



ANNO VICESIMO

GEORGII V REGIS.

A.D. 1929.

No. 1941.

An Act to repeal the Motor Vehicles Tax Acts, 1915 to 1927, to amend the provisions of the Motor Vehicles Act, 1921, relating to Registration of Motor Vehicles, and for purposes incidental thereto.

[Assented to, December 12th, 1929.]

BE it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Motor Vehicles Act, 1929," and shall, with the exception of section 2, come into operation on the thirty-first day of March, nineteen hundred and thirty. Section 2 shall come into operation on the day on which this Act receives the Royal Assent. Short title—
Commencement.
2. The Motor Vehicles Tax Acts, 1915 to 1927, are repealed. Repeal.
3. (1) This Act is incorporated with the Motor Vehicles Acts, 1921 to 1927, and those Acts and this Act shall be read as one Act. Incorporation of
this Act.
(2) The Motor Vehicles Act, 1921, is in this Act referred to as the "principal Act".
4. Section 4 of the principal Act is amended by inserting therein the following definitions:— Amendment of
principal Act, s. 4.
"Commercial motor vehicle" means any motor vehicle wholly or mainly adapted for the carriage of goods, and includes a motor vehicle of the type commonly called "buckboard":
"Trailer" means any vehicle without motive power constructed and adapted for being drawn by a motor vehicle: Provided that

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that a vehicle without motive power constructed and adapted for being drawn by a motor vehicle shall not be deemed a trailer, but shall be deemed part of the motor vehicle by which it is drawn if—

- (a) it has two wheels only ;
- (b) it is constructed for attachment to a motor vehicle by means of a turn table and king pin ; and
- (c) a substantial part of its weight and of the weight of its load rests upon the motor vehicle by which it is drawn.

New provisions relating to registration.

5. Sections 7, 8, and 8A of the principal Act are repealed, and the following sections are hereby enacted and substituted in lieu thereof:—

Duty to register.

7. (1) On the thirty-first day of March, nineteen hundred and thirty, every registration of a motor vehicle then in force shall expire.

(2) After the expiration of one month from the thirty-first day of March, nineteen hundred and thirty, no person shall drive any motor vehicle on any road or street unless that vehicle has been registered after that date under this Act and the registration thereof is for the time being in force: Provided that this subsection shall not apply if the motor vehicle is driven on a road or street in the circumstances mentioned in section 9 of this Act, and has thereon a trader's plate as required by that section.

(3) Any person who drives a motor vehicle in contravention of this section shall be guilty of an offence and liable to a penalty not exceeding Fifty Pounds.

(4) If any person drives a motor vehicle in contravention of this section and is not the owner of the motor vehicle, the owner thereof shall also be guilty of an offence and shall be liable to a penalty not exceeding Fifty Pounds. It shall be a defence to a charge under this subsection if the motor vehicle was so driven without the knowledge or against the instructions of the owner.

(5) Whenever any person, whether the owner of the motor vehicle or not, is convicted for an offence against this section the Court may, in addition to imposing a penalty, summarily order that person to pay to the Registrar the amount payable under this Act for registration for a full year of the motor vehicle in respect of which the offence was committed.

Application to register.

8. (1) Every application to register a motor vehicle shall be made to the Registrar by or on behalf of the owner of the motor vehicle in accordance with the regulations, and at the time of making the application for registration a fee calculated in the manner set forth in the Schedule to this Act shall be paid to the Registrar.

(2) Upon

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(2) Upon application duly made and payment of the said fee the Registrar shall register the motor vehicle in the register of motor vehicles, and assign a number thereto.

(3) If a motor vehicle registered under this section has been previously registered by the same owner the Registrar shall, if the owner requests, assign to the motor vehicle on registration under this section the number assigned to the vehicle on the previous registration: Provided that the Registrar may refuse so to assign the latter number if more than three months have elapsed between the expiration of the previous registration and the new application for registration.

(4) The plates bearing any registration number assigned under this section shall be black and the number thereon shall be white.

