

MOTOR-VEHICLES BILL.

EXPLANATORY MEMORANDUM.

UNDER the existing system, the registration of motor-vehicles is effected by certain Borough Councils (viz., those whose districts have a population of over 5,000) and by County Councils. For this system of registration the Bill proposes to substitute a system of registration by officers of the Public Service. The work of registration will be undertaken by officers of the Post and Telegraph Department, and will not necessitate the establishment of another Department of State.

The more important provisions of the Bill are as follows:—

Registration and Annual Licensing.—For the purposes of registration the division of New Zealand into provincial districts is made use of. For each provincial district it is proposed to appoint such number of Deputy Registrars as may be necessary, who will keep local registers of the vehicles registered by them. In addition, there will be a central register to be kept in Wellington, and to be compiled by the Registrar from particulars furnished by the several Deputy Registrars.

Registration is not required to be renewed, save that particulars must be furnished as to change of garage or of ownership for noting in the local and central registers.

Save in exceptional cases, it is an offence to use an unregistered motor-vehicle. The proposed penalty is a fine of £20 for every day on which an unregistered vehicle is used. A period of one month is allowed in which to effect the registration of vehicles in use at the commencement of the Act, but during this period every such vehicle must carry its registration number under the Motor Regulation Act, 1908.

Special provisions (by way of exempting from the necessity of registration) are made with respect to vehicles held by dealers for purposes of sale only. On payment of the prescribed fee a dealer may obtain any number of identification plates for use on vehicles while being tested or exhibited or otherwise used prior to sale.

Annual Licenses.—In addition to the requirement of registration, the Bill requires that every motor-vehicle shall be licensed annually. Annual licensing is to be effected by the several Deputy Registrars, on payment of the appropriate license fee, as set out in the Schedule to the Bill. The main purpose of the annual license is to provide funds for maintenance expenditure on main highways. It is an offence, punishable by a fine of £20 per day, to use an unlicensed motor-vehicle. A period of one month is allowed after the commencement of the Act in which to effect the licensing of vehicles already in use.

Licensing of Drivers.—The licensing of motor-drivers is left as at present to local authorities, but is made compulsory. No person under the age of fifteen years is competent to receive a driver's license. The Governor-General may prescribe qualifications to be possessed by applicants for drivers' licenses, and may make provision for different classes of such licenses, and for a different standard of qualification for the several classes. In the absence of such regulations, the matter of qualification is left to the discretion of the particular local authority concerned.

Provision is made for the cancellation of drivers' licenses or for their endorsement or suspension by a Court of Justice in cases where the holders have shown that they are not fit persons to have charge of a motor-vehicle.

Drivers' licenses remain operative only until the 31st March next succeeding the date of issue.

Fees.—All fees for drivers' licenses are payable to the general funds of the licensing local authorities. Other fees payable under the Act (e.g., registration fees, annual license fees, &c.) and all fines recovered in respect of offences are made payable to the Revenue Fund of the Main Highways Account, where they are available towards the maintenance (but not for the construction) of main highways.

Reckless Driving.—It is an offence, punishable on summary conviction, for any person to be in charge of a motor vehicle while in a state of intoxication, and any such person may be arrested without warrant. It is also an offence punishable summarily to drive a motor-vehicle so negligently or recklessly as to endanger the safety of the public or of any person.

If any person while in a state of intoxication as aforesaid or by reason of reckless or negligent driving causes bodily injury to or the death of any person he is guilty of a crime, and is liable on indictment to imprisonment for a term not exceeding five years, or to a fine not exceeding £500.

Duties of Motor-drivers.—In the event of an accident arising from the use of a motor-vehicle, it is declared to be the duty of the driver to render all reasonable and practicable assistance, and to report the accident to the police.

Every driver of a motor-vehicle (whether he has committed an offence or not) is required to stop and, on request by a police constable, to give information sufficient to identify him and the owner of the motor-vehicle.

It is also declared to be an offence to use a motor-vehicle with any number or identification mark obscured.

Regulations.—The Governor-General in Council is empowered to make regulations as to numerous matters incidental to the control of motor traffic, and the registration and licensing of motor-vehicles.

Hon. Mr. Bollard.

MOTOR-VEHICLES.

ANALYSIS.

