

# Act No. 8, 1900.

## *Metropolitan Traffic.*

### Act No. 8, 1900.

An Act to make better provision for the regulation of traffic within a certain metropolitan area; and for that purpose to regulate and control vehicles, horses, and the owners, drivers, and conductors thereof, and persons using such vehicles, and certain other persons; to repeal certain Acts; and for purposes incidental to or consequent on those objects. [29th August, 1900.]

METROPOLITAN  
TRAFFIC.

**B**E it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

#### PART I.

##### PRELIMINARY.

1. This Act may be cited as the "Metropolitan Traffic Act, Short title. 1900."

2. The provisions of this Act shall apply to and be in force in the Metropolitan Police District as defined in Gazette number seven hundred and thirty-one of the twelfth day of September, one thousand eight hundred and ninety-nine, and such other places within the county of Cumberland as the Governor by proclamation published in the Gazette appoints; and the area to which the Act applies shall be known for the purposes of this Act as the Metropolitan Traffic District.

Area within which  
Act in force.

3. The Public Vehicles Act, 1899, and so much of the Sydney Corporation Act of 1879, and of the Municipalities Act, 1897, and of other Acts as is inconsistent with this Act, are hereby repealed.

Repeal of certain  
Acts.

Provided that all licenses granted by the Commissioners shall continue in force until they expire, unless they are sooner suspended or cancelled under this Act or the regulations, and all by-laws made by the Commissioners shall remain in force until the expiration of twelve months after the commencement of this Act unless sooner repealed by the regulations, and such licenses shall be deemed to be licenses granted in pursuance of the regulations, and such by-laws shall be deemed to be regulations made in pursuance of this Act. And references in those  
by-laws

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by-laws to the Commissioners shall be deemed to refer to the Inspector-General of Police, and references to the registrar, inspectors, or other officers shall be deemed to refer to such persons administering this Act as the said Inspector-General may appoint in that behalf.

**Definitions.**

4. In this Act, unless the context or subject-matter otherwise indicates,—

“ Commissioners ” means Metropolitan Transit Commissioners.

“ Licensed ” means licensed under and in accordance with the regulations, or by the Commissioners.

“ Prescribed ” means prescribed by this Act or the regulations.

“ Public street ” means street, road, lane, thoroughfare, or place open to or used by the public.

“ Public vehicle ” means vehicle plying or standing in a public street for hire, or used or let for the conveyance for hire or for any consideration of goods or merchandise.

“ Regulation ” means regulation made under the provisions of this Act.

“ Vehicle ” means any description of vehicle upon wheels, except vehicles used on railways or tramways.

**Transfer of property of Transit Commissioners.**

5. (1) All books, papers, records, and other things in the possession of the Commissioners, and such property, estate, and interest as the Commissioners have in the shelter sheds erected by them are hereby transferred to the Inspector-General of Police.

(2) All sums of money at the credit of the Metropolitan Transit Fund are hereby transferred to the Consolidated Revenue to be credited to a fund called the Transit Fund, and all moneys due and payable at the commencement of this Act, or which thereafter may become due and payable to the Commissioners, shall be deemed to be due and payable to the Colonial Treasurer, and shall be carried by him to the credit of the last-named fund.

(3) There shall be paid and discharged out of such last-named fund all debts and liabilities (if any) due and payable, or which hereafter may become due and payable by the Commissioners, and there shall be paid out of such fund to each officer of the Commissioners who is not appointed under the provisions of this Act a gratuity of one month's pay (calculated at the rate of such officer's salary at the commencement of this Act) for each year such officer was employed by the Commissioners, and the balance of such fund shall be paid to drivers, licensed before the passing of this Act, who shall become incapacitated for work in such manner and at such rates as the Inspector-General of Police shall by regulation direct.

**Administration of Act.**

6. (1) Subject to the control of the Colonial Secretary, this Act shall be administered by the Inspector-General of Police, the person appointed superintendent, as hereinafter provided, and members of the police force.

