



ANNO DECIMO SEXTO

GEORGII V REGIS.

A.D. 1925.

No. 1699.

An Act to provide for the Licensing of Certain Vehicles drawn by Animal Power and for other purposes.

[Assented to, December 24th, 1925.]

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

1. This Act may be cited as the " Vehicles (Licensing) Act, 1925." Short title.

2. This Act shall come into force upon a date to be fixed by proclamation. Commencement of Act.

3. In this Act, unless the context otherwise requires— Interpretation.

"Licence" means a licence issued pursuant to this Act, and "licensed" and "unlicensed" have corresponding meanings :

"Metropolitan area" means the present Municipalities of Adelaide, Brighton, Glenelg, Henley and Grange, Hindmarsh, Kensington and Norwood, Port Adelaide, St. Peters, Thebarton, and Unley, and the present District Council Districts of Burnside, Campbelltown, Marion, Mitcham, Payneham, Prospect, Walkerville, West Torrens, Woodville, and Yatala South, and the Garden Suburb, and any other Municipalities and District Council Districts or parts of Municipalities or District Council Districts contiguous to any part of the Metropolitan Area as defined for the time being to which the Governor, by proclamation, declares that this Act shall apply : "Owner"

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“Owner” includes the holder under a hire purchase agreement :

“Road” means and includes every public road, terrace, thoroughfare, or other public place, and also includes every private road commonly used by the public, or to which the public are permitted to have access :

“Street” means and includes every public street or other public place, and also includes every private street commonly used by the public, or to which the public are permitted to have access :

“Vehicle” means every vehicle of any description whatsoever which is drawn or propelled by animal but not human power and used or ordinarily intended to be used on roads or streets solely or mainly for the purpose of carrying goods or merchandise :

“Year” means period of twelve calendar months expiring on the thirtieth day of September.

**Exemption of
certain vehicles.**

4. The following vehicles are exempted from the operation of this Act, namely :—

- (a) every vehicle owned by the Fire Brigades Board, or any Volunteer Fire Brigade :
- (b) any ambulance vehicle for the use of which no charge is made :
- (c) any vehicle owned by the Corporation or Council of any Municipality, or by any District Council, and used solely for the construction and maintenance of roads.

**Licensing of
vehicles.**

5. (1) Every vehicle in the Metropolitan Area shall be licensed pursuant to this Act.

(2) Every licence shall be issued by the Registrar of Motor Vehicles or some other person authorised for that purpose by the Minister.

(3) No licence shall be issued to any applicant unless and until the fee as set out in the Schedule to this Act has been paid to the Registrar of Motor Vehicles or other person authorised pursuant to subsection (2) of this section : Provided that any applicant to whom a licence is issued in respect of any vehicle between the first day of April and the thirtieth day of September in any year shall pay only one half the amount payable for a licence for a year.

**Application for
licence.**

6. Every application for a licence under this Act shall be made during the currency of the year in which the licence is to have effect, or in the month immediately preceding that year ; and every such licence shall, subject to this Act, have effect for and during that year or the unexpired portion thereof, and no longer.

7. The

Vehicles (Licensing) Act.—1925.

7. The applicant for a licence shall produce to the Registrar of Motor Vehicles or other person authorised to issue licences such evidence as to the nature and weight of the vehicle in respect of which a licence is required to be issued as the Registrar of Motor Vehicles or the other person authorised as aforesaid may require or as may be prescribed.

Evidence in support
of application for
licence.

8. (1) The person issuing a licence shall deliver to the applicant a metal disc of a size and shape to be fixed annually by the Minister by notice published in the *Government Gazette*, and to be annually varied, on which shall be inscribed the year of issue and any other particulars which may be prescribed.

Licence discs.

(2) The disc shall, during the whole period in respect of which it is issued, be kept securely affixed to the vehicle in respect of which the disc and the licence are issued.

9. (1) Upon application, the Registrar of Motor Vehicles or other person authorised to issue licences, may, on proof to his satisfaction of the loss or destruction of any licence or disc, and on payment of a fee of Two Shillings and Six Pence, issue to the applicant a duplicate licence or disc.