(5) The Registrar shall, on payment of the prescribed fee, furnish the owner of any registered motor vehicle with a copy of the entries in the register relating to that motor vehicle.

8A. (1) The Governor may, from time to time, by proclamation, declare that any commercial motor vehicles, or any class of commercial motor vehicles described or referred to in the proclamation shall be commercial motor vehicles of British origin for the purposes of this Act.

Reduced fees for vehicles of British origin.

(2) The Governor at any time by proclamation may partially or wholly revoke, or may vary any proclamation for the time being in force under this section.

(3) The fees payable under the Schedule for registration of any motor vehicles which, according to the tenor of any proclamation for the time being in force under this section, are declared to be commercial motor vehicles of British origin, shall be at the reduced rate provided in the Schedule.

8B. The registration of every motor vehicle shall, unless sooner terminated under this Act, expire on the thirty-first day of March next after it was effected.

Duration of registration.

8C. (1) The Registrar shall at the time of registration issue to every person who registers a motor vehicle under this Act a registration card having printed or written thereon particulars of the motor vehicle registered, the duration of the registration, and any other matters which the Registrar thinks proper to insert.

Issue of, and duty to carry, registration card.

(2) Every registration card shall throughout the period during which the registration remains in force be carried in a waterproof holder having a front of clear glass or some other transparent material. The registration card and the holder containing it shall be affixed to and carried on the motor vehicle for which the card is issued, in accordance with the regulations.

(3) Any person who on any road or street drives any motor vehicle registered under this Act which does not carry the registration card issued for that vehicle under this section, or which

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which carries the said registration card otherwise than in conformity with all the requirements of this section and the regulations, shall be guilty of an offence and liable to a penalty for a first offence not exceeding Ten Pounds and for a second or any subsequent offence not exceeding Twenty Pounds.

(4) If any motor vehicle does not carry at any time a registration card issued in respect of that vehicle and for the time being in force, that fact shall be *prima facie* evidence that the said vehicle is not registered at that time.

Offences in connection with registration and registration cards.

8D. Any person who—

- (a) drives a motor vehicle on which is affixed any registration card other than a registration card issued under this Act in respect of that motor vehicle and for the time being in force ;
- (b) makes any false statement in or in connection with any application for registration under this Act ;
- (c) without lawful excuse has in his possession any registration card or any article resembling a registration card and liable to be mistaken therefor ;
- (d) alters, defaces, mutilates, or adds anything to any registration card ;
- (e) drives a motor vehicle on which is affixed any registration card which has been altered, defaced, mutilated, or added to ; or
- (f) drives a motor vehicle on which is affixed any colorable imitation of a registration card,

shall be guilty of an offence and liable to a penalty not exceeding Fifty Pounds.

Duty to notify Registrar of transfer of motor vehicle.

8E. (1) If an owner who has registered a motor vehicle transfers the ownership thereof to some other person whether on a sale or any other transaction, he shall within fourteen days of the transfer—

- (a) notify the Registrar in the prescribed form of the transfer :
- (b) deliver to the Registrar the registration card issued in respect of the transferred motor vehicle and for the time being in force.

(2) If any person fails to comply with any requirement of this section he shall be guilty of an offence and liable to a penalty not exceeding Twenty Pounds.

Expiration of registration on transfer.

8F. If the owner who has registered a motor vehicle transfers the ownership thereof to some other person, whether on a sale or any other transaction, the registration of the motor vehicle shall thereupon become void.

8G. (1) If

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8G. (1) If the transferor of a registered motor vehicle applies after the transfer and during the period for which the vehicle transferred was registered for a refund of part of the registration fee paid in respect of that motor vehicle he shall be entitled on return of the registration card issued in respect of the transferred vehicle to have deducted from the fee payable for the registration of any other motor vehicle registered by him, or to be repaid, an amount calculated as follows:—

Allowances to transferor on registration of another vehicle.

