



ANALYSIS

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1988, No. 171

An Act to amend the Transport (Vehicle and Driver Registration and Licensing) Act 1986

[10 December 1988

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1988, and shall be read together with and deemed part of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Royal assent.

2. Interpretation—Section 2(1) of the principal Act is hereby amended by inserting, after the definition of the term “Goods-service vehicle”, the following definition:

“ ‘Gross weight’, in relation to any vehicle or combination of vehicles, means the weight of the vehicle or of the vehicles comprising the combination, together with

the load for the time being carried by the vehicle or vehicles, including any equipment and accessories:

“Provided that for the purposes of this Act and of any regulations under this Act, and without limiting the methods by which the gross weight of a vehicle may be determined, the gross weight of a vehicle may be determined by adding the weight on its axles or groups of axles:”.

3. New sections substituted relating to personalised registration plates—The principal Act is hereby amended by repealing section 9, and substituting the following sections:

“9. Personalised registration plates—(1) A personalised registration plate is a registration plate that bears a combination of letters, numbers, or both, or any single letter or number, specially allocated by the Registrar for use on a personalised registration plate.

“(2) The Registrar may enter into a contract with any person entitling that person to dispose of the right to receive personalised registration plates.

“(3) The person who for the time being has an appropriate contract with the Registrar may dispose of the right to receive personalised registration plates—

“(a) On payment of an agreed price:

“(b) By auction or tender:

“(c) By any other means of sale or disposition.

“(4) There shall not be more than one contract under this section in force at any one time.

“(5) Where no contract is in force under this section, the Registrar shall be deemed to be the person for the time being entitled to dispose of the right to receive personalised registration plates.

“9A. Application for personalised registration plates—Any person who wishes to obtain personalised registration plates (including any person who wishes to convert a vehicle’s existing registration plates to personalised registration plates bearing the same combination of letters and numbers as the existing plates) may apply to the person who is for the time being entitled under section 9 of this Act to dispose of the right to receive personalised registration plates.

“9B. Transfer of personalised registration plates to another vehicle or person—(1) Where a person who has

bought or otherwise acquired personalised registration plates, or the right to receive them, wishes to transfer the plates or the right to receive them to another vehicle or person,—

“(a) That person and the transferee (if any) shall—

“(i) Each notify the Registrar, on the appropriate form or forms approved by the Registrar, of the details of the transfer, including where appropriate the registration plates that will be displayed on each vehicle concerned; and

“(ii) Pay to the Registrar the prescribed fee or fees, if any; and

“(b) The personalised registration plates shall be produced to the Registrar for inspection; and

“(c) If the personalised registration plates are not to be affixed immediately to a vehicle, they shall be surrendered to the Registrar (unless they are already held by the Registrar); and

“(d) Where appropriate—

“(i) The person transferring the plates shall apply for the issue of ordinary or other personalised registration plates for the vehicle from which the plates are to be transferred; and

“(ii) Any existing registration plates of the vehicle to which the personalised registration plates are to be affixed shall be surrendered to the Registrar.

“(2) All forms required by this section, together with the personalised registration plates being transferred and any plates required to be surrendered, shall be submitted to the Registrar at the same time.

“9c. Personalised registration plates to be held by Registrar until ready to be affixed to vehicle—(1) A person who buys or otherwise acquires personalised registration plates, or the right to receive them, is not entitled to receive the plates until they are to be affixed to a motor vehicle that is registered and currently licensed under Part I of this Act.

“(2) The Registrar shall, on payment of the prescribed fee (if any), hold the plates on the person’s behalf for a period agreed with that person.

“(3) The person may, notwithstanding that the plates are held by the Registrar, transfer the right to receive the plates to any other person in accordance with section 9B of this Act.

“9D. Voluntary or required surrender of registration plates—(1) A person may at any time surrender the personalised registration plates of any vehicle owned by that person and, on payment of the fee for the issue of ordinary registration plates, will be entitled to receive ordinary registration plates for the vehicle.

“(2) A person to whom any personalised registration plates for a vehicle are delivered shall surrender any existing registration plates for that vehicle to the Registrar.

“(3) The Registrar may require the surrender of any personalised registration plate—

“(a) That the Registrar is satisfied is not affixed to any vehicle, or is affixed to a vehicle other than the vehicle to which it may lawfully be affixed; or

“(b) In respect of which the Registrar has received any complaint and which the Registrar considers likely to be offensive to any person.

“(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who fails to surrender any registration plate when required to do so by this section or by the Registrar acting under this section.

“9E. Certain letters and numbers not to be allocated—The Registrar shall not allocate for use on personalised registration plates any combination of letters, numbers, or both, or any single letter or number,—

“(a) Consisting of more than—

“(i) Five numbers or letters in total in the case of a motorcycle, moped, tractor, or trailer:

“(ii) Six numbers or letters in total in any other case:

“(b) That may be required for allocation to a person, government, or organisation in accordance with a notice made pursuant to section 14 of this Act:

“(c) That has already been allocated to or is held on behalf of any other person:

“(d) That the Registrar considers likely to be offensive to any person or likely to cause confusion:

“(e) In respect of any plates that are to be used as trade plates.”

4. Replacement certificates of registration, licences, and registration plates—(1) Section 15 of the principal Act is

hereby amended by repealing subsections (1) to (3), and substituting the following subsections:

“(1) The owner of a vehicle whose certificate of registration or licence has been lost, stolen, damaged, or destroyed may apply in accordance with this section for the issue of a replacement certificate or licence.

“(2) The owner of a vehicle may apply in accordance with this section for the issue of replacement registration plates or (where appropriate) duplicate personalised registration plates if—

“(a) The vehicle’s plates have been lost, stolen, damaged, or destroyed; or

“(b) The owner wishes to replace the vehicle’s existing plates with reflectorised plates.

“(3) The Registrar shall, if satisfied that the relevant certificate, licence, or registration plate has been lost, stolen, damaged, or destroyed, or that subsection (2) (b) of this section applies, issue to the owner of the vehicle—

“(a) A duplicate certificate of registration; or

“(b) A substitute licence; or

“(c) A substitute registration plate; or

“(d) A duplicate personalised registration plate, where appropriate,—

as the case may require.

“(3A) The Registrar may require the surrender of any damaged certificate of registration, licence, or registration plate, or the undamaged part of any set of plates, before issuing any replacement or duplicate certificate, licence, or plate under this section.”

(2) Section 15 (4) of the principal Act is hereby amended by omitting the words “for the issue of any duplicate certificate of registration, substitute registration plate or plates, duplicate personalised registration plate or plates, or substitute licence”, and substituting the words “under this section”.

5. Unlicensed persons not to drive motor vehicles—
Section 37 (4) of the principal Act (as substituted by section 4 of the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1987) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Being the holder of a licence that is not for the time being in force, acts in contravention of subsection (1) of this section.”

6. Regulations—Section 48 (2) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) Approve any defensive driving organisation or traffic improvement school or driving instructor as an organisation or instructor for the purpose of conducting any course that is required to be completed by any applicant for a driver’s licence.”.

This Act is administered in the Ministry of Transport.
