

**Reprint
as at 10 May 2011**



**Land Transport (Enforcement
Powers) Amendment Act 2009**

Public Act 2009 No 36
Date of assent 27 October 2009
Commencement see section 2

Contents

	Page
1 Title	3
2 Commencement	4
3 Principal Act amended	4
Part 1	
Amendments to Land Transport Act 1998	
4 Interpretation	4
5 Persons may not drive or attempt to drive while impaired and their blood contains evidence of use of controlled drug or prescription medicine	6
6 Drivers and other road users to comply with directions of enforcement officers, etc	6
7 Persons not to engage in unauthorised street or drag racing, or other related prohibited activities on roads	6
8 New heading and sections 22AB to 22AF inserted	7

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.

Bylaws

	22AB	Road controlling authorities may make certain bylaws	7
	22AC	Minister may amend, replace, or disallow bylaws	8
	22AD	Consultation	8
	22AE	Publication and proof of bylaws	9
	22AF	Warning notices	10
9		Certain driver licences have no effect <i>[Repealed]</i>	10
10		Driver licences are property of Agency and are to be surrendered in certain circumstances <i>[Repealed]</i>	10
11		New section 36AB inserted	10
	36AB	Contravention of sections 7 and 114	11
12		Contravening notices, requirements, etc, given or imposed by enforcement officers	11
13		Driving while impaired and with blood that contains evidence of use of controlled drug or prescription medicine	12
14		Causing injury or death in circumstances to which section 61 does not apply	12
15		Defences	12
16		Circumstances in which certificate not admissible in proceedings	12
17		Effect of disqualification <i>[Repealed]</i>	12
18		New sections 82A and 82B inserted <i>[Repealed]</i>	13
19		Holder to undergo approved tests or courses if disqualified for more than 1 year	13
20		New licence or endorsement to be issued if disqualified driver qualifies for specified vehicle classes <i>[Repealed]</i>	13
21		Suspension of licence or disqualification from driving under demerit points system <i>[Repealed]</i>	13
22		Vehicle seized and impounded for 28 days in certain circumstances	13
23		Impoundment of vehicle used in transport service	15
24		Storage of impounded vehicles	16
25		Release of vehicle after 28 days	17
26		New heading and sections 98A and 98B inserted	19
		<i>Prohibiting sale or disposal of motor vehicles</i>	
	98A	Commissioner may prohibit sale or disposal of certain motor vehicles	19
	98B	Appeal of notice to District Court	20
27		Appeal to Police against impoundment of vehicle	20

28	Appeal against refusal of Police to direct release of impounded vehicle	21
29	Enforcement officers may enforce transport legislation	21
30	Power to require driver to stop and give name and address, etc	21
31	Enforcement officers may give directions prohibiting driving of vehicles	21
32	New section 121A inserted	22
	121A Enforcement officer may give directions or immobilise vehicle if driver breaches certain licence conditions	22
33	New section 128C inserted	23
	128C Enforcement officer's powers in respect of certain motor vehicles subject to service inspection and certification requirements	23
34	Regulations	24
35	Agency to maintain register of driver licences	24
36	Regulations	24

Part 2

Transitional provision and consequential amendments

37	Transitional provision in relation to Transport (Vehicle and Driver Registration and Licensing) Act 1986	24
38	Transitional provision in relation to Land Transport (Offences and Penalties) Regulations 1999	24
39	Acts consequentially amended	25
40	Regulations and rules consequentially amended	25

Schedule 1

Acts consequentially amended

Schedule 2

Regulations and rules consequentially amended

26
28

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Land Transport (Enforcement Powers) Amendment Act 2009.

2 Commencement

- (1) Sections 9, 10, 17, 20, 21, and 40(2) come into force on a date appointed by the Governor-General by Order in Council.
- (2) Sections 4(2) and (3), 5, 13 to 16, 34, and 39(2) come into force on 1 November 2009.
- (3) The rest of this Act comes into force on 1 December 2009.

Section 2(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).

3 Principal Act amended

This Act amends the Land Transport Act 1998.

Part 1

Amendments to Land Transport Act 1998

4 Interpretation

- (1) Section 2(1) is amended by inserting the following definitions in their appropriate alphabetical order:

“**cruising** means driving repeatedly in the same direction over the same section of a road in a motor vehicle in a manner that—

“(a) draws attention to the power or sound of the engine of the motor vehicle being driven; or

“(b) creates a convoy that—

“(i) is formed otherwise than in trade; and

“(ii) impedes traffic flow

“**qualifying bylaw** means a bylaw made by a road controlling authority under section 22AB(1)(b) of this Act, section 72(1)(d) of the Transport Act 1962, section 684(1)(13) of the Local Government Act 1974, or section 145 of the Local Government Act 2002 for the stated purpose of—

“(a) restricting or placing conditions on the racing of motor vehicles or any associated activities:

“(b) controlling or restricting cruising or any associated activities

“**Registrar**, in relation to the execution of a warrant of confiscation, means any Registrar of the High Court or of a District Court, as the case may require, and includes a Deputy Registrar”.

(2) Section 2(1) is amended by repealing the definition of **controlled drug**.

