

MOTOR BILL.

EXPLANATORY MEMORANDUM.

At present under the Motor Regulation Act, 1908, a motor may be registered with any registering authority. The Council of every borough having a population of not less than five thousand, and every County Council, is a registering authority. The present Bill substitutes a single Register of Motors for the whole Dominion, registry offices being established in the principal city or borough of each provincial district. Application for registration may be made in writing, and, in general, without production of the motor. Registration once effected does not require renewal. The effect will be to establish uniformity of marks and numbers throughout the Dominion for the several classes of motors, and to obviate the confusion now arising from the large number of registering authorities.

It is further required that a motor when registered shall be licensed to use the roads and streets throughout the Dominion. The licensing is annual, and an annual fee is payable, varying according to the class and power of the motor.

Provision is made, as in the English Act, for the licensing of drivers of motors. No person may drive a motor without having a driver's license, for which a small annual fee is paid. It is not at present made essential that the driver should have any special qualification. The effect of the provision regarding the driver's license is rather to enable the Court before whom the driver is convicted of negligent or improper acts to suspend or cancel his license, and by such means, as in England, to make it necessary in his own interest that a driver should exercise care.

The place of registration of a motor, and the local authority to issue the annual license in respect of a motor, are both made to depend upon the location of the motor, and not upon the residence of the owner. In the case of a driver's license, the authority to issue a license depends upon the place of residence of the driver. The location of the motor is established by the definition of the garage as the place where the motor is generally kept when not in use. It is obvious that the residence of the owner of a public motor or a trade motor has no necessary relation to the locality in which such motor is used; and in the case of the owner of a private motor-car, the owner may have several residences in connection with each of which a separate motor is kept.

Registration is to be effected in the provincial district in which the garage of a motor is situated, and it is provided that officers of the Public Service shall keep the register of motors. Practically no fee is payable for registration at present.

The annual license (except in the case of a private motor-car) is required to be issued by the local authority of the local district within which the garage of the motor is situated, such local authority receiving the annual fee. In the case of a private motor-car, the annual license is issued by the Deputy Registrar of the provincial district within which the garage of the private motor-car is situated. Private motor-cars use the roads and streets to a very large distance from their respective garages, and their traffic is not in general confined in any way within the limits of any special local authority. Trade motors and public motor-cars have generally a less range of traffic, and the local authority within which the garage is situated is entitled to receive and retain the greater part of the annual license fees paid for all cars other than private motors.

Provision is made for distribution of the fees. Fees received in respect of private motor-cars are to be expended as Parliament directs in special repair of main roads throughout the provincial district in which the garages of the private motors are situated. Fees received by local authorities from the annual licensing of all other motors go, as to two-thirds thereof, to the local fund of the licensing authority issuing the license; and, as to one-third thereof, to the Consolidated Fund, to be expended in repair of roads within a certain radius of the district of the local authority issuing the license.

The fees prescribed in the Schedule are very considerably less than those payable under the English Act.

Hon. Mr. Herdman.

MOTOR.

ANALYSIS.

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A BILL INTITULED

AN ACT to provide for the Registration, Licensing, and Regulation Title.
of Motors.

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

No. 36—1.

Short Title.
Division into Parts.

1. This Act may be cited as the Motor Act, 1914.
2. This Act is divided into Parts, as follows :—
 - PART I.—Registration and Annual Licensing of Motors.
 - PART II.—Licensing of Drivers of Motors.
 - PART III.—Apportionment of Fees.
 - PART IV.—General.

Interpretation.

