

TRANSPORT AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Transport Act 1962.

Clause 1 relates to the Short Title and commencement. The Act is to come into force on the date of its passing, with the following exceptions:

- (a) *Clause 2 (3)* (which substitutes a new definition of "power cycle") is to come into force on 1 July 1975, which is the commencement of a licensing year.
- (b) *Clauses 2 (5) and 12* (which metricate provisions as to speed) and *clause 17* (relating to the taking of blood specimens from persons in hospital or under medical treatment) are to come into force on a date fixed by Order in Council.

Clause 2 makes the following amendments to definitions in section 2 of the principal Act:

- (a) *Subclause (1)* substitutes a new definition of "goods service". The effect of the new provisions in this definition is that the carriage of goods by the owner of the goods will be a goods service if he is the holder of a goods-service licence unless the goods are intended for the use of the owner and are not for resale or for disposition by any means whatsoever to any other person. This provision is subject to sections 109 and 114 of the principal Act, relating to the rail restriction and the power of the Minister to declare services to be goods services.
- (b) *Subclause (2)* excludes tractors from the definition of "goods-service vehicle".
- (c) *Subclause (3)* substitutes a new definition of "power cycle". The effect of the new definition is that in order to qualify as a power cycle the vehicle must be fitted with pedals and the motor must be for alternative propulsion. In addition, provision is made for cases where the motor does not have pistons (e.g., an electric motor), in which case the motor must not develop more than 2 kilowatts.
- (d) *Subclause (4)* substitutes a new definition of "tractor". In order to come within this definition, a motor vehicle must be designed principally for traction at speeds not exceeding 50 kilometres an hour.
- (e) *Subclause (5)* metricates the references to speed in miles an hour appearing in the definition of "speeding infringement". This amendment is to come into force on a date to be fixed by Order in Council.

Clause 3 makes it an offence to use a motor vehicle having affixed thereto an unauthorised registration plate or licence.

Clause 4: The effects of this amendment is that any adjustment of registration and other fees on the cancellation of registration of a motor vehicle is to be made between the Post Office Account and the Consolidated Revenue Account instead of the National Roads Fund. This amendment was overlooked in the 1967 Amendment Act, which provided that registration fees were to be paid into the Consolidated Revenue Account.

Clause 5 re-enacts in an amended form section 29 (e) of the principal Act, authorising the making of regulations relating to the issue of motor cycle driver's licences. It enables provisional, restricted, or full licences to be issued, and gives effect to a recommendation in the report of the Road Safety Committee 1973 (Parliamentary Paper I. 17 of 1973). See page 12 of that report.

Clause 6: Subclause (1) increases from \$1,000 to \$2,000 the maximum fine for offences to which section 30 (1) of the principal Act applies. Those offences are—

- (a) Offences against section 55 (causing bodily injury or death through reckless or dangerous driving or driving while under the influence of drink or a drug).
- (b) Offences against section 65 (4) (hit-and-run driving).
- (c) Second or subsequent offences against section 35 (1) (driving while disqualified or in breach of terms of limited licence).

Subclause (2) inserts a new subsection (2A) in section 30 of the principal Act providing for higher penalties for offences against section 56 (1A) of that Act (inserted by *clause 13*) of causing bodily injury or death through the careless use of a motor vehicle in cases set out in that subsection.

At present, the maximum penalty for an offence against section 56 is imprisonment for 3 months or a fine of \$400 or both, and the driver is to be disqualified for at least 6 months unless for special reasons the Court orders otherwise.

Under the new subsection (2A), where a driver is convicted of an offence against section 56 (1A), the maximum penalty is imprisonment for 3 years or a fine of \$1,000 or both, and the driver is to be disqualified for at least 1 year unless for special reasons the Court orders otherwise.

Subclause (3) provides that if any person is convicted of an offence against regulations made under section 12 of the Public Works Amendment Act 1947 (which relates to traffic on motorways) or against section 64 of the Government Railways Act 1949 (which relates to traffic at level crossings) or against bylaws made under section 72 of the principal Act, and the Court is of the opinion that the offence relates to road safety, the Court may disqualify him for such period as the Court thinks fit.

Subclauses (4) and (5) provide for consequential amendments.

Clause 7: Under section 37 (2) of the principal Act, the licence of a driver who is disqualified is to be endorsed with the terms of the disqualification.

This clause abolishes the requirement for endorsement of the licence.

Clause 8 provides that an order for the issue of a limited licence is not to be made in the case of a driver who commits the offence of driving while disqualified or of driving contrary to the terms of a limited licence issued to him, or who commits a second offence of any of the kinds specified in subsection (1) or subsection (2A) or subsection (3) of section 30 of the principal Act within 3 years, except in the case of extreme hardship to some person other than the driver.

This clause gives effect to a recommendation in the report of the Road Safety Committee 1973. See page 9 of that report.

Clause 9 substitutes a new subsection for section 42 (3) of the principal Act, which authorises the Minister to prescribe a scale of speeding-infringement fees in respect of speeding infringements to which that section applies. Under the existing provisions, the maximum that the Minister may fix varies from \$15 to \$100 according to the extent to which the driver exceeded the speed limit.

