

MOTOR VEHICLE (THIRD PARTY INSURANCE) AND TRAFFIC.

8° Elizabeth II., No. XVIII.

No. 18 of 1959.

AN ACT to amend the Motor Vehicle (Third Party Insurance) Act, 1943-1957 and the Traffic Act, 1919-1958.

[Assented to 8th October, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Motor Vehicle (Third Party Insurance) Act and Traffic Act Amendments Act, 1959.*

Short title and citation.

(2) In sections one to four inclusive of this Act the Motor Vehicle (Third Party Insurance) Act, 1943-1957, is referred to as the principal Act.

Reprint approved 12th June, 1957 (Vol. 11 of Reprinted Acts) as amended by No. 77 of 1957.

(3) The principal Act as amended by this Act may be cited as the Motor Vehicle (Third Party Insurance) Act, 1943-1959.

Schedule.
Amendment
of Traffic
Act, 1919-
1958.

2. The Traffic Act, 1919-1958, is amended in accordance with the Schedule to this Act and as so amended may be cited as provided in that Schedule.

S. 3
amended.

3. Subsection (1) of section three of the principal Act is amended by substituting for the passage, "1919-1946" in the interpretation, "Traffic Act," the passage, "1919, as amended from time to time and for the time being."

S. 4
amended.

4. Subsection (3) of section four of the principal Act is amended—

(a) by adding after the section designation, "(3)" the paragraph designation, "(a)";
and

(b) by adding the following paragraphs—

(b) After the coming into operation of the Motor Vehicle (Third Party Insurance) Act and Traffic Act Amendments Act, 1959, a person shall not be convicted or punished for an offence under paragraph (a) of this subsection if

he has already been convicted or acquitted of an offence under section five of the Traffic Act

and

both those offences had been committed simultaneously.

(c) Upon conviction of a person of an offence under this subsection, if the Court is satisfied that the owner of the vehicle in question was, at the time of the commission of the offence, not the holder of the requisite vehicle license for the vehicle as required by the Traffic Act, the Court shall order the person convicted, in addition to the penalty imposed on him,

to pay the amount of the annual license fee that should have been paid in respect of that vehicle in accordance with that Act and that order may be enforced as if the amount of the fee was a penalty imposed on him.

SCHEDULE.

S. 2.

Amendment of Traffic Act, 1919-1958.

1. (1) In this Schedule the Traffic Act, 1919-1958—
Act No. 60 of 1919 as reprinted with amendments to and including Act No. 78 of 1957 incorporated pursuant to the Amendments Incorporation Act, 1938, and as further amended by Acts Nos. 57 of 1958 and 59 of 1958,

Citation of Traffic Act. Reprint approved 23rd April, 1958 (Vol. 12 of Reprinted Acts).

is referred to as the principal Act.

(2) The principal Act as amended by this Schedule may be cited as the Traffic Act, 1919-1959.

2. Subsection (2) of section five of the principal Act is amended—

Traffic Act, s. 5 amended.

(a) by substituting for subparagraph (iii) of the penalty prescribed by paragraph (b) the following subparagraph—

(iii) The maximum penalty—

for a first offence shall be a fine of one hundred pounds; and
for any subsequent offence shall be a fine of two hundred pounds. ;
and

(b) by adding after the proviso to paragraph (b), paragraphs as follows—

(c) After the coming into operation of the Motor Vehicle (Third Party Insurance) Act and Traffic Act Amendments Act, 1959, a person shall not be convicted or punished for an offence under paragraph (b) of this subsection if

he has already been convicted or acquitted of an offence under paragraph (a) of subsection (3) of section four of the Motor Vehicle (Third Party Insurance) Act, 1943, as amended,

and

both those offences had been committed simultaneously.

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(d) After the coming into operation of the Motor Vehicle (Third Party Insurance) Act and Traffic Act Amendments Act, 1959, any person convicted of an offence under paragraph (b) of this subsection shall, unless the Court in its discretion orders otherwise, be disqualified from holding or obtaining under this Act a license to drive a motor vehicle or a vehicle license in respect of a motor vehicle for a period of twelve months from the date of the conviction.