3. In this Act, if not inconsistent with the context,—
 - “District” includes a borough, county, and town district, and also includes a road district in a county wherein the Counties Act is not in operation : 10
 - “Garage” means a building, shed, or place in which a motor is principally kept when not in use. Where a motor is kept, when not in use, from time to time in different places, such one of such places as the Registrar of Motors determines shall be the garage : 15
 - “Licensing authority” means in the case of a private motor-car the Deputy Registrar of the provincial district within which is situate the garage of the private motor-car, and in the case of every other motor means the local authority within whose district is situate the garage of such motor : 20
 - “Local authority” means the Council or Board of a district as herein defined :
 - “Motor” means any vehicle propelled by mechanical power if it does not exceed three tons in weight unladen and is not used for the purposes of drawing more than one vehicle 25 (such vehicle with its locomotive not to exceed in weight four tons unladen). In calculating for the purpose of this Act the weight of a vehicle unladen, the weight of any water, fuel, or accumulators used for the purpose of propulsion shall not be included : 30
 - “Motor-car” means a motor (other than a motor-omnibus), constructed to be used for the carriage of persons and not of goods, and having not less than four wheels ; and also includes a motor of any kind constructed to be used for the carriage of persons, and having less than four wheels, 35 which may be declared by regulations under this Act to be a motor-car :
 - “Motor-coach” means a motor of any description (other than a motor-omnibus), if used for the conveyance of passengers who each pay separate fares for seats in the motor 40 on any journey :
 - “Motor-cycle” means a motor having less than four wheels :
 - “Motor-omnibus” means a motor constructed to be used for carrying passengers who each pay separate fares :
 - “Owner” means the person in whom the property of a motor 45 is vested, and includes a bailee to whom a motor is bailed for any period exceeding fourteen days. In the case of a mortgage of a motor, the mortgagee is not an owner unless and until he takes possession of the motor. Where there are more owners of a motor than one, every such 50 owner is an owner for the purposes of this Act :
 - “Private motor-car” means a motor-car used only by or by permission of the owner or bailee thereof, and not ordinarily let for hire to other persons :

“Public motor-car” means a motor-car other than a motor-omnibus or motor-coach used principally for hire by persons other than the owner of the motor-car :

5 “Trade motor” means a motor constructed to be used for the purpose of carriage of goods and not of persons other than the driver and persons in charge of the goods carried :

10 “Trailer” means a vehicle used for conveying persons or goods, and temporarily or permanently attached to a motor-car or motor-cycle for the purpose of propulsion by such motor-car or motor-cycle.

PART I.

REGISTRATION AND ANNUAL LICENSING OF MOTORS.

4. (1.) Except as specially provided in this Act, no person shall, after the thirty-first day of March, nineteen hundred and *fifteen*, drive or knowingly use or permit to be used any motor on any road or street unless—

Motors to be registered and annually licensed.

(a.) Such motor is registered in accordance with this Act ; and

20 (b.) An annual license to use such motor has been issued and remains in force in respect of such motor by the proper licensing authority as provided by this Act.

(2.) Every person who drives or knowingly uses or permits to be used a motor in contravention of this section is liable to a penalty not exceeding *twenty* pounds for every day on which the motor is so used.

Penalty for using unregistered or unlicensed motor.

25 5. (1.) Registration of a motor shall be at the office of the Deputy Registrar of Motors in the provincial district in which the garage of the motor is situated.

Registration of motors.

(2.) Registration of a motor when made shall continue without renewal, save in the cases specially provided by this Act.

30 6. The license to use a motor shall be an annual license issued by the proper licensing authority in respect of the motor and not of the owner, and the fee prescribed by this Act shall be paid by the owner to the proper licensing authority upon the first issue of such license and upon every annual renewal thereof.

Annual licenses.

35 7. (1.) No licensing authority shall grant a license in respect of a motor not duly registered under this Act.

Conditions as to the issue of license

(2.) No local authority shall grant a license in respect of a private motor-car.

40 (3.) No local authority shall, except as specially provided by this Act, grant a license in respect of a motor already licensed by another local authority.

(4.) No local authority shall grant a license in respect of a motor unless the garage of such motor is situate within the district of such local authority.

45 *Registration.*

8. (1.) There shall be a Registrar of Motors, whose office shall be in the City of Wellington.

Registrar of Motors.

(2.) There shall be for each provincial district a Deputy Registrar of Motors, whose office shall be in the principal city or borough of such provincial district.

Deputy Registrars.

(3.) The Registrar and Deputy Registrars shall be officers of the Public Service, and their duties shall be such as are prescribed by this Act and by regulations thereunder.

To be officers of Public Service.

Owners of motors to cause same to be registered.

Applications for registration.

9. It shall be the duty of every owner of a motor to cause such motor to be registered at the office of the Deputy Registrar of the provincial district within which the garage of such motor is situate.

10. Application for such registration shall be made in the prescribed form by the owner of the motor—

(a.) In the case of a motor which is in New Zealand at the commencement of this Act, before the thirty-first day of March, nineteen hundred and *fifteen* :

(b.) In the case of a motor which or part of which is landed in New Zealand after the commencement of this Act, within one month after the landing thereof or of such part thereof in New Zealand :

(c.) In the case of a motor constructed wholly or in part in New Zealand after the commencement of this Act, within one month after the completion of such construction.

