

MOTOR-VEHICLES AMENDMENT BILL.

EXPLANATORY MEMORANDUM.

THIS Bill is an amendment of the Motor-vehicles Act, 1924 (Reprint of Statutes, Vol. VIII, p. 800).

Clause 2 substitutes a new definition of "trailer" for the existing definition in section 2 of the principal Act, and also inserts a definition of the term "vehicle". The new definition of "trailer" will include caravan-trailers, which have been held not to be included in the present definition. This clause will come into force on 1st September, 1936.

Clause 3 provides for a maximum speed-limit of thirty miles an hour in every city, borough, and town district, and also in any other locality that is declared by the Minister of Transport by notice in the *Gazette* to be a closely populated locality for the purposes of the clause. The speed-limit is to be indicated in the declared areas by the erection of approved signs. Subclause (2) permits of the operation of lower speed-limits to meet special cases, and also makes it clear that a lower speed than thirty miles an hour where that speed is the limit will not of itself prevent a prosecution for dangerous or negligent driving.

Clause 4 makes it an offence to drive a motor-vehicle without due care and attention, or without reasonable consideration for other road-users. Subclause (2) limits the periods for which driving-licenses may be suspended for offences under this section to one month for a first offender and three months in the case of a second offence. For the purposes of this provision subclause (3) provides that a conviction within the preceding three years under section 27 or section 28 of the principal Act (for the offence of dangerous or negligent driving) is to be counted as a conviction under the new clause.

Clause 5 re-enacts the provisions of section 31 of the principal Act so as to increase the maximum penalty to which a motorist is liable when he is involved in an accident and fails to stop, and, where any person is injured, fails to render assistance. The clause makes his action a crime, and makes the maximum penalty the same as that for negligent driving causing death, namely—imprisonment for a term not exceeding five years, or a fine not exceeding £500. The present penalty is a fine not exceeding £20.

Clause 6 increases the general penalty for offences under the principal Act (where no other penalty is prescribed) from a fine not exceeding £10 to a fine not exceeding £50. A fine of the latter amount may already be imposed for breaches of the regulations under the principal Act.

Clause 7 authorizes the Court to dismiss a prosecution for a minor motoring offence if in the opinion of the Court the defendant has been prejudiced in his defence by unreasonable delay in commencing the proceedings or in notifying the defendant that he is alleged to have committed an offence.

Clause 8 provides that in prosecutions for a minor motoring offence (where the maximum penalty does not exceed £50) the Court may receive evidence that is not strictly legal evidence, such as affidavits, letters, or written statements sent to the Court by the defendant. The purpose of the clause is to enable motorists who reside more than fifty miles from the Court to state their defence (if they so desire) without having to attend the Court with their witnesses.

Clause 10 enables regulations to be made under the principal Act for the control of any form of traffic other than motor-traffic, so as to make the control of motor-traffic fully effective. The regulations may deal (*inter alia*) with pedestrian traffic and the lighting of vehicles.

Clause 11 empowers the Minister of Transport to disallow any traffic by-law made by a local authority if in his opinion the subject-matter of the by-law should be dealt with by the principal Act and its amendments or by regulations under the principal Act. This will enable uniform provisions to be made for the whole of New Zealand in cases where there are now many different local by-laws.

Clause 13 will have the effect of reducing from £3 to £2 the annual license fees for motor-lorries used for the carriage of passengers. The reduction will not operate until 1st June, 1937.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
22nd July, 1936.*

Hon. Mr. Semple.

MOTOR-VEHICLES AMENDMENT.

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Motor-vehicles Act, 1924. Title.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority
5 of the same, as follows:—

1. This Act may be cited as the Motor-vehicles Short Title.
Amendment Act, 1936, and shall be read together
with and deemed part of the Motor-vehicles Act, 1924
(hereinafter referred to as the principal Act). See Reprint
of Statutes,
Vol. VIII, p. 800

Section 2 of principal Act amended.

2. (1) Section two of the principal Act is hereby amended by repealing the definition of the term "trailer", and substituting the following definition:—

"'Trailer' means any vehicle without motive power drawn or propelled or capable of being drawn or propelled by a motor-vehicle from which it is readily detachable, but does not include—

"(a) A side-car attached to a motor-cycle; or

"(b) A vehicle forming part of a six-wheeled motor-lorry as defined by section one hundred and sixty-five of the Public Works Act, 1928; or

"(c) A vehicle normally propelled by mechanical power while it is being temporarily towed without use of its own power."