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| <p>Title.</p> <ol style="list-style-type: none">1. Short Title and commencement.2. Interpretation. <p style="text-align: center;">PART I.</p> <p style="text-align: center;">REGISTRATION AND ANNUAL LICENSING OF
MOTOR-VEHICLES.</p> <ol style="list-style-type: none">3. Motor-vehicles to be registered and annually licensed. Penalty for using unregistered or unlicensed motor-vehicle. <p style="text-align: center;"><i>Registration.</i></p> <ol style="list-style-type: none">4. Registrar of Motor-vehicles. Deputy Registrars.5. Applications for registration.6. Deputy Registrar to assign a number and distinguishing marks to motor-vehicle, and to issue certificate of registration.7. Penalty for use of motor-vehicle without authorized number and distinguishing marks.8. Deputy Registrar to send notice of registrations to Registrar. Local registers and general register to be kept.9. Registration fees. <p style="text-align: center;"><i>Annual Licenses.</i></p> <ol style="list-style-type: none">10. Owners to obtain annual licenses for motor-vehicles.11. Applications for licenses.12. Issue of licenses.13. Deputy Registrar to notify Registrar of issue of licenses. Registers of licenses.14. Where any motor-vehicle belongs to two or more classes one license fee only to be payable. <p style="text-align: center;"><i>Cancellation of Registration.</i></p> <ol style="list-style-type: none">15. Cancellation of registration of motor-vehicles. <p style="text-align: center;"><i>Change of Garage.</i></p> <ol style="list-style-type: none">16. Transfer of registration on change of garage from one provincial district to another. <p style="text-align: center;"><i>Change of Ownership.</i></p> <ol style="list-style-type: none">17. Transfer of certificate of registration and license on change of ownership. | <p style="text-align: center;"><i>Special Provisions applicable to Manufacturers and Dealers in Motor-vehicles.</i></p> <ol style="list-style-type: none">18. Special provisions as to motor-vehicles held for purpose of sale by manufacturers or dealers. <p style="text-align: center;"><i>Special provisions as to Government motor-vehicles.</i></p> <ol style="list-style-type: none">19. Special provisions applicable to motor-vehicles being the property of His Majesty or of the Governor-General. <p style="text-align: center;">PART II.</p> <p style="text-align: center;">LICENSING OF DRIVERS OF MOTOR-VEHICLES.</p> <ol style="list-style-type: none">20. Unlicensed persons not to drive motor-vehicles.21. Local authorities may issue motor-drivers' licenses. Licenses to continue in force until 31st March in each year.22. On conviction of person for offence under this Act Court may endorse license or impose disqualification. <p style="text-align: center;">PART III.</p> <p style="text-align: center;">APPORTIONMENT OF FEES AND FINES.</p> <ol style="list-style-type: none">23. Fees for motor-drivers' licenses to be paid to local authorities.24. Other fees (including fines) to be applied towards maintenance of main highways. <p style="text-align: center;">PART IV.</p> <p style="text-align: center;">GENERAL.</p> <ol style="list-style-type: none">25. Power to make by-laws restricting use of motor-vehicles on roads, bridges, &c.26. Motor-vehicle deemed to be a vehicle for the purposes of certain Acts.27. Penalties for reckless or negligent driving.28. Indictable offence to cause bodily injury or death through reckless driving.29. Court may award compensation in respect of bodily injury or death due to accident with motor-vehicle.30. Duties of motor-drivers in cases of accidents on highways.31. On demand by constable or other authorized person driver of motor-vehicle to stop and give name and address. Owner to give information as to identity of driver.32. Penalty for obscuring registration number and distinguishing marks.33. General penalty for offences.34. Offences punishable summarily.35. Regulations.36. Repeal. Savings. Schedule. |
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A BILL INTITULED

Title. AN ACT to provide for the Registration, Licensing, and Regulation of the Use of Motor-vehicles.

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

Short Title and commencement.

1. This Act may be cited as the Motor-vehicles Act, 1924, and shall come into force on the first day of January, nineteen hundred and *twenty-five*.

Interpretation.

2. In this Act, if not inconsistent with the context,— 10

“Garage” means a building or other structure or place in which a motor-vehicle is usually kept when not in use. Where a motor-vehicle is kept, when not in use, from time to time in different places, the garage shall be deemed to be such one of those places as the Registrar or a Deputy Registrar may from time to time determine: 15

“Local authority” means a Borough Council, a County Council, the Town Board of a town district not forming part of a county, or the Road Board of a road district in a county wherein the Counties Act, 1920, is suspended or is not in force: 20

“Motor-vehicle” means any vehicle propelled by mechanical power, and includes a trailer and any other vehicle of a class declared by regulations under this Act to be motor-vehicles; but does not include a vehicle running on rails, ~~or deriving motive power by means of an overhead wire:~~ *New.* 25

or a vehicle which, though not running on rails, derives motive-power from an overhead wire, if such vehicle is the property of and is run by any local authority: 30

“Motor-car” means a motor-vehicle (other than a motor-cycle) designed solely or principally for the carriage of persons not exceeding ~~eight~~ *nine* in number: 35

“Motor-coach” means a motor-vehicle not specially designed for the carriage of persons but utilized for that purpose: 35

“Motor-cycle” means a motor-vehicle having less than four wheels and weighing less than *six* hundredweight unladen:

“Motor-omnibus” means a motor-vehicle designed solely or principally for the carriage of persons exceeding ~~eight~~ *nine* in number: 40

“Owner” includes a bailee to whom a motor-vehicle is bailed for any period exceeding fourteen days, and also includes a person in possession of a motor-vehicle pursuant to a bill of sale. Where there are more owners of a motor-vehicle than one, every such owner is an owner for the purposes of this Act: 45

“Private motor-car” means a motor-car other than a public motor-car:

“Public motor-car” means a motor-car which is plied for hire:

“Registrar” and “Deputy Registrar” mean respectively the Registrar of Motor-vehicles and a Deputy Registrar of Motor-vehicles appointed under this Act: 50

127

“Trade-motor” means a motor-vehicle designed solely or principally for the carriage of goods :

“Trailer” means a vehicle without motive power designed solely or principally for the carriage of persons or goods, and drawn by a motor-vehicle.

