

Local Government Act 1974 Amendment Act 2006

Public Act 2006 No 27
Date of assent 27 June 2006

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal Act amended	2
4 Removal of abandoned vehicles from roads	2
5 New sections 356A and 356B inserted	2
356A Further provision in relation to removal of vehicles from roads	2
356B Relationship between section 356 and section 356A	4
6 Amendment to Local Government Amendment Act 1992	4

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Local Government Act 1974 Amendment Act 2006.
- 2 Commencement**
This Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Local Government Act 1974.

4 Removal of abandoned vehicles from roads

- (1) Section 356(2)(a) is amended by omitting “may authorise any person to” and substituting “may, or may authorise any person to,”.
- (2) Section 356(2)(b) is amended by omitting “authorised by the council”.
- (3) Section 356(2)(h) is amended by omitting “by the council” in the first place where it appears.

5 New sections 356A and 356B inserted

The following sections are inserted after section 356:

“356A Further provision in relation to removal of vehicles from roads

- “(1) This section applies in relation to a motor vehicle if—
- “(a) the vehicle is found on a road or in a public place within a territorial authority’s district; and
 - “(b) the vehicle has—
 - “(i) an evidence of vehicle inspection and a licence label affixed to it, but each document has expired by more than 31 days; or
 - “(ii) an evidence of vehicle inspection affixed to it that has expired by more than 31 days and no licence label affixed to it; or
 - “(iii) a licence label affixed to it that has expired by more than 31 days and no evidence of vehicle inspection affixed to it; or
 - “(iv) neither an evidence of vehicle inspection nor a licence label affixed to it.
- “(2) The territorial authority—
- “(a) may, or may authorise any person to, remove the vehicle; and
 - “(b) if it does so, must—
 - “(i) store it for 10 days (the **10-day period**); and
 - “(ii) during that time, make reasonable efforts to notify the last registered owner of the vehicle—

- “(A) that it has removed the vehicle; and
 - “(B) that the vehicle is in storage; and
 - “(C) of the territorial authority’s powers under subsection (7).
- “(3) However, if the territorial authority is satisfied that the condition of the vehicle is such that it is of little or no value, it may dispose of the vehicle without complying with subsection (2)(b).
- “(4) A vehicle must not be removed under this section until a member of the police has been notified of the proposed removal.
- “(5) If a vehicle is claimed by any person lawfully entitled to it before the end of the 10-day period, the territorial authority must release the vehicle to the person.
- “(6) Subsection (5) applies only if any costs incurred by the territorial authority for removing and storing the vehicle are first paid.
- “(7) If a vehicle is not claimed under subsection (5), the territorial authority may—
- “(a) dispose of it (by sale or otherwise) at any time after the 10-day period has expired; and
 - “(b) recover from the vehicle’s last registered owner any costs incurred by the territorial authority as a result of removing, storing, and disposing of the vehicle (less any amount received on the disposal of it).
- “(8) A territorial authority may retain any proceeds from the disposal of a vehicle under this section that—
- “(a) are not claimed by the person who owned the vehicle at the time it was disposed of within 12 months of the vehicle’s disposal; and
 - “(b) are in addition to any costs incurred by the territorial authority for removing, storing, and disposing of the vehicle.
- “(9) Any person to whom a vehicle is disposed of under this section becomes the lawful owner of the vehicle.
- “(10) Nothing in this section limits or affects anything in section 239 of the Public Works Act 1981.
- “(11) For the purposes of this section,—

“**evidence of vehicle inspection** has the meaning given to it in section 2(1) of the Land Transport Act 1998

“**public place** means a place that is—

“(a) under the control of the territorial authority; and

“(b) open to, or being used by, the public, whether or not there is a charge for admission

“**territorial authority**, in relation to a State highway that is under the control of Transit New Zealand, means Transit New Zealand.

“356B Relationship between section 356 and section 356A

In any circumstances where a territorial authority is authorised to remove a motor vehicle under both section 356 and 356A, the territorial authority may only exercise its powers under section 356A.”

6 Amendment to Local Government Amendment Act 1992

Section 58(5) to (10) of the Local Government Amendment Act 1992 are repealed.

Legislative history

29 March 2006	Introduction (Bill 32-1)
5 April 2006	First reading and referral to Local Government and Environment Committee
12 June 2006	Reported from Local Government and Environment Committee (Bill 32-2)
15 June 2006	Majority amendments not agreed, second reading (Bill 32-3)
21 June 2006	Divided from Local Government Law Reform Bill (Bill 32—3) as Bill 32—4E
22 June 2006	Third reading
