



## Land Transport (Motor Vehicle Registration and Licensing) Amendment Regulations 2014

Jerry Mateparae, Governor-General

### Order in Council

At Wellington this 8th day of December 2014

Present:

His Excellency the Governor-General in Council

Pursuant to sections 269 and 269A of the Land Transport Act 1998, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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**Schedule**  
**Diagram 1 inserted in Schedule 3**

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**Regulations**

**1 Title**

These regulations are the Land Transport (Motor Vehicle Registration and Licensing) Amendment Regulations 2014.

**2 Commencement**

- (1) These regulations (except regulations 4, 5, and 7 to 9) come into force on 19 January 2015.
- (2) Regulation 5 comes into force on 1 April 2015.
- (3) Regulations 4, 7, and 8 come into force on 1 January 2016.
- (4) Regulation 9,—
  - (a) to the extent that it relates to item 1 in Part 2AB of Schedule 5, comes into force on 1 April 2015; and
  - (b) to the extent that it relates to item 2 in Part 2AB of Schedule 5, comes into force on 1 January 2016.

**3 Principal regulations**

These regulations amend the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 (the **principal regulations**).

**4 Regulation 36 replaced (Form of trade plates)**

Replace regulation 36 with:

**36 Form of trade plates**

- (1) A trade plate must be made with a yellow retro-reflective background, bearing, embossed in black,—
  - (a) in the case of a heavy RUC vehicle (within the meaning of the Road User Charges Act 2012),—
    - (i) not more than 4 numbers preceded or followed by the letter “X”;  
and
    - (ii) the letters “HV” above the last 2 digits of the calendar year for which it is issued, arranged vertically to the right of the numbers and the letter:
  - (b) in the case of other vehicles,—
    - (i) not more than 5 numbers preceded or followed by the letter “X”;  
and

- (ii) the last 2 digits of the calendar year for which it is issued, arranged vertically to the right of the letter and numbers.
- (2) A trade plate is to be in the form of—
  - (a) diagram 1 in Schedule 3, in the case of heavy RUC vehicles:
  - (b) diagram 2 in Schedule 3, in the case of other vehicles.
- (3) The base material of a trade plate must be aluminium or any other material that may be determined by the Registrar.

#### **5 New regulation 64A inserted (Additional fee for certain RUC vehicles)**

After regulation 64, insert:

##### **64A Additional fee for certain RUC vehicles**

- (1) The additional fee payable under section 269A of the Act in respect of certain classes of RUC vehicles is specified in Part 2AB of Schedule 5.
- (2) The additional fee is payable at the same time as the fee payable in respect of an application for a licence for a motor vehicle or for the issue of trade plates (as the case may be).

#### **6 Regulation 77 amended (Operation of unregistered or unlicensed motor vehicle)**

- (1) Replace regulation 77(3)(f) with:
  - (f) was a trailer designed exclusively for agricultural operations and used on a road only when—
    - (i) proceeding to or from a farm; or
    - (ii) being inspected, serviced, or repaired.
- (2) After regulation 77(3), insert:
- (3A) However, the defence provided by regulation (3)(d) or (f)(i) is not available if the trailer—
  - (a) is a—
    - (i) heavy agricultural trailer designed principally for the carriage of goods; or
    - (ii) heavy goods trailer; and
  - (b) is operated at a speed in excess of 40 km per hour.
- (3) In regulation 77(4)(a), replace “; and” with “; or”.

#### **7 New regulation 77A inserted (Incorrect use of heavy RUC vehicle trade plate)**

After regulation 77, insert:

**77A Incorrect use of heavy RUC vehicle trade plate**

In proceedings for an offence relating to displaying a heavy RUC vehicle trade plate for a motor vehicle that is not a heavy RUC vehicle (within the meaning of the Road User Charges Act 2012), it is a defence if the defendant proves that—

- (a) the requirements of these regulations relating to a trade plate for a heavy RUC vehicle have been complied with; and
- (b) the correct accident insurance levy has been paid; and
- (c) any conditions specified by the Registrar under regulation 26(2)(b)(ii) about using a heavy RUC vehicle trade plate for a vehicle that is not a heavy RUC vehicle have been complied with.

**8 Schedule 3 amended**

In Schedule 3, before diagram 2, insert the heading and diagram set out in the Schedule of these regulations.

**9 Schedule 5 amended**

In Schedule 5, after Part 2A, insert:

<b>Part 2AB</b>		
<b>Additional fee payable in respect of certain classes of RUC vehicles</b>		
<b>Vehicle type</b>		<b>Fee (\$)</b>
1	Additional fee payable in respect of a tractor operated at a speed that exceeds 40 km per hour	367.00
2	Additional fee for trade plates for use on heavy RUC vehicles within the meaning of the Road User Charges Act 2012	201.50

**Schedule**  
**Diagram 1 inserted in Schedule 3**

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*Diagram 1*



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 amend the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011.

These regulations come into force on 19 January 2015, but *regulation 5* comes into force on 1 April 2015 and *regulations 4, 7, and 8* come into force on 1 January 2016. Part of *regulation 9* comes into force on 1 April 2015 and the rest comes into force on 1 January 2016.

*Regulation 4* replaces regulation 36, which prescribes the form of trade plates. The new regulation is to the same effect as the old regulation, except that 2 forms of trade plates are now prescribed: one for heavy RUC vehicles (within the meaning of the Road User Charges Act 2012); and the other for vehicles that are not heavy RUC vehicles.

*Regulation 5* inserts *new regulation 64A*, which prescribes the additional fee payable under section 269A of the Land Transport Act 1998 in respect of certain classes of RUC vehicles as specified in the *new Part 2AB* of Schedule 5 as inserted by *regulation 9*. Section 269A authorises the prescribing of an additional fee in respect of all or certain classes of RUC vehicles that are exempt from road user charges under section 38 or 38A of the Road User Charges Act 2012.

The additional fee is payable at the same time as the fee payable in respect of an application for a motor vehicle licence or for the issue of trade plates.

*Regulation 6* amends regulation 77, which specifies certain offences in relation to unregistered or unlicensed motor vehicles. Subclause (3)(d) and (f) provides defences in relation to trailers attached to certain vehicles and trailers designed exclusively for agricultural operations and used on a road only when proceeding to and from a farm or when being inspected, serviced, or repaired. The amendments remove the first part of the defence in relation to certain vehicles operated in excess of 40 km per hour, being heavy agricultural trailers designed principally for the carriage of goods and heavy goods trailers. It will still be a defence if the vehicle is being operated on a road for the purpose of being inspected, serviced, or repaired.

*Regulation 7* inserts *new regulation 77A*, which provides a defence, in certain circumstances, in proceedings for an offence relating to displaying a heavy RUC vehicle trade plate for a motor vehicle that is not a heavy RUC vehicle.

*Regulation 8* amends Schedule 3 to insert a diagram showing the form of trade plate for a heavy RUC vehicle.

*Regulation 9* amends Schedule 5 to prescribe the additional fee payable in respect of certain RUC vehicles.

The *Schedule* inserts a diagram into Schedule 3 showing the form of trade plate for a heavy RUC vehicle.

### Regulatory impact statement

The Ministry of Transport produced a regulatory impact statement on 25 March 2013 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/Import/Documents/Regulatory-Impact-Statement-Land-Transport-Road-User-Charges-Amendment-Bill-2013.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 11 December 2014.

These regulations are administered by the Ministry of Transport.