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PART I.

REGISTRATION AND ANNUAL LICENSING OF MOTOR-VEHICLES.

3. (1.) Except as specially provided in this Act, no person shall knowingly use any motor-vehicle on any road or street, or permit any motor-vehicle to be so used, unless—

Motor-vehicles to be registered and annually licensed.

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

(b.) A license to use such motor-vehicle has been issued and remains in force.

(2.) Every person who uses a motor-vehicle in contravention of this section, or who permits any motor-vehicle to be so used, is liable to a fine of *twenty* pounds for every day on which the motor-vehicle is so used :

Penalty for using unregistered or unlicensed motor-vehicle.

Provided that no person shall be liable under this section for using an unregistered motor-vehicle on a road or street, or for permitting any such vehicle to be so used, if at the time of such use he had not had a reasonable opportunity of registering the motor-vehicle, and if at that time the motor-vehicle was being taken to the place of registration for the purpose of being registered.

(3.) The fact that any motor-vehicle is used on any road or street without having an assigned number and distinguishing marks affixed thereto in the prescribed manner shall be sufficient evidence, until the contrary is proved, that the motor-vehicle has not been registered in accordance with this Act.

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(4.) Nothing in this section shall apply with respect to any motor-vehicle (other than a motor-car or a motor-cycle) being the property of any Harbour Board.

Registration.

4. (1.) There shall be a Registrar of Motor-vehicles, whose office shall be in the City of Wellington.

Registrar of Motor-vehicles.

(2.) There shall for each provincial district be such number of Deputy Registrars of Motor-vehicles as may from time to time be required.

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.

(4.) The offices of Registrar and of Deputy Registrars shall, so far as practicable, having regard to efficiency and the convenience of the public, be held by members of the Post and Telegraph Department or otherwise concurrently with other offices in the Public Service.

5. (1.) Application for the registration of any motor-vehicle shall be made in the prescribed form by the owner of that motor-vehicle to a Deputy Registrar in the provincial district within which the garage of the motor-vehicle is situate at the time of the application.

Applications for registration.

(2.) In the case of a motor-vehicle which is in use in New Zealand at the commencement of this Act, application for registration shall

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be made before the first day of February, nineteen hundred and *twenty-five*; and, pending its registration under this Act, it shall be lawful to use such motor-vehicle on any road or street at any time after the commencement of this Act and before the said first day of February, nineteen hundred and *twenty-five*, if while being so used it has affixed thereto the identifying marks and numbers appropriate to its registration under the Motor Regulation Act, 1908. 5

(3.) In every other case application for registration shall be made before the motor-vehicle is driven or used on any road or street.

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

6. (1.) On receipt of an application for registration of any motor-vehicle under this Act the Deputy Registrar, if satisfied that the application is in order, shall assign a number and distinguishing marks to be affixed to the motor-vehicle in respect of which the application is made, and shall issue to the applicant a certificate of registration of the motor-vehicle. 10 15

(2.) Save as provided in this Act with respect to the cancellation of registration in special cases, the registration of any motor-vehicle shall continue in force without renewal.

Penalty for use of motor-vehicle without authorized number and distinguishing marks.

7. (1.) Any person who uses any motor-vehicle on any road or street without having the assigned number and distinguishing marks affixed thereto in the prescribed manner, or who permits any motor-vehicle to be so used, commits an offence, and is liable to a fine of *twenty* pounds for every day on which such offence is committed. 20

(2.) Every person who affixes or causes to be affixed to any motor-vehicle any distinguishing mark which is not authorized by this Act or by regulations thereunder, and which is likely to be mistaken for any authorized distinguishing mark, or who affixes or causes to be affixed to any motor-vehicle any number, not being the appropriate assigned number under this Act, which is likely to be mistaken for an assigned number, commits an offence, and is liable for each such offence to a fine of *ten* pounds. 25 30

Deputy Registrar to send notice of registrations to Registrar.

8. (1.) Every Deputy Registrar shall, on the issue of a certificate of registration of a motor-vehicle, notify the Registrar of such issue.

Local registers and general register to be kept.

(2.) Every Deputy Registrar shall keep at his office a register of the motor-vehicles registered at his office and of the fees received in respect thereof; and the Registrar shall keep a general register of all motor-vehicles. 35

Registration fees.

9. (1.) Every application for the registration of a motor-vehicle under this Act shall be accompanied by the appropriate registration fee. 40

(2.) The fees payable for registration shall be as follows:—

(a.) On the registration of a motor-cycle, a fee of *ten* shillings:

(b.) On the registration of any other motor-vehicle, a fee of *one* pound.

Annual Licenses.

Owners to obtain annual licenses for motor-vehicles.