(3) Section 2(1) is amended by inserting the following definition in its appropriate alphabetical order:

“**qualifying drug**—

“(a) means any substance, preparation, mixture, or article containing—

“(i) a controlled drug 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

“(ii) any of the following drugs:

“(A) Alprazolam:

“(B) Bromazepam:

“(C) Brotizolam:

“(D) Camazepam:

“(E) Chlordiazepoxide:

“(F) Clobazam:

“(G) Clonazepam:

“(H) Clotiazepam:

“(I) Cloxazolam:

“(J) Delorazepam:

“(K) Diazepam:

“(L) Estazolam:

“(M) Ethyl loflazepate:

“(N) Fludiazepam:

“(O) Flunitrazepam:

“(P) Flurazepam:

“(Q) Halazepam:

“(R) Haloxazolam:

“(S) Ketazolam:

“(T) Loprazolam:

“(U) Lorazepam:

“(V) Lormetazepam:

“(W) Medazepam:

“(X) Midazolam:

“(Y) Nimetazepam:

“(Z) Nitrazepam:

“(ZA) Nordazepam:

“(ZB) Oxazepam:

“(ZC) Oxazolam:
“(ZD) Pinazepam:
“(ZE) Prazepam:
“(ZF) Temazepam:
“(ZG) Tetrazepam:
“(ZH) Triazolam; and

- “(b) includes—
- “(i) any controlled drug analogue (within the meaning of controlled drug analogue in section 2(1) of the Misuse of Drugs Act 1975); and
 - “(ii) any prescription medicine; but
- “(c) excludes any substance, preparation, mixture, or article specified in paragraph (a) or (b)(i) if it is excluded by regulations made under this Act”.

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

- (1) The heading to section 11A is amended by omitting “**controlled drug or prescription medicine**” and substituting “**qualifying drug**”.
- (2) Section 11A is amended by repealing paragraph (b) and substituting the following paragraph:
 - “(b) that person’s blood contains evidence of the use of a qualifying drug.”

6 Drivers and other road users to comply with directions of enforcement officers, etc

Section 13 is amended by inserting the following subsection above subsection (1):

- “(1AA) A person driving a motor vehicle that has a warning notice given under section 22AE attached to it must comply with that notice.”

7 Persons not to engage in unauthorised street or drag racing, or other related prohibited activities on roads

Section 22A is amended by inserting the following subsection after subsection (3):

“(3A) A person may not, without reasonable excuse, operate a motor vehicle on a road in a manner that contravenes a bylaw made under section 22AB or 22AC.”

8 New heading and sections 22AB to 22AF inserted

The following heading and sections are inserted after section 22A:

“Bylaws

“22AB Road controlling authorities may make certain bylaws

“(1) A road controlling authority may make any bylaw that it thinks fit for 1 or more of the following purposes:

“(a) controlling, restricting, or prohibiting cruising, including (but not limited to)—

“(i) specifying the section of road or roads on which cruising is controlled, restricted, or prohibited:

“(ii) prescribing the period of time that must elapse between each time a driver drives on a specified section of road for the driver to avoid being regarded as cruising:

“(b) prescribing fines, not exceeding \$500, for the breach of any bylaw made under this section.

“(2) A bylaw made under subsection (1) may apply—

“(a) to all roads, any specified road, or any part of a specified road under the care, control, or management of the road controlling authority making the bylaw:

“(b) to all vehicles or traffic or to any specified class or classes of vehicles or traffic using a road under the care, control, or management of the road controlling authority making the bylaw:

“(c) at any specified time or times.

“(3) A bylaw made under subsection (1) may leave any matter or thing to be regulated, controlled, or prohibited by the road controlling authority by resolution generally, for any specified classes of case, or in a particular case.

“(4) A copy of every bylaw made under this section by a road controlling authority must, within 1 week after being made, be sent by the road controlling authority to the Minister, who may

at any time disallow the bylaw or any part of the bylaw under section 22AC.

- “(5) Nothing in this section—
- “(a) applies to any railway on, over, or across any road; or
 - “(b) limits any provision in this Act or any other Act, or any provision in any rules or regulations made under this Act or any other Act, regarding the regulation of traffic on roads; or
 - “(c) limits the power to make bylaws conferred on a road controlling authority under any other Act.
- “(6) In this section, **railway** has the same meaning as in section 4(1) of the Railways Act 2005.

“22AC Minister may amend, replace, or disallow bylaws

- “(1) The Minister may, by notice published in the *Gazette*, amend, replace, or disallow, either wholly or in part, any bylaw made by a road controlling authority under section 22AB or any other enactment (whether before or after the commencement of this section) if the bylaw—
- “(a) is inconsistent with any enactment; or
 - “(b) is unreasonable or undesirable in so far as it relates to or may affect traffic.
- “(2) On any disallowance under subsection (1), the bylaw must, to the extent to which it is disallowed, be treated as having been revoked.
- “(3) Any disallowance under subsection (1) takes effect either on the day of the publication of the notice of disallowance in the *Gazette* or on a later date that may be specified in the notice.

“22AD Consultation

- “(1) A road controlling authority that is a local authority may not make a bylaw under section 22AB unless it has used the special consultative procedures set out in section 83 of the Local Government Act 2002.
- “(2) A road controlling authority that is not a local authority may not make a bylaw under section 22AB unless it has consulted with—

- “(a) the occupiers of any properties adjoining the road to which the proposed bylaw would apply; and
 - “(b) any affected road controlling authorities that are responsible for roads that join, or are located near, the road to which the proposed bylaw would apply; and
 - “(c) the territorial authority for the area where the road is located; and
 - “(d) any affected local community; and
 - “(e) the Commissioner of Police; and
 - “(f) any other organisation or road user group that the road controlling authority considers affected; and
 - “(g) the Agency (if the road controlling authority is not the Agency).
- “(3) The road controlling authority must—
- “(a) give notice in writing to the persons specified in subsection (2) of the road controlling authority’s proposal to make, amend, or replace a bylaw; and
 - “(b) give those persons a reasonable time, which must be specified in the notice, to make submissions on the proposal.