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(2) The Governor shall appoint a superintendent who, subject to the control and authority of the Inspector-General of Police, shall be charged with the control of the other members of the police force engaged in the administration of this Act and the regulations; and, subject to disallowance by the Governor, and within one month from the commencement of this Act, the Inspector-General of Police may, notwithstanding any provision of the Police Regulation Act, 1899, appoint for the purpose of such administration any officers employed by the Commissioners at the time of such commencement.

(3) Every person when so appointed shall be a member of the police force, and shall be subject to the provisions of the Police Regulation Act, 1899.

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PART II.

REGULATION OF TRAFFIC.

*General traffic.*

7. The Governor may, by regulations made under this Act,— General traffic.
- (a) regulate the traffic and standing of vehicles and horses in public streets, and prescribe what routes shall be followed by vehicles and horses, or by any prescribed description of vehicles, the pace of vehicles and horses, and where and under what conditions vehicles and horses may stand in public streets;
  - (b) prescribe and regulate the carrying of lights on vehicles in public streets;
  - (c) regulate the carrying on vehicles in public streets of long, large, heavy, or projecting articles;
  - (d) prohibit or regulate the carrying or displaying of advertisements or placards by any persons, or on any vehicles, or the carrying or using of noisy instruments on vehicles or horses in public streets;
  - (e) prescribe and regulate the placing on vehicles used for carrying goods in public streets the names and addresses of the owners of such vehicles or of the holders of licenses in respect of the same;
  - (f) prescribe and regulate the seizure and custody of unattended vehicles and horses in public streets, and provide for the recovery of expenses of the custody and keep of the same, the disposal of such vehicles and horses after failure within the time prescribed to claim the same, or to pay such expenses;
  - (g)

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- (g) prohibit the use in public streets of horses that are unfit for use, vicious, or likely to cause any accident or any injury to any person or property in such streets, provide that vehicles, harness, and equipment used in public streets shall be so constructed and in such condition as to be suitable for safe use in such streets, and impose a penalty upon the owner and driver of any horse, vehicle, harness, or equipment used in contravention of any regulation made under this sub-section, and the holder of a license in respect of any such vehicle;
- (h) prohibit or regulate the setting up and use of stalls, stands, and vehicles for the sale of goods, or for the pursuit of any business, calling, or employment in any public street;
- (i) prohibit loitering and the obstruction of traffic in the carriage-ways of public streets;
- (j) prevent cruelty to horses in public streets;
- (k) provide for the regulation of vehicles and horses in public streets, and generally for carrying this Act into effect;
- (l) impose any penalty not exceeding ten pounds for any breach of any regulation made under this section.

*Public vehicles.*

Public vehicles.

8. The Governor may, by regulations made under this Act,—

- (a) provide that all public vehicles, or any specified class of public vehicles, shall, on and after the day therein mentioned, be licensed, and that the drivers and conductors of any such vehicles shall hold licenses under this Act and enforce compliance with those provisions; regulate the granting, renewing, transfer, suspension, cancelling, and return of such licenses; and prescribe the fees (not exceeding those mentioned in the Schedule to this Act) to be paid for the granting and renewing of such licenses; and the forms of such licenses;
- (b) prescribe the qualifications and ages of drivers and conductors respectively of public vehicles;
- (c) prescribe that all or any drivers and conductors of public vehicles shall wear badges; and regulate the form and description, and the issue, wearing, and return of such badges;
- (d) prescribe the number of any class or description of public vehicles which may ply or stand for hire in any public street or streets, or which may be used or let for the conveyance of goods, and the form, construction, and equipment of public vehicles, and the number and description of horses to be used in the same;

(e)

