



CHAPTER 36.

An Act to amend the "Highway Act."

R.S.B.C. 1936, c. 116;
1939, c. 24; 1943, c. 26

[Assented to 28th March, 1945.]

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

1. This Act may be cited as the "Highway Act Amendment Act, 1945." Short title.

2. The "Highway Act," being chapter 116 of the "Revised Statutes of British Columbia, 1936," is amended by repealing section 6, and substituting the following:— Re-enacts s. 6.

"6. Where public money has been expended on a travelled road that has not been theretofore established by notice in the Gazette or otherwise dedicated to the public use by a plan deposited in the Land Registry Office for the district in which the road is situate, that travelled road shall be deemed and is hereby declared to be a public highway."

3. Subsection (1) of section 8 is repealed, and the following substituted:— Amends s. 8.

"(1.) It shall be lawful for the Minister in his absolute discretion to make public highways of any width and to vary and alter any existing roads and to take, either at the time the highway is first made or declared or at any subsequent time, additional land beyond the width of the highway so established where necessary for the use or purpose of the Department of Public Works, and to declare the same by a notice in the Gazette setting forth the direction and extent of such highway; and for such purpose, by himself, his agents, and workmen, without any notice to and without any consent on the part of any person owning or occupying the land, or having or claiming any estate,

right, title, or interest therein, to enter upon, set out, ascertain, and take possession of any private roads and any lands in the Province, and any timber thereon; and also in the like discretion to enter upon any land for the purpose of erecting, maintaining, and removing snow-fences, or cutting any drains that may be thought necessary, or for the purpose of taking therefrom any gravel, timber, stone, and other materials required for the construction or maintenance of any highway."

Amends s. 8.

4. Section 8 is further amended by adding to subsection (2) the words "or for the purpose of defining more particularly the limits of any public highways previously established by a notice in the Gazette."

Amends s. 11.

5. Section 11 is amended by adding after the word "Council," in the fourteenth line of subsection (1), the words "or may, under the authority of the Lieutenant-Governor in Council, be leased or transferred to the Dominion Government."

Enacts ss. 36A, 36B,
36C, 36D.

6. Said chapter 116 is further amended by inserting immediately before Part III. the following as sections 36A, 36B, 36C, and 36D:—

"36A. (1.) In case an accident occurs by which any person or property is injured, directly or indirectly, owing to the presence or operating of a bicycle on any highway, the person in charge of the bicycle shall:—

"(a.) Remain at or immediately return to the scene of the accident; and

"(b.) Render all possible assistance:

"(c.) Give to any one sustaining loss or injury and to any police officer or constable who is present his name and address, and also the name and address of the owner of the bicycle, and, if the bicycle has been licensed or registered, the licence or registration number of the bicycle.

"(2.) If the accident results in death or injury to any person or in injury to property causing aggregate damages apparently exceeding twenty-five dollars, the person in charge of the bicycle shall forthwith make a written report of the accident and shall mail or deliver the same to the nearest Provincial or municipal police office or station, and the officer in charge of the office or station shall within twenty-four hours after receipt of the report mail or deliver a copy thereof to the Commissioner of Provincial Police.

"(3.) Every report made under this section shall be without prejudice, and shall be for the information of the municipal and Provincial police, but shall not be open to public inspection. The fact that a report has been so made shall be admissible in evi-

dence solely to prove a compliance with this section, and the report shall be admissible in evidence on the prosecution of any person for the offence of making a false statement therein.

"36B. (1.) Every person riding or operating a bicycle on any highway shall ride and operate the same in a careful and prudent manner, having regard to all the circumstances, including the rate of speed, the nature, condition, and use of the highway, and the traffic that actually is at the time or might reasonably be expected to be on the highway. In describing any offence under this section, it shall be sufficient to charge an accused person with riding to the common danger, and the Court or Magistrate shall be entitled to receive evidence for the prosecution showing what acts or circumstances have constituted the offence charged, and the conviction of the Court or Magistrate shall be sufficient if it sets forth that the accused person did ride to the common danger, without the necessity of setting forth the specific acts or circumstances which constituted the offence.

"(2.) Every person who is guilty of the offence of riding to the common danger within the meaning of this section shall be liable, on summary conviction, to a fine of not less than five dollars and not more than twenty-five dollars.

"36C. (1.) Where by this or any other Act or by any by-law of a municipality any provision is made in respect of bicycles and an offence created in respect of the violation thereof, the Magistrate or Court may, in addition to or in lieu of any penalty otherwise prescribed, order that the bicycle shall be seized, impounded, and held by an officer of the Court for a period not exceeding one month from the time when the bicycle is seized; and on the expiry of that period the person entitled thereto may again have possession of the bicycle.

"(2.) For the purpose of seizing and impounding a bicycle pursuant to an order made under subsection (1), any police officer may enter by force any place or building in which the bicycle is situated.

"36D. (1.) No person in charge of a vehicle or on a bicycle or on horseback or leading a horse overtaking a street-car operated in or near the centre of the travelled portion of the highway that is stationary or in motion shall pass on the left-hand side of such street-car, having reference to the direction in which the street-car is travelling.

"(2.) Subsection (1) shall not apply to an emergency vehicle as that expression is defined in the 'Motor-vehicle Act.'

"(3.) The driver of an emergency vehicle shall not drive such vehicle to the left of a street-car if there is sufficient room to drive to the right of such street-car, nor shall he so drive unless he gives repeated audible signals by siren or bell."

VICTORIA, B C

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