

**Reprint  
as at 10 May 2011**



**Land Transport Amendment Act  
2009**

Public Act    2009 No 17  
Date of assent    25 June 2009  
Commencement    see section 2

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry of Transport.**

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**Schedule 2**  
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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Land Transport Amendment Act 2009.

**2 Commencement**

- (1) Sections 5 to 23, 25, and 26 come into force on the earlier of the following:
  - (a) a date to be fixed by the Governor-General by Order in Council;
  - (b) 1 December 2009.
- (2) Sections 4, 24, 27 to 31, 32(1), (4), (16), and (17), and 35(2) and (3) come into force on 29 June 2009.
- (3) The rest of this Act comes into force on a date appointed by the Governor-General by Order in Council; and 1 or more Orders in Council may be made bringing different provisions into force on different dates.

Section 2(1): sections 5–23, 25, and 26 brought into force, on 1 November 2009, by the Land Transport Amendment Act 2009 Commencement Order 2009 (SR 2009/263).

Section 2(3): sections 32(2), (3), (5)–(15), and (18), 33, 34, and 35(1) and (4)–(8) brought into force, on 1 May 2011, by the Land Transport Amendment Act 2009 Commencement Order 2011 (SR 2011/78).

**3 Principal Act amended**

This Act amends the Land Transport Act 1998.

**4 Short Title and commencement**

Section 1(4) is repealed.

## Part 1

### Amendments to principal Act

#### 5 Interpretation

- (1) The definition of **blood test** in section 2(1) is amended by omitting “taking of a blood specimen for analysis” and substituting “analysis of a blood specimen”.
- (2) The definition of **blood test fee** in section 2(1) is amended by omitting “the blood test fee” and substituting “the fee for the analysis of a blood specimen”.
- (3) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**compulsory impairment test** means a test, carried out in a manner prescribed by the Minister of Police by notice in the *Gazette*, to determine whether a person’s capacity to drive is impaired

“**controlled drug**—

“(a) means any substance, preparation, mixture, or article specified in Schedule 1 (except thalidomide), Schedule 2, or Part 1, 4, or 7 of Schedule 3 of the Misuse of Drugs Act 1975; and

“(b) includes any controlled drug analogue (within the meaning of controlled drug analogue in section 2(1) of the Misuse of Drugs Act 1975); and

“(c) excludes any substance, preparation, mixture, or article specified by regulations made under this Act

“**health practitioner** has the same meaning as in section 5 of the Health Practitioners Competence Assurance Act 2003

“**medical expenses** means the expenses incurred by a medical practitioner or medical officer in taking a blood specimen

“**parking warden** means a person appointed to hold the office of parking warden under section 7(1) of the Transport Act 1962

“**prescription medicine** has the same meaning as in section 3(3) of the Medicines Act 1981”.

#### 6 New section 11A inserted

The following section is inserted after section 11:

**“11A Persons may not drive or attempt to drive while impaired and their blood contains evidence of use of controlled drug or prescription medicine**

A person may not drive or attempt to drive a motor vehicle while—

- “(a) impaired; and
- “(b) that person’s blood contains evidence of the use of—
  - “(i) a controlled drug; or
  - “(ii) any prescription medicine.”

**7 New section 57A inserted**

The following section is inserted after section 57:

**“57A Driving while impaired and with blood that contains evidence of use of controlled drug or prescription medicine**

- “(1) A person who drives or attempts to drive a motor vehicle on a road commits an offence if—
  - “(a) the person does not complete a compulsory impairment test in a manner satisfactory to an enforcement officer, who is trained to give the test, when required to do so by an enforcement officer under section 71A; and
  - “(b) the person’s blood, as ascertained from an analysis of a blood specimen subsequently taken under section 72 or 73, contains evidence of the use of—
    - “(i) a controlled drug; or
    - “(ii) any prescription medicine.
- “(2) If a person is convicted of a first or second offence against subsection (1),—
  - “(a) the maximum penalty is imprisonment for a term not exceeding 3 months or a fine not exceeding \$4,500; and
  - “(b) the Court must order the person to be disqualified from holding or obtaining a driver licence for 6 months or more.
- “(3) If a person commits a third or subsequent offence against subsection (1) or any of sections 56(1), 56(2), 58(1), 60(1), 61(1), and 61(2) (whether or not that offence is of the same kind as the person’s first or second offence against any of those provisions), the person commits an indictable offence and on conviction—

- “(a) the maximum penalty is imprisonment for a term not exceeding 2 years or a fine not exceeding \$6,000; and
  - “(b) the Court must order the person to be disqualified from holding or obtaining a driver licence for more than 1 year.
- “(4) Subsection (3)(b) does not apply if an order is made under section 65.
- “(5) For the purposes of this section, a conviction for an offence against a provision of the Transport Act 1962 that corresponds to an offence specified in subsection (3) is to be treated as a conviction for an offence specified in that subsection.
- “(6) The imposition of a mandatory disqualification under this section is subject to section 81.”

## **8 Contravention of section 12**

Section 58 is amended by repealing subsection (1) and substituting the following subsections:

- “(1) A person commits an offence if the person drives or attempts to drive a motor vehicle on a road—
- “(a) while under the influence of drink or a drug, or both, to such an extent as to be incapable of having proper control of the vehicle; or
  - “(b) if the person’s blood, as ascertained from an analysis of a blood specimen subsequently taken under section 73, contains evidence of the use of a controlled drug specified in Schedule 1 (except thalidomide) of the Misuse of Drugs Act 1975.
- “(1A) To avoid doubt, subsection (1)(b) does not limit subsection (1)(a).”

## **9 Failure or refusal to remain at specified place or to accompany enforcement officer**

- (1) Section 59(1)(b) is amended by inserting “, 71A, or 72” after “section 69”.
- (2) Section 59(1)(c) is amended by omitting “section 69 or 72” and substituting “section 69, 71A, or 72”.
- (3) Section 59(1)(c)(i) is amended by inserting “or a compulsory impairment test” after “blood test”.



- (4) Section 59(1)(c)(ii) is amended by omitting “either” and substituting “any”.
- (5) Section 59(1)(d) is amended by inserting “or a compulsory impairment test under section 71A” after “section 69”.

**10 Failure or refusal to permit blood specimen to be taken**

- (1) The heading to section 60 is amended by adding “or to undergo compulsory impairment test”.
- (2) Section 60(1) is amended by adding “; or” and also by adding the following paragraph:
  - “(d) fails or refuses to undergo a compulsory impairment test under section 71A.”

**11 Person in charge of motor vehicle causing injury or death**

Section 61 is amended by repealing subsection (2) and substituting the following subsections:

- “(2) A person commits an indictable offence if the person is in charge of a motor vehicle and causes bodily injury to, or the death of, a person—
  - “(a) while under the influence of drink or a drug, or both, to such an extent as to be incapable of having proper control of the vehicle; or
  - “(b) if the blood of the person in charge, as ascertained from an analysis of a blood specimen subsequently taken under section 73, contains evidence of the use of a controlled drug specified in Schedule 1 (except thalidomide) of the Misuse of Drugs Act 1975.
- “(2A) To avoid doubt, subsection (2)(b) does not limit subsection (2)(a).”

**12 Causing injury or death in circumstances to which section 61 does not apply**

- (1) Section 62 is amended by repealing subsection (1) and substituting the following subsections:
  - “(1) A person commits an indictable offence if the person causes bodily injury to or the death of a person by carelessly driving a motor vehicle (in a manner that is not an offence against section 61)—

- “(a) while under the influence of drink or a drug, or both; or
  - “(b) if the blood of the person driving, as ascertained from an analysis of a blood specimen subsequently taken under section 73, contains evidence of the use of a controlled drug specified in Schedule 1 (except thalidomide) of the Misuse of Drugs Act 1975.
- “(1A) To avoid doubt, subsection (1)(b) does not limit subsection (1)(a).
- “(1B) A person commits an indictable offence if—
- “(a) the person causes bodily injury to, or the death of, a person by driving or attempting to drive a motor vehicle; and
  - “(b) the person does not complete a compulsory impairment test in a manner satisfactory to an enforcement officer, who is trained to give the test, when required to do so by an enforcement officer under section 71A; and
  - “(c) the person’s blood, as ascertained from an analysis of a blood specimen subsequently taken under section 72 or 73, contains evidence of the use of—
    - “(i) a controlled drug; or
    - “(ii) any prescription medicine.”
- (2) Section 62(2) is amended by inserting “or (1B)” after “subsection (1),”.

Section 12(2): amended, on 1 November 2009, by section 39(2) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

### 13 Defences

Section 64 is amended by inserting the following subsections after subsection (1):

- “(1A) It is a defence to proceedings for an offence against section 57A(1) or 62(1B) if the Court is satisfied that the person has consumed the relevant controlled drug or prescription medicine—
- “(a) in accordance with—
    - “(i) a current and valid prescription written for that person by a health practitioner; and
    - “(ii) any instructions from a health practitioner or from the manufacturer of the drug or medicine; or

- “(b) because it was administered by a health practitioner, provided that the person complied with the instructions (if any) that the health practitioner has given.
- “(1B) It is a defence to proceedings for an offence against section 60(1)(d) if the Court is satisfied that the person’s failure or refusal to undergo a compulsory impairment test is because of—
- “(a) a pre-existing medical condition or pre-existing disability that precludes undergoing the test:
- “(b) an injury, sustained in a motor vehicle accident giving rise to an obligation to undergo the test, that precludes undergoing the test.”

Section 13: amended, on 1 November 2009, by section 39(2) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

#### **14 Blood test fee**

- (1) Section 67(1) is amended by inserting “57A,” after “57(2).”
- (2) Section 67(1) is amended by inserting “and any associated medical expenses” after “offence was committed”.
- (3) Section 67(1) is amended by omitting “test fee is” and substituting “test fee and any associated medical expenses are”.
- (4) Section 67 is amended by repealing subsection (2) and substituting the following subsections:

“(2) For the purposes of subsection (1), the Minister of Police may from time to time, by notice in the *Gazette*, prescribe a fee for each type of blood test that is carried out under this Act.

“(3) The medical expenses referred to in subsection (1) may not exceed the actual and reasonable medical expenses associated with the taking of a blood specimen.”

#### **15 New section 71A inserted**

The following section is inserted after section 71:

##### **“71A Requirement to undergo compulsory impairment test**

- “(1) An enforcement officer may require any of the following persons to undergo a compulsory impairment test given by an enforcement officer trained to give the test if the enforcement officer has good cause to suspect that the person has consumed a drug or drugs:

- “(a) a driver of, or a person attempting to drive, a motor vehicle on a road:
  - “(b) a person whom the officer has good cause to suspect has recently committed an offence against this Act that involves the driving of a motor vehicle:
  - “(c) if an accident has occurred involving a motor vehicle,—
    - “(i) the driver of the vehicle at the time of the accident; or
    - “(ii) if the enforcement officer is unable to ascertain who the driver of the motor vehicle was at the time of the accident, a person whom the officer has good cause to suspect was in the motor vehicle at the time of the accident.
- “(2) An enforcement officer may require a person specified under subsection (1) to—
- “(a) remain in the place where stopped, for a period of time that is reasonable in the circumstances, to undergo the compulsory impairment test; or
  - “(b) accompany an enforcement officer to another place to undergo the compulsory impairment test if it would enhance road safety, personal safety, the person’s privacy, or the giving or taking of the test.
- “(3) A person who has undergone a compulsory impairment test must remain at the place where the person underwent the test until after the result of the test is ascertained.
- “(4) An enforcement officer may arrest a person without warrant if the person refuses or fails to comply with subsection (2) or (3).
- “(5) An enforcement officer may exercise the powers in subsections (1) and (2) in addition to any breath screening tests under section 68 or evidential breath tests under section 69 and regardless of the outcome of any such tests.”

