

## MOTOR TRAFFIC.

### No. 21 of 1963.

#### An Ordinance to amend the *Motor Traffic Ordinance* 1936-1962.

1.—(1.) This Ordinance may be cited as the *Motor Traffic Ordinance* 1963.\* Short title and citation.

(2.) The *Motor Traffic Ordinance* 1936-1962† 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* 1936-1963.

2. This Ordinance shall come into operation on the first day of January, One thousand nine hundred and sixty-four. Commencement.

3. Section three of the Principal Ordinance is amended by omitting the words and figures— Parts.

“Part IV.—Traders’ Plates (sections 31-41).”

and inserting in their stead the words and figures—

“Part IV.—Traders (sections 31-41).”

4. Section four of the Principal Ordinance is amended— Interpretation.

(a) by omitting from the definition of “trader” in sub-section (1.) the words “motor vehicle”; and

(b) by inserting in sub-section (1.) after the definition of “trader”, the following definitions:—

“‘trader’s licence’ means a licence granted under Part IV.;

“‘trader’s plate’ means a number-plate issued to the holder of a trader’s licence under Part IV.;”

5. The heading to Part IV. of the Principal Ordinance is repealed and the following heading inserted in its stead:— Heading to Part IV.

\* Made on 23rd December, 1963; notified in the *Commonwealth Gazette* on 24th December, 1963, and commenced on 1st January, 1964.

† Ordinance No. 45, 1936, as amended by Nos. 25 and 41, 1938; No. 16, 1941; No. 14, 1942; Nos. 2 and 13, 1943; No. 3, 1945; Nos. 6 and 13, 1947; No. 7, 1950; No. 17, 1951; No. 1, 1955; No. 6, 1956; No. 19, 1957; Nos. 10 and 15, 1958; No. 7, 1959; No. 11, 1960; and Nos. 16 and 17, 1962.

## “PART IV.—TRADERS.”

6. Sections thirty-one, thirty-two, thirty-three and thirty-four of the Principal Ordinance are repealed and the following sections inserted in their stead:—

Trader's  
licences and  
trader's plates.

“31.—(1.) The Registrar may grant a trader's licence to an applicant who satisfies the Registrar that he is *bona fide* engaged in the business of manufacturing, dealing in or repairing vehicles and that he has suitable premises for the purpose.

“ (2.) The Registrar may grant a trader's licence in respect of motor vehicles (other than motor cycles) or in respect of motor cycles and trailers.

“ (3.) An application for a trader's licence shall be in writing setting out the applicant's place of business, the nature of his business, the type of trader's licence required and the number of trader's plates required.

“ (4.) The holder of a trader's licence in respect of motor vehicles (other than motor cycles) may apply in writing to the Registrar at any time while the licence is in force for the issue to him of one or more pairs of trader's plates of a type determined by the Registrar for use under such a licence.

“ (5.) The holder of a trader's licence in respect of motor cycles and trailers may apply in writing to the Registrar at any time while the licence is in force for the issue to him of one or more trader's plates of a type determined by the Registrar for use under such a licence.

“ (6.) An application for trader's plates under either of the last two preceding sub-sections shall be accompanied by the appropriate fee prescribed by this section according to the number and type of trader's plates applied for.

“ (7.) A trader's licence and any trader's plate issued for use under the licence are, unless sooner cancelled or suspended, in force until and including the thirty-first day of December of the year in respect of which the licence is granted.

“ (8.) There is payable to the Commonwealth—

(a) for each pair of trader's plates issued for use under a trader's licence in respect of motor vehicles (other than motor cycles)—a fee of Ten pounds; and

(b) for a trader's plate issued under a trader's licence in respect of motor cycles and trailers—a fee of Two pounds ten shillings.

“(9.) Notwithstanding the last preceding sub-section, where a trader's plate is, or trader's plates are, issued after the first day of January in a year, the fee payable is a fee that bears the same proportion to the fee that would be payable under the last preceding sub-section as the period in months (reckoning a part of a month as a month) remaining in that year bears to the period of twelve months.

“32.—(1.) A trader's licence in respect of motor vehicles (other than motor cycles) entitles the holder, while the licence is in force, to attach, in accordance with the Fourth Schedule, a pair of trader's plates issued to him to any motor vehicle (other than a motor cycle) that is in his possession or the possession of his employee and is being used *bona fide* for a purpose connected with the manufacture, repair, painting, testing, demonstration, sale or exchange of the vehicle or its delivery to another trader, a purchaser or the owner.

Vehicles on which trader's plates may be used.

“(2.) A trader's licence in respect of motor cycles and trailers entitles the holder, while the licence is in force, to attach, in accordance with the Fourth Schedule, a trader's plate issued to him to any motor cycle or trailer that is in his possession or the possession of his employee and is being used *bona fide* for a purpose connected with the manufacture, repair, painting, testing, demonstration, sale or exchange of the vehicle or its delivery to another trader, a purchaser or the owner.

“(3.) A trader shall not attach a trader's plate or permit it to be attached otherwise than to a vehicle to which he is entitled to attach that trader's plate under this section.

“33.—(1.) A person shall not, upon a public street, drive a motor vehicle having a trader's plate attached unless—

Use of trader's plates.

- (a) any person in or upon the vehicle is being carried otherwise than for hire or consideration and is *bona fide* interested in, or employed for, a purpose referred to in the last preceding section;
- (b) the driver or person in charge of the vehicle is the trader, or his employee, or is a *bona fide* prospective purchaser of the vehicle or his employee or agent, and, except where the vehicle is a motor cycle, is accompanied by the trader, or an employee of the trader; and
- (c) any loading in or upon the vehicle is being conveyed solely for the purpose of demonstrating the weight-carrying capacity of the vehicle to a *bona fide* prospective purchaser.

