

Act No. 11, 1901.

An Act to consolidate the enactments relating to Public Gates. [4th October, 1901.] PUBLIC GATES.

BE it enacted by the King'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:—

1. This Act may be cited as the "Public Gates Act, 1901." Short title.
2. The Acts mentioned in the Schedule hereto are, to the extent therein expressed, hereby repealed. Repeal.
3. In this Act, unless the context or subject-matter otherwise indicates or requires,— Interpretation.
39 Vic. No. 10, s. 2.
 - "Justice" means justice of the peace;
 - "Minister" means the Secretary for Lands;
 - "Occupant" means any person in lawful possession of land;
 - "Public gate" means a gate permitted by the Minister, and erected under section four of this Act or under the Acts hereby repealed; and
 - "Public road" means any road lawfully used by or dedicated to the public, and any route within the meaning of section one hundred and nine of the Crown Lands Act, 1884.
4. (1) The occupant of any lands through which an unfenced public road passes, or the occupant or the several occupants of any lands separated by an unfenced public road, may apply to the Minister Application to erect gate.
Ibid. s. 3.
No. 5, 1897, s. 17.
for

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for permission to place a gate, of form and width to be specified in such application, across such road at any place where it intersects any fence enclosing or bounding any such lands.

Minister may approve.

(2) The Minister, if he approves of the proposed form, position, and width of the gate applied for, may publish in the Gazette and in some local newspaper notice of his intention to grant permission to the applicant to erect such gate, and may grant such permission.

Gate may be erected.

(3) The applicant may, after the expiration of one month from the publication of such notice, erect a gate in accordance with his application, and shall paint and maintain on such gate in legible characters, not less than three inches in length, the words "public gate."

Permission may be revoked.

(4) The Minister may upon one month's notice revoke and cancel the permission granted for the erection of any such gate.

Penalty for leaving gate open.
39 Vic. No. 10, s. 4.

5. (1) Whosoever having opened or passed through any public gate fails immediately to close the same shall on conviction before any justice be liable to forfeit and pay the amount of the injury, if any, occasioned thereby, and in addition thereto, shall be liable to a penalty not exceeding five pounds, and if it is proved that the gate was open for any other purpose than that of passage along the public road, or was wilfully left open, the offender shall on conviction before any two justices be liable to forfeit and pay the amount of the said injury, and in addition thereto shall be liable to a penalty not exceeding twenty pounds.

Breaking gates.

(2) Whosoever breaks or injures such gate, or defaces, or attempts to deface the words painted thereon, shall on conviction before any justice forfeit and pay the amount of the injury, if any, occasioned thereby, and in addition thereto shall be liable to a penalty not exceeding five pounds.

Injury done.

(3) The amount of injury in any such case shall be ascertained and adjudged by the justice or justices.

Penalty on occupant.
Ibid. s. 5.

6. Any occupant who—

(a) places or causes to be placed the words "public gate" on any gate not authorised under this Act; or

(b) in order to obtain the protection of this Act, permits the words "public gate" to remain on any gate not authorised by this Act,

shall on conviction be liable to a penalty not exceeding fifty pounds.

SCHEDULE.

Reference to Act.	Short title.	Extent of repeal.
39 Vic. No. 10 ...	Public Gates Act of 1875 ...	The whole.
No. 5, 1897 ...	Public Roads Act of 1897 ...	Section 17.

Act