

and the symbols "(ii)", "(iii)", and "(iv)", respectively, substituted therefor; and

(b) section seven of this Act is to have effect as if the symbols "II" and "III" were omitted and the symbols "(b)" and "(c)", respectively, substituted therefor.

(3) On and after the date of the reprinting of the *Roads and Jetties Act 1935* this Act is to have effect as if from section ten of this Act the symbol "III" were omitted and the symbol "(c)" substituted therefor, and on and from that date the Principal Act, as amended by this Act, shall be construed accordingly.

(4) The Principal Act, the *Roads and Jetties Act 1935*, and this Act are, by force of this subsection, amended to such extent as may be necessary to give effect to the foregoing provisions of this section.

(5) Subject to this section, the provisions of this Act remain in full force and effect as if this section had not been enacted.

(6) In this section "date of reprinting" means, when used in relation to an Act, the date of the giving of the certificate printed, pursuant to section six of the *Reprint of Statutes Act 1954*, in the volume of reprinted Acts published pursuant to that Act in which the reprint of the Act in relation to which the expression is used is included.

---

## TRAFFIC.

---

### No. 31 of 1961.

AN ACT to amend the *Traffic Act 1925*.  
[4 December 1961.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—(1) This Act may be cited as the *Traffic Act 1961*.

(2) The *Traffic Act 1925*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) The provisions of this Act that are specified in the first schedule shall commence on such dates respectively as may be fixed by proclamation in relation to each of those provisions, and the other provisions of this Act shall commence on the date on which the Governor gives his assent to this Act.

**2** Section three of the Principal Act is amended—Interpreta-  
tion.

- (a) by omitting from subsection (1) the definition of “Articulated vehicle” and substituting therefor the following definition:—

“ ‘Authorized officer’ , when used in relation to any power, right, or other matter, means an officer of the Commission authorized in that behalf under subsection (2) of section nine:”;

- (b) by omitting from that subsection the definitions of “Cab”, “Carrier”, “Cart”, and “Coach”;

- (c) by omitting from that subsection the definitions of “Court” and “General hire autocar” and substituting therefor the following definitions:—

“ ‘Driver’s licence’ means a licence issued under Part II authorizing the holder thereof to drive a motor vehicle:

“ ‘Goods’ includes any merchandise, produce, materials, articles, and things, and animals and birds (whether alive or dead):”;

- (d) by omitting from that subsection the definition of “Motor cycle” and substituting therefor the following definition:—

“ ‘Motor cycle’ means a motor vehicle that is designed to be steered by means of handlebars and to move or be moved on not more than two wheels or, if a side-car or side-box is attached to it, on not more than three wheels:”;

- (e) by omitting from the definition of “Motor vehicle” in that subsection the words “upon public streets”, and substituting therefor the words “or capable of being propelled”, and by omitting from that definition the words “, and includes an articulated vehicle”;

- (f) by omitting from that subsection the definition of “Omnibus”;

- (g) by inserting in the definition of “Owner” in that subsection after the word “vehicle” (first occurring) the words “or trailer” and after the word “vehicles” the words “and trailers”, and by omitting from that definition all the words therein commencing with the words “, and, when”;

- (h) by omitting from that subsection the definition of "Public vehicle";
- (i) by inserting in that subsection, after the definition of "Registered", the following definition:—
  - “ ‘ Registering authority ’ means a registering authority appointed under regulations made under paragraph I of subsection (1) of section ten.”;
- (j) by omitting paragraph III of the definition of "Trailer" in that subsection;
- (k) by inserting in paragraph IV of that definition after the word "side-car" the words "or side-box";
- (l) by inserting after the definition of "Trailer" in that subsection the following definition:—
  - “ ‘ Tribunal ’ means the Public Vehicles Licensing Appeal Tribunal constituted under Part IIIA: ”;
- (m) by omitting from that subsection the definition of "Van";
- (n) by omitting from the definition of "Vehicle" in that subsection the words "upon wheels" and substituting therefor the words "designed to move or to be moved on one or more wheels or revolving runners"; and
- (o) by omitting subsections (2) and (3).

Administra-  
tion of Act.

**3** Section nine of the Principal Act is amended by adding at the end thereof the following subsection:—

“(2) Where, under this Act, any power or right may be exercised by an authorized officer, or any act is authorized or required to be done by or in respect of an authorized officer that power may be exercised by, and that act may be done by or in respect of, an officer of the Commission authorized in writing by the Commission in that behalf.”.

Regulations  
as to  
motor  
vehicles.

**4** Section ten of the Principal Act is amended—

- (a) by omitting paragraphs I and IA of subsection (1) and substituting therefor the following paragraphs:—

“ I Appointing, or providing for the appointment of, registering authorities by whom, and motor registries at which, motor vehicles and trailers may be registered and drivers of motor vehicles may be licensed :

“ IA Providing for the registration of motor vehicles and trailers and the issue of certificates of registration and registration labels in respect of motor vehicles and trailers so registered:

“ IB Providing for the issue of licences authorizing persons to drive motor vehicles or to drive motor vehicles of a particular class or for a particular purpose, and requiring or authorizing the prescription in such a licence of the conditions or restrictions subject to which the holder of that licence may drive a motor vehicle, or a motor vehicle of a particular class or for a particular purpose:

“ IC Prescribing the circumstances in which a duplicate or further certificate of registration, registration label, or driver's licence may be issued in respect of a registered vehicle or to a person to whom a driver's licence has been issued, and the fees that are to be paid in respect of the issue of that duplicate or further certificate, label, or licence:

“ ID Authorizing, in such cases as may be prescribed, a person, who holds a licence or other authority issued elsewhere than in this State authorizing him to drive a motor vehicle elsewhere than in this State, to drive, in this State, subject to such conditions or restrictions as may be prescribed, a motor vehicle or a motor vehicle of a particular class or for a particular purpose:”;

- (b) by omitting from paragraph III of that subsection the words “ motor drivers' licences ” and substituting therefor the words “ drivers' licences ”;
- (c) by omitting from paragraph IV of that subsection the words “ any licence to drive a motor vehicle, or the renewal thereof ” and substituting therefor the words “ the issue or renewal of a driver's licence ”;
- (d) by omitting from that paragraph the words “ the Commission ” (twice occurring) and substituting therefor, in each case, the words “ a registering authority ”;
- (e) by omitting paragraph V of that subsection;

- (f) by omitting paragraph VIII of that subsection and substituting therefor the following paragraphs:—

“ VIII Providing for the issue of general identification marks to manufacturers of, and dealers in, motor vehicles or trailers, and to other persons who have the possession, custody, or use of motor vehicles or trailers for such purposes as may be specified in the regulations, providing for the cancellation of any general identification marks so issued, providing for the issue and return of number-plates bearing those marks and requiring or authorizing, and regulating, the use of those number-plates :

“ VIII A Providing for the payment of fees, in accordance with the second schedule, in respect of the issue of such number-plates as are referred to in paragraph VIII of this subsection, authorizing the making of charges for the issue of those number-plates and regulating the application of those charges :” ;

- (g) by inserting in that subsection, after paragraph XIII, the following paragraph:—

“ XIII A Providing for the inspection of motor vehicles and trailers and the granting of certificates as to the result of those inspections, and providing for the recovery of the cost of any such inspection or the granting of any such certificate from the owner of, or any other person having any property in, or the right to use, the vehicle in respect of which the inspection is made or the certificate granted :” ;

- (h) by omitting from paragraph XIV of that subsection the words “ the Commission ” and substituting the words “ a registering authority or of a police officer or an authorized officer,” ;

- (i) by omitting from paragraph XVI of that subsection the words “ goods or merchandise ” and substituting therefor the words “ any goods ” ; and

- (j) by inserting after subsection (4) the following subsections:—

“(5) Nothing in this section requires the registration of a trailer that is a plough, harvester, baler, or other contrivance and that is used solely for agricultural or horticultural purposes.

“(6) Where the Commission is of the opinion that a motor vehicle or trailer is intended to be used for a purpose that is detrimental to the public interest it may prohibit a registering authority from registering that motor vehicle or trailer and, for so long as that prohibition is in force, that motor vehicle or trailer shall not be registered.”.

**5** After section ten of the Principal Act the following section is inserted:—

“10A—(1) Where a motor vehicle or a trailer is registered under the law of a prescribed State or Territory of the Commonwealth or of a prescribed place outside the Commonwealth in the name of a person who is not resident in this State, that vehicle or trailer is exempt from registration under this Act for the period for which, after its last entry into this State, its registration under that law remains in force without renewal or further registration and for such further period (not exceeding three months) as a registering authority may approve.

Vehicles registered outside the State.

“(2) Such an exemption as is referred to in subsection (1) of this section has effect only for such period as there is in force in respect of the vehicle or trailer either a policy of insurance that complies with the requirements of Part VII or a policy of insurance that, by the law of the State, Territory, or place referred to in subsection (1) of this section would be required to be in force if that vehicle or trailer were used in that State, Territory, or place, and that has effect in relation to the use of that vehicle in this State as it has effect in relation to the use of that vehicle in that State, Territory, or place.”.

**6** Section eleven of the Principal Act is amended—

- (a) by omitting the words “the licences of drivers of motor vehicles” and substituting therefor the words “of drivers’ licences”; and
- (b) by inserting after the word “evidence” the words “in any proceedings (whether under this Act or otherwise)”.

Records and evidence of registration and licences

**7** Section thirteen of the Principal Act is amended—

- (a) by inserting in paragraph II after the word “licence” (wherever occurring) the words “, registration label,”;
- (b) by inserting in paragraph III after the word “licence” the words “or registration label”; and

Frauds in respect of licences, &c.

- (c) by omitting from paragraph IV the words "or number-plate" and substituting therefor the words ", number-plate, or registration label".

**8** After section thirteen of the Principal Act the following section is inserted:—

Frauds in  
respect of  
registration.

"13A—(1) A person who, with a view to securing the registration, or the transfer or renewal of the registration of, or the issue or cancellation of a certificate of registration in respect of, a vehicle—

- (a) makes any representation which he knows to be false or does not believe to be true; or  
(b) produces a document which he knows to be forged or which contains a representation which he knows to be false or does not believe to be true,

is guilty of an offence under this Act.

Penalty: One hundred pounds or six months' imprisonment.