## **16 Who must give blood specimen at places other than hospital or surgery**

- (1) Section 72(1) is amended by adding “; or” and also by adding the following paragraph:
- “(e) the person does not complete a compulsory impairment test in a manner satisfactory to an enforcement officer,

who is trained to give the test, when required to do so by an enforcement officer under section 71A.”

(2) Section 72 is amended by inserting the following subsections after subsection (1):

“(1A) Subsection (1)(e) only applies if an enforcement officer has good cause to suspect that the person has consumed a drug or drugs.

“(1B) Subsection (1)(e) applies regardless of whether the person has failed any breath screening tests under section 68 or evidential breath tests under section 69 and regardless of the outcome of any such tests.

“(1C) An enforcement officer may exercise the powers in subsections (1) and (2) in addition to any breath screening tests under section 68 or evidential breath tests under section 69.”

#### **17 Who must give blood specimen in hospital or surgery**

Section 73(5) is amended by repealing paragraph (a) and substituting the following paragraph:

“(a) has reasonable grounds to suspect that the person is in the hospital or doctor’s surgery as a result of—

“(i) an accident or incident involving a motor vehicle:

“(ii) an injury or a medical condition arising subsequent to an accident or incident involving a motor vehicle; and”.

#### **18 New section 73A inserted**

The following section is inserted after section 73:

**“73A Evidence of controlled drug in blood sample taken under section 72 or 73 may not be used as evidence of use of controlled drugs in prosecutions under Misuse of Drugs Act 1975**

Evidence of a controlled drug in a blood sample taken under section 72 or 73 may not be used as evidence of the use of a controlled drug in a prosecution for an offence under the Misuse of Drugs Act 1975.”

**19 Certificates in blood-alcohol proceedings**

Section 75(5)(b) is amended by inserting “the presence or” after “certificate.”.

**20 Circumstances in which certificate not admissible in proceedings**

- (1) Section 79(2) is amended by inserting “presence or” after “relates to the”.
- (2) Section 79(3) is amended by inserting “presence or” after “relates to the”.
- (3) Section 79(4) is amended by adding “; or” and also by adding the following paragraph:
  - “(e) if a certificate certifies that there is evidence of a controlled drug or any prescription medicine, the defendant’s blood specimen has been received and analysed by the private analyst and found to contain no evidence of a controlled drug or any prescription medicine.”

**21 Release of vehicle after 28 days**

Section 98 is amended by adding the following subsections:

- “(6) However, before disposing of a motor vehicle under subsection (4), a storage provider must—
  - “(a) search the personal property securities register to identify every person with a security interest in the motor vehicle; and
  - “(b) notify in writing every person with a security interest in the motor vehicle.
- “(7) For the purposes of subsection (6), **security interest** has the same meaning as in section 17 of the Personal Property Securities Act 1999.”

**22 Arrest of persons for alcohol or drug-related offences, or assault on enforcement officer**

Section 120 is amended by inserting the following subsection after subsection (1):

- “(1A) An enforcement officer may arrest a person without warrant if the person does not complete a compulsory impairment test in a manner satisfactory to an enforcement officer, who is trained

to give the test, when required to do so by an enforcement officer under section 71A.”

**23 Enforcement officer may immobilise vehicle, etc, if driver incapable of proper control of vehicle**

Section 121(1)(a) is amended by repealing subparagraph (i) and substituting the following subparagraph:

- “(i) a person who is for the time being in charge of a motor vehicle, because of his or her physical or mental condition (however arising),—
  - “(A) is incapable of having proper control of the vehicle; or
  - “(B) does not complete a compulsory impairment test in a manner satisfactory to an enforcement officer, who is trained to give the test, when required to do so by an enforcement officer under section 71A; or
  - “(C) fails or refuses to undergo a compulsory impairment test when required to do so under section 71A; or”.

**24 Strict liability for offences involving insecure loads and loads falling from vehicles**

Section 134(4)(a) is amended by omitting “until the close of 30 June 2009, unless the provisions are sooner revoked.”.

**25 Regulations**

Section 167(1) is amended by inserting the following paragraph after paragraph (mb):

- “(mc) specifying that a substance, preparation, mixture, or article is not a controlled drug for the purposes of this Act.”.

**26 New section 209A inserted**

The following section is inserted after section 209:

**“209A Analysing blood specimens for statistical or research purposes related to use of drugs or alcohol**

- “(1) Without limiting the purposes for which a blood specimen may be analysed or re-analysed under this Act, a person may, for statistical or research purposes related to the use of drugs or alcohol, analyse or re-analyse in an approved laboratory a blood specimen from a person taken under section 72 or 73.
- “(2) Subsection (1) applies to any blood specimen taken under this Act before, during, or after it comes into force.
- “(3) No analysis of a blood specimen under subsection (1) may be used as evidence in any proceedings for an offence.
- “(4) A blood specimen analysed or re-analysed under subsection (1) must be treated in a manner that does not identify the person from whom the blood specimen is taken.”

**27 Repeals**

Section 214(3) is amended by omitting “1 July 2009” and substituting “a date to be appointed by the Governor-General by Order in Council”.

**28 Transitional regulations**

Section 216(b) is amended by omitting “or Part 2 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986”.

**29 Expiry of section 216**

Section 217 is repealed.

**30 Regulations and other enactments having effect under this Act**

- (1) Section 218(1)(e) to (j) are repealed.
- (2) Section 218(2)(a), (c), (d), and (f) are repealed.

**31 Expiry of section 218**

Section 219 is repealed.



**32 New Part 17 inserted**

- (1) The following headings and section are inserted after section 232:

**“Part 17**

**“Motor vehicle registration and licensing**

*“Preliminary provisions*

**“233 Interpretation matters applying to this Part**

- “(1) In this Part, unless the context otherwise requires,—

“**accident insurance levy** means the appropriate levy payable under section 214 of the Injury Prevention, Rehabilitation, and Compensation Act 2001

“**enforcement authority**, in relation to an infringement of fence under this Part, means—

“(a) the New Zealand Police:

“(b) the Agency, if an infringement notice is issued by an employee of the Agency or by a person acting on behalf of the Agency:

“(c) a local authority, if an infringement notice is issued by an employee of the local authority or by a person acting on behalf of the local authority:

“(d) the Registrar

“**moped**—

“(a) means a motor vehicle (other than a power-assisted pedal cycle) that has—

“(i) 2 wheels; and

“(ii) a maximum speed not exceeding 50 kilometres per hour; and

“(iii) either—

“(A) an engine cylinder capacity not exceeding 50 cc; or

“(B) a power source other than a piston engine; and

“(b) includes a motor vehicle running on 3 wheels if the vehicle—

“(i) was registered before paragraph (a) came into force; and

“(ii) falls within the definition of moped in section 2(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

“**motorcycle**—

“(a) means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a sidecar; and

“(b) includes a vehicle with motorcycle controls that is approved as a motorcycle by the Agency; but

“(c) does not include a moped

“**ordinary plate** means a registration plate that must be displayed on a motor vehicle unless a personalised plate or a trade plate is issued for display on the motor vehicle

“**personal information** means the name and address (and, in the case of an individual, the date of birth and driver licence number) and any other information about a person registered or previously registered in respect of a motor vehicle

“**personalised plate** means a registration plate with a single letter or number or combination of letters, numbers, or letters and numbers allocated under section 259

“**prescribed fees** means the applicable fees and charges prescribed by regulations made under this Part and, in relation to a particular application or notification under this Part, **prescribed fee** means the fee or charge, if any, prescribed for that application or notification (subject to section 270(5))

“**registered person** means a person registered under this Part in respect of a motor vehicle and, in relation to a particular motor vehicle, means the person registered in respect of that vehicle

“**Registrar** means the person appointed by the Minister to be the Registrar of Motor Vehicles, and includes, where appropriate,—

“(a) any person to whom the Registrar has delegated any of the powers, duties, or functions of the Registrar under this Part:

“(b) any person for the time being authorised by the Registrar to perform any specified function of the Registrar under this Part

“**registration plate**—

“(a) means a plate issued under—

“(i) this Part; or

“(ii) the Transport Act 1962; or

“(iii) the Transport (Vehicle and Driver Registration and Licensing) Act 1986; and

“(b) includes ordinary plates, supplementary plates, personalised plates, and trade plates

“**sale**, in relation to a motor vehicle, means the disposition or change of ownership of the motor vehicle, whether or not for consideration, and includes disposition by way of hire purchase; and **sell**, **seller**, **acquirer**, and **purchaser** have corresponding meanings

“**supplementary plate** means a registration plate that matches an ordinary plate or a personalised plate issued for a motor vehicle

“**tractor** means a motor vehicle (other than a traction engine) designed principally for traction at speeds not exceeding 50 kilometres per hour

“**trade plate** means a registration plate issued to a person or class of persons for the purposes specified by the Minister by notice in the *Gazette*

“**trailer** means a vehicle without its own power source that is capable of being drawn or propelled by a motor vehicle from which it is readily detachable, but does not include—

“(a) a sidecar attached to a motorcycle; or

“(b) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

“(2) Except in proceedings for an offence against this Part or regulations made under this Part, a question as to whether a motor vehicle is of a particular design or type for the purposes of this Part or of regulations made under this Part must be determined by the Registrar.

“Compare: 1986 No 6 s 2”.