Deputy Registrar to assign registration number and distinguishing marks to motor, and to issue certificate of registration.

11. The Deputy Registrar, upon receipt of the application, and upon being satisfied that registration of the motor should properly be made in his district, shall assign a number and distinguishing marks to be affixed to the motor, and issue a certificate of registration of the motor to the person applying for the same.

Penalty for failure to affix or for unlawfully removing registration number or distinguishing marks.

12. Any person who, without the authority in writing of the Registrar of Motors,—

(a.) Fails to forthwith affix the assigned number and distinguishing marks to the motor in the prescribed manner; or

(b.) Removes the assigned number or distinguishing marks from the motor, except for the purposes of repair; or

(c.) Uses or permits to be used the motor on any road or street without having the assigned number and distinguishing marks affixed thereto in the prescribed manner,

commits an offence, and is liable to a penalty not exceeding *twenty* pounds for every day on which such offence is committed.

Deputy Registrars to send notice of registrations to Registrar.

13. (1.) Every Deputy Registrar shall, immediately upon the issue of a certificate of registration of a motor, notify the Registrar of Motors of such issue.

Local registers and general register to be kept.

(2.) Every Deputy Registrar shall keep at his office a register of all registrations of motors effected at his office, and the Registrar of Motors shall keep a general register of all registrations of motors effected by all Deputy Registrars throughout New Zealand.

Registration fees.

14. There shall be paid to the Deputy Registrar upon an application for registration of a private motor-car a fee of *one* pound, of a motor-cycle a fee of *five* shillings, of any other motor a fee of *ten* shillings :

Provided that a motor, which at the commencement of this Act is registered with a registering authority under the Motor Regulation Act, 1908, shall be exempt from any fee on the first application for registration of such motor under this Act.

Annual Licenses.

Annual licenses for the use of motors.

15. Except in respect of motors within the exemptions defined in the Schedule to this Act it shall be the duty of every owner of a motor to procure annually from the proper licensing authority a license to use such motor on roads and streets.

Licenses to expire on 31st March in each year.

16. (1.) Every annual license granted by a licensing authority shall be for a period terminating on the next succeeding thirty-first day of March.

(2.) In the case of a license applied for and granted for a period less than a year the license fees prescribed by this Act shall be reduced by one-twelfth for every complete month between the date of the grant of the license and the thirty-first day of March last 5 preceding such date.

17. (1.) Applications for licenses shall be in the prescribed form, and shall be made within one month after the registration of the motor.

Applications for licenses.

10 (2.) In the case of a private motor-car the application shall be made to the Deputy Registrar of the provincial district within which the garage of the private motor-car is situate.

(3.) In the case of every other motor the application shall be made to the local authority within whose district the garage of the motor is situate.

15 (4.) With the application there shall be paid by the owner of the motor to the licensing authority the annual fee prescribed in respect of such motor in the Schedule to this Act.

18. (1.) Every application for a license shall state whether it is or is not intended to use the motor as a motor-coach during the 20 period for which such license will be current.

Particulars to be specified in applications.

(2.) Where the application states an intention to use the motor as a motor-coach the annual fee to be paid shall be the fee chargeable in respect of a motor-coach whether the motor is or is not so used.

25 (3.) Every person who uses or permits to be used a motor as a motor-coach without having first paid the annual license fee payable in respect of a motor-coach commits an offence, and is liable to a penalty not exceeding *twenty* pounds for each day when the motor is so used.

19. (1.) The licensing authority, upon receipt of the applica- 30 tion and of the prescribed fee, and upon production of the certificate of registration of the motor under this Act, shall issue a license in the prescribed form for the use of such motor upon all roads and streets throughout New Zealand, and such license shall have effect accordingly.

Issue of licenses.

35 (2.) Such license shall refer to the assigned number and distinguishing marks of the motor as registered.

(3.) No local authority shall be entitled to charge any fee in respect of a motor or of the use by such motor of any road or street except that—

40 (a.) The proper licensing authority shall be entitled to the annual fees prescribed by this Act:

(b.) Nothing in this Act shall exempt any motor from charges made under, or from any of the provisions of, any law or by-law relating to heavy traffic:

45 (c.) Nothing in this Act shall exempt any motor-car, motor-omnibus, or motor-coach plying for hire within a borough from any charge under any by-law relating to vehicles so plying for hire:

50 (d.) Nothing in this Act shall exempt any motor from tolls on roads or charges for ferries.