"(2) Upon the conviction of a person for an offence under this section, the court may, if it thinks fit, order the registration of any vehicle in relation to which the offence was committed to be cancelled, and where such an order is made, the registration of that vehicle shall, without prejudice to its again being registered, cease to have effect.

"(3) Where the registration of a vehicle ceases to have effect under subsection (2) of this section the owner of the vehicle, and any person having in his possession a certificate of registration issued in respect of that vehicle shall, on demand being made to him by a registering authority, a police officer, or an authorized officer, deliver that certificate of registration to such person as may be specified in the demand.

Penalty: Twenty pounds."

Driving  
without  
licence, &c.

**9** Section fourteen of the Principal Act is amended—

- (a) by omitting paragraphs I and II of subsection (1);  
(b) by inserting in subsection (2) after the word "of" (first occurring) the words "subsection (1) of";  
(c) by omitting from subsection (3) the words "paragraph III of"; and  
(d) by adding at the end thereof the following subsections:—

"(4) Any person who—

- (a) on a public street, drives a motor vehicle, or drives a motor vehicle for any purpose, without a driver's licence authorizing him so to do;

(b) on a public street, drives a motor vehicle without complying with, or in contravention of, the prescribed conditions or restrictions; or

(c) employs or permits another person to drive a motor vehicle in contravention of paragraph (a) or paragraph (b) of this subsection,

is guilty of an offence against this Act.

“(5) Subsection (4) of this section does not apply in respect of a vehicle the driver of which is exempt from the obligation to be licensed under paragraph I of subsection (1A) of section ten.

“(6) References in subsection (4) of this section to a driver’s licence shall be construed as including references to a licence or other authority issued elsewhere than in this State by virtue of which the holder thereof is, under this Act, authorized to drive a motor vehicle in this State.

“(7) In subsection (4) of this section ‘prescribed conditions or restrictions’ means, when used in relation to the driving of a motor vehicle by any person, the conditions and restrictions prescribed in the driver’s licence authorizing him to drive that vehicle or the conditions and restrictions subject to which he may drive that vehicle in this State by virtue of a licence or other authority issued elsewhere than in this State.”.

**10** Section fourteen A of the Principal Act is amended— Hire and  
drive cars.

(a) by omitting from subsection (1) the word “Act” and substituting therefor the word “section”, and by omitting from that subsection the word “Ten” and substituting therefor the word “Twenty”;

(b) by inserting after subsection (2) the following subsection:—

“(2A) The holder of a licence under this section who contravenes or fails to comply with any conditions or restrictions imposed under this section in respect of that licence is guilty of an offence under this Act.

Penalty: Twenty pounds.”;

(c) by inserting in subsection (3), after the word “issued”, the words “or renewed”;

(d) by inserting in that subsection after the word “conditions” the words “or restrictions”;

(e) by omitting subsections (4) and (5) and substituting therefor the following subsections:—



“(4) A licence under this section, unless renewed or further renewed, expires on the expiration of a period of twelve months from the date on which it was issued or last renewed.

“(5) On application being made by any person in the prescribed manner, the Commission shall issue to him a licence under this section or renew such a licence held by him unless it considers that—

(a) he is not a fit and proper person to hold the licence; or

(b) the vehicle in respect of which the licence is to be issued or renewed is not a suitable vehicle, or is not in proper condition, for letting on hire to be driven by persons other than the licensee and his servants.

“(6) No licence shall be issued, renewed, or transferred under this section unless there is paid to the Commission the fee specified in Part II of the third schedule in respect thereof.

“(7) No licence under this section is of any effect unless there is in force in respect of the vehicle in respect of which it was issued a policy of insurance that contains such provisions and complies with such conditions as may be prescribed.

“(8) The tribunal, upon complaint by the Commission, may cancel any licence issued under this section—

(a) on any grounds on which the issue or renewal of that licence might be refused; or

(b) if it is satisfied that any of the conditions or restrictions subject to which the licence was issued or renewed have not been complied with or observed.

“(9) A decision of the tribunal under this section is final and without appeal.

“(10) Section fourteen B, subsection (1), subsection (4), subsection (5), and subsection (6) of section sixteen B, section nineteen (other than subsection (3A) and subsection (3B) thereof), subsection (4), subsection (5), subsection (5A), subsection (7), and subsection (12) of section twenty-four, subsection (1) and subsection (2) of section twenty-five, section twenty-seven, and section thirty have effect as if this section were included in Part III and as if licences issued in respect of vehicles under this section were licences within the meaning of that Part and those vehicles were public vehicles.”.

**11** After section fourteen A of the Principal Act the following section is inserted in Part III:—

“14 AB—(1) In this Part, unless the contrary intention appears— Interpretation of Part III.

‘excluded roads’ means the Midlands Highway and so much of the Bass Highway as lies to the east of the western boundary of the municipality of Burnie;

‘issue’ includes re-issue;

‘licence’ means a public vehicle licence and includes a temporary licence;

‘licensee’ means the holder of a licence, and, when used in relation to a licence, means the holder of that licence;

‘owner’, when used in relation to a vehicle or an aircraft, includes—

(a) any person who (whether solely or in partnership with another person) is concerned, otherwise than merely as a person employed in the actual operation of the vehicle or aircraft, in the keeping or using of that vehicle or aircraft, or in letting it for hire; and

(b) in the case of a registered motor vehicle or registered trailer, the person registered in the record of motor vehicles and trailers kept in accordance with section eleven as the owner of that motor vehicle or trailer;

‘permit’ means a permit in force under section twenty;

‘temporary licence’ means a temporary public vehicle licence;

‘triennial date’ means the thirtieth day of June 1962, and the thirtieth day of June in each third year thereafter.

“(2) Subject to subsection (5) of this section, where a vehicle—

(a) plies or stands for hire in a public street;

(b) is used or let for the carriage of passengers or goods for hire or for any other consideration;

(c) is used for the carriage of more than eight persons (exclusive of the driver) each of whom has attained the age of twelve years; or

(d) is, except as otherwise may be prescribed, used for the carriage of goods either for sale or for offering for sale or in the course of a trade or business,

that vehicle shall for the purposes of this Act be deemed to be used as a public vehicle.

“(3) Subject to subsection (5) of this section, where an aircraft—

- (a) is used or let for the carriage of passengers or goods for hire or for any other consideration; or
- (b) is, except as otherwise may be prescribed, used for the carriage of goods either for sale or for offering for sale or in the course of a trade or business,

that aircraft shall for the purposes of this Act be deemed to be used as a public vehicle.

“(4) References in this Part to a public vehicle shall be construed as references to a vehicle or an aircraft used as a public vehicle.

“(5) Notwithstanding anything in this section—

- (a) a vehicle or an aircraft that is owned by a person engaged in the business of agriculture or horticulture is not a public vehicle by reason only of its being used by that person for transporting his produce from his farm to market or of transporting commodities for use on his farm or in his household;
- (b) a vehicle or an aircraft that is owned by a pastoralist is not a public vehicle by reason only that it is used by him for the carriage of his livestock or produce; and
- (c) a vehicle or an aircraft is not a public vehicle by reason only of the carriage therein of persons who are in the employment of the owner of the vehicle or aircraft and who are being carried in the vehicle or aircraft in the course of, or for the purposes of, that employment.

“(6) References in this Part to the re-issue of a licence shall be construed as references to the issue to the licensee, on the expiry of that licence, of another licence having the like effect that that licence would have had if it had continued in force.

“(7) For the purposes of this Part an application to the Commission shall be deemed to be finally determined by the Commission—

- (a) if the application is refused, when the applicant is notified by the Commission of the refusal; or
- (b) if the Commission determines to issue or renew a licence on the application, on the expiration of fourteen days from the date of the notification to the applicant by the Commission of its determination or on the issue or renewal of the licence (whichever first occurs).”.

**12** Sections fifteen and sixteen of the Principal Act are repealed and the following sections are substituted therefor:—

“15—(1) The Commission may issue public vehicle licences in accordance with this Act.

“(2) Public vehicle licences may be—

- (a) aircraft licences;
- (b) coach licences;
- (c) omnibus licences;
- (d) cab licences;
- (e) hire-car licences;
- (f) carrier licences;
- (g) cart licences; or
- (h) ancillary licences.

“(3) Subject to this Act—

- (a) an aircraft licence authorizes the use of an aircraft as a public vehicle;
- (b) a coach licence authorizes the use of a vehicle as a public vehicle for—
  - (i) the carriage of passengers between places on such route as may be specified in the licence; and
  - (ii) the carriage between places on that route of such goods as may be specified in the licence;
- (c) an omnibus licence authorizes the use of a vehicle as a public vehicle for the carriage of passengers between places within the area in respect of which it is issued;
- (d) a cab licence authorizes a vehicle to ply or stand for hire in any public street in the area in respect of which it is issued for the carriage of passengers in that area;
- (e) a hire-car licence—
  - (i) authorizes the use of a vehicle as a public vehicle for the carriage of passengers (otherwise than on any part of the excluded roads that is not contained within the area in respect of which the licence is issued) between any places within the State; and
  - (ii) authorizes that vehicle to ply or stand for hire in any public street in the area in respect of which the licence is issued for the carriage of passengers in that area,  
but does not authorize the vehicle to ply or stand for hire in a public street elsewhere than in that area;
- (f) a carrier licence authorizes the use of a vehicle as a public vehicle for the carriage of goods between places on such route as may be specified in the licence;
- (g) a cart licence authorizes the use of a vehicle as a public vehicle for the carriage of goods between places within the area in respect of which it is issued, but does not authorize that vehicle to

be used in the carrying on of a goods transport service between two extreme points; and

(h) an ancillary licence authorizes the use of a vehicle as a public vehicle for the carriage of goods in the area in respect of which it is issued—

(i) for the purposes of sale or of offering for sale; or

(ii) in the course of a trade or business carried on by the owner of a vehicle, not being a trade or business that consists wholly or mainly of the carriage of goods for consideration.

“(4) Subject to this Act, while a vehicle is being used for the carriage of passengers under the authority of a licence, that licence is deemed to authorize the use of that vehicle for the carriage of the luggage of those passengers.

“(5) No licence, other than a coach licence, authorizes a vehicle to be used in the carrying on of a regular passenger service between two extreme points.

“(6) An omnibus licence shall not be issued otherwise than in respect of a vehicle that is fitted and equipped for the conveyance of more than eight adult persons, exclusive of the driver thereof.

“(7) A cab licence or a hire-car licence shall not be issued otherwise than in respect of a vehicle that is fitted and equipped for the conveyance of not more than eight adult persons, exclusive of the driver thereof.