10. (1.) It shall be the duty of every person, being the owner of a motor-vehicle, to procure annually from a Deputy Registrar within the provincial district in which the garage of the motor-vehicle is situate a license to use the motor-vehicle. 45

(2.) No such license shall be granted in respect of any motor-vehicle which has not been duly registered under this Act. 50

(3.) Every such license shall be for a period terminating on the next succeeding thirty-first day of March; save that licenses issued

129.

before the thirty-first day of March, nineteen hundred and *twenty-five*, shall, on payment of the appropriate fee, continue in force until the thirty-first day of March of the following year.

(4.) In the case of a motor-vehicle which is in use in New Zealand at the commencement of this Act, application for the issue of an annual license in respect thereof shall be made before the first day of February, nineteen hundred and *twenty-five*, and pending the issue of such license it shall be lawful to use such motor-vehicle after the commencement of this Act and before the said first day of February, nineteen hundred and *twenty-five*, so long as the conditions imposed by subsection *two* of section *five* hereof are complied with.

11. (1.) Application for any such license shall be made in the prescribed form, and the first such application in respect of any motor-vehicle shall be made within one month after the registration of that motor-vehicle.

Applications for licenses.

(2.) Except in respect of motor-vehicles within the exemptions defined in Part II of the Schedule to this Act there shall be paid by the owner of the motor-vehicle, on making application for the issue of an annual license in respect thereof, the appropriate annual fee prescribed in Part I of that Schedule :

Provided that 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 the one-twelfth part thereof for every complete month between the date of the grant of the license and the thirty-first day of March last preceding such date.

12. (1.) On receipt of an application for a license to use any motor-vehicle and of the prescribed fee (if any) in respect thereof, and on production of the certificate of registration of the motor-vehicle, the Deputy Registrar shall issue, in the prescribed form, a license to use such motor-vehicle. While any such license is in force the motor-vehicle to which it relates may be used on any road or street in New Zealand.

Issue of licenses.

(2.) Every such license shall refer to the assigned registration number and distinguishing marks of the motor-vehicle to which it relates.

(3.) Save as provided in the *next succeeding* subsection, no local authority shall be entitled to charge any fee in respect of any motor-vehicle, or of the use of such motor-vehicle on any road or street.

(4.) Nothing in this section shall exempt any person—

(a.) From any fees payable in respect of motor-vehicles pursuant to the Hutt Road Amendment Act, 1917 :

(b.) From any charge made by a local authority in respect of heavy traffic :

(c.) From any charge made by a local authority in respect of vehicles plying for hire :

(d.) From any tolls on roads or charges for ferries.

13. (1.) Every Deputy Registrar shall, on the issue of a license to use a motor-vehicle, notify the Registrar of such issue.

Deputy Registrar to notify Registrar of issue of licenses.

(2.) Every Deputy Registrar shall keep at his office a register of all licenses issued by him under this Act, and of the fees received in respect thereof ; and the Registrar shall keep a general register of all such licenses.

Registers of licenses.

Where any motor-vehicle belongs to two or more classes one license fee only to be payable.

14. (1.) Where any motor-vehicle is within two or more of the classes specified in Part I of the Schedule hereto one license only shall be issued and one license fee only shall be paid in any year in respect thereof, and if different fees are fixed for such classes the license shall be issued in respect of that class for which the highest fee is payable. 5

(2.) Every person who uses any motor-vehicle for which an annual license fee has been paid as a motor-vehicle of a class for which a higher license fee is payable and has not been paid, and every person who permits any motor-vehicle to be so used, commits an offence and is liable to a fine of *twenty* pounds for each day on which the motor-vehicle is so used. 10

Cancellation of Registration.

Cancellation of registration of motor-vehicles.

15. (1.) If any registered motor-vehicle is destroyed or becomes permanently useless as a motor-vehicle, or is removed permanently beyond New Zealand, the owner of the motor-vehicle shall forthwith give to the Deputy Registrar at whose office the motor-vehicle is registered, notice of its destruction, condition, or removal, as the case may be, and shall deliver to the Deputy Registrar the certificate of registration of the motor-vehicle and the then current annual license (if any) in respect thereof. 15 20

(2.) The Deputy Registrar shall thereupon cancel the registration of the motor-vehicle and the annual license in respect thereof, and shall notify the Registrar of such cancellation.

(3.) When the registration of a motor-vehicle is cancelled the Deputy Registrar may assign to any other motor-vehicle thereafter registered at his office the number and distinguishing marks previously assigned to the motor-vehicle the registration whereof has been cancelled. 25

(4.) An owner who fails to comply with any of the provisions of this section commits an offence, and is liable to a fine of *ten* pounds for every such offence. 30

Change of Garage.

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

16. (1.) If the garage of any motor-vehicle is permanently changed from the provincial district in which such motor-vehicle is registered to another provincial district without change of ownership of such motor-vehicle, the owner of the motor-vehicle shall forthwith give notice of such change of garage to the Deputy Registrar at whose office the motor-vehicle is registered, and the Deputy Registrar shall forthwith notify the Registrar of such change. 35 40

(2.) The registration of the motor-vehicle shall thereupon be removed to the office of a Deputy Registrar within the provincial district in which the new garage is situated, and the number and distinguishing marks affixed shall be altered in such manner and by such means as may be prescribed, or as the Registrar may determine.