- (a) If the application for the said registration is made in the months of April, May, or June, the fee payable for registration of the transferred vehicle for a full year:
- (b) if the application for the said registration is made in the months of July, August, or September, three-quarters of the said fee:
- (c) if the application for the said registration is made in the months of October, November, or December, one-half of the said fee:
- (d) if the application for the said registration in the months of January, February, or March, one-quarter of the said fee.

(2) The transferor of a registered motor vehicle who has complied with section 8E shall be entitled to have the number of the transferred motor vehicle re-assigned to any other motor vehicle acquired by him, which he has applied to register.

8H. If a motor vehicle has been registered under this Act, and a full year's registration fee paid therefor, and the motor vehicle is within six months from the date of registration rendered permanently unfit for use as a motor vehicle, or removed to another State and registered there within six months from the said date, the person who registered the motor vehicle under this Act shall be entitled, upon proof of the facts to the satisfaction of the Registrar, to a refund of half the registration fee.

Refund of registration fee in certain cases.

8I. If a trailer is registered as a motor vehicle under this Act it need not be licensed under the Vehicles (Licensing) Act, 1925.

Exemption of registered trailers from Vehicles (Licensing) Act, 1925.

8J. Any member of the Police Force or the Registrar or any person authorized in writing by the Registrar to examine motor vehicles for the purposes of this Act may—

Inspection of motor vehicles to ascertain power-weight.

- (a) examine or stop and examine any motor vehicle for the purpose of determining any facts necessary to ascertain the amount of the fee payable for registration of that motor vehicle:

(b) enter

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Registration of
certain vehicles
without fee.

(b) enter any premises at any time and search therein for motor vehicles and examine for the purposes aforesaid any motor vehicles found therein :

(c) take from any part of any motor vehicle a sample of any liquid fuel used or appearing to be used for propelling that motor vehicle.

8K. The Registrar shall register without fee—

(a) any motor vehicle owned by the Fire Brigades Board or any voluntary fire brigade :

(b) any ambulance motor vehicle for the use of which no charge is made :

(c) any commercial motor vehicle owned by the corporation or council of any municipality, or by any district council, and used solely or mainly in connection with the construction or maintenance of roads :

(d) any motor vehicle owned by the Crown :

(e) any motor vehicle owned by the Municipal Tramways Trust :

(f) any motor vehicle consisting of mobile machinery and plant used for the purpose of boring for water.

Duty of owners to
notify changes in
vehicles and tires to
Registrar.

8L. (1) The owner of a registered motor vehicle, to which at any time after registration any of the alterations or additions mentioned in subsection (2) of this section are made, shall, within fourteen days after the making of the alteration or addition, give notice thereof in writing to the Registrar, and shall forward to the Registrar such particulars as he may require, or as are prescribed, of the alteration or addition.

(2) The alterations and additions referred to in subsection (1) hereof are the following :—

(a) any alteration of or addition to the motor vehicle by which its horsepower or weight as defined in the Schedule is increased :

(b) in the case of a motor vehicle fitted entirely with pneumatic tires, the removal of any pneumatic tire and the substitution therefor of any tire other than a pneumatic tire :

(c) in the case of a vehicle not having metal tires, the removal of any tire and the substitution therefor of a metal tire :

(d) in the case of a motor cycle not having a side-car attached thereto the attachment thereto of a side-car.

(3) At the time of giving notice to the Registrar of any alteration or addition the owner of the motor vehicle shall pay an additional fee which shall consist of the difference between the

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the amount actually paid as registration fee for the motor vehicle and the amount which would have been payable if the alteration or addition had been made at the time of registration, due allowance being made for any full quarter or quarters expired at the time of the making of the alteration or addition.

(4) Any person failing to comply with any provision of this section shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding Twenty Pounds.

6. Section 9 of the principal Act (as enacted by the Motor Vehicles Act Amendment Act, 1925) is amended—

Amendment of principal Act, s. 9—
Fee for trader's plates.