“(8) An omnibus licence, a cab licence, a hire-car licence, or a cart licence shall not be issued otherwise than in respect of one traffic area or any part of one traffic area.

“(9) A licence issued under this section does not authorize the use of a vehicle or an aircraft otherwise than in accordance with such conditions and subject to such restrictions as may be prescribed in relation to that licence or as may be imposed as prescribed in relation to that licence.

“(10) An ancillary licence may be renewed by the Commission.

“(11) The issue of a licence does not confer on the licensee any right to the re-issue or renewal thereof or to the continuance of any benefits or conditions existing by virtue of this Act at the time of the issue of that licence.

Temporary  
licences.

“16 The Commission may issue a temporary public vehicle licence in respect of a vehicle or an aircraft and such a licence authorizes the carriage of passengers or goods in that vehicle or aircraft between such places or within such an area as may be specified in the licence on such occasions or on such days or within such period as may be so specified, subject to such conditions or restrictions as may be so specified.

Applications  
for issue, &c.,  
of licences.

“16A—(1) An application for the issue or renewal of a licence shall be made to the Commission in such manner as may be prescribed.

“(2) An application for the issue of a licence (other than an ancillary licence) that is to take effect from a triennial date shall be made to the Commission not later than one month before that date.

“16B—(1) Subject to this section, a licence takes effect from such date as the Commission may determine, or, if no such determination is made, from the issue thereof. Period of licences.

“(2) Subject to this section, a licence (other than an ancillary licence or a temporary licence) expires on the triennial date next following the date on which it is issued.

“(3) Subject to this section, an ancillary licence, unless renewed or further renewed, expires on the expiration of twelve months from the date on which it was issued or last renewed.

“(4) Where an application has been made for the re-issue or renewal of a licence and that application has not been finally determined by the Commission before the date on which, but for this subsection, the licence would expire, that licence continues in force until the application is finally determined by the Commission.

“(5) Where the Commission has notified an applicant for the issue or renewal of a licence that it has determined to issue or renew that licence and within a period of three months following that notification the applicant fails to pay the fee required by this Act to be paid before the licence may be issued or renewed, the Commission may refuse to issue or renew that licence.

“(6) Where, within a period of one month following the issue of a licence, the licensee has not exercised the authority granted by the licence the Commission may cancel the licence.

“16C—(1) No licence specified in Part I of the third schedule shall be issued unless there is paid to the Commission the annual fee that is specified in relation to that licence in that Part. Fees.

“(2) No ancillary licence shall be issued or renewed, unless there is paid to the Commission the fee that is specified in relation thereto in Part II of the third schedule.

“(3) No temporary licence shall be issued unless there is paid to the Commission the fee that is specified in relation thereto in Part II of the third schedule.

“(4) No licence shall be transferred unless there is paid to the Commission the fee that is specified in relation thereto in Part II of the third schedule.

“(5) A person holding a licence (other than an ancillary licence or a temporary licence) shall pay to the Commission such annual fees as are specified in Part I of the third schedule with respect to that licence.

“(6) An annual fee required to be paid in respect of a licence under subsection (5) of this section becomes due on each thirty-first day of July during which the licence remains in force, except that thirty-first day of July that falls within the same month as that in which the licence is issued.

“(7) A licence is of no effect during any period in which an annual fee required to be paid in respect of that licence under subsection (5) of this section is due and remains unpaid.”.

Conditions and restrictions in respect of public vehicle licences.

**13** Section seventeen of the Principal Act is amended by inserting in subsection (3) after the word “conditions” the words “or restrictions”.

**14** After section seventeen of the Principal Act the following sections are inserted:—

Tickets and stamps for certain journeys by coach or carrier.

“17A—(1) This section applies to any journey in a vehicle between places on a route specified in a coach licence or a carrier licence in force in respect of that vehicle, not being a route which is wholly comprised within one traffic area.

“(2) No person shall, for any consideration, whether given to himself or any other person, carry any person as a passenger on a journey to which this section applies, or cause or allow a person to be so carried, unless there is issued to or for that person an authorized ticket that shows the amount of the fare paid for the carriage of that person on that journey and that ticket is cancelled in the prescribed manner at the time at which it is issued.

“(3) No person shall demand or accept, or cause or allow to be demanded or accepted, any payment or other consideration for the carriage of any person on a journey to which this section applies other than the fare shown on the authorized ticket issued in respect of that journey in accordance with subsection (2) of this section.

“(4) No person shall, for any consideration, whether given to himself or any other person, carry any goods on a journey to which this section applies, or cause or allow any goods to be so carried unless there is affixed to those goods an authorized stamp that shows the amount of the consideration paid for the carriage of those goods on that journey and that stamp is cancelled in the prescribed manner.

“(5) No person shall demand or accept, or cause or allow to be demanded or accepted, any payment or other consideration for the carriage of any goods on a journey to which this section applies other than that shown on the authorized stamp affixed to those goods in respect of that journey in accordance with subsection (4) of this section.

“(6) Subsections (4) and (5) of this section do not apply to the carriage of goods in respect of which an exemption is in force under section seventeen B.

“(7) Where goods (other than the luggage of a passenger being carried in the vehicle) are carried in a vehicle without charge on a journey to which this section applies, the holder of the licence in respect of that vehicle shall pay to the Commission such percentage as may be prescribed of that number of shillings that is the product of the weight of those goods measured in tons and the length of the journey measured in miles.

“(8) The Commission may issue, or make arrangements for the issue of, authorized tickets and authorized stamps to the holders of coach licences or carrier licences on the payment to the Commission of—

- (a) a sum, determined in such manner as may be prescribed, in respect of the costs incurred in the manufacture or issue of those tickets or stamps; and
- (b) a sum equivalent to the prescribed percentage of the aggregate of fares or amounts shown on the tickets or stamps issued.

“(9) The holder of a coach licence or a carrier licence in respect of a vehicle and the driver of that vehicle shall keep such records and accounts as may be prescribed with respect to the authorized tickets and authorized stamps issued in respect of that licence and the licensee shall furnish the Commission in such manner and at such intervals as may be prescribed with a return containing such particulars as may be prescribed with respect to the use of any vehicle under the authority of the licence during any period and the authorized tickets or authorized stamps issued or used in connection with the licence during that period.

“(10) In this section ‘authorized ticket’ and ‘authorized stamp’ means respectively an authorized ticket or authorized stamp issued under subsection (8) of this section.

“17B—(1) On the application of the holder of a carrier licence, the Commission may grant exemption from compliance with the provisions of section seventeen A in respect of the goods, or any of the goods, carried in the vehicle in respect of which that licence is in force. Exemption from use of stamps.

“(2) An exemption granted under this section remains in force for such time as the Commission may determine.

“(3) The holder of a licence in respect of which an exemption is in force under this section shall furnish to the Commission not later than the fifteenth day in each month a return in the prescribed form showing the amounts of the freights earned in respect of the carriage during the preceding month, in the vehicle operated under the authority of that licence of the goods to which the exemption relates, and shall pay to the Commission the prescribed percentage of the freights shown in the return.

“17C—(1) The holder of—

- (a) an aircraft licence; or
- (b) a permit granted under paragraph II of subsection (2) of section twenty,

Payment of prescribed percentage in respect of aircraft and vehicles operated under permit.

shall, if so required by the Commission in writing, furnish to the Commission, not later than the fifteenth day in each month a return in the prescribed form showing the amounts of the fares and freights earned in respect of any vehicle or aircraft operated under the authority of that licence or permit during the preceding month and shall pay to the Commission the prescribed percentage of the fares and freights shown in the return.



“(2) Nothing in this section requires a return to be furnished in respect of the fares or freights earned in any month unless the requirement in pursuance of which the return is furnished was made before the commencement of that month.

“(3) Where goods (other than the luggage of a passenger being carried in the vehicle or aircraft) are carried without charge in a vehicle or aircraft freight shall, for the purposes of this section, be deemed to have been earned for the carriage of those goods at the rate of one shilling per ton for each mile the goods are carried in that vehicle or aircraft.

Freight and  
passenger  
books in  
aircraft.

“17D—(1) The holder of an aircraft licence shall, if so required by the Commission in writing, cause a freight and passenger book in the prescribed form to be carried in any aircraft operated under the authority of the licence.

“(2) Immediately upon the entrance of any person into an aircraft for the purpose of being carried therein or upon the placing of any goods in the aircraft for the purpose of being transported thereby, the person holding the licence in respect of the aircraft and the person who is in charge of the aircraft for the purpose of its use for the carriage of that person or the transport of those goods shall make, or cause to be made, in the freight and passenger book required to be kept in the aircraft under subsection (1) of this section, an entry containing such particulars as may be prescribed with respect to the person entering the aircraft or the goods placed therein.”

Duties of  
licensees.

## 15 Section eighteen of the Principal Act is amended—

- (a) by omitting from subsection (1) the words commencing with the word “in” (first occurring) and ending with the word “licensed” (second occurring in paragraph 1 of that subsection) and substituting therefor the words “shall, if the licence is an aircraft licence or authorizes the use of a vehicle over a route not wholly comprised in one traffic area or if the vehicle to which the licence relates is being operated under a permit outside the area or route in or over which it is authorized to be used under the licence”;
- (b) by omitting from sub-paragraph (a) of paragraph 1 of that subsection the words “licensed vehicle” and substituting therefor the words “vehicle or aircraft to which the licence relates”;
- (c) by omitting from sub-paragraph (c) of that paragraph the words “such vehicle” (wherever occurring) and substituting therefor, in each case, the words “the vehicle or aircraft”;
- (d) by omitting from that sub-paragraph the words “parcels and things” and substituting therefor the word “goods”;

- (e) by inserting in that sub-paragraph after the word "officer" the words "or authorized officer";
- (f) by omitting from paragraph I of subsection (1) the words commencing with the words "licensed as" and ending with the words "that purpose" and substituting therefor the words "or aircraft to which this paragraph applies";
- (g) by omitting paragraphs II and III of that subsection;
- (h) by inserting after that subsection the following subsections:—

"(1A) A licensee shall, within fourteen days after entering into an agreement or arrangement with respect to transport facilities made either orally or in writing with any person by whom such facilities are provided, supply to the Commission full and true particulars of that agreement or arrangement.

