

HEILBRON MUNICIPALITY v. TOWNSEND.

1909. August 15. MAASDORP, C.J., and WARD, J.

Municipality.—Regulations.—Ultra vires.—Registration fees.

Power to frame regulations for regulating the use and registration of bicycles and charging registration fees in respect thereof does not include a right to impose an annual license.

This matter was brought in review by the Attorney-General under sec. 6 of Ordinance 38 of 1903. The accused had been charged with contravening a regulation of the Heilbron Municipality, which imposed an annual license on owners of bicycles. He pleaded guilty, and was sentenced to come up for sentence when called upon, the magistrate expressing the view that the regulation was *ultra vires*, but that he had no power to deal with the matter.

Lloyd (acting Attorney-General): The regulation was framed under sec. 126, sub-sec. 22 (b), of Ordinance 35 of 1903, which empowers the council to frame regulations "for regulating the use and registration . . . of bicycles . . . and the registration fees payable in respect thereof." Such registration fee can only be imposed once, and must be distinguished from the "license fees," power to impose which is granted in sub-sec 22 (a).

MAASDORP, C.J.: The regulation is *ultra vires* in so far as it imposes an annual license, and that portion must be struck out.

WARD, J., concurred.