(2) The following heading and sections are inserted in their appropriate order:

*“Register of motor vehicles***“234 Register of motor vehicles**

- “(1) The Registrar must continue and maintain the register of all motor vehicles for which registration plates are issued.
- “(2) In any proceedings, the contents of the register are proved by the production of a certificate indicating its contents if signed by the Registrar or a person acting under a delegation from—
- “(a) the Registrar; or
  - “(b) an enforcement authority.
- “Compare: 1986 No 6 s 18

**“235 Purposes of register**

The purposes of the register are to facilitate—

- “(a) enforcement of the law;
  - “(b) maintenance of the security of New Zealand;
  - “(c) collection of charges imposed or authorised by an enactment;
  - “(d) administration and development of transport law and policy.”
- (3) The following sections are inserted in their appropriate order:

**“236 Application for information from register**

- “(1) Any person may apply to the Registrar, in relation to a specified motor vehicle, for—
- “(a) access to the following information from the register:
    - “(i) information on that motor vehicle;
    - “(ii) personal information;
  - “(b) confirmation that certain information matches personal information on the register, as provided for in section 238.
- “(2) The application must be—
- “(a) made in accordance with any regulations made under this Part; and
  - “(b) accompanied by the prescribed fee.
- “(3) The person who receives the application must make and keep, in the form provided by the Registrar for the purpose, a record of the application and of the information supplied.
- “Compare: 1986 No 6 s 19(1), (2)

**“237 Entitlement to receive information**

- “(1) A person who applies for information under section 236 is entitled to receive information from the register in relation to a specified motor vehicle.
- “(2) However, the Registrar may not disclose personal information about an individual unless the Registrar is satisfied that—
- “(a) the person applying for the information is that individual; or
  - “(b) the information is required for a purpose specified in section 235; or
  - “(c) the information is within the exception specified in section 241; or
  - “(d) the information may be disclosed under an enactment.
- “(3) Information from the register must not be supplied unless—
- “(a) the prescribed fee is paid; or
  - “(b) the Registrar is satisfied that satisfactory arrangements have been made for payment of that fee.
- “(4) The Registrar must, at the request of an individual, supply to the individual—
- “(a) the name of any person to whom personal information about the individual has been disclosed under—
    - “(i) subsection (2)(c); or
    - “(ii) subsection (2)(d), but only if the enactment in question was the Official Information Act 1982 or the Privacy Act 1993; and
  - “(b) the purpose of any such disclosure.
- “Compare: 1986 No 6 s 19(1), (3)

**“238 Registrar may confirm or deny match of information**

- “(1) If an application is made under section 236(1)(b) for confirmation of personal information, the Registrar may confirm or deny that the person specified by the applicant is registered in respect of the motor vehicle specified by the applicant.
- “(2) To avoid doubt, the Registrar—
- “(a) may use associated data provided by the applicant such as (in the case of an individual) the date of birth or driver licence number for the purpose of confirming or denying that a specified person is registered in respect of a specified motor vehicle; but

“(b) may only confirm or deny, as permitted by subsection (1).

**“239 Further restrictions**

“(1) Despite section 237, for a period of up to 28 days the Registrar may decline to supply information if the Registrar is considering whether to exercise the power provided for in subsection (2).

“(2) The Registrar may grant confidential status in respect of a specified motor vehicle if the Registrar certifies that the supply of personal information or information on that motor vehicle would be likely to prejudice—

“(a) the security or defence of New Zealand:

“(b) the international relations of the Government of New Zealand:

“(c) the maintenance of the law, including the detection, investigation, and prevention of offences:

“(d) the right to a fair trial of any person:

“(e) the privacy or personal safety of any person.

“(3) The Registrar must decline to supply personal information or information on a motor vehicle if the Registrar has granted confidential status under subsection (2).

“(4) Despite subsection (3), information from the register—

“(a) may be supplied for the purposes set out in section 235(a) to (c) if the supply of the information is approved by the Registrar; and

“(b) must be released if disclosure is—

“(i) required by another enactment; or

“(ii) to the Police at the request of the Commissioner of Police.

“(5) In considering under subsection (4)(a) whether to approve a supply of information, the Registrar must—

“(a) consult any agency that provided advice in support of the granting of confidential status in respect of the vehicle or vehicles to which the information relates; and

“(b) have regard to the reasons for which that status was granted.

“Compare: 1986 No 6 s 19(4), (5)

**“240 Complaints procedure**

- “(1) Complaints may be made to the Attorney-General against a decision of the Registrar made under section 239(1) or (2).
- “(2) The Attorney-General may investigate a complaint and either—
- “(a) confirm the decision of the Registrar that was the subject of the complaint; or
  - “(b) if the Attorney-General considers that the complaint is valid, reverse the Registrar’s decision.
- “Compare: 1986 No 6 s 19(5A)”.
- (4) The following section is inserted in its appropriate order:

**“241 Authorised access to name and address only**

- “(1) After consulting with the Privacy Commissioner, the Chief Ombudsman, and the Commissioner of Police, the Secretary may, by notice in the *Gazette*, authorise specified persons or classes of persons to have access to the names and addresses of persons registered in respect of motor vehicles and information on those vehicles—
- “(a) for specified purposes (in addition to the purposes recognised by section 235); and
  - “(b) on conditions that the Secretary thinks fit; and
  - “(c) for a specified event or specified period of time not exceeding 5 years.
- “(2) The Secretary may, as he or she thinks fit, cancel or amend by notice in the *Gazette* a notice published under subsection (1).
- “(3) An application for authorisation under subsection (1) must be—
- “(a) made to the Secretary in accordance with any regulations made under this Part; and
  - “(b) accompanied by the prescribed fee.
- “(4) The Secretary must decide whether to approve the application, and must inform the applicant of his or her decision, within a reasonable time after receiving the information reasonably required by him or her to make the decision.
- “(5) The Secretary may refuse to consider the application if the Secretary believes that it is vexatious or frivolous.

- “(6) The Registrar may withhold the names and addresses of registered persons from a person authorised by a notice published under subsection (1) until the Registrar is satisfied that—
- “(a) the names and addresses will be—
    - “(i) kept secure by that person and his or her agents, if any; and
    - “(ii) used only for the purpose specified in the notice published under subsection (1); and
  - “(b) provision of the names and addresses will not compromise the purpose of any confidential status granted under section 239; and
  - “(c) any conditions specified in that notice will be complied with.
- “(7) An authorisation under subsection (1) does not authorise any person or class of person to have access to the names and addresses of persons—
- “(a) who were previously registered in respect of motor vehicles; or
  - “(b) who have notified the Registrar, in accordance with any regulations made under this Part, that they do not wish to have their names and addresses made available under subsection (1).”
- (5) The following heading and sections are inserted in their appropriate order:
- “Registration and licensing requirements*
- “242 Motor vehicles must be registered and licensed**
- “(1) A motor vehicle must not be operated on a road unless the motor vehicle—
- “(a) is registered and licensed in accordance with this Part; and
  - “(b) has affixed to it and displayed in the manner prescribed by regulations made under this Part—
    - “(i) the registration plates issued for it; and
    - “(ii) a current licence issued for it and appropriate for its use under section 244.
- “(2) The person registered in respect of a motor vehicle in accordance with this Part must—



- “(a) keep the motor vehicle licensed at all times in accordance with this Part; and
  - “(b) ensure that the prescribed fees and accident insurance levies are paid for the time that the motor vehicle is required to be licensed (whether or not it is actually licensed).
- “(3) Subsections (1) and (2) do not override any provisions of this Part or of regulations made under this Part that provide expressly for a motor vehicle to be operated on a road otherwise than in accordance with subsections (1) and (2).
- “(4) A motor vehicle that is a registered motor vehicle under the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or any corresponding former Act immediately before the commencement of this Part is to be treated as if it were registered under this Part.
- “Compare: 1986 No 6 s 5(1), (1A), (5)

**“243 Application for registration**

- “(1) An application for registration of a motor vehicle must be—
- “(a) made by or on behalf of the owner to the Registrar in accordance with any regulations made under this Part; and
  - “(b) accompanied by—
    - “(i) the prescribed fee; and
    - “(ii) an application for a licence for the motor vehicle.
- “(2) The only persons who may be registered in respect of motor vehicles are—
- “(a) a natural person of or over 15 years of age; or
  - “(b) a body corporate; or
  - “(c) an agent of the Executive Government of New Zealand.
- “(3) If more than 1 person owns a motor vehicle, only 1 of them may be registered in respect of that vehicle at any given time.
- “(4) Unless the registration is cancelled under this Part, the registration of a motor vehicle continues in force without renewal.
- “(5) In relation to a vehicle treated by virtue of section 242(4) as if it were registered under this Part,—
- “(a) the person registered as the owner of the vehicle immediately before the commencement of this section is to

be treated as being registered in respect of the vehicle under this Part; and

- “(b) if there is more than 1 such person, each of them is to be treated as being so registered (accordingly, subsection (3) does not apply until there is to be a change of registered person).

“Compare: 1986 No 6 ss 6A, 7(1), (1A), (2), (3), (4), 8(2), 22(3)

**“244 Application for, and issuing of, licence**

- “(1) An application for a licence for a motor vehicle must be made to the Registrar by or on behalf of the person registered (or to be registered) in respect of the vehicle in accordance with any regulations made under this Part.

- “(2) As soon as practicable after receiving a completed application under subsection (1), together with the prescribed fees and accident insurance levies, the Registrar must, if satisfied that the application is in order, issue the appropriate licence for the motor vehicle—

- “(a) in accordance with any regulations made under this Part; and  
“(b) for a licensing period specified in any regulations made under this Part.

- “(3) A licence must not be issued for a motor vehicle that is not registered in accordance with section 242.

- “(4) In relation to a vehicle treated by virtue of section 242(4) as if it were registered under this Part, a licence issued for the vehicle under the Transport (Vehicle and Driver Registration and Licensing) Act 1986 and in force immediately before the commencement of this section continues to have effect as if it had been issued for the vehicle under this Part.

“Compare: 1986 No 6 ss 10(1), (2), 13(1)–(3)

**“245 Commencement of licence**

Except as otherwise prescribed by regulations made under this Part, a licence commences,—

- “(a) in the case of a newly registered motor vehicle, on the day of its registration; or  
“(b) on the day after the expiry of the previous licence.

**“246 Change of use of motor vehicle**

“(1) If a motor vehicle is to be used for a purpose other than that indicated by the existing licence, the person registered in respect of the motor vehicle must, without delay, apply for the appropriate new licence.

“(2) The issue of a new licence must be in accordance with regulations made under this Part.

“Compare: 1986 No 6 s 16(1)”.

(6) The following heading and section are inserted in their appropriate order:

*“Change of registered person on sale or other disposition*

**“247 Obligations of sellers and acquirers of motor vehicles**

“(1) After the sale of a registered motor vehicle,—

“(a) the person registered in respect of the vehicle at the time of sale must, without delay, notify the Registrar of the particulars required by any regulations made under this Part; and

“(b) the person who acquires a motor vehicle must, without delay, notify the Registrar of the particulars required by any regulations made under this Part.

“(2) A person must, without delay, notify the Registrar of the particulars required by any regulations made under this Part, if that person acquires a motor vehicle—

“(a) by means other than the sale of that vehicle; and

“(b) in a manner specified in any regulations made under this Part.

“(3) A notification required by this section must be made in accordance with any regulations made under this Part.”

(7) The following sections are inserted in their appropriate order:

**“248 Prohibition against use of motor vehicle**

“(1) This section applies if an enforcement officer or a parking warden believes on reasonable grounds that—

“(a) a person driving a motor vehicle on a road has committed an offence in relation to which an officer or warden has enforcement powers under this Act or another enactment; and

- “(b) the motor vehicle is not registered under this Part in the name of the current owner of the motor vehicle or with the current address of that person.
- “(2) The enforcement officer or parking warden may give to the driver or owner of the motor vehicle, if present, or affix or cause to be affixed to the motor vehicle, a notice in the form approved by the Registrar for the purpose directing that the motor vehicle—
  - “(a) be removed from the road immediately; and
  - “(b) not be driven on a road for as long as the notice is in force in accordance with subsection (3).
- “(3) A notice given under subsection (2)—
  - “(a) comes into effect at 11.59 pm on the working day after the day when the notice is issued (unless the name and current address of the owner are registered before that time); and
  - “(b) remains in force until the motor vehicle has been registered in the name and current address of the owner.
- “(4) Where more than 1 person owns a motor vehicle, reference in this section to the owner is to any 1 of those persons.

