth line of subsection (2) the words "or test".

14. Section 83 of the principal Act is amended by inserting after the word "licence" in the second line the words "or learner's permit".

Amendment of
s. 83 of
principal Act—
Appeals.

15. Section 85 of the principal Act is repealed and the following section inserted in its place:—

Repeal of s. 85
of principal
Act—

85. If a person who holds a licence of class B produces to the Registrar a certificate signed by a member of the police force appointed to test applicants for licences,

Exchange of
licence.

certifying that he has passed a practical driving test appropriate to a licence of class A, and surrenders his licence of class B to the Registrar, the Registrar may without fee issue to him a licence of class A expiring on the same day as the surrendered licence.

Amendment of
s. 86 of
principal Act—
Avoidance of
permit where
cheque
dishonoured.

16. Section 86 of the principal Act is amended by inserting after the word "licence" wherever it occurs the words "or learner's permit".

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

J. M. NAPIER, Lieutenant-Governor.