

## MAIN ROADS (AMENDMENT) ACT.

### Act No. 51, 1927.

An Act to make further provision for the financing of main roads; to provide for the erection of by-passes for motor vehicles; to confer certain further powers on the Main Roads Board; to amend the Main Roads Act, 1924, the Local Government Act, 1919, and certain other Acts; to repeal the Finance (Taxation Management) Act, 1926, and the Finance (Newspapers Taxation) Act, 1926; and for purposes connected therewith. [Assented to, 12th December, 1927.]

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**B**E 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.** (1) This Act may be cited as the "Main Roads (Amendment) Act, 1927," and shall be read and construed with the Main Roads Act, 1924, as amended by subsequent Acts. The said Act as so amended is in this Act referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the "Main Roads Act, 1924-1927."

(3) A reference in any Act to the Main Roads Act, 1924, shall be construed as a reference to that Act as amended by subsequent Acts.

**2.** (1) The Principal Act is amended as follows:—

(a) by omitting from subsection two of section ten the proviso inserted by the Finance (Taxation Management) Act, 1926.

Amendment of  
Act No. 24,  
1924.

Sec. 10 (2) (3).

(b)

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- (b) by omitting from subsection three of the same section the proviso inserted by the Finance (Taxation Management) Act, 1926.
- Sec. 20 (2). (c) by omitting from subsection two of section twenty the proviso inserted by the Finance (Taxation Management) Act, 1926.
- Sec. 29 (1) (a). (d) by omitting paragraph (a) of subsection one of section twenty-nine, and by inserting in lieu thereof the following new paragraph :—
- (a) Such sums as may be voted by Parliament from the Consolidated Revenue Fund or the Public Works Fund for this purpose ;
- (2) The Finance (Taxation Management) Act, 1926, and the Finance (Newspapers Taxation) Act, 1926, are hereby repealed.

Further amend-  
ments of  
Act No. 24 1924.

Sec. 28 (1).

**3. The Principal Act is further amended—**

- (a) by omitting from subsection one of section twenty-eight the words “not being a main road” ;
- Sec. 44 (6). (b) by omitting from subsection six of section forty-four the word “thirty-one” and by inserting in lieu thereof the word “thirty-two” ;
- New s. 54. (c) by inserting next after section fifty-three the following new section :—
- Service of notices, &c. 54. Where any notice, requisition, or demand is required by this Act to be served or where the board desires to serve any notice, requisition, or demand upon any person or council, service may be effected personally or by sending the notice, requisition, or demand by post in a prepaid registered letter addressed to such person or council.

Amendment of  
Act No. 41, 1919.

New s. 251A.

**4. (1) The Local Government Act, 1919, is amended—**

- (a) by inserting next after section two hundred and fifty-one the following new section :—
- 251A. (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, with the permission of the council, and shall, if

By-passes  
for motor  
vehicles.

if required by the council, erect a by-pass for motor vehicles on such road at any place at which the road intersects any fence enclosing or bounding any such lands if permission to erect a public gate at that place has been granted under the Public Gates Act, 1901, and has not been revoked.

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(2) The power of the council to require the erection of a by-pass shall not be exercised in any case where the public gate forms part of a rabbit-proof or dog-proof enclosure.

(3) Every by-pass erected under the provisions of this section shall be erected in accordance with the requirements of the council.

(4) If the council so requires, a public gate shall be removed from its approved position by the person erecting the by-pass and the by-pass shall be erected in that position.

The gate shall be re-erected by such person on such side of the by-pass as the council may require and the provisions of the Public Gates Act, 1901, shall apply to the gate when so erected.

(5) The person erecting the by-pass shall erect near each end of the by-pass a notice painted white, of such a size and in such a position as to be readily seen by a person approaching the by-pass, and shall cause to be painted on the notice board in black letters the words "Motor By-pass."

(6) The person erecting the by-pass or his successor in title shall at his own expense keep the by-pass and notice boards in a state of repair and condition satisfactory to the council, and shall at the like expense effect such repairs to the by-pass and notice boards as the council may from time to time require.

(7) The council may by notice exhibited in a conspicuous position at or near each

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each end of a by-pass prohibit any person from driving any vehicle across the by-pass if the weight of the vehicle together with any loading thereon exceeds a weight specified in the notice.

(8) Where the council requires a person to erect a by-pass under this section it may grant such assistance to him as it may think fit towards defraying the expense thereof and of the notice boards required to be erected by this section.

(9) Any by-pass may be closed and the notices removed if the public gate in connection with which it is erected is removed from the road, or if the enclosure of which it forms part is made rabbit-proof or dog-proof.

Notice of the closing of a by-pass shall be given to the council.

The person closing the by-pass shall take such steps as the council may require to ensure the safety of persons using the road.

(10) Any person who without lawful excuse uses a by-pass erected in pursuance of this section in any manner other than for the passage of a motor vehicle, or who wilfully injures or removes any notice displayed in connection with a by-pass, shall be liable on summary conviction to a penalty not exceeding five pounds.

(11) Any person who wilfully obstructs or who wilfully injures any by-pass erected in pursuance of this section shall be liable upon summary conviction to imprisonment for a term not exceeding six months or to a penalty not exceeding fifty pounds.

Sec. 251.

(12) In this section "occupant" means any person in lawful possession of land.

- (b) (i) by omitting from subsection one of section two hundred and fifty-one the words "The Governor may, by proclamation, upon the application of the council, confer upon the council" and by inserting in lieu thereof the words "The council shall, within its area, have"; (ii)

(ii) by omitting subsection two of the same section ; **George V,  
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(c) by omitting from paragraph (a) of subsection two of section four hundred and seventy and from paragraph (a) of subsection two of section four hundred and seventy-one the words " two months " wherever occurring and by inserting in lieu thereof the words " period of one month." Secs. 470,  
471.  
(Noxious  
weeds.)

(2) The Principal Act is amended by inserting at the end of subsection one of section thirty-six the words "and without limiting the generality of the foregoing powers in particular may exercise in respect of any main road or developmental road the powers of a council to require by-passes for motor vehicles to be erected." Further  
amendment  
of Act  
No. 24, 1924,  
s. 36.  
(By-passes.)

(3) The Principal Act is further amended by inserting at the end of paragraph (a) of subsection seven of section five the words "except with the approval of the Governor."