"(1B) Where damage is occasioned to a vehicle in respect of which a licence is in force the licensee—

(a) shall, within twenty-four hours of that damage being occasioned, give notice to the Commission of the damage that has been occasioned; and

(b) shall, on being so required by an authorized officer, give to that officer such information as he may require with respect to that damage and the manner in which it was occasioned.

"(1C) It is a defence in any proceedings for a contravention of paragraph (a) of subsection (1B) of this section to show that the damage was of such a minor character that after its occurrence the vehicle was reasonably capable of being used in a public street for the purposes for which it is authorized to be used under the licence without risk of injury to any passenger carried therein or to other persons using the street.

"(1D) The holder of a licence in respect of a vehicle shall, when any alteration is being carried out to the vehicle or to the equipment thereof or within twenty-four hours of the completion of such an alteration furnish to the Commission particulars of the alteration, unless it consists only in the replacement of a part of the vehicle or of any equipment or any part of any equipment of the vehicle.";

- (i) by omitting from subsection (3) the words "any public" and substituting therefor the word "a"; and
- (j) by omitting subsections (1) and (3).

Transfer of  
licences.

**16** Section nineteen of the Principal Act is amended—

- (a) by omitting from subsection (3) the word "The" (first occurring) and substituting therefor the words "Subject to subsection (3A) of this section, the";
- (b) by inserting in subsection (3) after the word "conditions" the words "or restrictions";
- (c) by inserting after that subsection the following subsections:—

"(3A) The Commission shall not, except—

- (a) where the application is made by the representative of a holder of a licence who has died or become bankrupt or insane; or
- (b) where, in the special circumstances of the case, the Commission considers it reasonable so to do,

transfer a licence (other than an ancillary licence) within three years after the date on which it was first issued or within three years after the date on which it was last transferred (otherwise than on the application of the representative of a holder thereof who has died or become bankrupt or insane).

"(3B) Where the issue of a licence has, for the purposes of this Part, the effect of the re-issue of a licence, the licence so issued shall for the purposes of subsection (3A) of this section be deemed to be the same licence as the licence that has been re-issued.";

- (d) by inserting in subsection (4), after the word "Commission", the words "an authorized officer, or a police officer";
- (e) by omitting from that subsection the words "public vehicle" and substituting therefor the words "vehicle or aircraft";
- (f) by omitting from that subsection the words "of the same class and belonging to the same owner" and substituting therefor the words "or aircraft"; and
- (g) by inserting in that subsection, after the word "vehicle" (last occurring), the words "or aircraft".

Exemptions  
and permits.

**17** Section twenty of the Principal Act is amended—

- (a) by omitting paragraph I of subsection (1) and substituting therefor the following paragraph:—

"I In respect of any hire-car licences authorizing the use of the vehicles to which those licences relate as public vehicles for the carriage of passengers on specified portions of the excluded roads:";

- (b) by inserting in paragraph II of subsection (1) after the word "vehicle" (twice occurring) in each case the words "or aircraft";
- (c) by omitting paragraph III of that subsection and substituting therefor the following paragraph:—
  - "III In particular cases—
  - (a) from the requirements of section seventeen A or section seventeen B; or
  - (b) from the payment of any sums otherwise required to be paid to the Commission under section seventeen A, under section seventeen B, or under section seventeen C.";
- (d) by inserting after that subsection the following subsection:—
  - "(1A) Where an exemption is granted under paragraph I of subsection (1) of this section with respect to any hire-car licences the portions of the excluded roads specified in that exemption shall, in relation to those licences, be deemed not to form part of the excluded roads.";
- (e) by inserting in subsection (2) after the word "Commission" the words "an authorized officer,";
- (f) by omitting from paragraph I of that subsection the words "holders of licences in respect of hire-cars empowering such holders to carry" and substituting therefor the words "holder of a hire-car licence authorizing the carriage in the vehicle to which the licence relates of", and by omitting from that paragraph the words "in such cars";
- (g) by omitting from paragraph II of that subsection the word "public";
- (h) by omitting from paragraph III of that subsection the words "or inanimate things"; and
- (i) by inserting in subsection (3) after the word "on" the words "authorized officers and".

**18** Section twenty A of the Principal Act is amended—

- (a) by omitting from subsection (1) the words "under this Part" and the words "under section twenty";
- (b) by omitting from subsection (3) the word "public" (first occurring);
- (c) by omitting from paragraph I of that subsection the words "public vehicle that is licensed to operate in or over a regular route" and substituting therefor the words "vehicle in respect of which a coach licence is in force in which is specified a route that is";
- (d) by omitting from subsection (4) the word "public" (first occurring);

Special payments by licensees.

- (e) by omitting from paragraph 1 of that subsection the words "public vehicle that is licensed to operate in or over a regular route" and substituting therefor the words "vehicle in respect of which a carrier licence is in force in which is specified a route that is";
- (f) by inserting in subsection (6), after the word "section", the words "in respect of a vehicle";
- (g) by omitting from that subsection the word "public";
- (h) by inserting in that subsection, after the word "permit", the words "in respect of the vehicle,";
- (i) by omitting from subsection (7) the words "under this Part" and the words "under section twenty"; and
- (j) by omitting subsections (8) and (9) and substituting therefor the following subsections:—

"(8) In this section—

'passenger-carrying vehicle' means a vehicle that, by virtue of a licence is authorized to be used as a public vehicle for the carriage of passengers, but is not authorized to be used as a public vehicle for the carriage of goods, other than—

(a) the luggage of those passengers; and

(b) parcels none of which exceeds fifty-six pounds in weight;

'goods-carrying vehicle' means a vehicle, in respect of which a licence is in force, that is not a passenger-carrying vehicle.

"(9) For the purposes of this section, the number of passengers that a vehicle is licensed to carry and the weight of a vehicle unladen shall be determined in such manner as may be prescribed or, if no such manner is prescribed, in such manner as the Commission may determine."

Exemptions  
from pay-  
ments under  
section 20A.

**19** Section twenty B of the Principal Act is amended—

- (a) by omitting from subsection (1) the words "public vehicle is operated" and substituting therefor the words "vehicle is used as a public vehicle";
- (b) by omitting from that subsection the word "public" (second occurring);
- (c) by omitting from subsection (2) the words "public vehicle is operated" and substituting therefor the words "vehicle is used as a public vehicle";

- (d) by omitting from subsection (3) the words “public vehicle that is used for the carriage of passengers or goods, or both,” and substituting therefor the words “vehicle that is used as a public vehicle”; and
- (e) by omitting from subsection (4) the word “public”.

**20** Section twenty-one of the Principal Act is repealed.

Hire-cars on certain main roads.

**21** Section twenty-two of the Principal Act is amended—

Cancellation of licences.

- (a) by omitting from subsection (1) the words “constituted under Part IIIA”;
- (b) by omitting from paragraph I of that subsection the words “under Part III”;
- (c) by inserting in that subsection after paragraph I thereof the following paragraph:—
- “IA The holder of a licence is no longer a fit and suitable person to hold that licence: or”;
- (d) by omitting subsection (2) and substituting therefor the following subsections:—

“(2) Where the holder of a licence has been convicted three times of offences under paragraph II of subsection (1) of section twenty-four, and not longer than three years has elapsed between the first and last of those convictions, the tribunal, upon the complaint of the Commission, shall cancel the licence unless, having regard to the nature of the offences and to all the circumstances of the case, it considers it unreasonable so to do.

“(3) Where there have been three convictions for such offences as are specified in subsection (4) of this section committed by a licensee, or in connection with a business carried on by him, and not longer than three years has elapsed between the first and last of those convictions, the tribunal, upon the complaint of the Commission, shall cancel any licence held by that person, unless, having regard to the nature of the offences and to all the circumstances of the case, it considers it unreasonable so to do.

“(4) The offences referred to in subsection (3) of this section are offences committed under—

- (a) subsection (4) or subsection (5A) of section twenty-four in relation to any book, record, return, or account required to be kept or furnished under section seventeen A, section seventeen B, or subsection (1) of section eighteen; or
- (b) subsection (9) or subsection (9A) of section twenty-four.

“(5) No complaint under subsection (2) or subsection (3) of this section shall be made after the expiration of whichever of the following periods is last to expire:—

- (a) A period of three years after the first conviction in respect of which the complaint is made; or
- (b) A period of three months after the last of the three convictions in respect of which the complaint is made.

“(6) For the purposes of this section a person shall be deemed to have been convicted of an offence upon the ordinary date on which the period allowed for making an appeal against that conviction expires, or if such an appeal is made, the date on which the appeal is finally disposed of or abandoned or fails by reason of the non-prosecution thereof.

“(7) A decision of the tribunal under this section with respect to the cancellation of a licence is final and without appeal.”.

**22** Section twenty-two A of the Principal Act is repealed and the following section is substituted therefor:—

Gazette of certain decisions.

“22A—(1) The Commission shall publish notice in the *Gazette* of the issue of a licence (other than the re-issue of a licence) and of its refusal to issue a licence.

“(2) A notice published under this section of the issue of a licence shall specify the conditions and restrictions imposed by the Commission in respect of the licence.

“(3) Where the Commission makes any variation of the conditions or restrictions imposed in respect of a licence it shall publish a notice in the *Gazette* of those variations.

“(4) Subsections (2) and (3) of this section do not apply to any conditions, restrictions, or variations so far as they relate only to the fares and freights to be charged for the carriage of passengers or goods, any time-tables to be observed, any picking-up or putting-down places to be used, or the number of passengers that may be carried in a vehicle.

“(5) This section does not apply to ancillary licences.”.

Offences in relation to public vehicles.

**23** Section twenty-four of the Principal Act is amended—

- (a) by omitting paragraph I of subsection (1) and substituting therefor the following paragraph:—

“ I In respect of which a licence is in force, for any purpose other than a purpose for which it is authorized to be used under that licence.”;

- (b) by omitting from paragraph II of that subsection the word “traffic”;
- (c) by omitting paragraph III of that subsection and substituting therefor the following paragraph:—

“ III In respect of which a licence is not in force:”;

- (d) by omitting from paragraph v of that subsection the words “ such trailer is licensed as a public vehicle ” and substituting therefor the words “ a licence is in force in respect of that trailer ”;
- (e) by inserting in paragraph VI of that subsection after the word “ condition ” the words “ or restriction ”;
- (f) by omitting from that subsection the words “ under this Act ” (first occurring) ;
- (g) by omitting from that subsection the word “ Twenty ” and substituting therefor the word “ Fifty ”;
- (h) by omitting subsection (3) and substituting therefor the following subsections:—

“(3) Where a person is convicted of an offence under subsection (1) of this section and at the time at which the offence was committed he held a licence in respect of the vehicle in respect of which the offence was committed, the court, in addition to or in lieu of imposing any other penalty, may order him to pay to the Commission a sum equivalent to the fee which would have been required to have been paid under this Act if such a permit had been granted as would have authorized the driving or use of that vehicle at the time and place at which, and for the purposes for which and the circumstances in which it was being driven or used when the offence was committed or, if no such permit could have been granted, such other sum as the court considers reasonable, having regard to the purposes for which, at the time the offence was committed, permits could be granted and the amounts of the fees that were payable for those permits.