“22AE Publication and proof of bylaws

- “(1) As soon as practicable after a bylaw is made, the road controlling authority must give public notice of the making of the bylaw, stating—
- “(a) the date on which the bylaw comes into force; and
 - “(b) that copies of the bylaw may be inspected and obtained at the office of the relevant road controlling authority on payment of a specified amount.
- “(2) A road controlling authority must—
- “(a) keep copies of all its bylaws at the office of the road controlling authority; and
 - “(b) make its bylaws available for public inspection, without fee, at reasonable hours at the office of the road controlling authority; and
 - “(c) supply to any person, on request and on payment of a reasonable charge, a copy of any of its bylaws.
- “(3) The production of any document purporting to contain a printed copy of any bylaw made under section 22AB and

authenticated by the road controlling authority that made it is, until the contrary is proved, sufficient evidence of the existence and provisions of the bylaw.

“22AF Warning notices

- “(1) If a motor vehicle is operated in a manner that breaches a qualifying bylaw, an enforcement officer may attach a warning notice to the motor vehicle (instead of, or in addition to, issuing an applicable infringement notice).
- “(2) The warning notice must be—
- “(a) in the form prescribed by the Minister of Police by notice in the *Gazette*; and
 - “(b) attached to the motor vehicle subject to the warning notice in a manner that—
 - “(i) is visible; but
 - “(ii) does not interfere with the driver’s view of the road.
- “(3) A warning notice attached to a motor vehicle under subsection (1)—
- “(a) is in effect for a period of 90 days from the date of its attachment; and
 - “(b) must remain attached to the motor vehicle for that period.”

9 Certain driver licences have no effect

[Repealed]

Section 9: repealed (without coming into force), on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

10 Driver licences are property of Agency and are to be surrendered in certain circumstances

[Repealed]

Section 10: repealed (without coming into force), on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

11 New section 36AB inserted

The following section is inserted after section 36A:

“36AB Contravention of sections 7 and 114

If a person commits an offence specified under section 35 or 36 in a manner that contravenes sections 7 and 114, a court, in sentencing or otherwise dealing with the person for the offence, must treat the contravention of section 114 as an aggravating factor.”

12 Contravening notices, requirements, etc, given or imposed by enforcement officers

Section 52 is amended by adding the following subsections:

- “(3) If a person is convicted of an offence against section 114 and has previously been convicted of an offence against section 114 or, while failing to comply with section 114, exceeded the applicable speed limit or operated a motor vehicle in an otherwise dangerous manner, a court must order the person to be disqualified from holding or obtaining a driver licence for 3 months.
- “(4) If a person is convicted for a third or subsequent offence against section 114,—
- “(a) the maximum penalty is imprisonment for a term not exceeding 3 months; and
 - “(b) the court must order the person to be disqualified from holding or obtaining a driver licence for 1 year.
- “(5) A disqualification ordered under subsection (3) or (4) is cumulative on, and not concurrent with, any other disqualification that a court may order in respect of the incident that gave rise to the person’s conviction under section 114.
- “(6) A person commits an offence if the person fails or refuses to provide information or provides false information with respect to any request for information made by an enforcement officer under section 118.
- “(7) The maximum penalty on conviction for an offence against subsection (6) is a fine not exceeding \$20,000.
- “(8) If a person removes, obscures, or makes indistinguishable a warning notice attached to a motor vehicle while the notice is in effect, the person commits an offence and is liable on conviction to a fine not exceeding \$10,000.”

13 Driving while impaired and with blood that contains evidence of use of controlled drug or prescription medicine

- (1) The heading to section 57A is amended by omitting “**controlled drug or prescription medicine**” and substituting “**qualifying drug**”.
- (2) Section 57A(1) is amended by repealing paragraph (b) and substituting the following paragraph:
 - “(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 a qualifying drug.”

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

Section 62(1B) is amended by repealing paragraph (c) and substituting the following paragraph:

- “(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 a qualifying drug.”

15 Defences

- (1) Section 64(1A) is amended by omitting “controlled drug or prescription medicine” and substituting “qualifying drug”.
- (2) Section 64(1A)(a)(ii) is amended by omitting “drug or medicine” and substituting “qualifying drug”.

16 Circumstances in which certificate not admissible in proceedings

Section 79(4)(e) is amended by omitting “controlled drug or any prescription medicine” in each place where it appears and substituting in each case “qualifying drug”.

17 Effect of disqualification

[Repealed]

Section 17: repealed (without coming into force), on 10 May 2011, by section 47 of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

18 New sections 82A and 82B inserted

[Repealed]

Section 18: repealed (without coming into force), on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

19 Holder to undergo approved tests or courses if disqualified for more than 1 year

Section 83(1)(b) is amended by omitting “or endorse the existing licence”.

20 New licence or endorsement to be issued if disqualified driver qualifies for specified vehicle classes

[Repealed]

Section 20: repealed (without coming into force), on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

21 Suspension of licence or disqualification from driving under demerit points system

[Repealed]

Section 21: repealed (without coming into force), on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

22 Vehicle seized and impounded for 28 days in certain circumstances

- (1) Section 96 is amended by inserting the following subsection after subsection (1):

“(1AA) An enforcement officer must, if practicable, seize and impound, or seize and authorise the impoundment of, a motor vehicle for 28 days if the officer believes on reasonable grounds that—

“(a) the driver operated the vehicle in a manner that breached a qualifying bylaw; and

“(b) the vehicle is subject to a warning notice attached under section 22AF.”

- (2) Section 96(1A) is amended by omitting “may” and substituting “must, if practicable,”.