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- (e) provide that all public vehicles, or any specified class of public vehicles, shall, on and after a day therein mentioned, have numbers placed on such vehicles, and regulate the form of such numbers and the manner of placing the numbers on such vehicles, and where such numbers are on plates, regulate the issue and return of such plates;
- (f) appoint and regulate the use of stands for public vehicles or any class of public vehicles;
- (g) prescribe the number of persons and the amount of luggage and weight of goods to be carried in or upon public vehicles;
- (h) prescribe, in the case of omnibuses and other public passenger vehicles plying from one locality to another, the route of such vehicles, the time to be taken by such vehicles for performing the whole or any portion of their journeys, and the publication of time-tables, and prohibit the setting down or taking up of passengers by public vehicles at the places prescribed;
- (i) fix the fares for the hire or use of public vehicles plying for hire, and provide for the publication and the payment of such fares, and for the payment of so much of any fare for the hire or use of public vehicles plying for hire agreed upon as does not exceed the fare so fixed, and prescribe the pace at which public vehicles hired by time shall travel;
- (j) for the custody and return of property left in public vehicles, and the payment of compensation for the same, and the sale and disposal of the proceeds of the sale of such property not claimed within the time prescribed;
- (k) prohibit drivers and conductors of public vehicles in any public street from misconducting themselves, and prohibiting any persons from touting or calling out or otherwise importuning any person to hire or use a public vehicle;
- (l) provide for the regulation of public vehicles and the holders of licenses in respect of such vehicles, and the drivers, and conductors thereof, and persons hiring or using such vehicles;
- (m) repeal all or any by-laws made by the Commissioners;
- (n) impose any penalty not exceeding ten pounds for any breach of any regulation made under this section: Provided that there shall be an appeal to a court of petty sessions in any case where any license, renewal, or transfer is refused, and in any case of cancellation or suspension.

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## PART III.

## OFFENCES.

Penalty on persons using vehicles.

- 9.** Any person hiring or using a public vehicle, who—
- (a) fraudulently evades the payment of the prescribed fare;
  - (b) having failed or refused to pay such fare, either refuses to give an address at which he can be found, or gives a false address;
  - (c) forces himself upon any such vehicle already carrying the full complement of passengers, or hired by another person;
  - (d) misconducts himself whilst using any such vehicle;
  - (e) damages any such vehicle,

shall be guilty of an offence against this Act; and in the case of any offences mentioned in subsections (c) (d) or (e) of this section may be removed from the vehicle by the driver or a member of the police force.

Street may be closed temporarily to traffic.

**10.** Any member of the police force may close any street to traffic during any temporary obstruction or danger to traffic, or for any temporary purpose, and may prevent the traffic of any vehicles or horses in any street closed to traffic under the authority of this or any other Act; and any person disobeying or neglecting to comply with any direction of a member of the police force made in pursuance of this section shall be guilty of an offence against this Act.

Drivers not giving name and address.

**11.** Any driver or rider of a horse or vehicle who, when required by a member of the police force in the execution of his duty under this Act or the regulations to state his name or place of abode, refuses to do so, or, when so required, states a false name or place or abode, shall be guilty of an offence against this Act.

Obstruction of police.

**12.** Every person who obstructs any member of the police force in the execution of his duty under this Act or the regulations shall be guilty of an offence against this Act.

Unlawfully possessing licenses, &c.

**13.** Any person who—

- (a) by any false statement or misrepresentation, obtains or attempts to obtain a license under this Act; or
- (b) without lawful excuse has in his possession a license, badge, or number plate granted or issued under this Act, or any document or article resembling such license, badge, or number plate, and calculated to deceive; or
- (c) owns or drives in any public street any unlicensed vehicle having on it any printing or sign amounting to a representation that such vehicle is licensed or for hire, or any number plate prescribed to be affixed to licensed vehicles, or any plate resembling such number plate and calculated to deceive,

shall be guilty of an offence against this Act.

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PART IV.

GENERAL AND SUPPLEMENTAL.

14. The Inspector-General of Police may, by order published in newspapers circulating in the locality where the order is to have effect, prescribe the route of vehicles, horses, and persons on the occurring of any public procession or demonstration, or on any occasion when public streets are likely to be thronged or obstructed, and regulate the traffic of vehicles, horses, and persons in public streets on any such occasion.

Orders may be made by Inspector-General of Police.

15. Any member of the police force may, at any time between sunrise and sunset, enter the premises of the holder of any license in respect of a vehicle for the inspection of vehicles, horses, harness, and equipment.

Inspection of vehicles.

16. The particulars of licenses shall be recorded in books kept for the purpose at the office of the superintendent, and an extract from or copy of any entry contained in such books, certified under the hand of the officer-in-charge thereof, shall in all courts, and upon all occasions whatsoever, be received as evidence and deemed sufficient proof of all particulars contained in such entry without requiring the production of such books or any license, requisition, notice, or other document upon which any entry may be founded.