“(3A) Any sums paid to the Commission under an order made under subsection (3) of this section shall be deemed to be fees paid under this Act.

“(3B) No person, driving or using a motor vehicle constructed primarily for the carriage of goods shall, except as may otherwise be authorized by a licence or permit, carry any other person therein or permit any other person to ride therein, unless that person is seated on a seat beside the driver.

Penalty: Ten pounds.”;

- (i) by omitting from subsection (4) the words commencing with the word “ being ” and ending with the word “ vehicles.”;



- (j) by omitting from paragraph I of that subsection the word "Act" and substituting therefor the word "Part";
- (k) by omitting paragraph II of that subsection and substituting therefor the following paragraph:—

"II To supply or furnish to the Commission any information, particulars, or return which by this Part he is required so to supply or furnish:";

- (l) by omitting from paragraph III of that subsection the word "Act" and substituting therefor the word "Part";
- (m) by inserting after subsection (5) the following subsection:—

"(5A) No person who is required by this Part to keep, or cause to be kept, any freight and passenger book or any record, or to make, or cause to be made, any entry in a freight and passenger book or in that record shall make, or cause to be made, any entry therein which to his knowledge is false in any material particular.

Penalty: One hundred pounds.";

- (n) by omitting from subsection (6) the word "Five" and substituting therefor the word "Ten";
- (o) by omitting subsections (8) and (9) and substituting therefor the following subsections:—

"(8) No person shall advertise or publish in a newspaper an advertisement inviting persons to become passengers in, or intimating that persons will be carried as passengers in, a vehicle or aircraft, unless the name and the address of the place of abode or business of that person appears in the advertisement and the carriage of passengers in the manner, and at the times and for the purposes, indicated in the advertisement is authorized by this Act or otherwise.

Penalty: Twenty pounds.

"(9) On demand being made by a police officer or an authorized officer the driver of a vehicle shall produce to the person making the demand any authorized tickets or authorized stamps issued under section seventeen A which may be in his possession or in the vehicle and any record which he is required to keep under that section.

Penalty: Ten pounds.

"(9A) Where by this Act a freight and passenger book is required to be carried in a vehicle or aircraft, the person holding a licence in respect of the vehicle or aircraft, any person in charge of the vehicle or aircraft, and any person who has the custody of that book shall—

- (a) on demand being made by a police officer or an authorized officer produce that book to the person making the demand; and
- (b) on being so required by the Commission, deliver the book to the Commission.

Penalty: Ten pounds.”;

- (p) by inserting in subsection (10) after the word “using” the words “a vehicle that is being used as”;
- (q) by omitting paragraphs III and IV of that subsection;
- (r) by inserting in paragraph V of that subsection, after the word “officer”, the words “or an authorized officer”;
- (s) by inserting after subsection (10) the following subsections:—

“(10A) No person hiring or using a vehicle or aircraft that is being used as a public vehicle shall—

- (a) misconduct himself while using that vehicle or aircraft; or
- (b) wilfully damage that vehicle or aircraft.

Penalty: Fifty pounds.

“(10B) Where a person is convicted of an offence under subsection (10A) of this section the court in addition to, or in lieu of, imposing any penalty may order the defendant to pay to the owner of the vehicle or aircraft in respect of which the offence was committed such sum as the court considers reasonable in compensation for any damage done to the vehicle or aircraft in the course of the commission of the offence.”;

- (t) by omitting paragraph II of subsection (12) and substituting therefor the following paragraphs:—

“II Drive or use on a public street a vehicle having upon it, in a manner calculated to deceive, any words, device, or sign representing that the vehicle is available for hire or use as a public vehicle, or hire or use a public vehicle on any route, or within any area, or for any purpose, unless a licence is in force in respect of that vehicle authorizing it to be so hired or used:

“II A Drive or use on a public street a vehicle having on it a number-plate or number prescribed by this Part to be placed on or affixed to a vehicle in respect of which a licence is in force or any number-plate resembling such a num-

ber-plate, unless, by reason of a licence being in force in respect of that vehicle, that number-plate or number is required to be placed on or affixed to that vehicle.”;

- (u) by omitting paragraphs III and IV of that subsection;
- (v) by omitting from that subsection the word “Twenty” and substituting therefor the word “Fifty”; and
- (w) by omitting subsection (13) and substituting therefor the following subsections:—

“(13) No person shall operate or use, or cause or allow to be operated or used, an aircraft as a public vehicle for any purpose or in any manner unless there is in force in respect of that aircraft a licence that authorizes its use for that purpose or in that manner.

Penalty: Fifty pounds.

“(14) Subsection (13) of this section does not apply to the operation or use of an aircraft on a journey made in a special emergency if full particulars thereof are furnished in the prescribed form to the Commission within seven days after the completion of the journey.”.

Inspection  
of public  
vehicles.

**24** Section twenty-five of the Principal Act is amended—

- (a) by omitting subsections (1) and (2) and substituting therefor the following subsections:—

“(1) A police officer or an authorized officer may inspect—

- (a) any vehicle or aircraft in respect of which a licence is in force or which he has reason to believe is being used as a public vehicle, the equipment thereof, and any goods being carried thereon, and any horse used for drawing any such vehicle and the harness thereof; and

- (b) any vehicle, aircraft, or horse, or any equipment or harness used in connection therewith, that is on or in any premises occupied by a licensee or used in connection with the operation of vehicles or aircraft under the authority of a licence,

and an authorized officer, if he has reason to believe that any vehicle in respect of which a licence is in force, is not in a fit condition to be used for any of the purposes for which it is authorized to be used under that licence, may require any mechanism or part of that vehicle to be dismantled for the purpose of ascertaining whether the vehicle is so fit.

“(2) A police officer or an authorized officer for the purpose of exercising any power conferred on him by subsection (1) of this section may, at any reasonable time, enter any premises that are referred to in paragraph (b) of that subsection.

“(2A) Where an authorized officer or a police officer has reason to suspect that stolen property is on or in a vehicle or aircraft in respect of which a licence is in force or which he has reason to believe is being used as a public vehicle he may search that vehicle or aircraft and any package, container, or load thereon or therein.

“(2B) For the purposes of the exercise of his powers under subsection (2A) of this section the authorized officer or police officer may require any vehicle to stop.”; and

- (b) by omitting from subsection (3) the words “such officer” and substituting therefor the words “an authorized officer or a police officer”.

**25** Section twenty-seven of the Principal Act is amended by omitting therefrom the words “all courts” and substituting therefor the words “any proceedings (whether under this Act or otherwise)”. Evidence of records.

**26** Section thirty of the Principal Act is amended—

- (a) by omitting paragraph IV of subsection (1);  
 (b) by omitting from paragraph XII of that subsection the word “Regulate” and substituting therefor the words “Require and regulate”; and  
 (c) by inserting the following paragraph after that paragraph:—

“XII A Regulate the issue and keeping of authorized tickets and authorized stamps for the purpose of section seventeen A, and provide for and regulate the inspection of any such authorized tickets and authorized stamps and the records and accounts kept in connection therewith:”.

**27** Section thirty B of the Principal Act is amended—

- (a) by omitting from sub-paragraph (a) of paragraph I of subsection (1) the word “grant” and substituting therefor the word “issue”;  
 (b) by omitting from that sub-paragraph the words “, or to renew any such licence held by the appellant”;  
 (c) by inserting after that sub-paragraph the following sub-paragraph:—

“(ab) The refusal of the Commission to renew a licence under section fourteen A or an ancillary licence under Part III: or”;

Regulations under Part III.

Appeals to Public Vehicles Licensing Appeal Tribunal.

- (d) by adding at the end of paragraph I of subsection (1) the following sub-paragraph:—  
 “(e) The refusal of the Commission to transfer a licence under Part III or section fourteen A: or”;
- (e) by omitting from paragraph II of that subsection the words “or under section fourteen A”;
- (f) by inserting after subsection (1) the following subsection:—  
 “(1A) Nothing in paragraph II of subsection (1) of this section authorizes any person to bring an appeal by reason only of his holding an ancillary licence or authorizes an appeal to be brought in respect of the issue of an ancillary licence or any decision in relation to an ancillary licence.”;
- (g) by omitting subsection (8) and substituting therefor the following subsection:—  
 “(8) On an appeal under this section the tribunal may (unless it dismisses the appeal) make such order as it thinks just and reasonable in the circumstances directing the Commission to issue, transfer, or cancel any licence, or to impose, vary, or remove any condition or restriction in respect of a licence, and the Commission shall comply with that order.”; and
- (h) by adding at the end of subsection (9) the words “, and any person to whom any such costs are awarded may recover them in any court of competent jurisdiction, as a debt due from the person against whom they are awarded.”.

Allowances  
to witnesses.

**28** Section thirty C of the Principal Act is amended by omitting therefrom the words “Table A in Appendix O to”.

Traffic  
regulations.

**29** Section thirty-one of the Principal Act is amended—

- (a) by omitting from paragraph VIII of subsection (1) the words “or other things”;
- (b) by omitting from paragraph XIII of that subsection the words “, articles, or things,”;
- (c) by omitting from paragraph I of subsection (2) the words “or other articles”;
- (d) by omitting from paragraph III of that subsection the words “or articles”.

Reckless  
driving.

**30** Section thirty-two of the Principal Act is amended by inserting after subsection (4) the following subsection:—

“(4A) Where a person is committed to take his trial on a charge of manslaughter in respect of the death of any person alleged to have arisen from the driving by the person charged of a motor vehicle, a Crown law officer may file an indictment against the person charged for an offence under subsection (1) of this section arising out of the circumstances in which the manslaughter is alleged to have been committed as if the justice by whom he was committed for trial, instead of committing

him for trial on a charge of manslaughter, had committed him for trial on a charge for that offence, and, where such an indictment is filed the offence to which it relates shall be deemed to be a crime within the meaning of the *Criminal Code*, and to be punishable on indictment thereunder accordingly.

