



ANNO DECIMO

GEORGII V REGIS.

A.D. 1919.

No. 1370.

An Act to make better provision for the Carrying of Lights on Vehicles at Night, and for other purposes.

[*Assented to, November 20th, 1919.*]

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 "Lights on Vehicles Act, 1919." Short title.
2. This Act shall come into operation on the first day of January, nineteen hundred and twenty. Commencement of Act.
3. The Act No. 16 of 1872, intituled "An Act to provide for the carrying of Lights by Vehicles at night," and the Act No. 33 of 1876, being an Act to amend the said Act, are hereby repealed. Repeal of Acts Nos. 16 of 1872 and 33 of 1876.
4. In this Act, unless the context or subject matter requires a different construction—
Interpretation.
"Council" means any Municipal or District Council, and includes the Renmark Irrigation Trust, No. 1 :
"Court" means the Special Magistrate or Justices hearing the information :
"Information" includes complaint :
"Inspector" means any Inspector appointed by or under this Act :
"Local government area" means a Municipality or a District Council District, as the case may require, and includes the Renmark Irrigation District, No. 1 : "Owner"

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“Owner,” used with reference to a vehicle, includes not only the owner, but also the hirer or borrower or other person for the time entitled to the possession of the vehicle, and also any manager, overseer, foreman, agent, or other representative of the owner, with whose orders the driver or other person in charge of the vehicle is bound to comply.

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

“Vehicle” means any vehicle other than a motor vehicle within the meaning of the Motor Vehicles Act, 1918, and includes a handcart and a road roller.

Vehicles to carry lights at night.

Cf. 16, 1872, s. 1.

5. No person shall drive upon any road, or cause or permit to be upon any road, at any time between half an hour after sunset and half an hour before sunrise, any vehicle which has not attached thereto on the offside thereof a lighted lamp showing a bright light in such a position and manner that such light would be clearly visible as a white light to any person approaching such vehicle from the front, and as a red light to any person approaching such vehicle from the rear.

Bicycles to carry lights at night.

Cf. *ibid.*

6. No person shall ride any bicycle or any tricycle upon any road at any time between half an hour after sunset and half an hour before sunrise unless a lighted lamp showing a bright white light in front of such bicycle or tricycle is affixed on the front thereof in such a position and manner that the light of such lamp would be clearly visible to any person approaching such bicycle or tricycle from the front.

Where load projects red light to be carried on rear.

New.

7. (1) Whenever any load carried on any vehicle which is being driven or is standing upon any road at any time between half an hour after sunset and half an hour before sunrise projects more than three feet behind the body of such vehicle, a lighted lamp shall be kept attached to the rearward extremity of such load in such a position and manner as to show a red light clearly visible to any person approaching such vehicle from the rear or passing such vehicle from the front.

(2) If any contravention of this section occurs, the driver of the vehicle concerned shall be guilty of an offence against this Act.

Driver to stop and give name and address when required.

Cf. 33, 1876, s. 3.

8. (1) Any driver of a vehicle or any rider of a tricycle or bicycle who, when requested by an Inspector in the execution of his duty under this Act to stop or to state his name and place of abode, refuses or fails to do so, or, when so requested, states a false name or place of abode, shall be guilty of an offence against this Act.

(2) Any Inspector may, without any warrant other than this Act, apprehend any person who is guilty of any offence under this section.

9. (1) Every

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9. (1) Every member of the Police Force and every Inspector in the Local Government Department of the Public Service shall, without any further appointment, be an Inspector under this Act for the whole State. Who to be Inspectors under Act.

(2) The Governor may appoint any other person to be an Inspector under this Act for the whole State, or for any particular portion of the State.

(3) Any Council may appoint any other person to be an Inspector under this Act within the local government area of such Council.

(4) The exercise by every Inspector appointed otherwise than for the whole State of his powers and duties under this Act shall be limited to the portion of the State, or the local government area, for which he was appointed.

10. Any contravention of or failure to observe any provision of this Act, whether by act or omission, shall be an offence against this Act. Offences.

11. Any person guilty of an offence against this Act shall be liable to a penalty for a first offence of not more than Two Pounds, and for any subsequent offence of not more than Five Pounds. Penalties.

12. (1) The owner of any vehicle in respect of which an offence has been committed against this Act (not being an offence against section 8) shall in every case be deemed in the first instance to have committed the offence, and shall be liable to pay the penalty; but an owner who has been proceeded against for such offence shall be entitled, upon information duly laid by him, to have any driver or other employee who was, at the time when such offence is alleged to have been committed, in charge of such vehicle, brought before the Court at the time appointed for hearing the charge made against such owner. Owner of vehicle liable in the first instance in certain cases.

(2) If, after the commission of the offence has been proved, the owner proves to the satisfaction of the Court—

(a) that he used due diligence to prevent offences against the provisions of this Act in breach whereof the offence was committed, and

(b) that the said driver or employee committed the act complained of without the knowledge, consent, or connivance of such owner.

the said driver or employee shall be convicted of the offence and pay the penalty, instead of the owner.

13. When it appears to any person at any time before laying an information or complaint in respect of an offence against this Act (not being an offence against section 8)— Actual offender may be proceeded against in certain cases.

(a) that the owner of the vehicle concerned had used due diligence to prevent offences against the provisions in breach whereof such offence is committed, and (b) by Cf. *ibid.*, s. 8.

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(b) by what person the offence was committed, and

(c) that the offence was committed without the personal knowledge, consent, or connivance of the owner, and in contravention of his orders,

then such first-mentioned person may proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the owner.

When owners not liable.

Cf. *ibid.*, s. 9.

14. (1) No person shall be liable for an offence against the provisions of this Act (not being an offence against section 8), as the owner of a vehicle, unless such vehicle is worked or used—

(a) by him personally, or

(b) by a driver or other person in his employ, or

(c) by some other person under his orders or directions, or

(d) in some manner for his benefit or profit.

(2) Nothing contained in this section shall exempt any corporate body from any liability under this Act by reason only of the fact that any vehicle of which such corporate body is the owner, and with respect to which any such offence as mentioned in this section is charged, is worked or used under the orders or directions of a director, secretary, manager, or other person elected or employed by such corporate body.

Appropriation of penalties.

Cf. 16, 1872, s. 7.

15. All moneys received for or on account of penalties imposed for offences against this Act shall be paid to the Treasurer for the public uses of the State; except moneys received in respect of an offence committed within the limits of a local government area, which shall be paid over to, and for the use of, the Council of such area.

Summary proceedings for offences.

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

Appeal.

17. There shall be an appeal in respect of proceedings in respect of offences against this Act.

Special case.

18. In the event of an appeal in respect of proceedings in respect of offences against this Act, a special case may be stated.

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

H. L. GALWAY, Governor.