(a) by striking out subsection (2) thereof and inserting in lieu hereof the following:—

Every general identification number issued after the thirty-first day of March, nineteen hundred and thirty, shall remain in force until the thirty-first day of March next after the date of issue.

(b) by inserting at the end of subsection (3) the following:—

Provided that if the general identification number is issued between the thirtieth day of September and the first day of April the said fee shall be half of the fee otherwise payable.

7. Section 34 of the principal Act is amended by striking out subparagraph (i.) of paragraph (c) thereof.

Consequential amendment of principal Act, s. 34.

8. The principal Act is amended by adding thereto the Schedule set forth at the end of this Act.

Amendment of principal Act—
Schedule.

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

G. J. R. MURRAY, Deputy Governor.

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THE SCHEDULE.

RULES FOR COMPUTING THE AMOUNT OF REGISTRATION FEE.

The registration fee for a motor vehicle shall be calculated according to the following provisions :—

1. (a) The power-weight (indicated in this Schedule by the letters P.W.) of a motor vehicle shall be ascertained by adding the weight in hundredweights of the vehicle to the horsepower calculated as hereinafter mentioned.

(b) The horsepower of a motor vehicle propelled by any volatile spirit shall be determined by squaring the measurement in inches of the internal diameter of the cylinder of the engine and multiplying the number so found by the number of cylinders and dividing the product by 2.5.

The horsepower of a motor vehicle driven by steam shall be calculated by dividing the number of the square inches of area of the fire grate of the boiler of such vehicle by 25.

The horsepower of a vehicle driven by electricity shall be ascertained by dividing the number of watts of electrical energy consumed by the power unit of the vehicle when the vehicle is running under full load at normal speed by 746.

(c) The weight of a vehicle in hundredweights and the horsepower of a vehicle shall be calculated to the nearest whole number.

2. The registration fee for a motor cycle shall be as follows :—

	£	s.	d.
If the cycle has not a side-car attached thereto	1	10	0
If the cycle has a side-car attached thereto	2	0	0

3. The registration fee for a motor vehicle (other than a motor cycle or trailer) fitted with pneumatic tires shall be—

	£	s.	d.
If the vehicle does not exceed 25 P.W.	4	0	0
If the vehicle exceeds 25 P.W. but does not exceed 30 P.W.	5	0	0
If the vehicle exceeds 30 P.W. but does not exceed 35 P.W.	6	0	0
If the vehicle exceeds 35 P.W. but does not exceed 40 P.W.	7	0	0
If the vehicle exceeds 40 P.W. but does not exceed 45 P.W.	8	0	0
If the vehicle exceeds 45 P.W. but does not exceed 50 P.W.	9	0	0
If the vehicle exceeds 50 P.W. but does not exceed 55 P.W.	10	0	0
If the vehicle exceeds 55 P.W. but does not exceed 60 P.W.	11	0	0
If the vehicle exceeds 60 P.W. but does not exceed 65 P.W.	12	0	0
If the vehicle exceeds 65 P.W. but does not exceed 70 P.W.	13	0	0
If the vehicle exceeds 70 P.W. but does not exceed 75 P.W.	14	0	0
If the vehicle exceeds 75 P.W. but does not exceed 80 P.W.	15	0	0
If the vehicle exceeds 80 P.W. but does not exceed 85 P.W.	17	0	0
If the vehicle exceeds 85 P.W. but does not exceed 90 P.W.	18	0	0
If the vehicle exceeds 90 P.W. but does not exceed 95 P.W.	19	0	0
If the vehicle exceeds 95 P.W. but does not exceed 100 P.W.	20	0	0
If the vehicle exceeds 100 P.W. but does not exceed 110 P.W.	23	0	0
If the vehicle exceeds 110 P.W. but does not exceed 120 P.W.	26	0	0
If the vehicle exceeds 120 P.W. but does not exceed 130 P.W.	29	0	0
If the vehicle exceeds 130 P.W. but does not exceed 140 P.W.	32	0	0
If the vehicle exceeds 140 P.W. but does not exceed 150 P.W.	35	0	0
If the vehicle exceeds 150 P.W. but does not exceed 160 P.W.	38	0	0
For every additional P.W.	0	5	0

If

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If the motor vehicle has all or any of its wheels fitted with rubber tires other than pneumatic tires the fee shall be at such one of the above rates as is applicable, plus 50 per cent. thereof.

