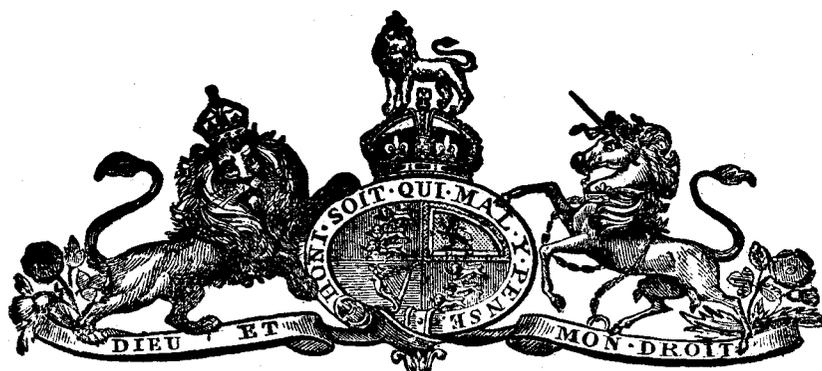


TASMANIA.



1913.

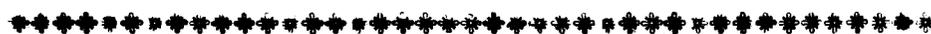
ANNO QUARTO

GEORGI V. REGIS.

No. 18.

ANALYSIS.

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| <ol style="list-style-type: none">1. Short title and incorporation with 6 Ed. VII. No. 31.2. Application of Act.3. Meaning of "vehicle."4. Weights to be carried.
Governor may by regulation reduce weight in special circumstances.
Meaning of "width of bearing surface."
Heavy machinery.
Penalty on overweight.5. Regulations for declaring weight by measurement. | <ol style="list-style-type: none">6. Persons carrying goods, &c., on request of officer to allow same to be measured.7. Penalty for refusing to allow measurement or weighing.8. Examination of wheels.9. Penalty for an unauthorised person measuring wheels, &c., without consent.10. Municipalities may make by-laws.11. Not to apply to tramways.12. Saving of certain Acts.13. Procedure.
Appeal. |
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AN ACT to regulate the Weights to be carried on certain Vehicles, and for other purposes.
[5 December, 1913.]

A.D.
1913.

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:—

4d.]

Width of Tires.

A.D. 1913.

Short title and
incorporation
with 6 Ed. VII.
No. 31.

1—(1) This Act may be cited for all purposes as “The Width of Tires Act, 1913,” and shall commence and take effect on a day to be appointed by the Governor by proclamation.

(2) This Act shall be incorporated and read as one with “The Local Government Act, 1906,” (in this Act referred to as “the Principal Act”) and any amendment thereof; and the terms, words, and phrases interpreted in the Fifth Section of the Principal Act shall have, in this Act, the respective meanings set against each such term, word, or phrase, in such Fifth Section.

(3) The provisions of this Act shall apply and take effect throughout this State with the exception of any part of this State for the time being included within the respective boundaries of the cities of Hobart and Launceston.

Application of
Act.

2 From and after the commencement of this Act no council shall have or exercise the power to make by-laws with respect to the following matters, namely:—“Prescribing the width of and other conditions respecting the tires of wheels of vehicles used in the municipality, either with respect to the weight of the load carried, or with respect to the diameter of the axles of such vehicles, with power to prescribe that the measure of such diameter be kept painted on every vehicle carrying goods,” and every such by-law in force at the commencement of this Act shall cease to be operative.

Meaning of
“vehicle.”
Ibid., s. 568.

3 In this Act the expression “vehicle” means and includes any engine, wagon, dray, cart, carriage, or other means for carrying passengers or goods by land, whether having Two or more wheels, and whether drawn or propelled by animal, steam, electric, or other power, but does not include any traction-engine as defined by Section Two of “The Local Government Act (Traction Engines), 1907.”

7 Ed. VII.
No. 30.

Weights to be
carried.
Ibid., s. 569.

4—(1) No person shall, in, or by means of a vehicle carry on any public road a greater weight than the next mentioned (that is to say): For each wheel of any vehicle a total weight of Three and a quarter hundredweight avoirdupois for each half-inch of width of bearing surface of the tire or felloe.

Governor may by
regulation reduce
weight in special
circumstances.

(2) But the Governor on the application of the council of any municipality and upon being satisfied that the circumstances of the case require it, may make regulations to be published in the “Gazette” declaring that the weight to be so carried on—

- i. Public roads generally or with exceptions or on any specified public roads or classes of public roads in such municipality or in the portion of such municipality which is mentioned in the regulation; or
- ii. Any public road whilst in any state or condition specified in the regulation,

shall be less than the weight in this section prescribed.

Every such regulation shall state the reduced weight so to be carried, and any such regulation may be made to apply either with or without any limitation as to time.

Width of Tires.