Record of licenses.

17. All regulations made under this Act shall be published in the Gazette, and shall take effect from the date of such publication, and shall, within fourteen days of the publication thereof, be laid before both Houses of Parliament if then sitting, and if not then within the first fourteen days of the next ensuing session thereof.

Publication of regulations.

18. If any driver of a public vehicle wilfully or negligently causes any damage to be done, by driving such vehicle in a public street, to any person or property, the holder of a license in respect of such vehicle and the driver of such vehicle shall be liable for the amount of such damage.

Damage done by vehicles.

19. In any proceedings under this Act for the recovery of any fare no fee in respect of such proceeding shall be charged or taken by any clerk of petty sessions or other officer of such court.

No fee to be charged in proceedings for recovery of fares.

20. Every person guilty of an offence against the provisions of this Act, or any order made and published by the Inspector-General of Police as hereinbefore provided, shall be liable to a penalty not exceeding ten pounds.

Penalty for breach of Act.

21. All penalties incurred under this Act, or any regulations or orders made thereunder, and all fares required by the regulations to be paid, and all other sums made payable by this Act or the regulations, may be recovered in a summary way before a court of petty sessions, and all informations for offences against this Act or the regulations

Recovery of penalties.

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may be laid by any person and may be heard and determined in a summary way by such court: Provided that any person aggrieved by any judgment, conviction, or order, given or made under this section, may appeal therefrom.

Court may order compensation for amages, &c.

**22.** In any conviction under this Act or the regulations, the court of petty sessions may order such payment as compensation for loss of time or expense incurred in consequence of the offence of which the defendant was convicted as it thinks fit; and shall, in the manner prescribed, note the conviction on any license under this Act held by the person so convicted, and may by order cancel or suspend his license, and may order the delivery of the license to some person to be named in the conviction.

Compensation, &c., on dismissal of proceedings.

**23.** If an information or complaint is laid or made by any person other than a member of the police force for any offence punishable in pursuance of or for the recovery of any fare prescribed by this Act or the regulations, and the proceedings are dismissed or withdrawn, the Court may, if it thinks fit, order that the said person pay to the defendant in addition to any costs such compensation for loss of time or otherwise as seems reasonable.

Procedure in case of non-payment of penalty.

**24.** In default of payment of any penalty, fare, or other sum and costs ordered to be paid under this Act, the amount of such penalty, fare, or other sum and costs shall be levied by distress and sale of the goods and chattels of the offender, and in case no sufficient distress can be found whereon to levy the penalty, fare, or other sum and costs, the offender shall be imprisoned for a period not exceeding three months—

Facilitation of proof.

**25.** In any proceedings under this Act or the regulations—

- (a) proof that a vehicle has not upon it a distinguishing number, as prescribed by the regulations, shall be prima facie evidence that such vehicle is not licensed;
- (b) proof that any licensed vehicle, not being a vehicle used for the carriage of goods and merchandise only, is in a public street shall be prima facie evidence that it is plying or standing for hire;
- (c) proof that a person applied for and obtained a license for a vehicle shall be prima facie evidence that such person was the owner of such vehicle;
- (d) the production of a copy of a license of a vehicle signed by the person to whom the license was issued shall be prima facie evidence that the vehicle is licensed, and that such person named therein applied for and obtained the license for such vehicle;
- (e) the production of a copy of a license of any person signed by such person shall be prima facie evidence that such person is licensed.



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*Consolidated Revenue Fund (No. 3).*

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**26.** In any proceedings under this Act or the regulations, any printed paper purporting to be regulations made by the Governor under this Act, and to be printed by the Government Printer, shall be evidence that the regulations, in the words printed in such paper, were duly made by the Governor under this Act. Proof of regulations.

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SCHEDULE.

*Licenses.*

	£	s.	d.	
Omnibus .. .. .	2	0	0	yearly.
Cab .. .. .	1	0	0	„
Van, dray, or waggon .	1	0	0	„
Driver or conductor ..	0	5	0	„

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