(2) The said section two is hereby further amended by adding the following definition:—

"'Vehicle' means any contrivance which is equipped with wheels or revolving runners upon which it moves or is moved."

(3) Paragraph (c) of section two of the Motor-vehicles Amendment Act, 1927, is hereby consequentially repealed.

(4) This section shall come into force on the first day of September, nineteen hundred and thirty-six.

3. (1) Notwithstanding anything to the contrary in any Act or in any regulation or by-law, no person shall drive any motor-vehicle at a speed exceeding thirty miles an hour on any road, street, or other place to which the public have access in any borough or town district or in any other locality that is declared by the Minister of Transport by notice published in the *Gazette* to be a closely populated locality for the purposes of this section. In every locality in respect of which a declaration has been made under this section the speed-limit fixed by this section shall be indicated by such signs to be erected by such persons as may be prescribed.

(2) Nothing in the *last preceding* subsection shall operate—

(a) To make lawful in respect of any place for which a lower limit of speed than thirty miles an hour is duly fixed any speed in excess of that lower limit:

See Reprint of Statutes, Vol. VII, p. 707

Consequential repeal.

Commencement of this section.

Speed-limit of thirty miles an hour in boroughs, town districts, &c.

(b) To make it a defence in any proceedings for an offence relating to the use of a motor-vehicle, other than an offence under this section, that at the time of the alleged offence the motor-vehicle was being driven at a speed not exceeding thirty miles an hour.

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4. (1) If any person drives a motor-vehicle on any road, street, or other place to which the public have access without due care and attention, or without reasonable consideration for other persons using the road, street, or other place, he shall be guilty of an offence.

Careless or
inconsiderate
driving.
Cf. 20 & 21
Geo. V, c. 43,
s. 12

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified under section twenty-two of the principal Act from holding or obtaining a motor-driver's license for a longer period than, in the case of a first conviction, one month, or, in the case of a second conviction, three months.

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20 (3) Where any person is convicted of an offence under this section and at any time within three years prior to the conviction has been convicted of an offence under section twenty-seven or section twenty-eight of the principal Act, the last-mentioned conviction shall, for the purposes of the *last preceding* subsection, be deemed to be a conviction for an offence under this section.

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30 5. (1) Where an accident arising directly or indirectly from the use of a motor-vehicle occurs to any person or to any horse or vehicle in charge of any person, the driver of the motor-vehicle shall stop, and shall also ascertain whether he has injured any person, in which event it shall be his duty to render all practicable assistance to the person injured.

Duties of
motor-drivers
in cases of
accidents.

(2) In the case of any such accident (whether any person has been injured thereby or not) the driver of the motor-vehicle shall, if required, give to any constable, or to any person concerned, his name and address, and also the name and address of the owner and the registered number and the distinguishing mark or marks of the motor-vehicle. If the accident involves injury to any person and has not already been reported to a constable the driver shall forthwith report the same at the nearest police-station.

(3) Every person who fails to comply with any obligation imposed on him by subsection *one* hereof commits a crime, and is liable on indictment to imprisonment for a term of *five* years or to a fine of *five hundred* pounds; and every person who fails to comply with any obligation imposed on him by subsection *two* hereof commits an offence and is liable to a fine of *twenty* pounds. 5

Consequential repeal.

(4) This section is in substitution for section thirty-one of the principal Act, and that section is hereby accordingly repealed. 10

Increasing general penalty for offences.

6. Section thirty-four of the principal Act is hereby amended by omitting the words "ten pounds", and substituting the words "*fifty* pounds".

Dismissal of information in certain cases where defence prejudiced by unreasonable delay in instituting proceedings.