20. (1.) Every licensing authority shall keep a register of all licenses issued by it under this Act and of the fees received in respect of each such license.

Local registers of licenses.

(2.) Every licensing authority shall immediately upon the grant of a license notify the Registrar of Motors in the prescribed form of such license and of the fee received in respect thereof, and shall supply such further information in respect of such license as may be prescribed or as may from time to time be required by the Registrar of Motors. 5

General register of annual licenses.

21. The Registrar of Motors shall keep a general register of all annual licenses granted throughout New Zealand, and of the annual fees paid in respect of each such license.

Cancellation of Registration, and Change of Garage. 10

Cancellation of registration of motors.

22. (1.) If any motor is destroyed or becomes permanently useless as a motor, or is removed permanently beyond New Zealand, the owner of such motor shall forthwith notify the Deputy Registrar at whose office the motor is registered thereof, and shall deliver to such Deputy Registrar the certificate of registration of such motor and 15 the then current annual license (if any) in respect thereof.

Notices of cancellation.

(2.) The Deputy Registrar shall thereupon cancel the registration of such motor, and shall notify the Registrar of Motors and the licensing authority which granted the then current annual license (if any) of such cancellation. 20

(3.) No motor, the registration of which is cancelled, shall be again registered except upon payment of the prescribed fee.

(4.) When the registration of a motor is cancelled the Deputy Registrar may, with the approval of the Registrar of Motors, assign to any other motor thereafter registered at his office the same 25 number and distinguishing marks as had previously been assigned to the motor the registration whereof has been cancelled.

(5.) An owner who fails to comply with any of the provisions of this section commits an offence, and is liable to a penalty not exceeding 30 ten pounds for every such offence.

Transfer of registration or change of garage from one provincial district to another.

23. (1.) If the garage of any motor is permanently changed from the provincial district in which such motor is registered to another provincial district, the owner of such motor shall forthwith notify the Deputy Registrar of the first-mentioned provincial district of such change. 35

(2.) The Deputy Registrar of the first-mentioned provincial district shall forthwith notify the Registrar of Motors of such change.

(3.) The registration of the motor shall be removed to the office of the Deputy Registrar of the other provincial district, and the number and distinguishing marks affixed shall be altered in such 40 manner and by such means as may be prescribed, or as the Registrar of Motors may from time to time determine.

(4.) An owner who fails to comply with any of the provisions of this section commits an offence, and is liable to a penalty not exceeding 45 ten pounds for every such offence.

Owner to give notices of change of garage.

24. (1.) If the garage of any motor other than a private motor-car is permanently changed from the district of one licensing authority to the district of another licensing authority, the owner of the motor shall forthwith notify both the Registrar of Motors and the licensing authorities of both districts.

(2.) Such consequent alterations shall be made in the local and general registers of licenses as the Registrar of Motors from time to time directs.

(3.) The current license granted by the first-named licensing authority shall continue in force for all purposes until the expiry thereof, but the annual license thereafter shall be granted by the licensing authority to whose district the garage of the motor has been changed.

(4.) An owner who fails to comply with any of the provisions of this section commits an offence, and is liable to a penalty not exceeding *ten* pounds for every day on which the motor is used while such non-compliance continues.

10 *Special Permits to Manufacturers and Dealers in Motors.*

25. (1.) Any manufacturer of motors in respect of any motor manufactured and owned by him and held by him only for sale, and any dealer in motors in respect of any motor held by him for sale, may apply to the Registrar of Motors for a permit to use such motor for trial after completion or for trial by intending purchasers.

Provisions as to registration and licenses not to apply in certain cases to motors of manufacturers or dealers.

(2.) The Registrar of Motors may direct the Deputy Registrar of the provincial district within which the garage of such motor is situated to grant such permit with or without a limit of time for the currency thereof.

(3.) Such Deputy Registrar shall assign a distinguishing mark to be attached to such motor when used on any road or street during the currency of such permit.

(4.) The provisions of this Act as to registration and annual license shall not apply in respect of the motor during the currency of the permit.

(5.) There shall be paid to the Deputy Registrar a fee of *ten* shillings for every motor other than a motor-cycle, and of *five* shillings for every motor-cycle in respect of which a permit is so granted.

(6.) The driver of every such motor shall have in his possession the permit when driving, and shall produce it upon request to any constable and to any person having reasonable grounds for desiring to inspect it. Any driver of a motor who fails to comply with any of the provisions of this subsection commits an offence.

