

**[This Bill was formerly Part VI of the Transport Safety Bill (125-2) as reported from the Transport Committee.]**

[AS REPORTED FROM THE TRANSPORT COMMITTEE]

*House of Representatives, 12 November 1992.*

**Words struck out are shown with black rule at beginning and after last line; words inserted are shown with single rule before first line and after last line.**

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

*House of Representatives, 2 December 1992.*

**Words struck out are shown in italics within double bold round brackets; words inserted are shown in roman underlined with a double rule.**

*Hon. W. Rob Storey*

## LOCAL GOVERNMENT AMENDMENT (NO. 6)

### ANALYSIS

Title	
1. Short Title and commencement	109. Removal of abandoned vehicles from roads

### A BILL INTITULED

#### **An Act to amend the Local Government Act 1974**

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

5 **1. Short Title and commencement**—(1) This Act may be cited as the Local Government Amendment Act (No. 6) 1992, and shall be read together with and deemed part of the Local Government Act 1974 (hereinafter referred to as the principal Act).

10 (2) This Act shall come into force on the 1st day of April 1993.

**[Part I of the Transport Safety Bill (125-2), as reported from the Transport Committee, is now the Transport Amendment Bill (No. 3) (125-3A), as reported from the Committee of the whole House.**

**[Part II of the Transport Safety Bill (125-2), as reported, is now the Transport Services Licensing Amendment Bill (No. 3) (125-3B), as reported.** 5

**[Part III of the Transport Safety Bill (125-2), as reported, is now the Transport (Vehicle and Driver Registration and Licensing) Amendment Bill (125-3c), as reported.** 10

**[Part IV of, and the Schedules to, the Transport Safety Bill (125-2), as reported, are now the Railway Safety and Corridor Management Bill (125-3D), as reported.**

**[Part V of the Transport Safety Bill (125-2), as reported, is now the Transport Accident Investigation Commission Amendment Bill (125-3E), as reported.]** 15

**109. Removal of abandoned vehicles from roads—**

(1) The principal Act is hereby amended by repealing section 356, and substituting the following section: 20

“356. (1) This section applies where any category A or category B or category C motor vehicle is found on a road within the district of any council and appears to have been abandoned by its owner.

“(2) In the case of a category A or category B vehicle, the following provisions shall apply: 25

“(a) The council may authorise any person to remove the vehicle and store it:

“(b) No person authorised by the council shall remove the vehicle until a member of the Police has been notified of the proposal to move it: 30

*Struck Out*

“(c) The council shall give 14 days’ notice by advertisement in some newspaper circulating in the locality in which the road is situated of its intention to sell the vehicle, and at any time thereafter the vehicle may be sold and disposed of to any person, and that 35

*Struck Out*

person shall thereupon become the lawful owner of the vehicle, or the vehicle may be otherwise disposed of in such manner as the council thinks fit:

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*New*

“(c) The council shall make reasonable efforts to give notice to the last registered owner of the vehicle of its intention to sell the vehicle, and those efforts shall include,—

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“(i) In the case of a category A vehicle, taking practical steps to identify the owner of the vehicle by reference to chassis numbers or other numbers appearing on the vehicle:

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“(ii) In the case of a category B vehicle, identifying the owner of the vehicle by reference to such numbers and by searching the motor vehicle security register or otherwise:

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“(ca) After making reasonable efforts to give notice under **paragraph (c)** of this subsection, the Council may give not less than 10 working days’ notice, by advertisement in 2 issues of a daily newspaper circulating in the district in which the road is situated, of its intention to sell the vehicle, but if the Council is satisfied that the condition of the vehicle is such that it is of little or no value, it may dispense with the giving of such notice:

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“(cb) At any time after the expiration of a notice given in accordance with **paragraph (ca)** of this subsection or at any time after the giving of such notice has been dispensed with under that paragraph, the council may sell or otherwise dispose of the vehicle to any person or otherwise dispose of the vehicle in such manner as the council thinks fit, and any person to whom such a vehicle is sold or disposed of shall thereupon become the lawful owner of the vehicle:

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“(d) The advertisement under **paragraph (ca)** of this subsection shall specify the following:

“(i) A description of the make, model, and colour of the vehicle:

“(ii) The chassis numbers and any other vehicle numbers (if known):

“(iii) The location from which the vehicle was removed:

“(e) The proceeds of any such sale shall be applied in 5  
payment of the costs and charges attending the sale,  
including the advertisement under **paragraph (ca)** of  
this subsection, and of the expenses of the removal  
and storage of the motor vehicle, and the residue, if 10  
any, shall be payable to the former owner of the  
vehicle:

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“(f) The council shall make reasonable efforts to give notice  
to the last registered owner of the vehicle of its  
intention to sell the vehicle, and those efforts shall 15  
include,—

“(i) In the case of a category A vehicle, taking  
practical steps to identify the owner of the vehicle  
by reference to chassis numbers or other numbers  
appearing on the vehicle: 20

“(ii) In the case of a category B vehicle, identifying  
the owner of the vehicle by reference to such  
numbers and by searching the motor vehicle  
security register or otherwise:

“(g) Where any motor vehicle is removed by the council 25  
under this subsection, the owner shall be liable to  
pay to the council all expenses incurred by the  
council in removing and storing the vehicle, and,  
where the vehicle is claimed by the owner and not  
sold or otherwise disposed of pursuant to this 30  
subsection, those expenses shall be payable before  
the owner takes delivery of the vehicle.

“(3) In the case of a category C vehicle, the provisions of  
**subsection (2)** of this section shall apply with the following  
modifications: 35

“(a) The notice specified in **paragraph (ca)** of that subclause  
shall not be given unless the vehicle has been stored  
for a period of 1 month and reasonable efforts to  
locate the last registered owner have been made by  
the council: 40

“(b) In addition to specifying the matters set out in **paragraph**  
**(d)** of **subsection (2)** of this section, the notice shall

specify the name of the current registered owner and the last known address of that person:

“(c) Paragraph ~~((f))~~ (c) of that subclause shall apply as if the vehicle were a category B vehicle.

5 “(4) If, after a search of the motor vehicle security register in accordance with subsection ~~((2) (f) (iii))~~ (2) (c) (ii) or subsection (3) (c) of this section, it is found that the vehicle is subject to a registered security interest, the council shall, before selling or otherwise disposing of the vehicle, notify the holder of that interest of its  
10 intention to sell or otherwise dispose of the vehicle.

“(5) For the purposes of this section,—

“(a) A category A vehicle is a motor vehicle that has neither a number plate nor a current licence label affixed to the vehicle:

15 “(b) A category B vehicle is a motor vehicle that has affixed to it either a number plate or a current licence label (but not both):

“(c) A category C vehicle is a motor vehicle that has affixed to it either—

20 “(i) A number plate and a current licence label; or

“(ii) A number plate and a licence label that expired not more than 6 months before the council took possession of the vehicle.

*New*

25 “(6) For the purposes of this section, ‘council’, in relation to a State highway that is under the control of Transit New Zealand, means Transit New Zealand.

“(7) Nothing in this section limits or affects anything in section 239 of the Public Works Act 1981.”

30 (2) Section 36 of the Local Government Amendment Act 1992 is hereby consequentially repealed.

35 [Part VII of the Transport Safety Bill (125-2), as reported from the Transport Committee, is now the Road User Charges Amendment Bill (125-3c), as reported from the Committee of the whole House.]