**“249 Circumstances when motor vehicle may be seized and impounded**

- “(1) An enforcement officer may seize and impound, or seize and authorise the impoundment of, a motor vehicle if the enforcement officer believes on reasonable grounds that a person has driven the motor vehicle on a road while a notice given under section 248(2) was in force.
- “(2) If a motor vehicle is seized and impounded under subsection (1), the enforcement officer must issue to the driver of the motor vehicle, if present, and to the storage provider, copies of a notice in the form approved by the Registrar for the purpose that—
  - “(a) acknowledges that the specified motor vehicle has been seized and impounded; and
  - “(b) sets out the following matters (if the particulars are reasonably ascertainable):
    - “(i) the name and address of the driver; and

- “(ii) the year and make of the motor vehicle, and the details of its registration plates or vehicle identification number; and
- “(iii) the date and time of the seizure; and
- “(iv) the place where the motor vehicle is, or is to be, impounded; and
- “(v) an outline of the driver’s rights of appeal under section 267.

**“250 Personal property**

Personal property (other than property attached to or used in connection with the operation of the motor vehicle) present in a motor vehicle at the time of its seizure and impoundment under section 249 must be released—

- “(a) on request made at the time of the seizure, to a person who produces satisfactory evidence that he or she was lawfully entitled to possess the motor vehicle or the personal property immediately before the motor vehicle was seized and impounded; or
- “(b) subsequently, to—
  - “(i) the owner of the personal property; or
  - “(ii) a person acting on behalf of the owner of the personal property, if the person produces satisfactory evidence of the owner’s consent to the property being released to that person.

**“251 Storage of impounded motor vehicles**

- “(1) A motor vehicle seized and impounded under section 249 must be stored as and where the enforcement officer directs.
- “(2) The owner of the impounded motor vehicle is liable for the fees and charges incurred for towage and storage.
- “(3) The local authority or storage provider, as the case may be, is entitled to recover the due fees and charges from the owner of the motor vehicle.
- “(4) Subsections (2) and (3) do not limit or affect any rights that may be exercised by the vehicle recovery service operator, the storage provider, or the local authority against the owner of the motor vehicle, or in respect of the motor vehicle.

- “(5) No person may remove or release an impounded motor vehicle from storage, unless that is permitted under this Act.
- “(6) For the purpose of this section, the Commissioner, a person authorised for the purpose by the Commissioner, or a local authority may, as that person thinks necessary, enter into appropriate arrangements with vehicle recovery service operators and storage providers.

“**252 Release of motor vehicle**

- “(1) The owner of a motor vehicle that has been seized and impounded under section 249, or a person authorised for the purpose by the owner, is entitled to recover the motor vehicle from storage by—
  - “(a) showing to an enforcement officer—
    - “(i) proof of the owner’s identity and either—
      - “(A) the certificate of registration of the motor vehicle in the name of that owner; or
      - “(B) proof that the owner has supplied to the Registrar the details required under section 247(1); and
    - “(ii) proof that no fines for which an owner is liable, and that were incurred while the owner owned the motor vehicle, are in default; and
  - “(b) paying the towage and storage fees and charges.
- “(2) The storage provider must release the motor vehicle as soon as practicable after the requirements of subsection (1) have been satisfied.
- “(3) An enforcement officer must order the release of an impounded motor vehicle to the owner of the motor vehicle, or a person authorised for the purpose by the owner, as soon as practicable after receiving evidence that the motor vehicle was registered in the name of that owner and with the current address of that owner, at the time of its impoundment.
- “(4) The owner of a motor vehicle released under subsection (3) is not liable to pay the fees and charges for towing and storing the motor vehicle.

**“253 Disposal of motor vehicle**

- “(1) This section applies to a motor vehicle seized and impounded under section 249 if the motor vehicle is not released within 10 working days of its impoundment.
- “(2) The storage provider with possession of the motor vehicle may dispose of the motor vehicle in accordance with subsection (3) or (5), as appropriate.
- “(3) A storage provider that is not a local authority may—
- “(a) apply to an enforcement officer authorised for the purpose by the Commissioner for approval to dispose of a motor vehicle under subsection (2); and
  - “(b) with the enforcement officer’s written approval, dispose of the motor vehicle on such terms and conditions as the officer thinks fit.
- “(4) If approval is given under subsection (3) for the disposal of a motor vehicle, the storage provider becomes the owner of the motor vehicle for all purposes.
- “(5) A storage provider that is a local authority may dispose of a motor vehicle under subsection (2) in accordance with section 356A(7), (8), and (9) of the Local Government Act 1974.
- “(6) However, before disposing of a motor vehicle under subsection (3) or (5), a storage provider must—
- “(a) search the personal property securities register to identify every person with a security interest in the motor vehicle; and
  - “(b) notify in writing every person with a security interest in the motor vehicle.
- “(7) For the purposes of subsection (6), **security interest** has the same meaning as in section 17 of the Personal Property Securities Act 1999.

**“254 Impounded motor vehicle not to be damaged**

- “(1) This section applies to a person authorised by an enforcement officer to—
- “(a) enter a motor vehicle for the purpose of moving it or preparing it for movement; or
  - “(b) impound a motor vehicle.

“(2) The person referred to in subsection (1) must do everything reasonably necessary to ensure that the motor vehicle and personal property in or on the motor vehicle are not damaged.”

(8) The following heading and sections are inserted in their appropriate order:

*“Cancellation of registration*

**“255 Cancellation of registration**

The Registrar may cancel the registration of a registered motor vehicle in accordance with any regulations made under this Part.

**“256 Discretion to refund fees**

“(1) This section applies if—

“(a) the Registrar cancels the registration of a motor vehicle under section 255; or

“(b) a person surrenders a trade plate before the expiry of that plate and the Registrar considers it appropriate to exercise the power specified in subsection (2).

“(2) If this section applies, the Registrar may, without further authority than this section, refund or cause to be refunded out of a Crown Bank Account an amount equal to the amount of the—

“(a) licence fee paid for the period for which registration is cancelled:

“(b) trade plate fee paid for the period for which the trade plate is surrendered.

“Compare: 1986 No 6 s 27(2)”.

(9) The following heading and section are inserted in their appropriate order:

*“Registration plates*

**“257 Issue of plates and certificates of registration**

“(1) The Registrar must, if satisfied that an application for registration of a motor vehicle made in accordance with regulations made under this Part is in order,—

“(a) in the case of ordinary plates,—

“(i) assign numbers, letters, a distinguishing mark, or a combination of any of these for the ordinary



- plates that are to be affixed to the motor vehicle;  
and
- “(ii) issue to the applicant an ordinary plate or plates for the motor vehicle; and
- “(b) in the case of personalised plates, issue the unique numbers, letters, distinguishing marks, or combination of any of these assigned for use on the plates that are to be affixed to the motor vehicle; and
- “(c) issue a certificate of registration for the motor vehicle.
- “(2) A new number or distinguishing mark may be assigned to the motor vehicle if new ordinary plates are issued for it.
- “(3) Ordinary plates issued under this section must be displayed on the motor vehicle unless personalised plates or trade plates are displayed in accordance with this Part or regulations made under this Part.
- “(4) A person to whom registration plates are issued under this section must, at the discretion of the Registrar, surrender any existing registration plates for that motor vehicle to the Registrar.
- “Compare: 1986 No 6 s 8(1)–(3)”.
- (10) The following section is inserted in its appropriate order:
- “258 Supplementary plates**
- “(1) A registered person may apply to the Registrar for supplementary plates in accordance with any regulations made under this Part.
- “(2) Supplementary plates must be issued and displayed in accordance with any such regulations.”
- (11) The following sections are inserted in their appropriate order:
- “259 Contract to dispose of rights to personalised plates**
- “(1) The Registrar may, after consulting with the Minister, enter into a contract to authorise a person to sell or otherwise dispose of the exclusive right to 1 or more letters or numbers, or a combination of both, allocated in accordance with regulations made under this Part for use on personalised plates.
- “(2) Nothing in subsection (1) limits the number of contracts that may be in force under this section at any given time (whether in respect of the same or different letters or numbers or combinations of both).

- “(3) A contract that was entered into under section 9 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 and is in force immediately before commencement of this section is deemed to have been entered into under and in accordance with this section.
- “(4) A contract entered into (or deemed to have been entered into) under this section may be terminated by either party on giving reasonable notice to the other party, despite anything to the contrary in the contract or elsewhere.
- “(5) If no contract is in force under this section in respect of particular letters or numbers or combinations of both, the Registrar is the person entitled to sell or dispose of the exclusive right to those letters or numbers or combinations of both for use on personalised plates.

“Compare: 1986 No 6 s 9(2), (5)

**“260 Acquisition and disposal of personalised plates**

- “(1) A person who wishes to purchase or otherwise acquire personalised plates, or the exclusive right specified in section 259, may—
- “(a) apply to the authorised person referred to in section 259—
- “(i) to purchase the exclusive right specified in section 259; or
- “(ii) to convert the existing registration plates of a motor vehicle to personalised plates bearing the same combination of letters and numbers as the existing plates; or
- “(b) purchase that exclusive right on the open market, whether or not the personalised plates have been manufactured.
- “(2) A person who purchases or otherwise acquires personalised plates, or the exclusive right specified in section 259, may—
- “(a) sell or otherwise dispose of them to any other person; or
- “(b) transfer them between motor vehicles owned by that person; or
- “(c) surrender them for ordinary plates.
- “(3) Despite anything in subsections (1) and (2), a person transferring, selling, disposing of, acquiring, or surrendering person-

alised plates must transfer, sell, dispose of, acquire, or surrender the plates in accordance with any regulations made under this Part.

“(4) Personalised plates must be issued in accordance with any regulations made under this Part.

“Compare: 1986 No 6 ss 9A, 9B, 9C”.

(12) The following sections are inserted in their appropriate order:

“**261 Eligibility for trade plates**

The Minister may, by notice in the *Gazette*,—

“(a) declare the persons or classes of persons who are eligible to apply for and receive trade plates; and

“(b) prescribe the purpose for which trade plates may be used; and

“(c) remove the eligibility of persons or classes of persons to apply for and receive or to use trade plates.

“**262 Application for trade plates**

“(1) A person who is, or who is within a class of persons, eligible to receive trade plates may apply to the Registrar for trade plates.

“(2) An application must be—

“(a) made in accordance with any regulations made under this Part; and

“(b) accompanied by—

“(i) the prescribed fee; and

“(ii) the accident insurance levy.

“(3) Trade plates must be issued and used in accordance with any regulations made under this Part.

“Compare: 1986 No 6 s 30(2), (3)

“**263 Transitional provision for existing registration plates**

Registration plates issued under the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or any corresponding Act are to be treated as registration plates issued under this Part.”