26. Every manufacturer or dealer holding a permit in respect of any motor commits an offence who—

Offences by manufacturers or dealers.

(a.) Uses or allows to be used any such motor on any road or street except for the purposes of trial after completion or of trial by an intending purchaser; or

(b.) Uses or allows to be used any such motor on any road or street without having previously obtained the required permit, or without having affixed to such motor the number and distinguishing mark assigned by the Deputy Registrar; or

(c.) Removes any such motor from the provincial district, the Deputy Registrar of which has granted such permit without previous notification in writing to such Deputy Registrar; or

(d.) Fails to notify the Registrar of Motors in writing of any sale or other disposal of such motor, and of the name and address of the purchaser or disposee, forthwith after the making of any contract for such sale or disposition.

Permit not to have effect after disposition of motor.

27. Every permit shall cease to have effect at the expiration of fourteen days after the sale or other disposition of the motor in respect whereof such permit was granted.

PART II.

LICENSING OF DRIVERS OF MOTORS.

Unlicensed persons not to drive motors.

28. (1.) After the thirty-first day of March, nineteen hundred and *fifteen*, a person shall not drive a motor-car, trade motor, motor-coach, or motor-omnibus on a road or street unless he is licensed for the purpose under this section, and a person shall not employ any person who is not so licensed to drive a motor-car, trade motor, motor-coach, or motor-omnibus. If any person acts in contravention of this provision, he commits an offence under this Act. A person over the age of seventeen years shall not be deemed to act in contravention of this provision if he is learning to drive, and is accompanied in the driver's seat by a person holding a motor-driver's license and engaged in teaching the first-named person to drive. 5 10 15

Local authorities to issue motor-drivers' licenses.

(2.) A local authority shall grant a motor-driver's license to any person applying who resides in the district of such local authority on payment of a fee of *five* shillings unless the applicant is disqualified under the provisions of this Act. 20

Licenses to continue in force for twelve months.

(3.) A license shall remain in force until the thirty-first day of March next after the date on which it is granted, but shall be renewable, and the same provisions shall apply with respect to the renewal of the license as apply with respect to the grant of the license. 25

(4.) The provisions of section *sixteen* hereof shall apply, *mutatis mutandis*, to motor-drivers' licenses. 30

(5.) A license must be produced by any person driving a motor-car, trade motor, motor-coach, or motor-omnibus when demanded by a constable. If any person fails so to produce his license, he shall be liable, on summary conviction, in respect of each offence to a fine not exceeding *five* pounds. 35

(6.) Any person under the age of seventeen years shall be disqualified for obtaining a license, and any person who already holds a license shall be disqualified for obtaining another license while the license so held by him is in force. 40 45

Powers of Court on conviction of driver for offence under this Act.

29. (1.) Any Court before whom a person is convicted of an offence under this Act or of any offence in connection with the driving of a motor (other than a first or second offence consisting solely of exceeding any limit of speed)—

(a.) May, if the person convicted holds any motor-driver's license under this Act, suspend that license for such time as the Court thinks fit, and, if the Court thinks fit, also declare the person convicted disqualified for obtaining a motor-driver's license for such further time after the expiration of the license as the Court thinks fit; and 40 45

(b.) May, if the person convicted does not hold any motor-driver's license under this Act, declare him disqualified for obtaining such a license for such time as the Court thinks fit; and

(c.) If the person convicted holds any motor-driver's license under this Act, shall cause particulars of the conviction and of any order of the Court made under this section to be endorsed upon any license held by him, and shall also 50

cause a copy of those particulars to be sent to the local authority by whom any license so endorsed has been granted.

5 (2.) Any person so convicted, if he holds any license under this Act, shall produce the license within a reasonable time for the purposes of endorsement, and if he fails to do so shall be guilty of an offence under this Act.

10 (3.) A license so suspended by the Court shall during the term of suspension be of no effect, and a person whose license is suspended or who is declared by the Court to be disqualified for obtaining a license shall during the period of suspension or disqualification be disqualified for obtaining a motor-driver's license.

15 (4.) Any person who is by virtue of an order of the Court under this section disqualified for obtaining a license may appeal against the order to the Supreme Court in the same manner as a person may appeal who is ordered to pay a fine exceeding *five* pounds exclusive of costs; and the Court may, if it thinks fit, pending the appeal, defer the operation of the order.