Duplicate licences
and discs.

(2) Any such duplicate licence or disc shall avail for all purposes as if it were the original licence or disc.

10. Any person who drives or causes or permits to be driven any unlicensed vehicle in any street or road within the Metropolitan Area shall be guilty of an offence against this Act and shall be liable to a penalty of not more than Twenty Pounds.

Penalty for driving
unlicensed vehicle.

11. The owner of any unlicensed vehicle which is driven in any street or road within the Metropolitan Area shall be guilty of an offence against this Act and shall be liable to a penalty of not more than Twenty Pounds.

Penalty on owner
of unlicensed
vehicle.

12. Any person who affixes any disc issued pursuant to this Act, to any vehicle other than the vehicle in respect of which the disc was issued, shall be guilty of an offence against this Act and shall be liable to a penalty of not more than Twenty Pounds.

Penalty for affixing
discs to wrong
vehicles.

13. Any person who—

- (a) by any false statement or misrepresentation obtains or attempts to obtain a licence or disc under this Act; or
- (b) without lawful excuse has in his possession a licence or disc, or any article resembling a licence or disc and liable to be mistaken therefor; or
- (c) forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any licence or disc,

Penalty for un-
lawfully obtaining
licence.

shall be guilty of an offence against this Act and shall be liable to a penalty of Twenty Pounds.

14. In

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Facilitation of
proof.

14. In any proceedings for an offence against this Act—

- (a) proof that a vehicle has not affixed upon it a disc of the size and shape fixed by the Minister for the current year shall be *prima facie* evidence that the vehicle is unlicensed ;
- (b) the allegation in the complaint that any person is the owner of a vehicle shall be *prima facie* evidence that that person is the owner of the vehicle ;
- (c) the allegation in the complaint that any place is a street or road shall be *prima facie* evidence that the place is a street or road within the meaning of this Act ;
- (d) the allegation in the complaint that any street or road wherein it is alleged that any such offence was committed is situated within the Metropolitan Area shall be *prima facie* evidence that the street or road is situated as alleged ; and
- (e) any conveyance shall be deemed to be a vehicle within the meaning of this Act unless the defendant satisfies the Court to the contrary.

Summary of pro-
ceedings of offences.

15. All proceedings in respect of offences against this Act shall be disposed of summarily.

Regulations.

16. The Governor may make such regulations as may be necessary or convenient for carrying into effect the provisions and objects of this Act, including (though without limiting the operation of this section) regulations in respect of the following matters :—

- I. the form of licence and the application therefor :
- II. any matters in this Act left to be expressed or ascertained by regulations.

Allocation of
revenue.

17. All money collected as licence fees under this Act, and all sums received as fines, penalties, and forfeitures in respect of convictions for offences against this Act shall in the first place be paid into a special account in the Treasury ; and after deducting a sum not exceeding ten per centum of the said moneys for the cost of collection (which sum shall be paid into Revenue), the whole of the remainder shall be paid by the Treasurer not less frequently than once in every three months into the Main Roads Fund established by the Highways Act, 1925.

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

TOM BRIDGES, Governor.

THE SCHEDULE

Scale of Licence Fees upon Vehicles.

Section 5.

The licence fee for a vehicle shall be calculated as follows :—

- (a) If the weight unladen of the vehicle does not exceed 25 cwts. the fee shall be calculated at the rate of 1s. 6d. per cwt. of such weight :
- (b) If the weight unladen of the vehicle exceeds 25 cwts. but does not exceed 40 cwts. the fee shall be calculated at the amount of the fee for a vehicle of 25 cwts., plus 3s. 6d. for every cwt. by which the weight unladen of the vehicle exceeds 25 cwts :
- (c) If the weight unladen of the vehicle exceeds 40 cwts. the fee shall be calculated at the amount of the fee for a vehicle of 40 cwts., plus 6s. 6d. for every cwt. by which the weight unladen of the vehicle exceeds 40 cwts.

In this Schedule the weight of a vehicle shall be calculated to the nearest hundredweight.