“(4B) Subsection (4A) of this section applies in respect of a person committed by a coroner to take his trial on a charge of manslaughter, as if for the reference therein to the justice by whom he was committed for trial there were substituted a reference to that coroner, and for the purposes of that subsection that coroner shall be deemed to have had power to commit that person to take his trial on a charge of an offence under subsection (1) of this section.”.

**31** Sections thirty-five and thirty-six of the Principal Act are repealed and the following sections are substituted therefor:—

“35—(1) Where a person is charged with an offence under this Act as the driver of a motor vehicle or of an offence under section forty-one he shall produce to the court before which he is charged any licence or other authority (whether issued in this State or elsewhere) that authorizes him to drive a motor vehicle in this State. Production of licence at court.

“(2) Where a person fails to comply with subsection (1) of this section in respect of any charge the court before which he is charged may forthwith, and on its own knowledge of the offence, impose on him a penalty not exceeding five pounds.

“36 Where a person is convicted of an offence under this Act as a driver of a motor vehicle, except an offence against subsection (1) of section forty-one, the court by which he is convicted may, in lieu of or in addition to imposing any other penalty, order him to be disqualified for obtaining or holding a driver's licence for such period as the court thinks fit. Disqualifications for holding or obtaining licence.

“36A—(1) Where a person is disqualified for obtaining or holding a licence under this Act any licence or authority (whether issued in this State or elsewhere) by virtue of which he is authorized to drive a motor vehicle in this State is suspended for so long as the disqualification remains in force, and any such licence or authority, while it remains so suspended, is of no effect. Effect of disqualification.

“(2) Where a driver's licence is suspended under this section the Commission may retain that licence in its possession for so long as it is so suspended.

“(3) Where a driver's licence is suspended under this section or is of no effect by virtue of subsection (4) or subsection (5) of this section the person by whom it is held shall, on demand being made to him by a police officer or an authorized officer, deliver the licence to that police officer or authorized officer or to the Commission.

“(4) No person while he is disqualified for obtaining or holding a driver's licence by an order of a court under section thirty-six or section forty-one shall apply for, or obtain, a driver's licence and a driver's licence obtained by such a person is of no effect.

“(5) No person who has been disqualified for obtaining or holding a driver’s licence under section thirty-six or section forty-one shall apply for, or obtain, a driver’s licence unless he gives to the authority issuing the licence particulars of that disqualification, and a driver’s licence obtained by such a person without giving to that authority those particulars, is of no effect.

Indorsement  
of drivers’  
licences.

“36B—(1) Where a person is convicted of an offence under this Act as the driver of a motor vehicle or of an offence under section forty-one the court by which he is convicted shall cause to be indorsed on any driver’s licence issued to him particulars of that conviction and of the penalty imposed or other order made by the court thereon.

“(2) A person who, having been convicted of such an offence as is referred to in subsection (1) of this section, fails when so directed by the court, to produce to the court any driver’s licence issued to him, within such period as the court may determine is guilty of an offence and liable to a penalty of twenty pounds and to a further penalty of ten pounds for each day following the expiration of that period until the licence is so produced.

“(3) For the purposes of this section, where a person has been convicted of such an offence as is referred to in subsection (1) of this section, the delivery of a driver’s licence issued to him to a police officer, on the request of the officer or for the purpose of its being indorsed in accordance with this section, shall have the like effect as the production of the licence to the court.

“(4) Where a court causes an indorsement to be made on a licence under this section it shall cause the Commission to be notified of the fact, and the Commission shall cause records to be kept of the notifications made to it under this subsection and shall cause particulars of every conviction or order so notified to it in respect of any person to be indorsed upon every driver’s licence or document in lieu thereof that may be issued to that person.”.

Unauthorized  
use of motor  
vehicles.

**32** Section thirty-seven of the Principal Act is amended—

- (a) by inserting in subsection (1) after the word “officer” the words “or an authorized officer”; and
- (b) by omitting from subsection (2) the word “Twenty” and substituting therefor the word “Fifty”.

Refusal to  
give name,  
&c.

**33** Section thirty-nine of the Principal Act is amended—

- (a) by inserting in subsection (1) after the word “officer” the words “or an authorized officer”; and
- (b) by inserting in subsection (2) after the word “officer” the words “or an authorized officer”.

Obstruction  
of police, &c.

**34** Section forty of the Principal Act is amended by inserting after the word “officer” the words “or authorized officer”.

**35** Section forty-one of the Principal Act is amended—

(a) by inserting in subsection (1) after the word “liquor” the words “or while he is in such a condition, arising from the administration of a drug, as to be incapable of driving the vehicle without risk of danger to other persons.”;

Operating  
vehicle while  
intoxicated.

(b) by omitting subsections (2), (3), (4), and (5) and substituting therefor the following subsections:—

“(2) Subject to subsection (3) of this section, where a person is convicted of an offence under subsection (1) of this section the court by which he is convicted shall, in addition to any other penalty it imposes on him, order him to be disqualified for obtaining or holding a driver’s licence for such period as the court may determine, being a period of not less than—

(a) twelve months, on his first conviction for such an offence; or

(b) three years, on his second conviction for such an offence.

“(3) Notwithstanding anything in subsection (2) of this section where a person is convicted of an offence under subsection (1) of this section arising from the administration of a drug and has not previously been convicted of an offence under that subsection arising from the administration of a drug the court is not required to order him to be disqualified for obtaining or holding a driver’s licence, but may order him to be so disqualified for such period as the court may determine.

“(4) Where a person is convicted of an offence under subsection (1) of this section, having been twice previously convicted of such an offence, he is disqualified for obtaining or holding a driver’s licence unless that disqualification is removed by an order of a police magistrate made under subsection (5) of this section.

“(5) Where a person is disqualified under subsection (4) of this section for obtaining or holding a driver’s licence he may, after the expiration of ten years from the date on which he was last convicted of an offence under subsection (1) of this section, apply to a police magistrate to remove the disqualification, and on that application, the police magistrate may, as he thinks proper, having regard to the character of the person making the application, his conduct subsequent to the conviction by virtue of which the disqualification was imposed, and the other circumstances of the case, by order remove the disqualification as from such date as may be specified in the order.



“(5A) No person shall drive a motor vehicle in a public street while he is disqualified under this section for obtaining or holding a driver’s licence.

Penalty: Imprisonment for not less than seven days or more than three months.”.

Additional regulations.

**36** Section forty-four of the Principal Act is amended—

(a) by inserting in paragraph I after the word “officers” the words “or authorized officers”; and

(b) by adding at the end thereof the following subsection:—

“(2) A statutory declaration required by or for the purposes of this Act may be made before such person as may be prescribed.”.

Traffic notices by local authorities.

**37** Section forty-seven of the Principal Act is repealed.

**38** Section forty-nine of the Principal Act is repealed and the following section substituted therefor:—

Erection of standards, &c., by Commission.

“49—(1) The Commission may, for the purpose of marking stands, safety zones, or parking areas or for the purpose of guiding, directing, or regulating traffic, place, erect, or install in public streets, posts, standards, domes, studs, and other contrivances and may make markings on or in the surface of a public street.

“(2) A person who wilfully or negligently damages any posts, standards, domes, studs, or other contrivances erected or installed under this section or who wilfully obliterates or defaces any markings made under this section is guilty of an offence against this Act.”.

Facilitation of proof of certain matters.

**39** Section fifty-one of the Principal Act is amended—

(a) by inserting after paragraph v of subsection (1) the following paragraphs:—

“V A The production of a certificate signed by any one or more members of the Commission and countersigned by the secretary of the Commission or signed by the officer in charge of any of the records referred to in sections eleven or twenty-seven stating the amount of the fee that was payable under this Act for the issue of such a permit as is specified in the certificate on such a date as may be so specified shall be *prima facie* evidence of the facts stated therein:

“V B A certificate, licence, authority, or other document purporting to be issued under the law of any place outside this State, shall, unless the contrary be shown, be presumed to have been issued under that law and to have effect according to its tenor:”; and

- (b) by inserting in subsection (3), after the words "police officer" (wherever occurring), the words "or an authorized officer".

**40** Section fifty-four of the Principal Act is repealed. Appropriation of fees.

**41** Section fifty-eight of the Principal Act is amended by omitting from subsection (1) the words commencing with the words "and shall" and ending with the words "shall be granted". Functions of Commission.

**42** Section fifty-nine of the Principal Act is amended by inserting in subsection (8), after the word "streets", the words "or for the giving of information to persons driving on or using public streets". Traffic signs.

**43** Section sixty-one of the Principal Act is amended by omitting paragraphs III and IV. Regulations under Part VI.

**44** Section sixty-two of the Principal Act is amended— Interpretation of Part VII.

- (a) by omitting the definition of "Insurer" and substituting therefor the following definition:—

"'Insurer' means the Tasmanian Government Insurance General Manager or any registered insurer:"; and

- (b) by inserting after the definition of "Policy of insurance" the following definition:—

"'Registered insurer' means a person registered under section sixty-two A:".

**45** After section sixty-two of the Principal Act the following section is inserted:—

"62A—(1) Where application is made to the Commission in the prescribed manner by a person lawfully carrying on in the State the business of accident insurance, the Commission may, subject to such conditions as may be prescribed, register that person under this section. Registration of insurers.

"(2) The Commission may cancel the registration of any person under this section, and shall, on the application of a registered insurer, cancel his registration under this section.

"(3) The Commission shall not refuse to register any person under this section and shall not cancel (otherwise than on his application) the registration of any person under this section, unless it has served notice on that person of its intention so to do and, if, within fourteen days of the service of that notice, that person, by notice in writing so requires, has given that person an opportunity of being heard by the Commission or some person authorized by it in that behalf.

"(4) Where on the application of a registered insurer his registration under this section is cancelled, the cancellation shall have effect from such date as may be specified in the application, being a date within three months of the receipt by the Commission of the application.

“(5) Any person aggrieved by a decision of the Commission under this section may appeal to the Supreme Court, and the Supreme Court on hearing such an appeal may (unless it dismisses the appeal) quash the decision of the Commission or order the Commission to register the appellant under this section.

“(6) The Commission shall comply with an order made by the Supreme Court under this section.