- (3) Section 96 is amended by inserting the following subsection after subsection (1A):
- “(1AB) An enforcement officer may seize and impound, or seize and authorise the impoundment of, a motor vehicle for 28 days if the officer believes on reasonable grounds that a person driving the vehicle has failed to stop as signalled, requested, or required under section 114(1) or (2).”
- (4) Section 96(2)(a)(i) is amended by omitting “name and address” and substituting “full name and full address”.
- (5) Section 96 is amended by inserting the following subsection after subsection (2):
- “(2A) The driver of a motor vehicle seized or impounded under this section must, if requested to do so by an enforcement officer,—
- “(a) provide the driver’s—
 - “(i) full name; and
 - “(ii) full address; and
 - “(iii) date of birth; and
 - “(iv) occupation; and
 - “(v) telephone number; and
 - “(vi) driver licence number:
 - “(b) provide, if known to the driver and the driver is not the registered person, the registered person’s—
 - “(i) full name; and
 - “(ii) full address; and
 - “(iii) date of birth; and
 - “(iv) occupation; and
 - “(v) telephone number.”
- (6) Section 96 is amended by repealing subsection (4) and substituting the following subsections:
- “(4) Personal property (other than property attached to or used in connection with the operation of the vehicle) present in a motor vehicle at the time of the seizure and impoundment must be released on request to a person who produces satisfactory evidence to the effect that he or she was lawfully entitled to possession of the vehicle or personal property immediately before the vehicle was moved.
- “(4A) Personal property present in a motor vehicle at the time of the seizure and impoundment must be released subsequently to—

- “(a) a bailiff or constable who is executing a warrant to seize property:
 - “(b) a person acting on behalf of the owner of the goods if the person produces satisfactory evidence of the owner’s consent to such release.”
- (7) Section 96(6)(a) is amended by inserting “or (1AA) or failed to stop in the circumstances referred to in subsection (1AB)” after “(1A)”.

23 Impoundment of vehicle used in transport service

- (1) Section 96A(2)(a)(i) is amended by omitting “name and address” and substituting “full name and full address”.
- (2) Section 96A(2)(a)(ii) is amended by omitting “name and address” and substituting “full name and full address”.
- (3) Section 96A is amended by inserting the following subsection after subsection (2):
 - “(2A) The driver of a motor vehicle seized or impounded under this section must, if requested to do so by an enforcement officer,—
 - “(a) provide the driver’s—
 - “(i) full name; and
 - “(ii) full address; and
 - “(iii) date of birth; and
 - “(iv) occupation; and
 - “(v) telephone number; and
 - “(vi) driver licence number:
 - “(b) provide, if known to the driver and different from the driver, the transport service operator’s—
 - “(i) full name; and
 - “(ii) full address; and
 - “(iii) date of birth (if an individual); and
 - “(iv) telephone number.”
- (4) Section 96A is amended by repealing subsection (4) and substituting the following subsections:
 - “(4) Personal property (other than property attached to or used in connection with the operation of the vehicle) present in a motor vehicle at the time of the seizure and impoundment must be released on request to a person who produces satisfactory evidence to the effect that he or she was lawfully entitled

to possession of the vehicle or personal property immediately before the vehicle was moved.

- “(5) Personal property present in a motor vehicle at the time of the seizure and impoundment must be released subsequently to—
- “(a) a bailiff or constable who is executing a warrant to seize property:
 - “(b) a person acting on behalf of the owner of the goods if the person produces satisfactory evidence of the owner’s consent to such release.”

24 Storage of impounded vehicles

- (1) Section 97(3) is amended by inserting “impounded” after “owner of the”.
- (2) Section 97 is amended by inserting the following subsection after subsection (3):

“(3A) The fees and charges referred to in subsection (2) are recoverable from the chief executive of the Ministry of Justice by the vehicle recovery service operator or storage provider if an impounded vehicle is seized or confiscated from impoundment under the Summary Proceedings Act 1957 or the Sentencing Act 2002.”
- (3) Section 97 is amended by repealing subsection (6) and substituting the following subsection:

“(6) The storage provider must immediately comply with—

 - “(a) a direction given under this Act to release the vehicle to the owner or a person authorised for the purpose by the owner; or
 - “(b) a warrant to seize property executed by a bailiff or constable under section 94 of the Summary Proceedings Act 1957; or
 - “(c) a warrant of confiscation under section 132 of the Sentencing Act 2002 executed by a Registrar, bailiff, or constable.”
- (4) Section 97(7) is amended by inserting “the chief executive of the Ministry of Justice, or a Registrar,” after “The Commissioner,”.
- (5) Section 97 is amended by adding the following subsection:

“(8) For the purposes of subsection (7), **Registrar** means any Registrar of the High Court or of a District Court, as the case may require, and includes a Deputy Registrar.”

25 Release of vehicle after 28 days

(1) Section 98 is amended by repealing subsection (1) and substituting the following subsection:

“(1) On or after the close of the 28-day impoundment period, the registered person in respect of the vehicle, or a person authorised for the purpose by the registered person, or a bailiff or a constable executing a warrant to seize property under section 94 of the Summary Proceedings Act 1957, or a Registrar, bailiff, or constable executing a warrant of confiscation under section 132 of the Sentencing Act 2002, is entitled to remove the vehicle from storage by—

“(a) showing the storage provider proof of identity and either,—

“(i) in the case of the registered person in respect of the vehicle, or a person authorised for the purpose by him or her, proof of ownership of the vehicle or the owner’s copy of the notice of acknowledgement of seizure and impoundment; or

“(ii) in the case of a Registrar, bailiff, or constable, the warrant; and

“(b) paying the fees and charges for towage and storage of the vehicle, or entering into an arrangement to pay those fees and charges.”

(2) Subsection 98(2) is amended by omitting “subsection (1) is” and substituting “subsections (1), (6), and (7) are”.

(3) Section 98(4) is amended by omitting “dispose of the vehicle and may, with the officer’s approval, dispose of the vehicle on such terms and conditions as the officer thinks fit” and substituting “dispose of the vehicle, and any personal property found in the vehicle, and may, with the officer’s approval, dispose of the vehicle, and any personal property found in the vehicle, on the terms and conditions that the officer thinks fit”.

(4) Section 98(5) is amended by inserting “, and any personal property found in the vehicle,” after “vehicle”.