(3.) An owner who fails to comply with any of the provisions of this section commits an offence, and is liable to a fine of *ten* pounds for every such offence. 45

Change of Ownership.

17. (1.) Within *seven* days after the sale or other disposal of any registered motor-vehicle the person selling or otherwise disposing of the same shall, in the prescribed form, notify the Deputy Registrar at whose office the motor-vehicle is then registered of the fact of such disposal, the name and address of the new owner, and such other particulars as may be prescribed, and shall transmit to the Deputy Registrar the certificate of registration of the motor-vehicle and the then current annual license in respect thereof.
- 10 (2.) The Deputy Registrar shall, in the prescribed form, endorse on such certificate and license a memorandum of the change of ownership and, if necessary, of the change of the garage of the motor-vehicle.
- 15 (3.) The Deputy Registrar shall, on payment of a fee of *five* shillings, issue the endorsed certificate and license to the new owner, who shall not be entitled to use the motor-vehicle, or to permit the same to be used, unless and until he has received such certificate and license.
- 20 (4.) Any person who fails to comply with any of the provisions of this section, or who does any act in contravention thereof, with respect to any motor-vehicle commits an offence, and is liable to a fine of *ten* pounds for every such offence, and, in the case of a failure to comply with any of the provisions of this section, to a further fine of *ten* pounds for every day on which the motor-vehicle is used while such failure continues.

Transfer of certificate of registration and license on change of ownership.

Special Provisions applicable to Manufacturers and Dealers in Motor-vehicles.

18. (1.) Any manufacturer of motor-vehicles or any dealer in motor-vehicles may make application, in the prescribed form, to a Deputy Registrar for the issue of or for authority to use registration plates with a distinguishing mark, and with or without distinguishing numbers, on any motor-vehicles held by the applicant only for the purposes of sale.
- 30 (2.) An annual fee of *five* shillings in respect of a motor-cycle and of *ten* shillings in respect of any other motor-vehicle shall be payable by the applicant for each registration plate or each set of registration plates (where more than one plate is to be used on any motor-vehicle) issued to him or which he may be authorized to use.
- 35 (3.) Any manufacturer or dealer in motor-vehicles may use any motor-vehicle on any road or street notwithstanding that such motor-vehicle may not have been registered under this Act, and notwithstanding that an annual license to use the same may not have been issued, if—
- 40 (a.) The motor-vehicle is held only for the purposes of sale; and
- 45 (b.) At all times while the motor-vehicle is in use there is attached to it, in the prescribed manner, a registration plate, or a set of registration plates, issued or authorized under this section and in respect of which the annual fee has been paid.

Special provisions as to motor-vehicles held for purpose of sale by manufacturers or dealers.

Special Provisions as to Government Motor-vehicles.

Special provisions applicable to motor-vehicles being the property of His Majesty or of the Governor-General.

19. (1.) This Part of this Act shall not apply with respect to any motor-vehicle the property of His Majesty for use by any Department of the Public Service in New Zealand, or any motor-vehicle the property of the Governor-General for use by the Governor-General or the Governor-General's household : 5

Provided that—

- (a.) Every motor-vehicle the property of His Majesty shall have affixed thereto such general distinguishing mark as may be prescribed in that behalf ; and 10
- (b.) Every motor-vehicle the property of the Governor-General shall have sufficient marks of the ownership thereof affixed thereto.

(2.) The Registrar shall keep, in the prescribed form, a special register of all motor-vehicles to which this section applies. 15

PART II.

LICENSING OF DRIVERS OF MOTOR-VEHICLES.

Unlicensed persons not to drive motor-vehicles.

20. After the *first* day of April, nineteen hundred and *twenty-five*, it shall not be lawful for any person to drive a motor-vehicle on any road or street unless he is the holder of a motor-driver's license issued under this Part of this Act, and no person shall after that date employ any other person to drive a motor-vehicle unless such last-mentioned person is the holder of a motor-driver's license. If any person acts in contravention of this section he commits an offence against this Act. A person over the age of *fifteen* years shall not be deemed to act in contravention of this section if while driving a motor-vehicle he is accompanied in the driver's seat by a person who is the holder of a motor-driver's license and is engaged in teaching the first-named person to drive. 20 25

Local authorities may issue motor-drivers' licenses.

21. (1.) Any local authority may, on payment of a fee of *five* shillings, issue a motor-driver's license to any person, not being in any case under the age of *fifteen* years, who satisfies the local authority that he is qualified to be the holder of a motor-driver's license. The holder of a motor-driver's license shall not be qualified to obtain another such license while the license so held by him is in force. 30 35

Licenses to continue in force until 31st March in each year.

