

# AUSTRALIAN CAPITAL TERRITORY.

No. 17 of 1951.

## AN ORDINANCE

### To amend the Motor Traffic Ordinance 1936-1950.

**B**E it ordained by the Deputy of the Governor-General in and over the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act 1909-1938*, and the *Seat of Government (Administration) Act 1910-1947*, as follows:—

1.—(1.) This Ordinance may be cited as the *Motor Traffic Ordinance 1951*.<sup>\*</sup> Short title and citation.

(2.) The *Motor Traffic Ordinance 1936-1950* is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Motor Traffic Ordinance 1936-1951*.

2. Section four of the Principal Ordinance is amended by omitting from sub-section (1.) the definition of “licensee” and inserting in its stead the following definition:—

“‘licensee’ means the holder of a licence;”.

3. Section twenty-four of the Principal Ordinance is amended— Licences of public motor vehicles.  
(a) by inserting after sub-section (1.) the following sub-section:—

“(2.) The Registrar shall not grant or transfer a public hire car licence—

(a) to the holder of a private hire car licence; or

(b) to a person who already holds two public hire car licences.”;

(b) by omitting sub-section (7.) and inserting in its stead the following sub-sections:—

“(7.) Subject to sub-sections (2.) and (9.) of this section, upon application in accordance with the next succeeding sub-section and payment of a fee of Five shillings, the Registrar may, by indorsement on a public hire car licence, transfer that licence to a person specified in the application and approved by the Registrar.

<sup>\*</sup> Notified in the *Commonwealth Gazette* on 14th December, 1951.  
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“(8.) An application under the last preceding sub-section shall be made jointly by the proposed transferee and—

- (a) the licensee;
  - (b) where the licensee has died—his legal personal representative;
  - (c) where the licensee has become insane—the person administering his property; or
  - (d) where the licensee has become bankrupt—the person in whom his property is vested,
- and shall be in such form and accompanied by such particulars as the Registrar requires.

“(9.) The Registrar shall not transfer a public hire car licence which has been held by the licensee for a period of less than three years unless—

- (a) the licensee is deceased;
- (b) a medical testing officer certifies to the Registrar that the physical or mental condition of the licensee is such that transfer of the licence is advisable; or
- (c) the Registrar is satisfied that there are exceptional circumstances warranting a transfer.”.

Licence to use  
motor car as  
private hire  
car.

4. Section twenty-five of the Principal Ordinance is amended—

- (a) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

“(2.) The Registrar shall not grant or transfer a private hire car licence—

- (a) to the holder of a public car licence; or
- (b) to a person who already holds two private hire car licences.”;

- (b) by omitting sub-section (6.) and inserting in its stead the following sub-sections:—

“(6.) Subject to sub-sections (2.) and (8.) of this section, upon application in accordance with the next succeeding sub-section and payment of a fee of Five shillings, the Registrar may, by indorsement on a private hire car licence, transfer that licence to a person specified in the application and approved by the Registrar.

“(7.) An application under the last preceding sub-section shall be made jointly by the proposed transferee and—

- (a) the licensee;
- (b) where the licensee has died—his legal personal representative;

- (c) where the licensee has become insane—the person administering his property; or
- (d) where the licensee has become bankrupt—the person in whom his property is vested, and shall be in such form and accompanied by such particulars as the Registrar requires.

“(8.) The Registrar shall not transfer a private hire car licence which has been held by the licensee for a period of less than three years unless—

- (a) the licensee is deceased;
- (b) a medical testing officer certifies to the Registrar that the physical or mental condition of the licensee is such that transfer of the licence is advisable; or
- (c) the Registrar is satisfied that there are exceptional circumstances warranting a transfer.”.

5. After section twenty-seven of the Principal Ordinance the following section is inserted:—

“27A.—(1.) The Registrar may grant to the owner of a motor omnibus which is registered in a part of the Commonwealth other than the Territory (in this Ordinance referred to as a ‘visiting motor omnibus’) a licence in accordance with Form M in the First Schedule (in this Ordinance referred to as a ‘visiting motor omnibus licence’), and may renew that licence from time to time.

Visiting motor omnibus licence.

“(2.) Before the grant or renewal of a licence under this section, payment shall be made to the Commonwealth of the fees prescribed in the Second Schedule which are applicable to the case.

“(3.) A visiting motor omnibus licence—

- (a) shall specify the number of passengers the omnibus may carry; and
- (b) is subject to such conditions as are specified on the licence.