- (5) Section 98 is amended by adding the following subsections:
- “(6) Before removing a vehicle under subsection (1), a bailiff or constable executing a warrant to seize property under section 94 of the Summary Proceedings Act 1957, or a Registrar, bailiff, or constable executing a warrant of confiscation under section 132 of the Sentencing Act 2002, must—
- “(a) pay any unpaid fees and charges referred to in section 97(2) related to the vehicle to be removed; or
 - “(b) enter into an arrangement with the storage provider for the payment of any unpaid fees and charges that the owner of the impounded vehicle is liable to pay under section 97(2) in relation to the vehicle to be removed.
- “(7) Despite anything in subsections (1) to (6),—
- “(a) in the case of a bailiff or constable executing a warrant to seize property under section 94 of the Summary Proceedings Act 1957, the period during which an impounded vehicle may be seized—
 - “(i) begins immediately on the expiry of the applicable 14-day appeal period specified in section 102; and
 - “(ii) ends when—
 - “(A) the vehicle is released under subsection (1); or
 - “(B) the storage provider becomes the owner of the vehicle under subsection (5):
 - “(b) in the case of a Registrar, bailiff, or constable executing a warrant of confiscation under section 132 of the Sentencing Act 2002, the period during which an impounded vehicle may be seized—
 - “(i) begins immediately on the impoundment of the vehicle; and
 - “(ii) ends when—
 - “(A) the vehicle is released under subsection (1); or
 - “(B) the storage provider becomes the owner of the vehicle under subsection (5).”

26 New heading and sections 98A and 98B inserted

The following heading and sections are inserted after section 98:

“Prohibiting sale or disposal of motor vehicles

“98A Commissioner may prohibit sale or disposal of certain motor vehicles

“(1) This section applies if—

“(a) a person is charged with an offence under this Act or any other enactment that would, if the person is convicted of the offence, permit or require a court to order the confiscation of the person’s motor vehicle under the Sentencing Act 2002; and

“(b) the Commissioner believes, on reasonable grounds in the circumstances, that the court would, if the person is convicted of the offence, order the confiscation of the person’s motor vehicle under the Sentencing Act 2002.

“(2) If this section applies, the Commissioner may prohibit the sale or disposal of the motor vehicle by giving notice in the prescribed form to—

“(a) the person who is charged; and

“(b) the registered person of the motor vehicle (if a person other than the person who is charged).

“(3) A person notified under subsection (2) may not sell, or dispose of,—

“(a) the motor vehicle specified in the notice:

“(b) any parts of the motor vehicle specified in the notice.

“(4) The Commissioner—

“(a) must cancel the notice given under subsection (2) if the person charged—

“(i) does not own, or does not have a legal or equitable interest in, the motor vehicle specified in the notice; or

“(ii) is not convicted of an offence that would permit or require a court to order the confiscation of the person’s motor vehicle under the Sentencing Act 2002; or

- “(iii) is convicted of such an offence but a court does not order the confiscation of the person’s motor vehicle under the Sentencing Act 2002; or
- “(b) may cancel the notice given under subsection (2) if—
 - “(i) the motor vehicle specified in the notice was stolen or converted at the time the person charged used it in a way that gave rise to the charge; or
 - “(ii) the owner of the vehicle specified in the notice took all reasonable steps to prevent the person charged from using the vehicle in a way that gave rise to the charge; or
 - “(iii) the Commissioner is satisfied that prohibiting the sale of the motor vehicle specified in the notice would entail undue hardship to the person charged, the owner of the motor vehicle, or any other person.

“98B Appeal of notice to District Court

- “(1) Any person who is given notice under section 98A may appeal to the District Court against the Commissioner’s decision to give the notice.
- “(2) The court must determine the appeal on 1 or more of the grounds specified in section 98A(4).
- “(3) The court may confirm or cancel the notice.
- “(4) Every notice appealed against under this section continues in force pending the determination of the appeal, and no person is excused from complying with the notice on the ground that an appeal is pending.”

27 Appeal to Police against impoundment of vehicle

- (1) Section 102(1) is amended by repealing paragraph (f) and substituting the following paragraph:
 - “(f) if section 96(1A), (1AA), or (1AB) applies, the owner did not know and could not reasonably be expected to know that the operator of the vehicle would contravene section 22A(1) or (3), 22AF, or 114(1) or (2) (whichever applies); or”.

- (2) Section 102(1) is amended by repealing paragraph (g) and substituting the following paragraph:
- “(g) if section 96(1A), (1AA), or (1AB) applies, the owner took all reasonable steps to prevent the operator of the vehicle from contravening section 22A(1) or (3), 22AF, or 114(1) or (2) (whichever applies); or”.
- (3) Section 102(2) is amended by adding “and lodged no later than 14 days after the date on which the vehicle is seized and impounded”.

28 Appeal against refusal of Police to direct release of impounded vehicle

Section 110 is amended by inserting the following subsections after subsection (1):

- “(1A) If a person fails to lodge an appeal under section 102 within the time specified, the person may, if an enforcement officer agrees, appeal to a District Court.
- “(1B) An enforcement officer may agree in writing to an appeal under subsection (1A) if the enforcement officer is satisfied that there are exceptional circumstances that prevented the filing of the appeal within the time specified under section 102(2).”

29 Enforcement officers may enforce transport legislation

Section 113(2)(a) is amended by omitting “name and address and date of birth,” and substituting “full name, full address, date of birth, occupation, and telephone number.”.

30 Power to require driver to stop and give name and address, etc

Section 114(3)(b)(i) is amended by omitting “name and address and date of birth,” and substituting “full name, full address, date of birth, occupation, and telephone number.”.