(2.) Save as may be otherwise provided by this Act or by regulations under this Act, a motor-driver's license shall be operative throughout New Zealand, and shall remain in force until the thirty-first day of March next after the date on which it is issued, and shall then expire. 40

(3.) The person driving any motor-vehicle shall produce his motor-driver's license for inspection whenever required so to do by any constable, or by any person authorized in that behalf by a local authority or by any other person or body having control of any road or street, and if he refuses or fails so to do he commits an offence, and shall be liable in respect of each such offence to a fine of *five* pounds. 45

22. (1.) The Court before which any person is convicted of an offence against this Act or of any offence in connection with the driving of a motor-vehicle (other than a first or second offence consisting solely of exceeding any limit of speed)—

On conviction of person for offence under this Act, Court may endorse license or impose disqualification.

- 5 (a.) May, if the person convicted holds a motor-driver's license under this Act, suspend that license for such time as the Court thinks fit, and may also declare the person convicted to be disqualified from obtaining a motor-driver's license for such further time after the expiration of the license as the Court thinks fit; and
- 10 (b.) May, if the person convicted does not hold a motor-driver's license under this Act, declare him to be disqualified from obtaining such a license for such time as the Court thinks fit; and
- 15 (c.) May, if the person convicted holds a motor-driver's license under this Act, cause particulars of the conviction and of any order of the Court made under this section to be endorsed thereon, and on any such license that may thereafter be issued to him within the next succeeding period of *three* years, and may also cause a copy of those
- 20 particulars to be sent to the local authority by whom the license so endorsed has been granted.

(2.) Any person so convicted shall be guilty of a further offence against this Act if he fails to produce his license to the Court for the

25 purposes of its endorsement under this section within *seven* days after having been required to produce the same.

(3.) A license suspended by the Court shall during the term of suspension be of no effect, and any person whose license is suspended or who is declared by the Court to be disqualified from obtaining a

30 license shall during the period of suspension or disqualification be disqualified from obtaining a motor-driver's license.

(4.) Any person who is by virtue of an order of ~~the~~ a Court of *summary jurisdiction* under this section disqualified from obtaining a motor-driver's license or whose license is by virtue of any such order

35 *suspended* may appeal against the order to the Supreme Court in the same manner as a person who is ordered to pay a fine exceeding *five pounds* exclusive of costs may appeal pursuant to the provisions in that behalf of the Justices of the Peace Act, 1908; and the convicting Court may, if it thinks fit, pending the appeal, defer the operation

40 of the order. On any such appeal the Supreme Court may make such order in the matter as it deems proper.

(5.) If any person who under the provisions of this Act is disqualified from obtaining a motor-driver's license applies for or obtains such a license while he is so disqualified, or if any person whose license

45 has been endorsed thereafter at any time while the order of endorsement is operative, or at any time after such order has ceased to be operative if he is required by a local authority to supply particulars as to any such endorsement, applies for or obtains a license without giving particulars of the endorsement, he shall be guilty of an offence

50 against this Act, and any license so obtained shall be of no effect.

PART III.

APPORTIONMENT OF FEES AND FINES.

Fees for motor-drivers' licenses to be paid to local authorities.

23. All fees payable under this Act to any local authority in respect of motor-drivers' licenses shall form part of the general funds of that local authority.

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Other fees (including fines) to be applied towards maintenance of main highways.

24. (1.) Save as provided in the *next succeeding* subsection, all fees payable under this Act otherwise than in respect of motor-drivers' licenses, ~~and all fines recovered in respect of offences against this Act, or in respect of charges made for supplying marks or devices to denote the fact of registration or licensing,~~ shall, without further appropriation than this section, be paid into the Main Highways Account to the credit of the Main Highways Revenue Fund.

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All fines recovered in respect of offences against this Act on informations laid by any officer or servant of a local authority as such shall be paid into the general fund of that local authority, and all other fines shall be paid into the Main Highways Revenue Fund.

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(2.) In respect of the expenses of administration, the sum of *one shilling and sixpence* shall be deducted from the annual license fee payable under this Act in respect of motor-vehicles, and every amount so deducted shall, without further appropriation than this section be paid into the Post Office Account to the credit of that Account. *All charges made for supplying marks or devices as aforesaid shall also be paid into the Post Office Account.*

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PART IV.

GENERAL.

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

25. (1.) Where, under the provisions of any Act, the Governor-General, the Minister of Public Works, the Minister of Railways, the Main Highways Board, or any local authority has 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 for prohibiting or restricting the use of motor-vehicles upon any bridge, road, or other place, if in any case the person or authority making the by-law is satisfied that the use or the unrestricted use of motor-vehicles on any such bridge, road, or place would be attended with risk of danger to the public or of damage to such bridge, road, or place, or to any property.

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(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.

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(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.

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

26. ~~For the purposes of the last preceding section a~~ motor-vehicle 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.

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27. (1.) Every person commits an offence and is liable on summary conviction to a fine of *one hundred* pounds, or to imprisonment for *three* months, who while in a state of intoxication is in charge of any motor-vehicle on any road, street, or other place to which the public have access, whether as of right or not, or who recklessly or negligently drives a motor-vehicle on any such road, street, or place, or who drives any such vehicle at a speed or in a manner which, having regard to all the circumstances of the case, is or might be dangerous to the public, or to any person.

Penalties for reckless or negligent driving.

10 (2.) Any constable may arrest without warrant any person who, while in a state of intoxication, is in charge of any motor-vehicle in contravention of this section.