“(4.) The owner or the driver of a visiting motor omnibus shall not—

- (a) carry or permit to be carried in the omnibus passengers in excess of the number specified in the licence; or
- (b) use the omnibus or permit it to be used in contravention of the conditions specified on the licence.”.

6. Section seventy-eight of the Principal Ordinance is amended—

Safety precautions.

- (a) by omitting from sub-paragraph (iii) of paragraph (d) the word “and” (last occurring) and inserting in its stead the word “or”;
- (b) by omitting sub-paragraph (iv) of paragraph (d); and

(c) by omitting paragraph (j) and inserting in its stead the following paragraph:—

“(j) in or on which, or in or on a trailer attached to which, is carried a load or other thing which is so distributed, placed or carried as to cause or be likely to cause injury or damage to, or to endanger the safety of, a person on the vehicle or trailer, or persons, animals, property or things on the public street.”.

7. After section seventy-eight B of the Principal Ordinance the following section is inserted:—

Width of motor vehicles.

“78c.—(1.) A person shall not, except in accordance with a permit granted by the Registrar, drive a motor vehicle upon a public street if the width of that vehicle or of a trailer attached thereto (including a load or other thing carried in or on the vehicle or trailer), measured between its extreme projecting points, exceeds eight feet.

“(2.) A permit under this section may be granted upon payment of a fee of One shilling and on such conditions and for such purposes as are specified in the permit.”.

First Schedule.

8. The First Schedule to the Principal Ordinance is amended by adding at the end thereof the following form:—

“ [Front of Form.]

FORM M.  
(Section 27A.)

THE AUSTRALIAN CAPITAL TERRITORY.

Licence No. .... Expiry Date .....

*Motor Traffic Ordinance 1936-1951.*

VISITING MOTOR OMNIBUS LICENCE.

This is to certify that ..... of .....  
in the State of ....., the owner of Motor Omnibus No. ....  
the description of which is as follows:—

1. Make .....	5. Engine No. ....
2. Year .....	6. Horse-power .....
3. Type of body .....	7. Seating capacity .....
4. Colour .....	

is licensed to use that motor omnibus upon public streets in the Australian Capital Territory as a motor omnibus for the carriage of persons for reward or otherwise. This licence is subject to the conditions set forth on the back hereof and remains in force until the expiry date shown above.

Registrar of Motor Vehicles.

This licence is issued subject to the *Motor Traffic Ordinance 1936-1951* and any amendments thereof, and the Regulations for the time being in force thereunder. If not suspended or cancelled this licence must be returned within seven days of the date of expiry to the Registrar of Motor Vehicles, Canberra.

“ [Back of Form.]

CONDITIONS.”.

9. The Second Schedule to the Principal Ordinance is <sup>Second</sup> amended—<sup>Schedule.</sup>

- (a) by omitting the proviso to sub-paragraph (ii) of paragraph (a) of sub-clause (1.) of clause 1;
- (b) by omitting the proviso to sub-paragraph (ii) of paragraph (b) of that sub-clause;
- (c) by inserting after sub-clause (2.) of clause 1 the following sub-clause:—

“(2A.) In the case of a motor lorry or motor tractor owned by a farmer and used solely for the carting of his own produce and not let out on hire, the rate shall be one half of the rate which would, apart from this sub-clause, be applicable under sub-clause (1.) or (2.) of this clause.”; and

- (d) by inserting after clause 5 the following clause:—

“5A. Visiting motor omnibus licence or renewal thereof—

	£	s.	d.
(a) for a period of not more than seven days .. ..	2	6	
(b) for a period of one year ..	1	0	0”.

10. The Third Schedule to the Principal Ordinance is <sup>Third</sup> amended—<sup>Schedule.</sup>

- (a) by omitting the word “enamelled” (wherever occurring) and inserting in its stead the word “coloured”;
- (b) by omitting the word “black” in paragraph (1) and inserting in its stead the word “blue”; and
- (c) by adding at the end thereof the following paragraph:—

“(12) *Goods Vehicles*—

A metal plate coloured green with the letters

A.C.T.  $\frac{G}{V}$  and the figures of the number in white.”.

Dated this fourteenth day of December, 1951.

J. NORTHCOTT

Deputy of the Governor-General.

By His Excellency's Command,

W. S. KENT HUGHES

Minister of State for the Interior.