

**MOTOR TRAFFIC AND TRANSPORT (FURTHER  
AMENDMENT) ACT.**

**Act No. 16, 1956.**

**Elizabeth II,  
No. 16, 1956.**

An Act to amend the Motor Traffic Acts, 1909-1956, in connection with the removal and towing away of certain motor vehicles; to amend the State Transport (Co-ordination) Act, 1931-1954, to make provision for the licensing of certain public motor vehicles; to amend the Motor Vehicles Taxation Management Act, 1949-1951, to ensure the preservation of the Act in certain events; to amend the Transport (Division of Functions) Act, 1932-1952, to make further provision in relation to limitation of actions; to validate certain matters; and for purposes connected therewith. [Assented to, 13th September, 1956.]

BE

**B**E it enacted by the Queen's Most Excellent Majesty, No. 16, 1956.  
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 “Motor Traffic and Transport (Further Amendment) Act, 1956.” Short title and citation.

(2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Act, 1909-1956.

(3) The State Transport (Co-ordination) Act, 1931, as amended by subsequent Acts and by this Act, may be cited as the State Transport (Co-ordination) Act, 1931-1956.

(4) The Motor Vehicles Taxation Management Act, 1949, as amended by the Motor Vehicles Taxation Management (Amendment) Act, 1951, and by this Act, may be cited as the Motor Vehicles Taxation Management Act, 1949-1956.

(5) The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts and by this Act, may be cited as the Transport (Division of Functions) Acts, 1932-1956.

**2.** (1) The Motor Traffic Acts, 1909-1956, is amended Amendment of Act No. 5, 1909. Sec. 3.  
by omitting paragraph (q5) of subsection one of section three and by inserting in lieu thereof the following paragraph:— (Regulations.)

(q5) provide for the seizure and for the taking charge of, removal or towing away of any motor vehicle that is a danger or unreasonable obstruction to traffic or has been abandoned in a public street, or has been caused or permitted to stand, wait, stop or to be parked contrary to law in any part of a public street in which is conspicuously displayed a sign exhibiting or including the words “tow away area” or “vehicles impounded” or other words indicating that such a vehicle

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vehicle is subject to seizure; and for the keeping or impounding, at a place appointed or set apart by the Commissioner of Police for the purpose, of any motor vehicle so removed or towed away; and for the conditions to be observed before the release of any such motor vehicle, including a condition for payment of such amount as may, from time to time, be fixed by the Commissioner of Police in respect of the seizure, taking charge of, removal, towing away, keeping, impounding or releasing of any such motor vehicle; and for the disposal or destruction of any such motor vehicle if the owner fails within the time prescribed to claim the same and to pay such amount.

Such regulations shall prescribe the conditions to be observed before such seizure as aforesaid.

Different amounts may be fixed by the Commissioner of Police as aforesaid in respect of different classes of motor vehicles or according to different circumstances.

(2) Subsection one of this section shall be deemed to have commenced on the first day of October, one thousand nine hundred and thirty.

Amendment  
of Act  
No. 32,  
1931.  
Sec. 12.  
(Public  
motor  
vehicle  
not to be  
operated  
in certain  
cases unless  
vehicle  
licensed.)

3. (1) The State Transport (Co-ordination) Act, 1931-1954, is amended—

- (a) by omitting from subsection one of section twelve the words "in the course and for the purposes of intra-state trade" and by inserting in lieu thereof the words "otherwise than in the course and for the purposes of inter-state trade";
- (b) by omitting from the same subsection the words "for operation as aforesaid".

(2) Subsection one of this section shall be deemed to have commenced on the sixteenth day of December, one thousand nine hundred and fifty-four.

(3)

(3) A person shall not, by reason of the operation of the amendments made by subsection one of this section, be guilty of an offence against the State Transport (Co-ordination) Act, 1931-1954, in respect of anything done or omitted to be done before the commencement of this subsection if he would not have been so guilty had such amendments not been made. No. 16, 1956.

4. (1) The Motor Vehicles Taxation Management Act, 1949-1951, is amended by inserting at the end of section three the following new subsection:— Amendment  
of Act  
No. 34,  
1949.

(2) This Act shall be read and construed subject to the Commonwealth of Australia Constitution Act and so as not to exceed the legislative power of the State to the intent that where any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected. Sec. 3.  
(Defini-  
tions.)

(2) Subsection one of this section shall be deemed to have commenced on the first day of December, one thousand nine hundred and forty-nine.

5. The Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, is amended by inserting at the end of section twenty-seven the following new paragraph:— Amendment  
of Act  
No. 31,  
1932.

The foregoing provisions of this section shall extend, and shall be deemed always to have extended, to an action for the recovery of moneys which have in fact been paid to or collected by any such Commissioner or person where such payment was made or purported to be made or such collection was effected or purported to be effected under the authority or purported authority of any Act whether or not such Act was valid or effectual to impose or authorise the imposition upon any person of an obligation to pay such moneys or to empower such Commissioner or first-mentioned person to receive or collect the same. Sec. 27.  
(Limitation  
of actions.)