

**MOTOR TRAFFIC AND LOCAL GOVERNMENT
(AMENDMENT) ACT.**

Act No. 67, 1957.

An Act to provide for the liability of the owner of any vehicle concerned in a parking offence; to amend the Motor Traffic Act, 1909, the Local Government Act, 1919, and the Transport Act, 1930, as amended by subsequent Acts, in certain respects; and for purposes connected therewith. [Assented to, 9th December, 1957.]

Elizabeth II,
No. 67, 1957.

BE 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:—

1. (1) This Act may be cited as the "Motor Traffic and Local Government (Amendment) Act, 1957".

Short title
and
citation.

(2)

Motor Traffic and Local Government (Amendment) Act.

No. 87, 1957. (2) The Motor Traffic Act, 1909, as amended by subsequent Acts and by this Act, may be cited as the Motor Traffic Acts, 1909-1957.

(3) The Transport Act, 1930, as amended by subsequent Acts and by this Act, may be cited as the Transport Acts, 1930-1957.

**Amendment
of Act
No. 5, 1909.
New sec.
18A.**

2. The Motor Traffic Act, 1909, as amended by subsequent Acts, is amended by inserting next after section eighteen the following new section:—

**Liability
of motor
vehicle
owner for
parking
offences.**

18A. (1) When a parking offence occurs in relation to any motor vehicle the person who at the time of the occurrence of the offence is the owner of the motor vehicle shall, by virtue of this section, be guilty of an offence under the regulation concerned in all respects as if he were the actual offender guilty of the parking offence unless—

- (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;
- (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3)

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a motor vehicle shall by virtue of this section be guilty of an offence if—

(a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he

(i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by statutory declaration to the prescribed officer under such regulations the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

(ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

(b) in any other case he—

(i) within twenty-one days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or

(ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

No. 67, 1957.

(4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

(5) In this section—

“Owner” in relation to a motor vehicle includes—

- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;
- (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations applicable to him in regard to such sale or disposal;
- (c) in the case of a vehicle to which a trader’s plate is affixed, the person to whom such trader’s plate is in issue.

“Parking offence” means any offence of standing or parking a motor vehicle or of causing or permitting a motor vehicle to stand, wait or be parked in contravention of any regulation.

Amendment
of Act
No. 41, 1919.
New sec.
270o.

3. The Local Government Act, 1919, as amended by subsequent Acts, is amended by inserting next after section 270N the following new section:—

Liability
of vehicle
owner for
parking
offences.

270o. (1) When a parking offence occurs in relation to any vehicle the person who at the time of the occurrence of the offence is the owner of the vehicle shall,

shall, by virtue of this section, be guilty of an offence ^{No. 67, 1957.} against the ordinance concerned in all respects as if he were the actual offender guilty of the parking offence unless—

- (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, such owner satisfies the prescribed officer under the said regulations that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used;
- (b) in any other case the court is satisfied that such vehicle was at the relevant time a stolen vehicle or a vehicle illegally taken or used.

(2) Nothing in this section shall affect the liability of the actual offender but where a penalty has been imposed on or recovered from any person in relation to any parking offence no further penalty shall be imposed on or recovered from any other person in relation thereto.

(3) Notwithstanding anything in the foregoing provisions of this section no owner of a vehicle shall by virtue of this section be guilty of an offence if—

- (a) in any case where such offence is dealt with as a minor offence under the regulations made under section two hundred and sixty-five of the Transport Act, 1930, as amended by subsequent Acts, he
 - (i) within twenty-one days after service on him of a notice under such regulations alleging that he has been guilty of such offence, supplies by statutory declaration to the prescribed officer under such regulations the name and address of

No 67, 1957.

of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned, or

- (ii) satisfies such prescribed officer that he did not know and could not with reasonable diligence have ascertained such name and address;

(b) in any other case he—

- (i) within twenty-one days after service on him of a summons in respect of such offence, supplies by statutory declaration to the informant the name and address of the person who was in charge of the vehicle at all relevant times relating to the parking offence concerned; or
- (ii) satisfies the court that he did not know and could not with reasonable diligence have ascertained such name and address.

(4) A statutory declaration under subsection three of this section if produced in any proceedings against the person named therein and in respect of the parking offence concerned shall be prima facie evidence that such person was in charge of the vehicle at all relevant times relating to such parking offence.

(5) In this section—

“Owner” in relation to a vehicle being a motor vehicle includes—

- (a) every person who is the owner or joint owner or part owner of the vehicle and any person who has the use of the vehicle under a hire-purchase agreement but not the lessor under any such agreement;
- (b)

- (b) the person in whose name the vehicle is registered except where such person has sold or otherwise disposed of the vehicle and has complied with the provisions of the regulations under the Motor Traffic Act, 1909, as amended by subsequent Acts, applicable to him in regard to such sale or disposal; No. 67, 1957.
- (c) in the case of a vehicle to which a trader's plate is affixed, the person to whom such trader's plate is in issue.

“Parking offence” means any offence of standing or parking a vehicle or of causing or permitting a vehicle to stand, wait or be parked in contravention of any ordinance made for carrying this Division into effect.

“Registered” means registered under the Motor Traffic Act, 1909, as amended by subsequent Acts.

“Trader's plate” means a trader's plate issued under the Motor Traffic Act, 1909, as amended by subsequent Acts, for use as prescribed by regulation under that Act.

4. The Transport Act, 1930, as amended by subsequent Acts, is amended—

- (a) by omitting from subsection one of section two hundred and sixty-five the words “under Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts” and by inserting in lieu thereof the words “for carrying Division 13A of Part IX of the Local Government Act, 1919, as amended by subsequent Acts, into effect”;

- (b) by inserting in the same subsection after the word “offences” where secondly occurring the words “(including the offences of which owners of

Amendment
of Act
No. 18, 1930,
sec. 265.

(Minor
traffic
offences.)

Pastures Protection (Amendment) Act.No. 67, 1957.

of vehicles are guilty by virtue of section 18A of the Motor Traffic Act, 1909, as amended by subsequent Acts, and section 270o of the Local Government Act, 1919, as amended by subsequent Acts)".