(13) The following heading and sections are inserted in their appropriate order:

*“General provisions relating to registration and  
licensing*

**“264 Replacement of certificate of registration, licence, or  
registration plates**

- “(1) If the certificate of registration, licence, or registration plates for a motor vehicle have been lost, stolen, damaged, or destroyed, the registered person may, in accordance with any regulations made under this Part, apply for a replacement or duplicate of the certificate of registration, licence, or registration plates.
- “(2) The Registrar may, if satisfied that subsection (1) applies and that the application is complete, issue (in accordance with any regulations made under this Part) a replacement or duplicate of the certificate of registration, licence, or registration plates.
- “(3) In the case of registration plates,—
- “(a) the replacement or duplicate must have the same letters, numbers, distinguishing marks or combination of letters, numbers or distinguishing marks as were assigned to the plates that were lost, stolen, damaged, or destroyed; but
  - “(b) nothing in this section requires the Registrar to issue an exact replica of those plates (for example, in terms of colour, format, font, or size).

**“265 Surrender and seizure of registration plates and facsimile  
plates**

- “(1) The Registrar may order the surrender of—
- “(a) any registration plates if the Registrar is satisfied that the plates—
    - “(i) are affixed to a motor vehicle other than the motor vehicle to which they may be lawfully affixed; or
    - “(ii) being ordinary plates, are not affixed to a motor vehicle; or
    - “(iii) have been issued in error or are being used (or are likely to be used) unlawfully; or
  - “(b) personalised plates if the Registrar has received a complaint about the plates and considers they are likely to cause offence or confusion; or
  - “(c) facsimile plates.

- “(2) An enforcement officer may seize any registration plates if the enforcement officer is satisfied that the plates—
- “(a) are affixed to a motor vehicle other than the motor vehicle to which they may be lawfully affixed; or
  - “(b) being ordinary plates, are not affixed to a motor vehicle; or
  - “(c) have been issued in error or are being used (or are likely to be used) unlawfully; or
  - “(d) have been ordered by the Registrar to be surrendered under subsection (1) or in accordance with any regulations.
- “(3) An enforcement officer may seize and destroy any facsimile plates.
- “(4) For the purposes of subsections (1)(c) and (3), **facsimile plate** means any thing that is not a registration plate but is made to appear as if it is a registration plate.
- “Compare: 1986 No 6 ss 8(4), 9D(3)

“**266 Registrar may prohibit or decline to issue plates**

The Registrar may, in accordance with regulations made under this Part,—

- “(a) prohibit the use of certain numbers, letters, or combinations of numbers or letters on personalised plates:
- “(b) decline to issue supplementary plates:
- “(c) decline to issue trade plates.”

(14) The following section is inserted in its appropriate order:

“**267 Appeal to District Court**

- “(1) A person may appeal to a District Court against a specified decision made under this Part by the Registrar or an enforcement officer if the person—
- “(a) is a person in respect of whom the decision was made; and
  - “(b) is dissatisfied with the decision.
- “(2) The Court may confirm, reverse, or modify the specified decision appealed against.
- “(3) Every specified decision appealed against under this section continues in force pending the determination of the appeal,

and no person is excused from complying with this Part on the ground that an appeal is pending.

- “(4) For the purposes of this section, a **specified decision** means a decision to—
- “(a) seize and impound a motor vehicle under section 249:
  - “(b) refuse to issue a supplementary plate or a trade plate in accordance with regulations made under this Part:
  - “(c) require the surrender of ordinary plates, personalised plates, supplementary plates, or trade plates in accordance with section 265 or any regulations made under this Part:
  - “(d) seize plates under section 265(2).”
- (15) The following heading and section are inserted in their appropriate order:

*“Offences and penalties*

“**268 Infringement offences**

An enforcement authority may, in relation to infringement of offences against regulations made under this Part, exercise the powers specified in sections 138 to 141.”

- (16) The following heading and sections are inserted in their appropriate order:

*“Regulations*

“**269 Regulations**

- “(1) The Governor-General may, by Order in Council, make regulations—
- “(a) providing for—
    - “(i) the licensing and registration of motor vehicles, including (but not limited to)—
      - “(A) the requirements for eligibility:
      - “(B) cancellation:
      - “(C) correction of errors or inaccuracies:
      - “(D) cases where particulars need not be recorded on the register:
    - “(ii) the provision (at the request of the Registrar or otherwise) of relevant information, documents, or evidence, including (but not limited to)—
      - “(A) a statutory declaration by the person to be registered in respect of a motor vehicle

- that the person is the owner of the motor vehicle:
- “(B) evidence of a person’s identity (such as a driver licence):
  - “(C) the certificate of registration for a motor vehicle:
  - “(D) a statutory declaration by an appropriate person explaining the circumstances in which a certificate, licence, or plate was lost, stolen, damaged, or destroyed:
  - “(E) a statutory declaration by the person applying for supplementary plates that states the intended use of the supplementary plates:
  - “(F) evidence, from a person authorised by the Registrar, that a vehicle subject to a registration application belongs to a particular class of vehicle and that it complies with the standards applicable to that class:
- “(iii) the manufacture, issuing, cancellation, refusal to issue, or surrender of licences and registration plates:
  - “(iv) the refusal to allocate numbers, letters, or combinations of numbers or letters for use on personalised plates:
- “(b) exempting, or authorising the Registrar to exempt, a motor vehicle or person, or a specified category or class of motor vehicles or persons, from—
    - “(i) any specified requirements of this Part or of regulations made under this Part:
    - “(ii) any prescribed fees:
  - “(c) imposing, or authorising the Registrar to impose, conditions in respect of—
    - “(i) the use of licences or registration plates:
    - “(ii) the operation of a registered motor vehicle on a road:
    - “(iii) any matter provided for in regulations made under this Part:

- “(d) making provision, or authorising the Registrar to make provision, for applications or notifications permitted or required by this Part (for example, about their form and content or the manner of their delivery):
- “(e) prescribing the registration requirements and particulars that the seller and acquirer of a motor vehicle must meet and supply, and the functions of the Registrar if there is a change in the ownership of a registered motor vehicle:
- “(f) permitting, or authorising the Registrar to permit, a change of registered person in a case where more than 1 person owns a motor vehicle and the joint owners wish to change which of them is the registered person:
- “(g) prescribing, or authorising the Registrar to prescribe, the form of certificates of registration or other forms required for the purposes of this Part:
- “(h) prescribing, or authorising the Registrar to prescribe,—
  - “(i) the form, colour, and material of licences and registration plates; and
  - “(ii) the size, shape, and character of the numbers, letters, messages, symbols, distinguishing marks, or slogans to be shown on licences and registration plates; and
  - “(iii) the means to make licences and registration plates easily visible; and
  - “(iv) the number of licences and registration plates to be displayed and the position and manner in which they are to be displayed; and
  - “(v) the eligibility requirements for licences, licence labels, and registration plates; and
  - “(vi) the duration of licences and registration plates:
- “(i) specifying the circumstances and conditions in which personalised plates may be sold or otherwise transferred:
- “(j) authorising the Registrar to enter the particulars of a change of ownership of a motor vehicle under section 247 or of personalised plates or of trade plates on the register, even if a party has failed to comply with the requirements of section 247 or any regulations made



under this Part, and prescribing the circumstances in which such particulars may be entered:

- “(k) specifying offences for the purposes of this Part:
- “(l) specifying infringement offences for the purposes of this Part:
- “(m) setting out defences to any offences specified under paragraph (k) or (l):
- “(n) setting out the maximum penalty for each offence specified under paragraph (k), which,—
  - “(i) in the case of an individual, may be a fine not exceeding \$10,000; and
  - “(ii) in the case of a body corporate, may be a fine not exceeding \$50,000:
- “(o) setting the infringement fee for each offence specified under paragraph (l), which,—
  - “(i) in the case of an individual, may not exceed \$2,000; and
  - “(ii) in the case of a body corporate, may not exceed \$10,000:
- “(p) prescribing fees or charges payable in respect of—
  - “(i) any application made, or other matter undertaken, under this Part:
  - “(ii) any transfer of personalised plates:
- “(q) prescribing fees or charges to cover the costs of—
  - “(i) providing information from, or administrative services related to, the register:
  - “(ii) producing and issuing licences and registration plates:
  - “(iii) replacement certificates, licences, or registration plates:
- “(r) identifying those fees and charges that are land transport revenue for the purposes of the Land Transport Management Act 2003:
- “(s) providing for unpaid fees and charges to be recoverable as a debt due to the Crown:
- “(t) providing for such other matters as are contemplated by or necessary for giving full effect to the provisions of this Part and for its due administration.

- “(2) Without limiting the generality of subsection (1), regulations may—
- “(a) define a class of motor vehicles by reference to—
    - “(i) the actual or intended motor vehicle usage;
    - “(ii) ownership by a specified class of owner or by persons or classes of persons approved for the purpose by the Registrar;
    - “(iii) loss of possession or control, whether because of theft or another specified reason;
  - “(b) provide that if a registered person applies for an exemption from the requirement in section 242(2) later than 60 days after the expiry of the latest licence issued for the relevant motor vehicle, the person is liable to pay the proportion of the annual licence fee for that motor vehicle for the period—
    - “(i) commencing on the day after the date of expiry of the former licence; and
    - “(ii) ending on the close of the day immediately before the date when the application for an exemption is lodged;
  - “(c) authorise the Registrar to grant an exemption from any requirements or prescribed fees referred to in subsection (1)(b) if the Registrar is satisfied that for any reason the motor vehicle to which the application relates will not be operated on a road while the exemption has effect;
  - “(d) provide that exemptions referred to in subsection (1)(b) have effect, in each case, for the period that the Registrar thinks fit, unless any limitations are imposed by the regulations made under this Part;
  - “(e) provide that exemptions from the requirements in section 242(1) or (2) have no effect while a motor vehicle is being operated on a road, even if the exemption is conferred by or under the regulations made under this Part;
  - “(f) provide for the renewal or revocation of exemptions referred to in subsection (1)(b) that are granted by the Registrar;
  - “(g) prescribe specific types of numbers, letters, or distinguishing marks for specified classes of motor vehicles,

or for motor vehicles operated by persons holding specified office or by persons, governments, or organisations with a specified status, immunity, or privilege:

“(h) prescribe higher fees, if the costs warrant, for the production and issuing of any kind of licence or registration plate.

“(3) Section 168 applies to regulations made under subsection (1)(p) or (q) of this section as it applies to regulations made under section 167(1)(j).

“(4) Without limiting the generality of subsection (3), the following are exempt from any fee or charge payable under this Part for the supply of information from the register of motor vehicles:

“(a) the New Zealand Police:

“(b) a statutory entity (within the meaning of the Crown Entities Act 2004):

“(c) a department specified in Schedule 1 of the State Sector Act 1988.

“Compare: 1986 No 6 s 35A

#### “270 Fees and charges identified as land transport revenue

“(1) This section applies to regulations made by Order in Council under section 269 that prescribe fees or charges that are identified as land transport revenue for the purposes of the Land Transport Management Act 2003 (**relevant regulations**).