15 (3.) It shall be no defence in any proceedings for an offence against this section relative to the speed at which any motor-vehicle has been driven that, at the time of the alleged offence, the motor-vehicle was being driven at a speed less than the maximum speed, if any, fixed in respect of the road, street, or locality where the alleged offence was committed.

20 28. (1.) Every person commits a crime and is liable on indictment to imprisonment for a term not exceeding *five* years, or to a fine not exceeding *five hundred* pounds, who, while in a state of intoxication, is in charge of a motor-vehicle and by an act or omission in relation thereto causes bodily injury to or the death of any person ; or who recklessly or negligently drives any motor-vehicle and thereby
25 causes bodily injury to or the death of any person.

Indictable offence to cause bodily injury or death through reckless driving.

(2.) No person shall, in respect of the same acts or in respect of acts arising out of the same circumstances, be convicted of an offence under this section and also under the *last preceding* section.

30 29. (1.) When any person is convicted, whether on indictment or summarily, of an offence against either of the *two last preceding* sections, the convicting Court or Justices may order the person so convicted to pay a sum not exceeding *fifty* pounds in any case, as compensation to any person who may have suffered bodily injury by reason of the act or default of the person convicted, or to the
35 dependants of any person who may have been killed by reason of such act or default.

Court may award compensation in respect of bodily injury or death due to accident with motor-vehicle.

40 (2.) Any amount so ordered to be paid shall be recoverable in the same manner in all respects as if it were a fine, and shall, when recovered, be paid without further appropriation in accordance with the order of the Court or Justices, as the case may be.

45 (3.) The making or enforcement of an order under this section shall not affect the right of any person to recover any damages to which he may be entitled independently of this section, but in assessing such damages any moneys payable under this section shall be taken into account.

50 30. (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, if required, shall 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.

Duties of motor-drivers in cases of accidents on highways.

(2.) In any such accident involving injury to any person it shall be the duty of the driver of the motor-vehicle to render all practicable assistance, and, if the accident has not already been reported to a constable, the driver shall forthwith report the same at the nearest police-station. 5

(3.) Every person who fails to comply with any obligation imposed on him by this section commits an offence, and is liable to a fine of *twenty* pounds.

On demand by constable or other authorized person driver of motor-vehicle to stop and give name and address.

31. (1.) The driver of a motor-vehicle shall stop at the request or signal of any constable or of any person duly appointed to control or inspect traffic, and on demand shall give his name and address, and, if he is not the owner of the motor-vehicle, shall also give the name and address of the owner. Any driver who, on demand, fails to stop or refuses to give any such name or address, or gives a false name or address, commits an offence against this Act, and may be arrested by any constable without warrant. 10 15

Owner to give information as to identity of driver.

(2.) The owner of any motor-vehicle shall, on being informed of any offence alleged to have been committed by the driver of such motor-vehicle while in charge thereof (whether such offence is an offence against this Act or any other Act, or against any regulation or by-law made under any Act), and on being requested so to do by any constable, give all information in his possession which may lead to the identification and apprehension of the driver, and if the owner fails so to do he commits an offence against this Act. 20

Penalty for obscuring registration number and distinguishing marks.

32. If the number or any distinguishing mark or marks to be affixed to a motor-vehicle in accordance with this Act are in any way obscured, or are rendered or allowed to become not easily distinguishable, whether by night or by day, any person driving the motor-vehicle while any such condition continues shall be guilty of an offence against this Act. 25 30

General penalty for offences.

33. Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section is liable to a fine of *ten* pounds.

Offences punishable summarily.

34. Save where otherwise expressly provided, every offence against this Act is punishable on summary conviction. 35

Regulations.

35. (1.) The Governor-General may, by Order in Council, make regulations—

- (a.) Providing generally for facilitating the identification of motor-vehicles, and in particular for determining and regulating the size, shape, and character of the distinguishing marks and numbers to be affixed under this Act, the mode in which they are to be affixed, and the means to be adopted to render them easily distinguishable, whether by night or by day : 40
- (b.) Regulating the registration and licensing of motor-vehicles, and requiring the owners of motor-vehicles to furnish from time to time all such particulars as may be required for the purposes of such registration and licensing : 45
- (c.) Providing for the proper recording of particulars supplied as aforesaid, and for the cancellation of the certificate of registration or of the annual license issued in respect of any motor-vehicle if default is made in furnishing any particulars required as aforesaid : 50