“(7) Where an appeal is brought under this section against the cancellation of a registration that cancellation shall be of no effect until the appeal is finally determined or abandoned.

“(8) The Commission shall cause to be gazetted notices of any registration or cancellation of a registration made under this section.

“(9) The Commission shall cause a register to be kept of all registrations and cancellations made under this section, and any document purporting to be a copy of that register, or any part thereof, signed by any one or more members of the Commission and countersigned by the secretary of the Commission, or signed by the officer required by the Commission to keep that register shall be *prima facie* evidence of the facts stated therein.

“(10) No person, other than an insurer, shall—

- (a) issue or cause to be issued a policy of insurance that, if it were issued by an insurer, would comply with the requirements of this Part; or
- (b) offer to issue, or hold out that he is prepared to issue, such a policy.

Penalty: One hundred pounds.”.

Motor  
vehicles to be  
insured.

**46** Section sixty-three of the Principal Act is amended—

- (a) by inserting in subsection (1) after the word “vehicle” (first occurring) the words “in a public street”; and
- (b) by inserting after subsection (1) the following subsection:—

“(1A) Subsection (1) of this section does not apply to a motor vehicle that is exempt from registration by virtue of section ten B.”.

Policies of  
insurance.

**47** Section sixty-four of the Principal Act is amended—

- (a) by inserting in paragraph II of subsection (1), after the word “State”, the words “, or elsewhere in the Commonwealth ”;
- (b) by omitting paragraph I of subsection (2) and substituting therefor the following paragraph:—

“ I The payment by the insurer, in the case of claims in respect of the persons specified in subsection (2AA) of this section, of any sums exceeding—

- (a) two thousand pounds in respect of any claim in respect of any one such person; or
- (b) twenty thousand pounds in respect of all claims arising out of the same accident in respect of more of those persons than one, inclusive, in each case, of all costs in relation to each of those claims respectively:";
- (c) by omitting sub-paragraphs (b) and (c) of paragraph II of that subsection;
- (d) by inserting after that subsection the following subsection:—
  - “(2AA) The persons specified for the purposes of paragraph I of subsection (1) of this section are—
    - (a) persons who, at the time of the accident, are living with the insured or with his agent, as a member of his family respectively; and
    - (b) persons who, at the time of the accident, were entering, getting on to, alighting from, or being carried in the vehicle in respect of which the policy is issued, except, if at the time of the accident the vehicle was being used or operated as a public vehicle for the carriage of passengers and either a licence was in force under Part III authorizing passengers to be carried therein or a permit was in force under that Part authorizing it to be so used or operated, persons who were, or, by so entering or getting on to, were about to become, or, by so alighting, ceased to be, passengers in that vehicle.”; and
- (e) by omitting from paragraph I of subsection (3) the words “in this State”.

**48** Section sixty-six of the Principal Act is repealed and the following section substituted therefor: —

“66—(1) No motor vehicle shall be registered and the registration of a motor vehicle shall not be renewed or transferred unless there is produced to the registering authority a policy of insurance in relation to that vehicle that complies with the requirements of this Part and that, if the motor vehicle is registered or its registration is transferred or renewed, will enure—

No registration without insurance.

- (a) in the case of the registration of a tractor to which subsection (3) of section ten applies, for a period of twelve months from the date of registration;

(b) in the case of the transfer of the registration of such a tractor, until the next anniversary of the date on which the tractor was last registered; and

(c) in any other case, for the period for which the registration of the vehicle may remain in effect without renewal or further renewal.

“(2) No general identification mark shall be issued under paragraph VIII of subsection (1) of section ten unless there is produced to the registering authority a policy of insurance in relation to the vehicles in respect of which that general identification mark may be used that complies with the requirements of this Part and will enure for such period as may be prescribed.

“(3) No permit shall be issued under section twenty in respect of a motor vehicle unless there is produced to the Commission by the person to whom the certificate is issued a policy of insurance in respect of that vehicle that, on the assumption that the permit has been granted, complies with the requirements of this Part.

“(4) Where there is no policy of insurance that complies with the requirements of this Part in force in respect of a motor vehicle by reason of the cancellation of such a policy, the registration of that motor vehicle shall cease to have effect, but, if within one month of that cancellation there is produced to a registration authority a policy of insurance that complies with the requirements of this Part, and will enure for the remainder of the period for which the cancelled policy of insurance would have enured if it had not been cancelled, the registration shall again become of effect.

“(5) The production of a certificate containing such particulars with respect to a policy of insurance as may be prescribed, or if no such particulars are prescribed, as may be required by a registering authority, and executed by such person as may be prescribed or approved by the registering authority shall, for the purposes of this section, be treated as the production of that policy.

“(6) A policy of insurance shall for the purposes of this section be deemed to enure for any period notwithstanding that it may be cancelled during that period in accordance with section sixty-five.”.

Information  
by owner or  
driver.

**49** Section sixty-seven of the Principal Act is amended—

(a) by inserting after the word “officer” the words “or an authorized officer”; and

(b) by omitting the word “Ten” and substituting therefor the word “Twenty”.

Regulations  
under Part  
VII.

**50** Section seventy-seven of the Principal Act is amended by inserting in sub-paragraph (f) of paragraph II of subsection (1), after the word “insurers”, the words “or any nominal defendant”.

**51** The second schedule to the Principal Act is amended— <sup>Second</sup> <sub>schedule.</sub>

(a) by omitting the words “ *Dealers’ special number-plates* ” and substituting therefor the words “ *Number-plates issued under paragraph VIII of subsection (1) of section 10.* ”; and

(b) by omitting the item intituled “ *General—* ”.

**52** The third schedule to the Principal Act is repealed and <sup>Third</sup> <sub>schedule.</sub> the following schedule substituted therefor:—

“ THE THIRD SCHEDULE.

(Section 16C.)

“ FEES IN RESPECT OF PUBLIC VEHICLE LICENCES AND LICENCES FOR HIRE-AND-DRIVE CARS.

*Part I—Annual Fees.*

“ 1. Public vehicle licences (other than those specified in paragraphs 2 and 3 of this Part of this schedule) :—

(a) Coach licences, omnibus licences and cab licences ..... Seven shillings and sixpence for each passenger the vehicle in respect of which the licence is issued is authorized to carry while it is being used under the authority of the licence.

(b) Hire-car licences ..... Fifteen pounds.

(c) Carrier licences and cart licences ..... Three pounds.

2. Public vehicle licences in respect of horse-drawn vehicles :—

(a) Omnibus licences ..... Two pounds.

(b) Cab licences ..... Ten shillings.

(c) Carrier licences and cart licences ..... One pound.

3. Aircraft licences ..... One pound.

*Part II—Other Fees.*

1. Issue or renewal of an ancillary licence ..... One pound ten shillings.

2. Issue of a temporary licence ..... Ten shillings.

3. Issue of a licence under section 14A ..... Ten pounds.

4. Transfer of a public vehicle licence or a licence under section 14A ..... Ten shillings.”.

Consequential  
amendments  
of *Criminal  
Code.*

**53** Section three hundred and ninety-one A of the *Criminal Code* is amended—

- (a) by omitting all the words following the word “Code,” and substituting therefor the words “order him to be disqualified for obtaining or holding a driver’s licence under the *Traffic Act* 1925 for such period as the court thinks fit, and a disqualification so ordered has the like effect as a disqualification ordered under section thirty-six of that Act.”; and
- (b) by adding at the end thereof the following subsection:—

“(2) Section thirty-six B of the *Traffic Act* 1925 applies in relation to such a conviction as is referred to in subsection (1) of this section as it applies in relation to such a conviction as is referred to in subsection (1) of that section.”.

Consequential  
amendments  
of *Metropolitan  
Transport  
Act* 1954.

**54** Section forty-four of the *Metropolitan Transport Act* 1954 is amended—

- (a) by omitting paragraph (b) of subsection (1) and substituting therefor the following paragraph:—

“(b) except with the written consent of the Trust, issue or re-issue a coach licence under Part III of the *Traffic Act* 1925 in which is specified a route that is wholly within a metropolitan area.”; and

- (b) by omitting from subsection (2) the words “a licence in respect of a coach” and substituting therefor the words “a coach licence under Part III of that Act”.

Transitory  
provisions.

**55**—(1) A licence in respect of an aircraft has effect as if it were an aircraft licence, and any indorsement made on the licence under subsection (7) of section fifteen of the *Principal Act* (as it had effect immediately before the commencement of this Act) ceases to have effect.

(2) A licence that immediately before the commencement of this Act authorized a vehicle to be used as a coach has effect as if it were a coach licence in which is specified the route indorsed on that licence and in which is specified the goods that immediately before the commencement of this Act were authorized to be carried for any consideration in the vehicle between places on that route.

(3) A licence that immediately before the commencement of this Act authorized a vehicle to be used as an omnibus has effect as if it were an omnibus licence issued in respect of the area in respect of which that licence was issued.

(4) A licence that immediately before the commencement of this Act authorized a vehicle to be used as a cab has effect as if it were a cab licence issued in respect of the area in respect of which that licence was issued.

(5) A licence that immediately before the commencement of this Act authorized a vehicle to be used as a hire-car in one traffic area only has effect as if it were a cab licence issued in respect of that area.

(6) A licence (other than a licence referred to in subsection (5) of this section) that immediately before the commencement of this Act authorized a vehicle to be used as a hire-car has effect as if it were a hire-car licence issued in respect of the traffic area in which is situate the place at which the licence was issued.

(7) A licence that immediately before the commencement of this Act authorized a vehicle to be used as a carrier has effect as if it were a carrier licence in which is specified the route indorsed on that licence.

(8) A licence that immediately before the commencement of this Act authorized a vehicle to be used as a cart or a van has effect as if it were a cart licence issued in respect of the area in respect of which that licence was issued.

(9) A licence that immediately before the commencement of this Act authorized a vehicle to be used as an ancillary vehicle within the meaning of subsection (3) of section twenty-two A of the Principal Act (as it had effect immediately before the commencement of this Act) has effect as if it were an ancillary licence issued in respect of the area in respect of which that licence was issued.

(10) A licence (other than a licence referred to in the foregoing provisions of this section) has effect, according to its tenor, as if it were a temporary licence.

(11) Any conditions or restrictions imposed in respect of a licence shall continue to have effect as if they had been imposed in respect of that licence under the Principal Act (as amended by this Act).