“(2) If relevant regulations are made on or before 30 June in any year, they expire on the close of 31 December of that year except so far as they are expressly confirmed by Act of Parliament passed during that year.

“(3) If relevant regulations are made on or after 1 July in any year, they expire on the close of 31 December in the following year except so far as they are expressly confirmed by Act of Parliament passed before the end of that following year.

“(4) If relevant regulations expire by virtue of subsection (2) or (3), the fees or charges replaced or altered by those regulations are, from the expiry of those regulations and until the fees or charges are again replaced or altered, the same as they were immediately before those regulations came into force.

- “(5) The reference in subsection (4) to fees or charges replaced or altered by relevant regulations includes fees or charges—
- “(a) prescribed (or having effect as if prescribed) under section 167 or 168B in respect of the same or substantially the same matter; and
  - “(b) in force immediately before the commencement of this section.
- “(6) If relevant regulations expire by virtue of subsection (2) or (3), any fees and charges collected by virtue of those regulations in excess of the fees and charges otherwise payable must, except in so far as any other provision is made by an Act of Parliament, be refunded.
- “(7) Relevant regulations that the House of Representatives resolves should be revoked or varied are revoked or varied in accordance with the terms of the resolution, and any fees and charges collected under the relevant regulations in excess of the fees and charges otherwise payable are, so far as that resolution provides, to be refunded.
- “(8) The repeal of any Act of Parliament passed for the purpose of expressly validating or confirming relevant regulations under subsection (2) or (3) does not, unless there is any express provision to the contrary, affect the validity or confirmation of the relevant regulations in question.”
- (17) The following headings and sections are inserted in their appropriate order:

*“Appointment*

“**271 Appointment of Registrar**

Nothing in this Part prevents the Minister from appointing the Agency to be the Registrar of Motor Vehicles if the Minister thinks it appropriate to do so.

*“Delegations and authorisations*

“**272 Delegations**

- “(1) The Registrar may, either generally or particularly, delegate to specified persons any of the Registrar’s functions or powers under this Part.

- “(2) However, subsection (1) does not permit the Registrar to delegate a function or power to a person or a class of persons not employed in the State services (within the meaning of the State Sector Act 1988), except with the written consent of the Minister.
- “(3) If the Registrar delegates functions or powers to a person under this section, that person—
- “(a) may, with the prior approval of the Minister, delegate to another person approved functions or powers; and
  - “(b) is, in the case of a person not employed in the State services, subject to—
    - “(i) the Official Information Act 1982; and
    - “(ii) the Ombudsmen Act 1975.
- “(4) A person to whom functions or powers are delegated under this section may perform those functions and exercise those powers in the same manner and with the same effect as if they had been conferred or imposed upon the person directly and not by delegation.
- “(5) The Registrar may—
- “(a) delegate a function or power under this section to a specified person or class of persons or to the holder or holders of a specified office or class of office for the time being; and
  - “(b) impose general or special directions or conditions.
- “(6) A delegation may be given for a specific or indefinite period, but in either case is revocable at will.
- “(7) A delegation of a function or power does not prevent the performance of that function or the exercise of that power by the Registrar.
- “(8) A delegation given under this section—
- “(a) continues in force according to its tenor until it is revoked, even if the Registrar who gave the delegation ceases to be Registrar; and
  - “(b) continues to have effect as if it were made by the person appointed as Registrar.
- “(9) A person acting or purporting to act under a delegation under this section must, when reasonably requested, produce evidence of the person’s authority to do so.

“(10) In this section, **person** includes a body corporate, but does not include an unincorporated body of persons.

“Compare: 1986 No 6 s 51A

“**273 Authorisations by Registrar**

“(1) The Registrar may—

“(a) authorise any persons, or their agents or employees, to issue licences, certificates of registration, and registration plates for motor vehicles under this Part (including replacements as appropriate); and

“(b) specify how the authority must be exercised; and

“(c) appoint, and specify the functions and duties of, agents for notifying a change of ownership of a motor vehicle.

“(2) A person who is authorised under subsection (1) and is not employed in the State services is subject to—

“(a) the Official Information Act 1982; and

“(b) the Ombudsmen Act 1975.

“Compare: 1986 No 6 ss 8(6), 13(6), 34(2)”.

(18) The following heading and sections are inserted in their appropriate order:

*“Fees and charges*

“**274 Land transport revenue to be paid into national land transport fund**

All fees and charges (excluding applicable refunds and goods and services tax) identified in regulations made under this Part as land transport revenue for the purposes of the Land Transport Management Act 2003 must be paid into a Crown Bank Account and treated as land transport revenue.

“Compare: 1986 No 6 s 36

“**275 Other prescribed fees received under this Part**

“(1) This section applies to prescribed fees that are received under this Part and that are not referred to in section 274.

“(2) Prescribed fees to which this section applies must be paid to the relevant prescribed recipient.

“(3) However, if there is no prescribed recipient to whom any prescribed fees to which this section applies must be paid, those prescribed fees must be paid into a Crown Bank Account.

“(4) For the purposes of this section, **prescribed recipient** means the person who is specified in regulations made under this Part as the person to whom any fees or charges, or both, are payable.

“Compare: 1986 No 6 s 36AA”.

## **Part 2**

### **Repeal, revocation, and consequential amendments**

#### **33 Repeal**

The Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6) is repealed.

#### **34 Revocation**

The Transport (Vehicle Registration and Licensing) Amendment Regulations 2006 (SR 2006/380) are revoked.

#### **35 Consequential amendments**

- (1) The Land Transport Act 1998 is consequentially amended in the manner set out in Schedule 1.
- (2) The heading to Part 5 of Schedule 2 of the Land Transport Act 1998 is amended by omitting “1 July 2009” and substituting “date or dates appointed by Order in Council”.
- (3) The Land Transport Amendment Act (No 2) 2006 is amended by repealing sections 2(1) and 6.
- (4) The Acts specified in Part 1 of Schedule 2 are consequentially amended in the manner set out in that Part.
- (5) The regulations specified in Part 2 of Schedule 2 are consequentially amended in the manner set out in that Part.
- (6) The Land Transport Rules specified in Part 3 of Schedule 2 are consequentially amended in the manner specified in that Part.
- (7) From the commencement of this section, every reference in any enactment or document to the Transport (Vehicle and Driver Registration and Licensing) Act 1986 must, unless the context otherwise requires, be read as a reference to Part 17 of the Land Transport Act 1998.

- (8) From the commencement of this section, every reference in any enactment or document to trade licence must, unless the context otherwise requires, be read as a reference to trade plate as defined in section 233(1) of the Land Transport Act 1998.
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**Schedule 1**  
**Consequential amendments to Land**  
**Transport Act 1998**

s 35(1)

**Section 2(1)**

Definition of **enforcement authority**: insert “(except in relation to Part 17)” after “means”.

Definition of **licensed**: omit “Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17”.

Definition of **Register of Motor Vehicles**: repeal and substitute:

“**register of motor vehicles** means the register continued and maintained under section 234”.

Definition of **registered**: omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17”.

**Section 13**

Subsection (1): insert “71A,” after “70,”.

Subsection (2): insert “71A,” after “70,”.

**Section 49**

Subsection (1)(a): omit “and 123” and substitute “123, and 249”.

Subsection (1)(b): omit “and 123” and substitute “123, and 249”.

**Section 56(4)**

Insert “57A(1),” after “sections”.

**Section 58(3)**

Insert “57A(1),” after “56(2),”.

**Section 60(3)**

Insert “57A(1),” after “56(2),”.

**Section 61(3A)**

Insert “or section 57A(1),” after “or (2),”.

**Section 67(1)**

Insert “57A(1),” after “57(2),”.

**Section 96(2)(c)**

Repeal and substitute:

- “(c) give the person registered under Part 17 in respect of the vehicle a copy of the notice, if that person is present at the time of the seizure, or as soon as practicable send a copy to that person by ordinary post to that person’s last known place of residence or business or postal address, or address as recorded on the register of motor vehicles; and”.

**Section 96A(2)(c)**

Repeal and substitute:

- “(c) give the person registered under Part 17 in respect of the vehicle a copy of the notice, if that person is present at the time of the seizure, or as soon as practicable send a copy to that person by ordinary post to that person’s last known place of residence or business or postal address, or address as recorded on the register of motor vehicles; and”.

**Section 98(1)**

Omit “registered” in each place where it appears.

**Section 99(1)(b)**

Insert after subparagraph (vi):

- “(via) section 57A(1):”.

**Section 103(2)(d)(ii)**

Insert “57A,” after “56,”.

**Section 104(1)(c)**

Insert “57A,” after “56,”.

**Section 113(1)(a)**

Omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986,”.

**Section 123(3)**

Omit “registered owner” and substitute “person registered under Part 17 in respect”.

**Section 133(1)(b)**

Repeal and substitute:

- “(b) the person who, at the time of the alleged offence, was registered under Part 17 in respect of the vehicle involved in the offence (or, if the offence is alleged to have been committed before the commencement of section 242, a person who, at the time of the alleged offence, was registered as the owner, or 1 of the owners, of that vehicle in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986):”.

**Section 155(f)**

Omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17”.

**Section 160(5)**

Add “or Part 17”.

**Section 167(2)(a)(ii)**

Insert “57A,” after “56(2),”.

**Section 168(1)(a)**

Omit “Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986,”.

**Section 168B**

Repeal.

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**Schedule 2**

s 35(4)–(6)

**Other enactments consequentially  
amended****Part 1****Other Acts consequentially amended****Domestic Violence Act 1995 (1995 No 86)**

Section 117(b): repeal and substitute:

“(b) section 239(2) of the Land Transport Act 1998.”

**Fire Service Act 1975 (1975 No 42)**Definition of **motor vehicle** in section 47B(1): omit “Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Land Transport Act 1998”.**Goods and Services Tax Act 1985 (1985 No 141)**

Section 5(6A): repeal and substitute:

“(6A) For the purposes of this Act, any registration fee paid pursuant to section 243(1)(b)(i) of the Land Transport Act 1998 and any licence fees paid pursuant to section 244(2) of that Act are deemed to be consideration for a supply of services in the course or furtherance of a taxable activity carried on by the New Zealand Transport Agency.”

**Government Roading Powers Act 1989 (1989 No 75)**

Section 83(a)(i): repeal and substitute:

“(i) is registered under Part 17 of the Land Transport Act 1998 or is a vehicle that is exempt from registration under that Part; and”.

**Injury Prevention, Rehabilitation, and Compensation Act 2001  
(2001 No 49)**Definition of **trade plate** in section 6(1): repeal and substitute:“**trade plate** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

Section 213(2)(a): omit “registered owner” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect”.

Part 1—*continued*

**Injury Prevention, Rehabilitation, and Compensation Act 2001  
(2001 No 49)**—*continued*

Section 213(2)(b): omit “licence issued under section 34(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “plate issued under section 262(3) of that Act”.

Section 214(1): omit “registered owner” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect”.

Section 214(2): omit “licence issued under section 34(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “plate issued under section 262(3) of the Land Transport Act 1998”.