31 Enforcement officers may give directions prohibiting driving of vehicles

Section 115 is amended by inserting the following subsections after subsection (3):

- “(3A) When issuing a notice under subsection (3), an enforcement officer may direct the driver or owner of the vehicle to comply with any applicable requirements with respect to the noise emitted by the vehicle’s exhaust system if the enforcement officer believes on reasonable grounds that the vehicle does not comply with those requirements.
- “(3B) If a vehicle is subject to a direction under subsection (1) or (3) on the grounds that the vehicle’s exhaust system exceeds any prescribed noise or decibel limits, the vehicle’s exhaust system must, before new evidence of vehicle inspection may be issued, be certified as complying with the relevant limits in accordance with any prescribed testing and certification procedure.”

32 New section 121A inserted

The following section is inserted after section 121:

“121A Enforcement officer may give directions or immobilise vehicle if driver breaches certain licence conditions

- “(1) An enforcement officer may exercise all or any of the powers conferred by subsection (2) if the enforcement officer believes on reasonable grounds that a person who is for the time being in charge of a motor vehicle has, in relation to a prescribed class of motor vehicle, breached any condition of a class 1 or class 6 learner licence or a restricted licence held by that person.
- “(2) The enforcement officer may—
- “(a) forbid the person to drive a motor vehicle until that person is able to comply with the conditions of that person’s learner licence or restricted licence:
 - “(b) direct the person to drive to a specified place (for example, the person’s home):
 - “(c) take possession of all ignition or other keys of the vehicle, and for that purpose require the person to deliver up immediately all such keys:
 - “(d) take any steps that may be necessary to make the motor vehicle immobile or to move the motor vehicle to a place where it does not constitute a traffic hazard.

- “(3) An enforcement officer may arrest without warrant a person who fails to comply with a power exercised under subsection (2).
- “(4) The power to take possession under subsection (2)(c) or to immobilise or move under subsection (2)(d) continues until—
- “(a) the driver is able to drive the vehicle without breaching the conditions of that driver’s licence; or
 - “(b) another person is able to drive the vehicle without breaching—
 - “(i) that person’s licence;
 - “(ii) any enactment.”

33 New section 128C inserted

The following section is inserted after section 128B:

“128C Enforcement officer’s powers in respect of certain motor vehicles subject to service inspection and certification requirements

- “(1) This section applies if an enforcement officer has reasonable cause to suspect that a motor vehicle (other than a heavy motor vehicle) that is subject to a rule or regulation regarding in-service inspection and certification does not comply with that rule or regulation.
- “(2) If this section applies, an enforcement officer may direct the driver of that vehicle to—
- “(a) drive the vehicle to a specified place for vehicle inspection; and
 - “(b) subject the vehicle to a vehicle inspection to determine whether it complies with any relevant enactment.
- “(3) Except where the driver has failed to stop when directed under subsection (4) or section 114, nothing in subsection (2) authorises an enforcement officer to direct a driver or person in charge to travel a distance exceeding 5 km from the place where the direction is given to a specified place for vehicle inspection.
- “(4) The driver of a motor vehicle must, whenever directed by an enforcement officer, stop the vehicle and keep it stopped so that an enforcement officer may determine whether or not to—
- “(a) take any action under subsection (2); or

“(b) complete the exercise of any other power conferred on an enforcement officer by this Act.”

34 Regulations

Section 167(1)(mc) is amended by omitting “controlled” and substituting “qualifying”.

35 Agency to maintain register of driver licences

Section 199(3) is amended by omitting “is specifically forbidden to drive a motor vehicle or”.

36 Regulations

Section 269(1) is amended by inserting the following paragraph after paragraph (s):

“(sa) setting the number of demerit points to be recorded in respect of an offence that concerns the driving of a motor vehicle:”.

Part 2

Transitional provision and consequential amendments

37 Transitional provision in relation to Transport (Vehicle and Driver Registration and Licensing) Act 1986

In the period commencing on the commencement of this section and ending immediately before the commencement of section 32(2) of the Land Transport Amendment Act 2009, any reference to a registered person in sections 96(2A), 98(1), and 98A(2) of the Land Transport Act 1998 (as inserted or substituted by this Act) must be read as a reference to a registered owner within the meaning of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.

38 Transitional provision in relation to Land Transport (Offences and Penalties) Regulations 1999

In the period commencing on the commencement of this section and ending immediately before the commencement of section 32(2) of the Land Transport Amendment Act 2009, any reference to a registered person in the notice in Schedule 3 or

4 of the Land Transport (Offences and Penalties) Regulations 1999 (as substituted by this Act) must be read as a reference to a registered owner within the meaning of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.

39 Acts consequentially amended

- (1) The Acts specified in Part 1 of Schedule 1 are consequentially amended in the manner set out in that schedule.
- (2) The Act specified in Part 2 of Schedule 1 is consequentially amended in the manner set out in that schedule.

40 Regulations and rules consequentially amended

- (1) The regulations and rules specified in Part 1 of Schedule 2 are consequentially amended in the manner set out in that schedule.
 - (2) The regulations and rules specified in Part 2 of Schedule 2 are consequentially amended in the manner set out in that schedule.
-

Schedule 1

s 39

Acts consequentially amended**Part 1**

Amendments that come into force on
1 December 2009

Land Transport Amendment Act 2009 (2009 No 17)

Item relating to Land Transport (Offences and Penalties) Regulations 1999 in Part 2 of Schedule 2: insert “full” after “person’s”.

Transport Act 1962 (1962 No 135)

Item relating to section 31(1)(b) in Part 9 of Schedule 2: omit.

Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6)

Section 35A: add:

“(3) The Governor-General may, by Order in Council, make regulations setting the number of demerit points to be recorded in respect of an offence under section 17 that concerns the driving of a motor vehicle.”

Part 2

Amendments that come into force on
1 November 2009

Land Transport Act 1998 (1998 No 110)

Section 99(1)(b)(x): to insert “or (1B)” after “section 62(1)”.

Section 167(2)(a)(ii): to omit “and 62(1)” and substitute “62(1), and 62(1B)”.