(3) In this section the words "width of bearing surface" mean the actual width of the bearing surface of the tire or felloe that would actually come in contact with or bear upon a hard smooth level surface when the wheels are attached to the axle and ready for use; and when the tires or felloes of any vehicle are not of uniform width the width of the narrowest tire or felloe shall be deemed to be the width of each of the tires or felloes.

A.D. 1913.

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 Meaning of
 "width of bearing
 surface."

(4) Nothing in this section shall be deemed to apply to the conveyance of any piece of heavy machinery which cannot be taken apart without great loss or expense.

Heavy
 machinery.

(5) Any person who in, on, or by means of, a vehicle carries on any public road a greater weight than that allowed by this Act or any regulation made thereunder by the Governor, shall for each offence be liable on conviction to a penalty not exceeding Forty Shillings for each hundredweight or part of a hundredweight carried in excess of the quantity allowed by this Act or such regulation.

Penalty on
 overweight.

5—(1) The Governor may make regulations for declaring the weight of any specified descriptions or classes of goods by measurement.

Regulations
 for declaring
 weight by
 measurement.
Ibid., s. 570.

(2) Such regulations shall be published in the "Gazette" and shall come into operation One month after the date of such publication, and shall then be of the same effect as if they were contained in this Act, and shall be judicially noticed.

6—(1) Every person in charge of any vehicle carrying goods on any public road upon being so requested by any inspector of weights and measures, member of the police force, or officer of any municipality shall—

Persons carrying
 goods, &c., on
 request of officer
 to allow same to
 be measured.
Ibid., s. 571.

i. Allow such inspector, member, or officer, or any person acting by or under the authority of the council of such municipality to measure such goods with a view of ascertaining the weight thereof in accordance with any such regulation made as aforesaid; or

ii. Take such vehicles and goods to the nearest weighbridge or weighing machine on the route towards the place to which such vehicle and goods are being taken, or to any weighbridge or weighing machine within Two miles in any direction from the place at which the request is made.

(2) If the weight of such goods is ascertained by such inspector, member of the police force, officer, or other person by measurement only, then the result of such measurement shall be taken to be the actual weight of such goods for the purposes of this Act, unless the owner or driver of the vehicle at the time gives notice of his intention of having the same weighed, and forthwith, at his own expense, proceeds to have the same weighed at the nearest or most convenient weighbridge or weighing machine.

7 Any person who when requested as aforesaid refuses to allow a vehicle and goods to be weighed or goods so carried to be measured as aforesaid, shall on conviction be liable to a penalty not exceeding Ten Pounds.

Penalty for
 refusing to allow
 measurement or
 weighing.
Ibid., s. 572.

Width of Tires.

A.D. 1913.

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Examination of
wheels.
Ibid., s. 573.

8 Any council or their surveyor, engineer, or road inspector, or any person acting by or under their authority or any officer of the council of any municipality or any member of the police force may measure and examine, or cause to be measured and examined, the wheels of every vehicle on any public road in such municipality.

Penalty for an
unauthorised
person measuring
wheels, &c.,
without consent.
Ibid., s. 574.

9 If, without the consent of the person in charge of any vehicle, any person purporting to act under the authority of this Act, who is not authorised by this Act so to do, measures or attempts to measure any goods carried in any such vehicle, or measures and examines or attempts to measure and examine, or causes to be measured and examined, the wheels of any such vehicle, or makes any request that such vehicle and goods shall be taken to any weighbridge or weighing machine to be weighed, then such lastmentioned person shall be guilty of an offence, and shall, on conviction thereof, be liable to a penalty not exceeding Ten Pounds.

Municipalities
may make
by-laws.
Cf. *Ibid.*, s. 576.

10 Subject to the laws in force relating to local government, the council of any municipality may from time to time make by-laws, not inconsistent with this Act or with any regulation made by the Governor, as hereinbefore provided, for carrying this Act into effect.

Not to apply to
tramways.
Ibid., s. 578.

11 Nothing in this Act contained shall apply to any vehicle running exclusively over or along any tramway constructed under the provisions of any Act for the time being in force relating to tramways.

Saving of certain
Acts.
Ibid., s. 579.
6 Wm. IV. No. 7.
5 Ed. VII.
No. 30.

12 Nothing in this Act shall be deemed to repeal any of the provisions of the Act of Council (6 William IV. No. 7) intituled "An Act to provide for the Licensing of Hawkers and Carriers," or "The Police Act, 1905," or any amendments thereof.

Procedure.

13—(1) All informations for offences against the provisions of this Act or the regulations, and all penalties, fines, and forfeitures imposed by or under the provisions of this Act or the regulations may be heard, determined, recovered, and enforced in a summary way by and before a police magistrate or any Two or more justices in the mode prescribed by "The Magistrates Summary Procedure Act."

19 Vict. No. 8.
Appeal.

(2) Any person who thinks himself aggrieved by any penalty imposed under the authority of this Act may appeal against the same in the manner prescribed by "The Appeals Regulation Act."

19 Vict. No. 10.