Section 214(3): omit “registered owner of a motor vehicle and a person who holds a trade licence issued under section 34(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “person who is registered under Part 17 of the Land Transport Act 1998 in respect of a motor vehicle or who holds a trade plate issued under section 262(3) of that Act”.

Section 216(b): omit “registered owners” and substitute “persons registered under Part 17 of the Land Transport Act 1998 in respect”.

Section 216(c): omit “licences under section 34(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “plates under section 262(3) of the Land Transport Act 1998”.

Section 217(1): omit “section 10 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “section 244 of the Land Transport Act 1998”.

Section 217(1): omit “licence under section 34” and substitute “plate under section 262”.

**Land Transport Management Act 2003 (2003 No 118)**

Definition of **fees and charges** in section 5: repeal.

Definition of **registered owner** in section 5: repeal.

Section 6(c): insert “or Part 17 of the Land Transport Act 1998” after “1986”.

Section 52(2): omit “registered owner of the motor vehicle” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect of the motor vehicle (the **registered person**)”.

Part 1—*continued***Land Transport Management Act 2003 (2003 No 118)**—*continued*

Section 52(3): omit “registered owner of a motor vehicle is not liable under subsection (2) to pay a toll” and substitute “registered person is not liable under subsection (2) to pay the toll”.

Section 52(3): omit “registered owner” in the second and third places where it appears and substitute “registered person”.

Section 53(a): omit “registered owner” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect”.

Section 53(b): omit “registered owner” and substitute “person registered under that Part in respect”.

**Local Government Act 1974 (1974 No 66)**

Section 356(2)(c): omit “last registered owner” and substitute “person last registered under Part 17 of the Land Transport Act 1998 in respect”.

Section 356(3)(a): omit “last registered owner” and substitute “person last registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle”.

Section 356(3)(b): omit “current registered owner” and substitute “person currently registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle”.

Section 356A(2)(b)(ii): omit “last registered owner” and substitute “person last registered under Part 17 of the Land Transport Act 1998 in respect”.

Section 356A(7)(b): omit “vehicle’s last registered owner” and substitute “person last registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle”.

Clause 11C(d) of Schedule 10: repeal.

**Machinery Act 1950 (1950 No 52)**

Definition of **tractor** in section 2: omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “section 2(1) of the Land Transport Act 1998”.

Part 1—*continued*

**Motor Vehicle Sales Act 2003 (2003 No 12)**

Definition of **moped** in section 6(1): repeal and substitute:

“**moped** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

Paragraph (a)(i)(B) of the definition of **used motor vehicle** in section 6(1): insert “or Part 17 of the Land Transport Act 1998” after “1986”.

Section 20(2): omit “section 20 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “section 247 of the Land Transport Act 1998”.

Section 123: repeal and substitute:

**“123 Registrar of Motor Vehicles must supply vehicle registration information to Registrar**

“(1) The Registrar of Motor Vehicles, or any person authorised by that Registrar, must supply to the Registrar any vehicle registration information for the time being held under Part 17 of the Land Transport Act 1998 at the time and at the intervals agreed between the Registrar of Motor Vehicles and the Registrar.

“(2) On receiving information from the Registrar of Motor Vehicles under this section, the Registrar may cause a comparison of that information to be made with the information held in the register.”

**National Parks Act 1980 (1980 No 66)**

Section 71(4)(b): omit “last registered owner” and substitute “person last registered under Part 17 of the Land Transport Act 1998 in respect”.

Section 71(5): omit “last registered owner” and substitute “person in question”.

Section 71(9): omit “Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Land Transport Act 1998”.

**Petroleum Demand Restraint Act 1981 (1981 No 12)**

Section 22(2)(b): repeal and substitute:

“(b) the person who, at the time of the alleged offence, was registered under Part 17 of the Land Transport Act 1998

Part 1—*continued***Petroleum Demand Restraint Act 1981 (1981 No 12)**—*continued*

in respect of the vehicle involved in the offence (or, if the offence is alleged to have been committed before the commencement of section 242 of that Act, a person who, at the time of the alleged offence, was registered as the owner, or 1 of the owners, of that vehicle in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986):”.

**Privacy Act 1993 (1993 No 28)**

Item relating to the Land Transport Act 1998 in Part 1 of Schedule 2: omit “section 199” and substitute “sections 199 and 234”.

Item relating to the Transport (Vehicle and Driver Registration and Licensing) Act 1986 in Part 1 of Schedule 2: omit.

Third column of Schedule 5: omit “Ministry of Transport” in each place where it appears, except where it appears in the following places:

- (a) in the item relating to vehicles of interest under the heading *Police records*;
- (b) in the second place where it appears in the item relating to the driver licence register under the heading *New Zealand Transport Agency records*;
- (c) in the item relating to the motor vehicles register under the heading *Registrar of Motor Vehicles records*.

Item relating to the driver licence register under the heading *New Zealand Transport Agency records* in Schedule 5: omit paragraph (a) in the third column.

Item relating to the driver licence register under the heading *New Zealand Transport Agency records* in Schedule 5: add in the third column:



Part 1—*continued*

**Privacy Act 1993 (1993 No 28)**—*continued*

“Registrar of Motor Vehicles (access is limited to obtaining information for the purposes of—

- “(a) verifying the identity of people who are or apply to be registered in respect of motor vehicles on the register of motor vehicles; or
- “(b) correcting or updating information held on the register of motor vehicles about such people”.

Item relating to the motor vehicles register under the heading *Registrar of Motor Vehicles records* in Schedule 5: insert in the third column:

- (a) “(including for the purpose of enforcing civil debts)” after “Ministry of Justice”; and
- (b) the following items after the item relating to the Serious Fraud Office:

“Department of Labour (access is limited to name and address details of persons who are or were previously registered in respect of a specified vehicle for the purposes of enforcing immigration or health and safety in employment legislation)

“Ministry of Fisheries (access is limited to name and address details of persons who are or were previously registered in respect of a specified vehicle for the purposes of enforcing fisheries legislation and any other enactment that confers enforcement powers on fisheries officers)

“New Zealand Customs Service (access is limited to obtaining information for the purposes of enforcing legislation for which the Service has enforcement powers)”.

Item relating to road user charges under the heading *Registrar of Motor Vehicles records* in Schedule 5: insert the heading “*Ministry of Transport records*” immediately above the 3 columns.

**Public Works Act 1981 (1981 No 35)**

Section 239(2)(b): omit “last registered owner” and substitute “person last registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle”.

Section 239(8): omit “Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Land Transport Act 1998”.

Part 1—*continued***Reserves Act 1977 (1977 No 66)**

Section 110(3)(b): omit “last registered owner” and substitute “person last registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle”.

Section 110(7): omit “Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Land Transport Act 1998”.

**Road User Charges Act 1977 (1977 No 124)**

Definition of **registration plate** in section 2(1): insert “or Part 17 of the Land Transport Act 1998” after “1986”.

Section 22A(2): omit “Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

**Sentencing Act 2002 (2002 No 9)**

Section 129(1)(a): insert “57A(1),” after “56(1) or (2),”.

**Summary Proceedings Act 1957 (1957 No 87)**

Section 24(1)(d): add “or Part 17 of the Land Transport Act 1998”.

Second and third columns of the items relating to the Land Transport Act 1998 in Part 2 of Schedule 1: add:

“62(1)	Causing bodily injury or death by carelessly driving under influence of drink or drug or both
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**Tauranga District Council (Route K Toll) Empowering Act 2000 (2000 No 1 (L))**

Section 12(2): omit “registered owner” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect”.

Section 12(3): omit “registered owner” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect”.

Section 12(3): omit “that registered owner” and substitute “that person”.

Section 13(c): omit “registered owner” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect”.

Part 1—*continued*

**Tauranga District Council (Route K Toll) Empowering Act 2000  
(2000 No 1 (L))—*continued***

Section 18: omit “registered owner” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect”.

Section 18: omit “that owner” and substitute “that person”.

**Transport Act 1962 (1962 No 135)**

Paragraph (b)(v) of the definition of **stationary vehicle offence** in section 41A(1): add “or section 242 of the Land Transport Act 1998 (which provides that motor vehicles must be registered and licensed)”.

Paragraph (b)(vi) of the definition of **stationary vehicle offence** in section 41A(1): repeal and substitute:

“(vi) section 17 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (which relates to using or permitting to be used on a road a motor vehicle that has unauthorised, deceptive, or obscured registration plates or an unauthorised licence) or any regulations made under Part 17 of the Land Transport Act 1998 that specify an offence that relates to—

“(A) using or permitting to be used on a road a motor vehicle that has unauthorised, deceptive, or obscured registration plates or an unauthorised licence; or

“(B) failing to display the appropriate registration plate or licence:”.

Paragraph (c) of the definition of **stationary vehicle offence** in section 41A(1): insert “or Part 17 of the Land Transport Act 1998” after “1986”.

Section 41A(2)(b): repeal and substitute:

“(b) the person who, at the time of the alleged offence, was registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence (or, if the offence is alleged to have been committed before the commencement of section 242 of that Act, a person

Part 1—*continued***Transport Act 1962 (1962 No 135)**—*continued*

who, at the time of the alleged offence, was registered as the owner, or 1 of the owners, of that vehicle in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986):”.

Section 199B(1): repeal and substitute:

- “(1) Despite anything in this Act or any other Act, but subject to this section,—
- “(a) the Secretary may, either generally or particularly, after consultation with the Commissioner, transfer to the Commissioner all or any of the functions or powers of the Secretary under this Act or under any regulations made under this Act; and
  - “(b) the Agency may in like manner transfer to the Commissioner all or any of the functions or powers of the Agency under this Act or under any regulations made under this Act.”

Section 199B(7): repeal.

Clause 3 of Schedule 2A: repeal and substitute:

- “3 Offence against—
- “(a) section 5 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (using or permitting to be used on a road an unlicensed motor vehicle or a motor vehicle that does not have registration plates affixed in the prescribed manner); or
  - “(b) section 242 of the Land Transport Act 1998 (operating on a road a motor vehicle that is not registered and does not display its registration plates as prescribed); or
  - “(c) any regulations made under Part 17 of the Land Transport Act 1998 that specify an offence that relates to—
    - “(i) using or permitting to be used on a road a motor vehicle that has unauthorised, deceptive, or obscured registration plates or an unauthorised licence; or
    - “(ii) failing to display the appropriate licence or registration plate.”

Part 1—*continued*

**Transport Act 1962 (1962 No 135)—*continued***

Schedule 2 Part 1: amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Part 2

Regulations consequentially amended

**Biosecurity (Costs) Regulations 2006 (SR 2006/216)**

Definition of **moped** in regulation 3(1): revoke and substitute:

“**moped** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

Definition of **motorcycle** in regulation 3(1): revoke and substitute:

“**motorcycle** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

Definition of **motor vehicle** in regulation 3(1): revoke and substitute:

“**motor vehicle** has the same meaning as in section 2(1) of the Land Transport Act 1998”.

**Consumer Information Standards (Used Motor Vehicles)  
Regulations 2008 (SR 2008/112)**

Paragraph (a)(i) of the definition of **used motor vehicle** in regulation 3(1): insert after subparagraph (B):

“(BA) Part 17 of the Land Transport Act 1998;  
or”.