20 (5.) If any person who under the provisions of this Act is disqualified for obtaining a license applies for or obtains a license while he is so disqualified, or if any person whose license has been endorsed applies for or obtains a license without giving particulars of the endorsement, that person shall be guilty of an offence under this Act, and any license so obtained shall be of no effect.

25 30. (1.) The Governor in Council may, if he thinks fit, by regulations under this Act, prescribe any examinations or other conditions to be passed or complied with by an applicant for a motor-driver's license. Any such regulations may apply generally, or may apply specially or exclusively to the cases of drivers of public motor-cars, motor-coaches, motor-omnibuses, and trade motors, or to any class of such drivers, and may prescribe that no person shall drive a public motor-car, motor-coach, motor-omnibus, or trade motor unless he is the holder of a special motor-driver's license granted in that behalf under this Part of this Act.

Regulations as to examination of applicants for motor-driver's license.

35 (2.) If such regulations are made, an applicant shall be deemed to be disqualified for obtaining a motor-driver's license, or a special motor-driver's license, until he has passed such examination or complied with such conditions as are required by such regulations.

40 31. A motor-driver's license granted by a local authority shall have effect during its currency throughout New Zealand.

Motor-drivers' licenses to have effect throughout New Zealand.

PART III.

APPORTIONMENT OF FEES.

45 32. (1.) All fees paid for the registration of motors, and all fees paid for permits by manufacturers of and dealers in motors, shall be paid by the Deputy Registrars of the provincial districts into the Consolidated Fund.

Application of fees payable for registration of motors and issue of licenses.

(2.) All fees for annual licenses of private motors shall be paid by the Deputy Registrars of the provincial districts into the Consolidated Fund.

(3.) All fees for annual licenses of motors other than private motor-cars, and all fees for annual licenses of motor drivers, shall be paid by each local authority receiving such fees into the local fund of such local authority, and each such local authority shall keep a separate account of such fees, and shall, in the prescribed manner and at the prescribed times, pay into the Consolidated Fund one-third part of the gross amount of such fees received by it. 5

(4.) Fees paid into the Consolidated Fund under the provisions of subsections *one* and *two* of this section shall be applied as may be provided from time to time by any Act passed in that behalf—first in providing a due proportion of the cost of administration of this Act, and then in special repair of roads generally used for motor traffic within the provincial district in which the fees were received. 10

(5.) The proportion of fees paid into the Consolidated Fund under the provisions of subsection *three* of this section shall be applied as may be provided by any Act passed in that behalf—first in providing a due proportion of the cost of administration of this Act, and then in special repair of roads generally used for motor traffic within such radius from the districts of the local authorities respectively receiving such fees as may be directed by such Act or by regulations thereunder. 15 20

(6.) For the purposes of this section “special repair of roads” includes the construction of light bridges across water-courses and water-races.

PART IV.

25

GENERAL.

Power to make by-laws restricting use of motors on roads, bridges, &c.

33. (1.) In every case where, under the provisions of any Act, the Governor, the Minister of Public Works, the Minister of Railways, or any local authority possesses the power to regulate and control, by by-laws or otherwise, the use of vehicles of any description, such power shall, subject to the provisions of this Act, be deemed to include the power to make by-laws preventing or restricting the use of motors upon any bridge, road, or place where the Governor, the Minister, or the local authority making the by-law is satisfied that such use would be attended with risk of damage to the bridge or danger to the public. 30 35

(2.) A copy of every by-law made under this section by a local authority shall, within seven days after the making thereof, be sent by the local authority to the Minister of Internal Affairs, who may at any time thereafter disallow the same or any part thereof. 40

(3.) On such disallowance being gazetted the by-law or part thereof shall cease to have effect, but such disallowance shall not affect the validity of anything theretofore done under the by-law or part thereof.

Motor deemed to be a vehicle for the purposes of certain Acts.