- (d.) Providing for the issue of marks or devices to denote the registration or the annual licensing of motor-vehicles, and regulating the affixing of such marks or devices *and prescribing the charges to be made therefor* :
- 5 (e.) Prescribing forms of application, certificates of registration, licenses, and permits, and other forms that may be required for the purposes of this Act :
- (f.) Providing for minimizing the noise and the issue of smoke or fumes from the working of motor-vehicles :
- 10 (g.) Restricting or prohibiting the use of motor-vehicles that, owing to defects of construction or for any other cause, are unsuitable for safe use :
- (h.) Requiring local authorities to erect and maintain signposts denoting limits of speed and dangerous places, and prescribing the size and design of such signposts, the materials of which they shall be made, and the manner in which they shall be erected :
- 15 (i.) Providing for the erection of uniform signs and notices for the guidance of motor-drivers :
- 20 (j.) Prescribing the affixing of efficient brakes to motor-vehicles, and providing for the inspection of brakes and steering-gear :
- (k.) Prescribing the kinds of lamps that may be carried on motor-vehicles, requiring the carrying of such lamps, and prescribing how and when the same shall be used :
- 25 (l.) Regulating the attaching and use of bells, alarms, reflectors, direction-indicators, or other instruments for giving notice of the approach, position, or course of motor-vehicles :
- 30 (m.) Prescribing the kinds of bells, alarms, or other instruments of warning to be used on different classes of motor-vehicles, and prohibiting the use on any other class of motor-vehicle of any bell, alarm, or other instrument of warning of a kind prescribed for use on a particular class of motor-vehicle :
- 35 (n.) Fixing, for the better preservation of roads and streets, or for the safety of the public, the maximum speed of motor-vehicles on any specified road or street, or in any locality, or throughout New Zealand, or fixing maximum speeds for specified classes of roads or streets :
- 40 (o.) Prescribing the maximum weight and the maximum width of any motor-vehicle, and any load thereon, that may be used on any road or street, and generally regulating motor traffic on roads and streets and public places, and making rules to be observed by vehicles other than motor-vehicles when passing or being passed by motor-vehicles on any road or street or public place :
- 45 (p.) Generally regulating the use of motor-vehicles and prescribing the conditions under which they may be used :
- (q.) Prescribing, either generally or with respect to any particular district or districts, or with respect to any particular class or classes of motor-vehicles, any examinations or other conditions to be complied with by applicants for motor-drivers' licenses, and the conditions under which such licenses may be granted :
- 50 .

(r.) Providing for the granting of different classes of motor-drivers' licenses, and prescribing the effect of licenses of each of such classes :

(s.) Prescribing fines not exceeding *twenty* pounds for the breach of any regulation :

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

(2.) The power to make regulations regulating motor-traffic includes the power to make regulations prohibiting such traffic, either absolutely or conditionally, on any specified road, street, or place to which the public have access, whether as of right or not.

(3.) Any regulations under this section may apply generally throughout New Zealand or within any specified part or parts thereof, and may apply to all motor-vehicles or to any specified class or classes of motor-vehicles, and may from time to time be applied by the Minister of Internal Affairs, by notice in the *Gazette*, to any part of New Zealand or to any class of motor-vehicles.

(4.) The operation of any regulations published as aforesaid may, if so provided therein, be wholly suspended until they are applied by the Minister by notice pursuant to the *last preceding* subsection.

(5.) In so far as the by-laws of any local authority in force in any locality are inconsistent with or repugnant to any regulations under this Act in force in the same locality the by-laws shall, in so far as they relate to motor-vehicles and motor-vehicular traffic, be deemed to be subject to the regulations, notwithstanding that such by-laws may have been made under some other Act.

(6.) All regulations made under this section shall be published in the *Gazette*, and shall be laid before both Houses of Parliament within fourteen days after the gazetting thereof if Parliament is then in session, and, if not, then within fourteen days after the commencement of the next ensuing session.

Repeal.
Savings.

36. (1.) The Motor Regulation Act, 1908, is hereby repealed.

(2.) All Orders in Council, orders, regulations, by-laws, warrants, offices, appointments, registers, books, records, certificates, notices, and generally all acts of authority which originated under the said Act, and are subsisting or in force on the coming into operation of this Act, shall, so far as consistent with the provisions of this Act, enure for the purposes thereof as fully and effectually as if they had originated under this Act, and accordingly shall, where necessary, be deemed to have so originated.

(3.) All matters and proceedings commenced under the said Act and pending or in progress on the coming into operation of this Act may be continued, completed, and enforced under the corresponding provisions of this Act (if any), and, if there are no such corresponding provisions, then in the same manner as if this Act had not been passed.

139.

SCHEDULE.

Schedule.

PART I.

FEES PAYABLE FOR ANNUAL LICENSES.

	£	s.	d.
(1.) For every motor-cycle	0	10	0
(2.) For every private motor-car	2	0	0
(3.) For every public motor-car.. .. .	2	0	0
(4.) For every motor-coach or motor-omnibus	5	0	0
(5.) For trade-motors—			
(a.) For every one-ton truck fitted with pneumatic tires on all wheels	2	0	0
(b.) For every motor-lorry fitted with solid tires	5	0	0
(c.) For every motor-lorry fitted with pneumatic tires on all wheels..	3	0	0
(6.) For every traction-engine	5	0	0
(7.) For every trailer with three or more wheels	3	0	0
(7a.) For every other trailer	1	0	0
(8.) For every other motor-vehicle	2	0	0

PART II.

EXEMPTIONS FROM ANNUAL LICENSE FEES.

Motor-vehicles owned by a local or public authority and used exclusively for general or local purposes, and also motor-vehicles used exclusively for purposes of a public nature and declared to be exempt by regulations under this Act.