7. In any proceedings for an offence punishable on summary conviction against any Act, regulation, or by-law relating to the use of motor-vehicles, the Court may dismiss the information if it is satisfied that the person charged has been prejudiced in his defence by any unreasonable delay in instituting the proceedings, or in notifying him of the time, place, and nature of the offence. 15 20

Evidence receivable in certain proceedings need not be strictly legal evidence. Cf. 1910, No. 38, s. 68; see Reprint of Statutes, Vol. II, p. 928

8. In all proceedings under the principal Act, or under any regulation made under that Act, or under any by-law relating to the use of motor-vehicles, for an offence punishable on summary conviction by a fine of an amount not exceeding *fifty* pounds, and whether by way of hearing in the first instance or by way of appeal, or otherwise howsoever, the Magistrate or Court may receive as evidence any affidavit filed in the Court by or on behalf of the defendant, or any letter or statement in writing sent to the Court by or on behalf of the defendant, or any other evidence that the Magistrate or Court thinks fit, whether it would, apart from this section, be legally admissible evidence or not: 25 30 35

Provided that, except by special direction of the Magistrate or Court, this section shall not apply in any case where it appears to the Magistrate or Court that the defendant's usual place of residence is less than fifty miles by road from the place of hearing. 40

Extending power to make regulations.

9. Without limiting in any way the authority conferred on the Governor-General by section thirty-six of the principal Act to make provision for all matters deemed necessary for the due administration of and for

giving full effect to that Act, it is hereby expressly declared that the Governor-General, acting under the authority of the said section, may make regulations as follows:—

- 5 (a) Providing for the periodical examination of motor-vehicles and prescribing fees, not exceeding *five* shillings in any case, in respect of such examinations:
- 10 (b) Limiting the hours during which or regulating the conditions under which any person may drive a trade motor while in use for commercial purposes.

10. (1) The power to make regulations conferred on the Governor-General by section thirty-six of the principal Act is hereby extended to include power to make regulations for the control of any form of traffic other than motor traffic in so far as, in the opinion of the Governor-General, the control of that other traffic is necessary for the proper regulation of motor traffic.

Power to make regulations under principal Act to include power to make regulations governing pedestrian and other traffic.

20 (2) Without limiting the extent of the power conferred by the *last preceding* subsection, it is hereby expressly declared that such power shall include power to make regulations—

- 25 (a) For the protection of pedestrians at or in the vicinity of road or street crossings prescribed and indicated by local authorities:
- (b) Regulating the lighting of all vehicles other than motor-vehicles.

30 (3) The Lights on Vehicles Act, 1915, and the Lights on Vehicles Amendment Act, 1926, shall be deemed to be repealed on a date to be fixed in that behalf by the Minister by notice published in the *Gazette*.

Consequential repeals.
See Reprint of Statutes, Vol. VIII, pp. 861, 862

35 11. (1) The Minister of Transport may at any time, by notice published in the *Gazette*, disallow, either wholly or in part, any by-law made by any local authority, whether before or after the passing of this Act, relating to motor traffic or to any other form of traffic, if in his opinion the subject-matter of the by-law should not be dealt with otherwise than by the principal Act or

40 by regulations of general application made under the principal Act, or if in his opinion the by-law, in so far as it relates to or may affect motor-traffic, is unreasonable or undesirable.

Minister may disallow any local by-law relating to motor traffic on the ground that its subject-matter should be dealt with by provisions of general application.

45 (2) On any such disallowance the by-law shall, to the extent to which it is so disallowed, become wholly void as if it had then been revoked.

(3) Any such disallowance shall take effect as aforesaid either on the day of the publication of the notice of disallowance in the *Gazette* or on such later date as may be specified in that behalf in the notice.

(4) Section thirty-six of the principal Act is hereby amended by omitting from subsection five the words "in so far as they relate to motor-vehicles and motor-vehicular traffic". 5

Details of registers of motor licenses to be supplied to applicants.

12. (1) Any person shall, on making application in that behalf in the prescribed form, be entitled to a certificate under the hand of the Registrar or a Deputy Registrar containing such of the particulars recorded in any register of motor licenses, kept pursuant to section thirteen of the principal Act, as are mentioned in the application. 10 15

(2) Every application under this section shall be accompanied by such fee, not exceeding *one* shilling, as may be prescribed, but no fee shall be payable in respect of an application made by any officer or servant of the Crown or of a local authority where the information is required in the course of his official duties. 20

Reducing annual license fees of motor-coaches. See Reprint of Statutes, Vol. VIII, p. 818

13. (1) Part I of the Schedule to the Motor-vehicles Amendment Act, 1927, is hereby amended by omitting from paragraph four the words "motor-coach or".

(2) This section shall come into force on the *first* day of *June*, nineteen hundred and *thirty-seven*. 25