If the motor vehicle has all or any of its wheels fitted with metal tires the fee shall be at such one of the above rates as is applicable, plus 100 per cent. thereof.

4. The registration fee for a trailer fitted with pneumatic tires shall be—

	£	s.	d.
If the weight of the trailer unladen does not exceed 1 ton	1	10	0
If the weight of the trailer unladen exceeds 1 ton, but does not exceed 1½ tons	2	0	0
If the weight of the trailer unladen exceeds 1½ tons, but does not exceed 2 tons	2	10	0
If the weight of the trailer unladen exceeds 2 tons	3	0	0

If the trailer has all or any of its wheels fitted with rubber tires other than pneumatic tires the fee shall be at such one of the above rates as is applicable, plus 50 per cent. thereof.

If the trailer has all or any of its wheels fitted with metal tires the fee shall be at such one of the above rates as is applicable, plus 100 per cent. thereof.

5. (a) If the motor vehicle is registered in the month of July, August, or September the registration fee shall be three-quarters of the amount which would otherwise be payable.

(b) If the motor vehicle is registered in the month of October, November, or December the registration fee shall be one-half of the amount which would otherwise be payable.

(c) If the motor vehicle is registered in the month of January, February, or March the registration fee shall be one-quarter of the amount which would otherwise be payable.

6. For any motor vehicle proclaimed under this Act as a commercial motor vehicle of British origin the registration fee shall be the amount which would otherwise be payable under this schedule, less 10 per cent.

7. If the Registrar of Motor Vehicles is satisfied by statutory declaration or such other evidence as he requires that—

(a) any commercial motor vehicle is owned by a primary producer ; and

(b) such motor vehicle will not be used on roads or streets except for carrying goods the produce of the land of such primary producer, or goods necessary for working such land,

the registration fee shall be the amount which would otherwise be payable under this schedule, less 50 per cent. thereof.

8. If the Registrar of Motor Vehicles is satisfied by statutory declaration or such other evidence as he requires that—

(a) any motor tractor is owned by a primary producer ; and

(b) such motor tractor will not be used on roads or streets except for transporting goods the produce of the land of such primary producer to the railway station nearest to such land, or if there is a port nearer to such land than any railway station, then to such port, or to the nearest town not being a town where there is a railway station or port,

the registration fee for such motor tractor shall be 25 per centum of the amount which would otherwise be payable under this schedule.

9. If any commercial motor vehicle or motor tractor for the registration of which a reduced registration fee has been paid, as allowed by paragraph 7 or paragraph 8, is used for any purpose other than a purpose set out in paragraph 7 or paragraph 8, as the case may be, the balance of a full year's registration fee shall

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in all cases be forthwith due and payable, and may be recovered from the owner by the Registrar of Motor Vehicles in a summary way by complaint in a Court of summary jurisdiction.

10. If the Commonwealth of Australia imposes any Customs duty on motor spirit in addition to the Customs duty existing at the commencement of the Motor Vehicles Act, 1929, and pays the proceeds thereof to the State, the Governor may from time to time by proclamation vary the amounts of the registration fees as set out in this schedule to such an extent that the total revenue received in each year from the altered registration fees and the payments to the State by the Commonwealth, as mentioned above, would be, approximately equal to the amount which would have been received from the registration fees set out in this schedule if they had not been altered.

11. In this schedule—

“primary producer” means any person engaged in agricultural, horticultural, viticultural, pastoral, or other like pursuits; and

“weight” means the weight of the vehicle without passengers or load, but including the oil, petrol, buffers, accessories, and tools usually carried.