34. For the purpose of giving full effect to the *last preceding* section a motor shall be deemed to be a vehicle within the meaning of any such Act as aforesaid and of any by-law made thereunder, and if used as a vehicle of any particular class shall be deemed to be a vehicle of that class, and the provisions of any such Act or by-law relating to vehicles shall apply accordingly. 45 50

35. (1.) Public notice of any by-law under section *thirty-three* hereof shall be advertised at least three times in some newspaper circulating within the limits to which the by-law refers. Publication of by-laws under section 33 hereof.
- 5 (2.) The local authority of any district in which any such by-law is in force shall cause to be set up sign-posts denoting the limit of speed at which motors may be driven on such bridge or road or place which may be deemed to be dangerous by the local authority. Local authority to erect sign-posts denoting limits of speed.
- 10 36. (1.) During the period between sunset and one hour before sunrise the person in charge of a motor shall carry attached thereto a lamp so constructed and placed as to exhibit a white light in the direction in which the motor is proceeding, such light being sufficiently clear and strong to afford adequate means of signalling the approach and position of the motor. Lights to be carried on motors between sunset and sunrise.
- 15 (2.) Every motor other than a motor-cycle and every trailer shall also carry during the same period a lamp so constructed and placed as to exhibit a red light in the direction contrary to that in which the motor is proceeding, such light being sufficiently clear and strong to afford adequate means of signalling the position of such motor or trailer.
- 20 37. The person in charge of a motor shall carry attached thereto, and shall use when necessary, a bell or other instrument capable of giving audible and sufficient warning of the approach or position of the motor. Bell or other instrument suitable for giving warning of approach of motor to be carried.
- 25 38. (1.) Every person commits an offence who drives a motor on a public highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the highway, and the amount of the traffic which actually is at the time, or which might reasonably be expected to be, on the highway. Penalties for reckless or negligent driving.
- 30 (2.) Any constable may apprehend without warrant the driver of any motor who commits an offence against this section within the view of the constable if he refuses to give his name and address on demand, and if the motor does not bear the registered number and the distinguishing mark or marks of identification.
- 35 (3.) If the driver of any motor who commits an offence against this section refuses to give his name or address, or gives a false name or address, he commits a further offence; and it shall be the duty of the owner of the motor, if required, to give any information in his power which may lead to the identification and apprehension of the driver, and if the owner fails so to do he also commits an offence.
- 40 39. Where, owing to the presence of a motor on any public highway, an accident occurs to any person, or to any horse or vehicle in charge of any person, the driver of the motor shall stop, and, if required, give 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. Duties of motor-drivers in cases of accidents on highways.
- 45 40. (1.) Every steam motor exceeding one hundred pounds in weight shall be inspected annually under the Inspection of Machinery Act, 1908; and the provisions of that Act shall apply to such motor, except that in the case of a motor not used for hire, either to carry passengers or goods, or for haulage, it shall not be necessary to employ a certificated driver. Annual inspection of steam-motors.

Penalty for failing to affix or for obscuring registered number or distinguishing marks.

Provisions to apply in the case of motors the property of His Majesty or the Governor.

Horse-power of motors to be determined in accordance with regulations.

In absence of regulations Deputy Registrars to determine horse-power.

(2.) This section does not apply to motor-cycles.

41. If the number and distinguishing mark to be affixed to a motor in accordance with this Act are not so affixed, or if, being so affixed, they are in any way obscured or rendered or allowed to become not easily distinguishable, whether by night or by day, the person driving the motor shall be guilty of an offence, unless, in the case of a prosecution for obscuring a mark or rendering or allowing it to become not easily distinguishable, he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable.

42. No provision of this Act other than the provisions of sections *thirty-six* to *forty* inclusive shall apply to any motor the property of His Majesty for use by any Department of the Public Service in New Zealand, or to any motor the property of the Governor for use by the Governor or the Governor's household:

Provided that—

- (a.) Every motor the property of His Majesty shall have affixed thereto such general distinguishing mark as may be prescribed in that behalf; and
- (b.) Every motor the property of the Governor shall have affixed thereto or placed thereon sufficient marks of the ownership thereof; and
- (c.) Every such motor shall cease to be exempt from any of the provisions of this Act upon the property thereof ceasing to be vested in His Majesty or the Governor respectively, and every such motor shall be registered by the new owner within one month after the property therein shall so cease to be vested; and
- (d.) The Governor in Council may require a special register to be kept by the Registrar of Motors of all such motors, and may prescribe the form in which such special register shall be kept.

43. After the making of regulations in that behalf the horse-power of a motor-engine shall, for all the purposes of this Act and of the Schedule hereto, be such as is ascertained and determined in accordance with such regulations.

44. (1.) Until the method of such ascertainment and determination is prescribed by regulations, the maximum horse-power of a motor-engine shall be conclusively determined by the Deputy Registrar of Motors to whom application is made in accordance with this Act for registration of the motor.