“(2.) A trader shall not permit a person to use a vehicle to which a trader's plate issued to him is attached in contravention of this section.”

Sale, &c., of  
business and  
transfer of  
plates.

**7.** Section thirty-five of the Principal Ordinance is amended—

(a) by adding at the end of sub-section (1.) the words—

“Penalty: Twenty pounds.”;

(b) by omitting from sub-section (2.) the words “Five shillings” and inserting in their stead the words “Ten shillings”; and

(c) by omitting sub-section (3.).

Revocation,  
&c., of right to  
use trader's  
plates.

**8.** Section thirty-six of the Principal Ordinance is amended by omitting the words “motor vehicle”.

Return of  
trader's plates.

**9.** Section thirty-seven of the Principal Ordinance is amended by adding at the end thereof the words—

“Penalty: Twenty pounds.”.

Use of traders'  
plates on  
Sunday.

**10.** Section thirty-eight of the Principal Ordinance is repealed.

Affixing trader's  
plates.

**11.** Section thirty-nine of the Principal Ordinance is amended by omitting from paragraph (a) the words “at the rear of the vehicle”.

Fee payable  
where plates  
not returned  
on due date.

**12.** Section forty-eight A of the Principal Ordinance is amended—

(a) by omitting the words “motor vehicle”; and

(b) by inserting after the word “number-plate” the words “or trader's plate”.

Refusal,  
cancellation,  
&c., of licences  
and registration.

**13.** Section fifty-one of the Principal Ordinance is amended—

(a) by omitting from paragraph (d) of sub-section (2.) the words “motor vehicle”; and

(b) by omitting from sub-section (4.) the words “motor vehicle”.

Duration of  
certificates and  
licences.

**14.** Section fifty-two of the Principal Ordinance is amended—

(a) by inserting in sub-section (1.), after the words “permit licence”, the words “, trader's licence”; and

- (b) by inserting in paragraph (b) of sub-section (3.), after the word "licence", the words "to which this section applies".

**15.** Section fifty-seven of the Principal Ordinance is repealed and the following section inserted in its stead:—

"57. A person shall not drive or leave standing a motor vehicle or trailer upon a public street unless— Vehicles to be registered, &c.

- (a) it is registered under this Ordinance;
- (b) it is a vehicle to which trader's plates are, or a trader's plate is, lawfully attached in accordance with Part IV.;
- (c) it is a visiting motor vehicle;
- (d) it is a vehicle proceeding to the office of the Registrar for the purpose of being registered; or
- (e) it is a vehicle being removed or operated in pursuance of a licence granted under section one hundred and two of this Ordinance."

**16.** Section one hundred and three of the Principal Ordinance is amended by omitting from paragraph (ab) the words "to the issue of traders' plates and". Regulations.

**17.** The Third Schedule to the Principal Ordinance is amended by omitting paragraphs (4.), (9.) and (12.). Third Schedule.

**18.** The Fourth Schedule to the Principal Ordinance is amended by inserting after paragraph 11 the following paragraph:— Fourth Schedule.

"11A. A pair of trader's plates used on a motor vehicle (other than a motor cycle) shall be so affixed that one is clearly visible to the front of the motor vehicle and the other is clearly visible to the rear of the motor vehicle, and a trader's plate used on a motor cycle or trailer shall be so affixed that it is clearly visible to the rear of the vehicle."

**19.—(1.)** A motor vehicle trader's licence in force under the Principal Ordinance immediately before the commencement of this Ordinance, and any trader's plate issued under the licence, cease to be in force upon that commencement. Existing trader's licences and plates.

**(2.)** The Registrar may grant trader's licences and issue trader's plates, in accordance with the Principal Ordinance as amended by this Ordinance, before the commencement of this Ordinance, but any such trader's licence or trader's plate shall not be in force until that commencement.

(3.) A trader who was, immediately before the commencement of this Ordinance, entitled to use a trader's plate issued under the Principal Ordinance shall, within seven days after the commencement of this Ordinance, return that trader's plate to the Registrar.

Penalty: Twenty pounds.

(4.) Where a trader returns a trader's plate to the Registrar under the last preceding sub-section, there is payable to that person, upon that return, a refund of an amount that bears the same proportion to the fee paid by him for, or for the renewal of, the motor vehicle trader's licence to use that trader's plate as the period in months (reckoning a part of a month as a month) for which that licence would, but for this section, have remained unexpired under the Principal Ordinance bears to the period of twelve months.

(5.) Where a third-party policy of insurance—

- (a) has been issued to a trader in relation to the use of a motor vehicle to which a trader's plate is affixed;
- (b) is in force under the Principal Ordinance before the commencement of this Ordinance; and
- (c) the policy is expressed to terminate upon the date of the expiration of the period for which the trader's plate was issued, being a date after the commencement of this Ordinance,

the policy shall, notwithstanding that expression, terminate upon the commencement of this Ordinance.

(6.) Where a third-party policy of insurance terminates upon the commencement of this Ordinance under the last preceding sub-section, the authorized insurer who issued the policy before that commencement shall refund to the trader to whom the policy was issued an amount that bears the same proportion to the insurance premium accepted by the authorized insurer in respect of the insurance as the period in months (reckoning as part of a month as a month) for which the policy would, but for this section, have remained in force under the Principal Ordinance bears to the period of twelve months.

(7.) An expression in this section that is defined in the Principal Ordinance as amended by this Ordinance has the same meaning for the purposes of this section as it has in the Principal Ordinance as so amended, or in the provision of the Principal Ordinance as so amended in which it is used.