Under the heading “*Make and model*” in Schedule 2: omit “established under the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “maintained under Part 17 of the Land Transport Act 1998”.

Under the heading “*Vehicle licence expiry date*” in Schedule 2: omit “Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Under the heading “*Registered vehicle*” in Schedule 2: omit “Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Part 2—*continued***Domestic Violence (Public Registers) Regulations 1998 (SR 1998/342)**

Item relating to the Transport (Vehicle and Driver Registration and Licensing) Act 1986 in Schedule 1: omit and substitute:

Land Transport Act 1998

Section 234

**Injury Prevention, Rehabilitation, and Compensation (Motor Vehicles Levies) Regulations 2008 (SR 2008/105)**

Definition of **goods-service vehicle** in regulation 3: revoke and substitute:

“**goods service vehicle**,—

“(a) before the commencement of the definition of goods service vehicle in section 4(3) of the Land Transport Amendment Act 2005,—

“(i) means a motor vehicle used or capable of being used in a goods service for the carriage of goods; but

“(ii) does not include a vehicle specified as an exempt goods service vehicle in the regulations or the rules; and

“(b) after the commencement of the definition of goods service vehicle in section 4(3) of the Land Transport Amendment Act 2005, has the same meaning as in section 2(1) of the Land Transport Act 1998”.

Definition of **licensing period** in regulation 3: revoke and substitute:

“**licensing period** means the period for which a licence is issued under section 244(2) of the Land Transport Act 1998”.

Definition of **moped** in regulation 3: revoke and substitute:

“**moped** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

Definition of **motor cycle** in regulation 3: revoke and substitute:

“**motorcycle** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

Part 2—*continued*

**Injury Prevention, Rehabilitation, and Compensation (Motor Vehicles Levies) Regulations 2008 (SR 2008/105)**—*continued*

Definition of **motorcar** in regulation 3: revoke and insert the following definition in its appropriate alphabetical order:

“**motorcar**—

- “(a) means a motor vehicle (other than a motorcycle or moped) designed exclusively or principally for the carriage of persons not exceeding 9 in number inclusive of the driver; and
- “(b) includes a motor vehicle that is designed principally for the carriage of passengers but that has rear doors and collapsible rear seats”.

Definition of **non-registered vehicle** in regulation 3: omit “motor cycle” and substitute “motorcycle”.

Definition of **tractor** in regulation 3: revoke and substitute:

“**tractor** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

Definition of **trade licence** in regulation 3: revoke and substitute:

“**trade plate** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

Definition of **trailer** in regulation 3: revoke and substitute:

“**trailer** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

Regulation 4(a): omit “licences” and substitute “plates”.

Regulation 4(b): omit “licences” and substitute “plates”.

Regulation 6(1)(b): revoke and substitute:

- “(b) on application for a motor vehicle licence under section 244 of the Land Transport Act 1998 or a trade plate under section 262 of that Act.”

Schedule: omit “goods-service” in each place where it appears and substitute in each case “goods service”.

Schedule: omit “motor cycles” in each place where it appears and substitute in each case “motorcycles”.

Schedule: omit “trade licences” in each place where it appears and substitute in each case “trade plates”.

Part 2—*continued***Land Transport (Certification and Other Fees) Regulations  
1999 (SR 1999/27)**

Regulation 6(1): omit “The owner” and substitute “The person registered under Part 17 of the Land Transport Act 1998 in respect”.

**Land Transport (Infringement and Reminder Notices)  
Regulations 1998 (SR 1998/447)**

Paragraph 3 of the notice in Schedule 2: omit “owner of the vehicle” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle (the **registered person**)”.

Paragraph 4 of the notice in Schedule 2: omit “owner” and substitute “registered person”.

Notice in Schedule 4: omit “To: The user or registered owner or person entitled to possession of the vehicle described below:” and substitute “To: The user or person entitled to possession of, or the person registered under Part 17 of the Land Transport Act 1998 in respect of, the vehicle described below:”.

Paragraph 3 of the notice in Schedule 4: omit “owner of the vehicle” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle (the **registered person**)”.

Paragraph 4 of the notice in Schedule 4: omit “owner” and substitute “registered person”.

Paragraph 7(1)(b) of the notice in Schedule 5: revoke and substitute:

- “(b) the person who, at the time of the alleged offence, was registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence (or, if the offence is alleged to have been committed before the commencement of section 242 of that Act, a person who, at the time of the alleged offence, was registered as the owner, or 1 of the owners, of that vehicle in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986); or”.

Paragraph 7(2) of the notice in Schedule 5: omit the words from “but as a person” to the end of paragraph (b) and substitute “but as a person referred to in item (b) or (c) of paragraph 7(1),”.



Part 2—*continued*

**Land Transport Management (Apportionment and Refund of Excise Duty and Excise-Equivalent Duty) Regulations 2004 (SR 2004/238)**

Definition of **exempted vehicle** in regulation 3(1): revoke and substitute:

“**exempted vehicle**—

“(a) means a motor vehicle that is—

“(i) exempted from registration under regulations made under Part 17 of the Land Transport Act 1998; or

“(ii) of the kind described in the Schedule; but

“(b) does not include any vehicle that—

“(i) is licensed; or

“(ii) has trade plates affixed to it in the manner prescribed in regulations made under Part 17 of the Land Transport Act 1998”.

**Land Transport Management (Road Tolling Scheme for ALPURT B2) Order 2005 (SR 2005/92)**

Clause 12(b): omit “registered owner” in each place where it appears and substitute, in the first place where it appears, “person registered under Part 17 of the Land Transport Act 1998 in respect” and, in each subsequent place, “that person”.

**Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)**

Regulation 8: omit “registered owner of the vehicle” and substitute “registered person”.

Regulation 8A: omit “registered owner of the vehicle” and substitute “registered person”.

Part 1 of the notice in Schedule 4: omit “Owner’s name” and substitute “Registered person’s full name”.

Paragraph 12 of Part 2 of the notice in Schedule 4: omit “the registered owner” in each place where it appears and substitute “the owner”.

Part 2—*continued***Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)**—*continued*

Paragraph 12(b) of Part 2 of the notice in Schedule 4: omit “a registered owner” and substitute “an owner”.

Under the heading **Release of vehicle** in the form in Schedule 5: omit “the registered owner” in each place where it appears and substitute “the owner”.

Under the heading **Release of vehicle** in the form in Schedule 5: omit “a registered owner” and substitute “an owner”.

**Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999 (SR 1999/84)**

Regulation 12(2): omit “registered”.

**Land Transport (Storage and Towage Fees for Impounded Vehicles) Regulations 1999 (SR 1999/85)**

Regulation 5(1): omit “registered” in each place where it appears.

**Motor Vehicle Sales Regulations 2003 (SR 2003/327)**

Regulation 4(c)(i): omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

**Personal Property Securities Regulations 2001 (SR 2001/79)**

Definition of **registration number** in regulation 3: add “or Part 17 of the Land Transport Act 1998”.

**Sentencing Regulations 2002 (SR 2002/178)**

Paragraph (b)(ii) of the definition of **chief executive** in regulation 3: revoke and substitute:

- “(ii) any person appointed to be the Registrar of Motor Vehicles under Part 17 of the Land Transport Act 1998.”

Part 2—*continued*

**Transport Services Licensing Regulations 1989 (SR 1989/313)**

Regulation 7(2): omit “Part 1 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

**Transport (Vehicular Traffic Road Closure) Regulations 1965 (SR 1965/63)**

Item relating to the Transport (Vehicle and Driver Registration and Licensing) Act 1986 in Schedule 2: omit and substitute:

Land Transport Act 1998      242      motor vehicles to be registered and licensed

Schedule 2 Part 2 **Land Transport (Offences and Penalties) Regulations 1999**: amended, on 1 December 2009, by section 39(1) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 17).

Part 3

Land Transport rules consequentially  
amended

**Land Transport (Driver Licensing) Rule 1999 (SR 1999/100)**

Definition of **moped** in rule 2(1): revoke and substitute:

“**moped** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

**Land Transport (Road User) Rule 2004 (SR 2004/427)**

Definition of **moped** in rule 1.6: revoke and substitute:

“**moped** has the same meaning as in section 233(1) of the Land Transport Act 1998”.

**Land Transport Rule: Operator Licensing 2007 (81001)**

Certificate of responsibility in Schedule 1: omit “registered owner” in each place where it appears and substitute in each case “registered person”.

Certificate of responsibility in Schedule 1: omit “registered owner/s” and substitute “person registered under Part 17 of the Land Transport Act 1998 in respect”.

Part 3—*continued***Land Transport Rule: Vehicle Exhaust Emissions 2007  
(33001/2)**

Definition of **enter service** in Part 2: omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Paragraph (a)(ii) of the definition of **used vehicle** in Part 2: insert “or Part 17 of the Land Transport Act 1998” after “1986”.

**Land Transport Rule: Vehicle Repair 1998 (34001)**

The item relating to the Transport (Vehicle and Driver Registration and Licensing) Act 1986 in Schedule 1 in Part 3: omit.

**Land Transport Rule: Vehicle Standards Compliance 2002  
(35001/1)**

Clause 6.2(5): omit “section 16 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Clause 7.1(1)(a): omit “that does not have a motor or motors with a total power output of more than 2 kW, and is not operated at a speed exceeding 50 km/h”.

Clause 7.2(b)(iii): omit “section 16 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Clause 9.10(1)(c): omit “section 16 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Definition of **deregistered** in Part 2: omit “section 27 or section 28 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Definition of **enter service** in Part 2: omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Definition of **registered** in Part 2: omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Part 3—*continued*

**Land Transport Rule: Vehicle Standards Compliance 2002  
(35001/1)—*continued***

Definition of **registration number** in Part 2: omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

Definition of **trade plate** in Part 2: omit “the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “section 233(1) of the Land Transport Act 1998”.

Paragraph (a)(ii) of the definition of **used light vehicle** in Part 2: insert “or Part 17 of the Land Transport Act 1998” after “1986”.

The item relating to the Transport (Vehicle and Driver Registration and Licensing) Act 1986 in Schedule 1 in Part 3: omit.

Paragraph (b) of Schedule 3 in Part 3: omit “section 35 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986” and substitute “Part 17 of the Land Transport Act 1998”.

**Land Transport Rule: Work Time and Logbooks 2007 (62001)**

Clause 4.4(1): omit “, the registered owner of which” and substitute “in respect of which the person registered under Part 17 of the Land Transport Act 1998”.

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**Contents**

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**Notes****1 General**

This is a reprint of the Land Transport Amendment Act 2009. The reprint incorporates all the amendments to the Act as at 10 May 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 Changes made under section 17C of the Acts and Regulations Publication Act 1989**

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5** *List of amendments incorporated in this reprint (most recent first)*

Land Transport (Road Safety and Other Matters) Amendment Act 2011  
(2011 No 13): section 100(3)

Land Transport Amendment Act 2009 Commencement Order 2011  
(SR 2011/78)

Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36):  
section 39

Land Transport Amendment Act 2009 Commencement Order 2009  
(SR 2009/263)