(2.) A Deputy Registrar of Motors may accept for all the purposes of such determination—

- (a.) Any certificate or sale-note of the manufacturer or importer of the motor or of a dealer in motors, stating the maximum horse-power; or
- (b.) A statutory declaration by the owner or by any expert that the horse-power of the motor does not exceed a specified maximum; or
- (c.) The report of any person appointed to be an Inspector of Motors under this Act.

(3.) A statement of the maximum horse-power of the motor-engine as determined by the Deputy Registrar shall be set forth in the certificate of registration issued by the Deputy Registrar, and shall for all the purposes of this Act, including the ascertainment of the annual license fee, be accepted by every licensing authority.

45. If by reason of any alteration in the motor-engine the maximum horse-power is at any time increased or decreased, it shall be the duty of the owner of the motor to forthwith notify the Deputy Registrar who issued the certificate of registration of such change in the maximum horse-power, and to deliver the certificate of registration to such Deputy Registrar, who shall, upon being satisfied of such change, make the necessary alteration in the statement in such certificate.

Notice to be given of increase or decrease of horse-power.

46. Every person who commits any offence against this Act for which no penalty is specially provided is liable to a fine not exceeding ten pounds.

General penalty for offences.

47. The Governor in Council may, by Order in Council gazetted, make regulations—

Regulations.

(a.) Providing generally for facilitating the identification of motors, and in particular for determining and regulating the size, shape, and character of the distinguishing marks and numbers to be affixed under this Act, and the mode in which they are to be affixed and to be rendered easily distinguishable, whether by night or by day.

(b.) Regulating the registration and licensing of motors and licensing of motor-drivers, and the providing by the owner of a motor, or the applicant for a license, of particulars, including particulars of the ownership and garage of the motor, and the entries of any such particulars in any register, and for making any such particulars available for use by the police, and for annulling and making void any registration or license if any such regulations are not complied with.

(c.) Prescribing forms of application, certificates of registration, licenses and permits, and other forms required for the purposes of this Act.

(d.) Prescribing forms of accounts of fees to be kept and rendered by licensing authorities.

(e.) Prescribing such methods as the Governor in Council thinks fit for ascertainment and determination of the horse-power of any motor-engine, and providing that such ascertainment and determination shall be conclusive.

(f.) Requiring the owner of a motor to produce the motor for any purpose of ascertainment of horse-power or for inspection at any place, and to any Inspector appointed for the purpose.

(g.) Providing for the inspection and safety of motors, and for the payment of fees for such inspection, and requiring the owner of motors to comply with any requirements of the Registrar of Motors made consequent upon the report of any Inspector of Motors.

(h.) Generally making provision for all matters deemed necessary for the due administration of, and for giving full effect to the provisions of, this Act.

Repeal.

48. The Motor Regulation Act, 1908, is hereby repealed.

Schedule.

SCHEDULE.

FEES payable for annual licenses :—

1. In respect of every private motor-car and of every motor-omnibus and of every motor-coach not exceeding 12 horse-power, £2; exceeding 12 but not exceeding 16 horse-power, £3; exceeding 16 but not exceeding 26 horse-power, £4; exceeding 26 but not exceeding 33 horse-power, £7; exceeding 33 but not exceeding 40 horse-power, £10; exceeding 40 but not exceeding 60 horse-power, £15; exceeding 60 horse-power, £20 :

Provided that a registered medical practitioner, shall in respect of a private motor-car used principally for the purpose of his profession be entitled to an allowance equal to half the annual fee.

2. In respect of every public motor-car not exceeding 16 horse-power, £1; exceeding 16 but not exceeding 26 horse-power, £2; exceeding 26 horse-power, £4.

3. In respect of every motor-cycle, 10s.; and an additional fee, if such motor-cycle is used to propel a trailer, of 10s.

4. In respect of every trade motor not exceeding 16 horse-power, £2; exceeding 16 but not exceeding 26 horse-power, £3; exceeding 26 but not exceeding 40 horse-power, £4; exceeding 40 horse-power, £5.

5. In respect of any other motor, £2.

Exemptions from fees for annual license :—

(a.) Motors owned by a Municipal Corporation, Town District, County, Road District, Drainage Board, River Board, Education Board, Harbour Board, or Fire Board and used exclusively for general or local public purposes.

(b.) Ambulance motors.

(c.) Motors owned by, and used exclusively for the purposes of, any authority of a public nature defined as exempt by regulations under this Act.