Land Transport Amendment Act 2009 (2009 No 17)

Section 12(2): omit “(1A)” and substitute “(1B)”.

Section 13: new section 64(1A): omit “62(1A)” and substitute “62(1B)”.

Part 2—*continued*

Summary Proceedings Act 1957 (1957 No 87)

Items repealed.

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

Schedule 2
**Regulations and rules consequentially
amended**

s 40

Part 1

Amendments that come into force on
1 December 2009

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

Regulation 4A: revoke and substitute:

“4A Certain proceedings not permitted

Despite anything in these regulations, a person may not be subject to proceedings with respect to a breach of—

“(a) clause 16(1)(a), (c)(ii), or (d)(ii), 18(1), or 57 of the Land Transport (Driver Licensing) Rule 1999 if that person is, with respect to the same facts, being proceeded against for a breach of section 31(1)(b) of the Act:

“(b) clause 8.9(1) of the Land Transport (Road User) Rule 2004 if that person is, with respect to the same facts, being proceeded against for a breach of another provision of a rule.”

Item relating to the Land Transport Act 1998 in Schedule 1: insert in their appropriate numerical order:

22A(3A)	Contravention, without reasonable excuse, of a bylaw made under section 22AB or 22AC	1,000	–	150	–
31(1)(b)	Driving contrary to conditions of driver licence	–	–	400	400

Item relating to the Land Transport (Driver Licensing) Rule 1999 (91001) in Schedule 1: insert in their appropriate numerical order:

16(1)(a)	Drives without being properly accompanied	–	–	100	–
16(1)(b)	Fails to display L plate as required for car	–	–	100	–
16(1)(c)(i)	Fails to display L plate as required for moped	–	–	100	–
16(1)(c)(ii)	Drives between hours of 10 pm and 5 am	–	–	100	–

Part 1—*continued*

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

16(1)(d)(i)	Fails to display L plate as required for motorcycle	—	—	100	—
16(1)(d)(ii)	Drives in breach of various specified conditions	—	—	100	—
18(1)	Drives in breach of various specified conditions	—	—	100	—
57	Drives in breach of automatic transmission condition	—	—	100	—

Item relating to the Land Transport Rule: Vehicle Equipment 2004 (as amended by 32017/2) in Schedule 1: insert in their appropriate numerical order:

2.7(1)	Failure to fit motor vehicle with an exhaust system that is in good working order	500	500	150	150
2.7(8)	Failure to comply with relevant noise output standards	500	500	50	50
3.1(3)	Failure to comply with relevant noise output standards	500	500	50	50

Part 1 of Schedule 2: insert in their appropriate numerical order:

1A. Land Transport (Driver Licensing) Rule 1999 (91001)	16(1)(a), (c)(ii) or (iii), or (d)(ii), 18, or 57	Drives motor vehicle contrary to the conditions of his or her driver licence (other than conditions relating to display of L plate) in a manner that breaches clause 16(1)(a), (c)(ii) or (iii), or (d)(ii), 18, or 57	35
	16(1)(b), (c)(i), or (d)(i)	Failure to display L plate as required	25
1B. Transport (Vehicle and Driver Registration and Licensing) Act 1986	17	Use of unauthorised, deceptive, or obscured plates	25
4. Land Transport Rule: Vehicle Equipment 2004 (32017/2)	2.7(8) or 3.1(3)	Failure to operate a motor vehicle with an exhaust system that complies with relevant noise output standards	25

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

Part 1—*continued***Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)**—*continued*

Part 1 of the notice in Schedule 4: omit “Address” in each place where it appears and substitute in each case “Full address”.

Part 1 of the notice in Schedule 4: insert “Telephone number:” after “Occupation:”.

Part 1 of the notice in Schedule 4: insert “DOB:/. . . ./.
Occupation: Telephone number:
. Dlic. No:” above “Time of seizure:
. Date:/. . . ./.”.

Paragraph 1 in Part 2 of the notice in Schedule 4: add “or released to a bailiff or constable executing a warrant to seize property under section 94 of the Summary Proceedings Act 1957”.

Paragraph 3 in Part 2 of the notice in Schedule 4: insert “If you decide to appeal to the Police, you must lodge your appeal with the Police within 14 days of the date on which the vehicle was seized and impounded. After that time, you may appeal to the District Court only with the agreement of the Police, who must be satisfied that exceptional circumstances exist for not appealing to the Police within the 14-day period.” after “to the District Court.”

Second paragraph (b) in Part 1 of the notice in Schedule 4: omit “Act.” and substitute “Act; or”.

Part 1 of the notice in Schedule 4: insert after the second paragraph (b):

- (c) you failed to stop in the circumstances referred to in section 96(1AA) of the Act; or
- (d) you failed to stop in the circumstances referred to in section 96(1AB) of the Act.

Paragraph 4(g) in Part 2 of the notice in Schedule 4: insert “or (1AB)” after “96(1A)”.

Paragraph 4(h) in Part 2 of the notice in Schedule 4: insert “or (1AB)” after “96(1A)”.

Paragraph 5 in Part 2 of the notice in Schedule 4: add “You must lodge your appeal with the Police within 14 days of the date on which the vehicle was seized and impounded.”

Part 1—*continued*

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

Paragraph 12 in Part 2 of the notice in Schedule 4: add “In addition, the vehicle may be seized by a bailiff or constable executing a warrant to seize property under section 94 of the Summary Proceedings Act 1957 or by a Registrar, bailiff, or constable executing a warrant of confiscation under section 132 of the Sentencing Act 2002.”

Heading to paragraph 13 in Part 2 of the notice in Schedule 4: insert “AND PERSONAL PROPERTY” after “VEHICLE”.

Paragraph 13 in Part 2 of the notice in Schedule 4: insert “, and any personal property found in the vehicle, ” after “impounded vehicle”.

