



Land Transport (Offences and Penalties) Amendment Regulations (No 2) 2016

Patsy Reddy, Governor-General

Order in Council

At Wellington this 21st day of November 2016

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 167 of the Land Transport Act 1998 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Land Transport (Offences and Penalties) Amendment Regulations (No 2) 2016.

2 Commencement

These regulations come into force on 1 February 2017.

3 Principal regulations

These regulations amend the Land Transport (Offences and Penalties) Regulations 1999 (the **principal regulations**).

4 Regulation 4 amended (Infringement offences)

In regulation 4(6), replace “section 8 of Land Transport Rule: Vehicle Dimensions and Mass 2002” with “section 2 of Land Transport Rule: Vehicle Dimensions and Mass 2016”.

5 Regulation 4B amended (Penalties in respect of overloading offences that are also breaches of permit conditions)

- (1) In regulation 4B, replace “section 5 of Land Transport Rule: Vehicle Dimensions and Mass 2002” with “section 5 of Land Transport Rule: Vehicle Dimensions and Mass 2016”.
- (2) In regulation 4B(a), replace “clause 5.1(3), 5.2(6A), 8.1, 8.2, 8.3, or 8.4 of Land Transport Rule: Vehicle Dimensions and Mass 2002, as applicable” with “the applicable provision of section 2 of Land Transport Rule: Vehicle Dimensions and Mass 2016”.

6 Schedule 1 amended

Amend Schedule 1 as set out in the Schedule of these regulations.

7 Schedule 1A amended

- (1) In the heading to Schedule 1A, replace “**Land Transport Rule: Vehicle Dimensions and Mass 2002 (41001)**” with “**Land Transport Rule: Vehicle Dimensions and Mass 2016 (41001)**”.
- (2) In Schedule 1A, table 1, delete “(if applicable)”.
- (3) In Schedule 1A, table 2, delete “(if applicable)”.
- (4) In Schedule 1A, replace clause 5 with:

5 Weighing tolerances

The axle weight recorded or calculated or, in the case of an offence referred to in table 2, the total of the recorded or calculated weights on the axles, is to be reduced by the following amounts:

- (a) 0.5 tonnes for any weight recorded or calculated on any axle:
- (b) 0.5 tonnes for any weight recorded or calculated on any twin-steer axle set:
- (c) 1.0 tonne for any weight recorded or calculated on 2 or more consecutive axles (except in a case to which paragraph (b) or (d) applies):
- (d) 0.5 tonnes,—
 - (i) in the case of a single vehicle that is not part of a combination vehicle, for any weight recorded or calculated on all axles of that vehicle:
 - (ii) in the case of a combination vehicle, for any weight recorded or calculated on all axles of that combination vehicle.

8 Schedule 1B amended

- (1) In the heading to Schedule 1B, replace “**Land Transport Rule: Vehicle Dimensions and Mass 2002 (41001)**” with “**Land Transport Rule: Vehicle Dimensions and Mass 2016 (41001)**”.
- (2) In Schedule 1B, Part 3, replace clause 5 with:

5 Weighing tolerances

The axle weight recorded or calculated or, in the case of an offence referred to in table 2, the total of the recorded or calculated weights on the axles, is to be reduced by the following amounts:

- (a) 0.5 tonnes for any weight recorded or calculated on any axle:
- (b) 0.5 tonnes for any weight recorded or calculated on any twin-steer axle set:
- (c) 1.0 tonne for any weight recorded or calculated on 2 or more consecutive axles (except in a case to which paragraph (b) or (d) applies):
- (d) 0.5 tonnes,—
 - (i) in the case of a single vehicle that is not part of a combination vehicle, for any weight recorded or calculated on all axles of that vehicle:
 - (ii) in the case of a combination vehicle, for any weight recorded or calculated on all axles of that combination vehicle.

**Schedule
Amendment to Schedule 1 of principal regulations**

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Replace the item relating to Vehicle Dimensions and Mass 2002 (41001) with:

<i>Vehicle Dimensions and Mass 2016 (41001):</i>					
2.1 (except where the offence is a breach of a critical condition of a permit under clause 2.1(2)(a) or 2.1(5)(a))	Responsibilities of operators	1,000	1,000	370	370
2.1(2)(a)	Breach of critical condition of permit for overweight vehicles transporting indivisible loads, high-productivity motor vehicles, and specialist vehicles carrying divisible loads	5,000	5,000	2,000	2,000
2.1(5)(a)	Breach of critical condition of permit for overdimension motor vehicles	5,000	5,000	2,000	2,000
2.2	Responsibilities of modifiers	1,000	1,000	370	370
2.3	Responsibilities of vehicle inspectors and inspecting organisations	1,000	1,000	370	370
2.4	Responsibilities of manufacturers	1,000	1,000	370	370

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 February 2017, amend the Land Transport (Offences and Penalties) Regulations 1999. The amendments are related to the replacement of the Land Transport Rule: Vehicle Dimensions and Mass 2002 with the Land Transport Rule: Vehicle Dimensions and Mass 2016, which comes into force on the same day as these regulations.

The regulations enable the enforcement of provisions of the Land Transport Rule: Vehicle Dimensions and Mass 2016 and make breaches of critical conditions of overdimension permits subject to the same penalty as breaches of critical conditions of overweight permits.

The regulations standardise all weighing tolerances (for an entire vehicle and for sets of axles) at 0.5 tonnes except for the weighing tolerance for a set of 2 or more consecutive non-steering axles. The weighing tolerance for 2 or more consecutive non-steering axles is 1 tonne.

Regulatory impact statement

The Ministry of Transport produced a regulatory impact statement on 9 June 2016 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at <http://www.transport.govt.nz/assets/Uploads/Land/Documents/RIS-for-Review-Of-The-Land-Transport-Rule-Vehicle-Dimension-And-Mass.pdf>

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry of Transport.