(12) For the purposes of subsection (4) of section fourteen A of the Principal Act (as amended by this Act) a licence under that section that was issued or last renewed on or before the thirtieth day of September 1961 shall be deemed to have been issued on the first day of October 1961.

(13) For the purposes of subsection (3) of section sixteen B of the Principal Act (as amended by this Act) a licence that on the commencement of this Act takes effect as if it were an ancillary licence and that was issued or last renewed on or before the thirtieth day of September 1961 shall be deemed to have been issued on the first day of October 1961.

(14) Until regulations are made for the purposes of subsection (2) of section forty-four of the Principal Act (as amended by this Act) an authorized officer, and the persons before whom a statutory declaration could be made for the purposes of regulations under that Act immediately before the commencement of this Act by virtue of section thirteen of the *Motor Vehicles Tax Act 1917*, shall be deemed to be persons prescribed for the purposes of that subsection.



(15) Where, immediately before the commencement of sections forty-four and forty-five or of section forty-seven, a policy of insurance is in force that complies with the requirements of Part VII of the Principal Act that policy shall (notwithstanding the coming into operation of those sections or that section) be deemed to continue to comply with the requirements of that Part so long as it remains in force without renewal or the payment of any premium or other similar sum in respect of the policy to the person by whom it was issued.

(16) In this section, unless the contrary intention appears, "licence" means a licence (including a provisional licence) that was issued, before the commencement of this Act, under Part III of the Principal Act and that was in force immediately before the commencement of this Act.

(17) References in this section to the commencement of this Act shall be construed as references to the date on which the Governor gives his assent to this Act.

Adaptation  
of amend-  
ments to  
reprint of  
Principal  
Act.

**56**—(1) On and after the date of the reprinting of the Principal Act the sections of this Act that are specified in the first column of the second schedule are to have effect subject to the modifications set against them respectively in the second column of that schedule, and, on and after that date, the Principal Act, as amended by this Act, shall be construed accordingly.

(2) The Principal Act and this Act are, by force of this subsection, amended to such extent as may be necessary to give effect to subsection (1) of this section.

(3) Subject to this section, the provisions of this Act remain in full force and effect as if this section had not been enacted.

(4) In this section "date of reprinting of the Principal Act" means the date of the giving of the certificate printed, pursuant to section six of the *Reprint of Statutes Act 1954*, in the volume of reprinted Acts published pursuant to that Act in which the reprint of the Principal Act is included.

---

## THE FIRST SCHEDULE.

(Section 1 (3).)

Paragraph (a), paragraph (d), and paragraph (h)  
of section four.

Section fourteen.

Paragraph (j) of section fifteen.

Paragraph (c) of section seventeen.

Paragraph (u) of section twenty-three.

Paragraph (a) of section twenty-six.

Section forty-four.

Section forty-five.

Section forty-seven.

Paragraph (b) of section fifty-one.

## THE SECOND SCHEDULE.

(Section 56.)

Section	Modifications.
2	In paragraph (i), the omission of the symbol "I" and the substitution therefor of the symbol "(a)"; In paragraph (j), the omission of the symbol "III" and the substitution therefor of the symbol "(c)"; and In paragraph (k), the omission of the symbol "IV" and the substitution therefor of the symbol "(d)".
4	The omission of the symbols "I", "IA", "IB", "IC", "ID", "III", "IV", "V", "VIII", "VIII A", "XIII", "XIII A", "XIV", and "XVI" (wherever occurring) and the substitution therefor in each case of the symbols "(a)", "(b)", "(ba)", "(bb)", "(bc)", "(d)", "(e)", "(g)", "(j)", "(ja)", "(o)", "(oa)", "(p)", and "(r)" respectively.
7	The omission of the symbols "II", "III", and "IV" and the substitution therefor of the symbols "(b)", "(c)", and "(d)" respectively.
9	In paragraph (a), the omission of the symbols "I" and "II" and the substitution therefor of the symbols "(a)" and "(b)" respectively; In paragraph (c), the omission of the symbol "III" and the substitution therefor of the symbol "(c)"; and In paragraph (d), the omission of the symbol "I" and the substitution therefor of the symbol "(a)".
14	The omission (from new section 17C) of the symbol "II" and the substitution therefor of the symbol "(b)".
15	In paragraph (a), the omission of the symbol "I" and the substitution therefor of the symbol "(a)"; In paragraph (b), the omission of the symbols "(a)" and "I" and the substitution therefor of the symbols "(i)" and "(a)" respectively; In paragraph (c), the omission of the symbol "(c)" (occurring after the word "sub-paragraph") and the substitution therefor of the symbol "(iii)"; In paragraph (f), the omission of the symbol "I" and the substitution therefor of the symbol "(a)"; and In paragraph (g), the omission of the symbols "II" and "III" and the substitution therefor of the symbols "(b)" and "(c)" respectively.
17	The omission of the symbols "I", "II", and "III" (wherever occurring) and the substitution therefor in each case of the symbols "(a)", "(b)", and "(c)" respectively; and In paragraph (c), the omission of the symbols "(a)" and "(b)" and the substitution therefor of the symbols "(i)" and "(ii)" respectively.
18	In paragraph (c) and paragraph (e), the omission of the symbol "I" (wherever occurring) and the substitution therefor in each case of the symbol "(a)".
21	In paragraph (b), the omission of the symbol "I" and the substitution therefor of the symbol "(a)"; and In paragraph (c), the omission of the symbols "I" and "IA" and the substitution therefor of the symbols "(a)" and "(ab)" respectively.
23	In paragraph (a), the omission of the symbol "I" (twice occurring) and the substitution therefor in each case of the symbol "(a)"; In paragraph (b), the omission of the symbol "II" and the substitution therefor of the symbol "(b)"; In paragraph (c), the omission of the symbol "III" (twice occurring) and the substitution therefor in each case of the symbol "(c)"; In paragraph (d), the omission of the symbol "v" and the substitution therefor of the symbol "(e)";

Section	Modifications.
	<p>In paragraph (e), the omission of the symbol "VI" and the substitution therefor of the symbol "(f)";</p> <p>In paragraph (j), the omission of the symbol "I" and the substitution therefor of the symbol "(a)";</p> <p>In paragraph (k), the omission of the symbol "II" (twice occurring) and the substitution therefor in each case of the symbol "(b)";</p> <p>In paragraph (l), the omission of the symbol "III" and the substitution therefor of the symbol "(c)";</p> <p>In paragraph (q), the omission of the symbols "III" and "IV" and the substitution therefor of the symbols "(c)" and "(d)" respectively;</p> <p>In paragraph (r), the omission of the symbol "v" and the substitution therefor of the symbol "(e)";</p> <p>In paragraph (t), the omission of the symbol "II" (wherever occurring) and the substitution therefor in each case of the symbol "(b)", and the omission of the symbol "IIA" and the substitution therefor of the symbol "(ba)"; and</p> <p>In paragraph (u), the omission of the symbols "III" and "IV" and the substitution therefor of the symbols "(c)" and "(d)" respectively.</p>
26	<p>The omission of the symbols "IV", "XII", and "XIIIA" and the substitution therefor of the symbols "(d)", "(l)", and "(la)" respectively.</p>
27	<p>In paragraph (a), the omission of the symbol "(a)" (occurring after the word "sub-paragraph") and the symbol "I" and the substitution therefor of the symbols "(i)" and "(a)" respectively;</p> <p>In paragraph (c), the omission of the symbol "(ab)" and the substitution therefor of the symbol "(ia)";</p> <p>In paragraph (d), the omission of the symbols "I" and "(c)" and the substitution therefor of the symbols "(a)" and "(iii)" respectively;</p> <p>In paragraph (e), the omission of the symbol "II" and the substitution therefor of the symbol "(b)"; and</p> <p>In paragraph (f), the omission of the symbol "II" and the substitution therefor of the symbol "(b)".</p>
29	<p>The omission of the symbols "VIII", "XIII", "I", and "III" and the substitution therefor of the symbols "(h)", "(m)", "(a)", and "(c)" respectively.</p>
36	<p>The omission of the symbol "I" and the substitution therefor of the symbol "(a)".</p>
39	<p>The omission of the symbols "v", "VA", and "VB" and the substitution therefor of the symbols "(e)", "(ea)", and "(eb)" respectively.</p>
43	<p>The omission of the symbols "III" and "IV" and the substitution therefor of the symbols "(c)" and "(d)" respectively.</p>
47	<p>In paragraph (a), the omission of the symbol "II" and the substitution therefor of the symbol "(b)";</p>
	<p>In paragraph (b)-</p> <p>(a) The omission of the symbol "I" (wherever occurring) and the substitution therefor, in each case, of the symbol "(a)"; and</p> <p>(b) The omission of the symbol "(a)" and (except where it occurs at the commencement of the paragraph) the symbol "(b)" and the substitution therefor of the symbols "(i)" and "(ii)" respectively;</p>
	<p>In paragraph (c), the omission of the symbols "(b)", "(c)" (occurring after the word "sub-paragraph"), and "II" and the substitution therefor of the symbols "(ii)", "(iii)", and "(b)" respectively;</p>
	<p>In paragraph (d), the omission of the symbol "I" and the substitution therefor of the symbol "(a)"; and</p>

Section	Modifications.
48	In paragraph (e), the omission of the symbol "i" and the substitution therefor of the symbol "(a)".
50	The omission (from new section 66) of the symbol "viii" and the substitution therefor of the symbol "(j)".
51	The omission of the symbols "(f)" and "ii" and the substitution therefor of the symbols "(vi)" and "(b)" respectively.
	The omission of the symbol "viii" and the substitution therefor of the symbol "(j)".

---

## SEXUAL OFFENCES.

---

### No. 32 of 1961.

#### AN ACT to amend the *Sexual Offences Act* 1951. [4 December 1961.]

**BE** it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**1**—(1) This Act may be cited as the *Sexual Offences Act* 1961. Short title and citation.

(2) The *Sexual Offences Act* 1951, as subsequently amended, is in this Act referred to as the Principal Act.

**2** Section six of the Principal Act is amended by adding at the end thereof the following subsection:— Examination orders by justices.

“(3) The clerk of petty sessions for the place at which an examination order is made under this section shall cause to be delivered to the Solicitor-General a copy of that order, and a copy of the record of any conviction or other order made on the charge in respect of which the examination order was made and any documents that may be in his possession, as clerk of petty sessions, in connection with the proceedings on that charge.”.