Paragraph 13(c) in Part 2 of the notice in Schedule 4: add “or any personal property found in the vehicle”.

Preliminary paragraph relating to collection of data in the form in Schedule 5: omit “Address” in each place where it appears and substitute in each case “Full address”.

Preliminary paragraph relating to collection of data in the form in Schedule 5: omit “Operator’s name” and substitute “Operator’s full name”.

Preliminary paragraph relating to collection of data in the form in Schedule 5: insert “Telephone number:” below “Occupation:”.

Preliminary paragraph relating to collection of data in the form in Schedule 5: insert “Date of birth:” below “Address:”.

Preliminary paragraph relating to collection of data in the form in Schedule 5: insert “Telephone number:” below “Location:”.

Paragraph relating to personal property in the vehicle in the form in Schedule 5: add “or to a bailiff or constable executing a warrant to seize property under section 94 of the Summary Proceedings Act 1957”.

Paragraph relating to how to lodge an appeal in the form in Schedule 5: add “You must lodge your appeal with the Police within 14 days of the date on which the vehicle was seized and impounded.”

Paragraph relating to release of the vehicle in the form in Schedule 5: add the following paragraph: “If you decide to appeal to the Police, you must lodge your appeal with the Police within 14 days of the date on which the vehicle was seized and impounded. After that time,

Part 1—*continued***Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)**—*continued*

you may only appeal to the District Court with the agreement of the Police, who must be satisfied that exceptional circumstances exist for not appealing to the Police within the 14-day period. In addition, the vehicle may be seized by a bailiff or constable executing a warrant to seize property under section 94 of the Summary Proceedings Act 1957 or by a Registrar, bailiff, or constable executing a warrant of confiscation under section 132 of the Sentencing Act 2002.”

Heading to paragraph relating to vehicle may be sold in the form in Schedule 5: insert “and personal property” after “Vehicle”.

Paragraph relating to vehicle may be sold in the form in Schedule 5: add “, and any personal property found in the vehicle,”.

Paragraph (c) in the paragraph relating to vehicle may be sold in the form in Schedule 5: insert “or any personal property found in the vehicle” after “the vehicle”.

Land Transport (Ordering a Vehicle off the Road) Notice 1999 (SR 1999/33)

Paragraph 2(b) of the form in Schedule 1: revoke and substitute:

“(b) the vehicle’s exhaust system has been tested and certified under the low volume vehicle code as not exceeding the applicable decibel standard:

“(c) a vehicle inspector, who is an employee of an authorised vehicle inspection agent, who does not repair vehicles (other than to replace light bulbs and windscreen wiper blades) in the course of business, has inspected the vehicle, is satisfied that the vehicle is no longer defective, and has issued new evidence of a vehicle inspection, which is displayed on the vehicle.”

Paragraph 2(b) of the form in Schedule 1A: revoke and substitute:

“(b) the vehicle’s exhaust system has been tested and certified under the low volume vehicle code as not exceeding the applicable decibel standard (if the reason listed above includes the vehicle’s alleged non-compli-

Part 1—*continued*

**Land Transport (Ordering a Vehicle off the Road) Notice 1999
(SR 1999/33)—*continued***

ance with the rules regarding the level of exhaust noise emitted by the vehicle):

- “(c) a vehicle inspector, who is an employee of an authorised vehicle inspection agent, who does not repair vehicles (other than to replace light bulbs and windscreen wiper blades) in the course of business, has inspected the vehicle, is satisfied that the vehicle is no longer defective, and has issued new evidence of a vehicle inspection, which is displayed on the vehicle.”

Notice in Schedule 2: insert after paragraph 1:

- “*1A In addition, an enforcement officer believes that the vehicle does not comply with the rules regarding the level of exhaust noise emitted by the vehicle. The vehicle’s exhaust system must be tested and certified under the low volume vehicle code as not exceeding the applicable decibel standard before new evidence of vehicle inspection can be issued for the vehicle.”

Paragraph 2(a) of the notice in Schedule 2: insert “who does not repair vehicles (other than to replace light bulbs and windscreen wiper blades) in the course of business” after “vehicle inspection agent”.

Notice in Schedule 3: insert after paragraph 1:

- “*1A In addition, I believe that the vehicle does not comply with the rules regarding the level of exhaust noise emitted by the vehicle. Under the provisions of section 115(3B) of the Land Transport Act 1998, the vehicle’s exhaust system must be tested and certified under the low volume vehicle code as not exceeding the applicable decibel standard before new evidence of vehicle inspection can be issued for the vehicle.”

Paragraph 2(a) of the notice in Schedule 3: insert “who does not repair vehicles in the course of business” after “vehicle inspection agent”.

**Land Transport Rule: Vehicle Equipment 2004 (as amended
by 32017/2)**

Clause 2.7(8)(a): omit “must.”.

Part 1—*continued***Land Transport Rule: Vehicle Equipment 2004 (as amended by 32017/2)**—*continued*

Clause 2.7(8)(a)(i): insert “must” before “be less than”.

Clause 2.7(8)(a)(ii): revoke and substitute:

“(ii) must not, if the noise output from the motor vehicle’s original exhaust system at the time of the vehicle’s manufacture is not known, exceed the maximum decibel level prescribed in Schedule 3, when tested in accordance with the low volume vehicle code:”.

Clause 3.1(3): add “as not exceeding the maximum decibel standard prescribed in Schedule 3”.

Part 2

Amendments that come into force on date
appointed by Order in Council

Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 (SR 1999/93)

Heading to regulation 3: omit “**or renew**” and substitute “, **renew, or reinstate**”.

Regulation 3(1): omit “or renewal” and substitute “, renewal, or reinstatement”.

Item repealed.

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

Items repealed.

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

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Land Transport (Enforcement Powers) 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): sections 47, 100(3)