The new subsection empowers the Minister to prescribe a scale of fees, not exceeding \$100 in the case of any infringement. It will enable the existing provisions to be metricated when speed limits are metricated.

Clause 10 inserts a new section 42A in the principal Act, providing for a system for dealing with certain traffic offences. It is similar to the present section 42 (relating to speeding infringements), section 69B (relating to overloading infringements), and section 194A (relating to parking infringements).

The effect of the new section 42A is as follows:

- (a) The Minister may, by notice in the *Gazette*, declare any offence against the principal Act or any regulations or bylaws under that Act or against regulations made under the Public Works Amendment Act 1947 relating to motorways (except offences to which the present sections 42, 69B, and 194A apply) which is punishable on summary conviction and is not punishable by imprisonment to be an infringement offence for the purposes of section 42A.
- (b) If the user of a motor vehicle commits an offence that is an infringement offence he may be proceeded against for the offence in the usual way, or may be served with an infringement notice under the section, in which case the procedure under the section will apply.
- (c) The infringement notice, which will be in a form prescribed by the Minister by notice in the *Gazette*, must contain the following particulars:
 - (i) Details of the time, place, and nature of the infringement.
 - (ii) Where a scale of infringement fees is prescribed having regard to the extent of the offence, the extent of the offence alleged.
 - (iii) The amount of the infringement fee. These fees are to be fixed by the Minister by notice in the *Gazette*, and may be on a graduated scale, having regard to the extent of the offence. The fee in respect of any infringement offence may not exceed the maximum fine for that offence.
 - (iv) The time and place for paying the fee to the enforcement authority.

(v) A statement that if the fee is not paid before a date specified in the notice, which must be not less than 14 days nor more than 21 days from the service of the notice, he may be prosecuted in the usual way for the offence.

Clause 11 amends section 47 of the principal Act, which requires the Secretary for Transport to give to a person who has incurred a certain number of demerit points notice of that fact and of the consequences of incurring further demerit points.

The effect of the amendment is that the notice is to be given where reasonably practicable.

Clause 12 metricates the speed limit of 30 miles an hour in cities, boroughs, town districts, and closely populated localities fixed by section 52 (1) of the principal Act. The clause fixes a speed limit of 50 kilometres an hour, which is approximately 2 kilometres an hour higher than an exact conversion.

Existing 30 miles an hour traffic signs are, until they are replaced, to have effect as 50 kilometres an hour signs.

This clause is to come into force on a date to be fixed by Order in Council.

Clause 13 inserts a new subsection (1A) in section 56 of the principal Act, which relates to the offence of causing bodily injury to or the death of any person by carelessly using a motor vehicle. Under the present section 30 (3) of the principal Act a person who commits an offence against section 56 (1) is liable to imprisonment for 3 months or a fine of \$400 or both and is liable to disqualification for 6 months.

The new subsection (1A) creates a further offence of causing bodily injury to or the death of any person by carelessly using a motor vehicle where at the time of the offence—

- (a) The driver was exceeding any speed limit; or
- (b) The driver under the influence of drink or a drug but not so as to commit an offence against section 55; or
- (c) The driver was committing a breach of regulations prohibiting overtaking or prescribing the part of a road on which he may drive.

Clause 14 amends section 58A of the principal Act, relating to breath tests, and defines additional circumstances in which a constable or traffic officer may require persons to undergo breath tests.

Subclause (1) provides that if a constable or traffic officer has good cause to suspect that the driver of a motor vehicle on any road or a person attempting to drive a motor vehicle on any road has recently, before or while driving or before attempting to drive the vehicle, consumed intoxicating liquor, he may require that person to undergo a breath test.

The subclause also includes a corresponding provision enabling a constable or traffic officer to require any person who was in a motor vehicle at the time of an accident to undergo a breath test in cases where it is not known who was the driver at the time of the accident. In such a case, if the constable or traffic officer has good cause to suspect that that person has recently, before the accident occurred, consumed intoxicating liquor, he may require him to undergo a breath test.

Subclauses (2) and (3) are consequential amendments and *subclause (4)* is a consequential repeal.

This clause gives effect to a recommendation in the report of the Road Safety Committee 1973. See page 8 of that report.

Clause 15: The effect of *paragraph (a)* is that an application under section 58B (7) of the principal Act made to the Dominion Analyst or a Government Analyst or an officer of the Department of Scientific and Industrial Research for one of the two specimens of blood to be sent to an analyst named by the person from whom the blood was taken, or by his solicitor or counsel, must be made in writing signed by the applicant.

Paragraph (b) is a minor drafting amendment only.

Clause 16 provides that it will not be a defence in proceedings against section 58C of the principal Act (refusing to supply a specimen of blood) that any of the provisions of sections 58A and 58B were not strictly complied with, provided there has been reasonable compliance with those provisions.

A similar provision at present appears in section 58 (2) of the principal Act relating to the offence of driving with an excessive amount of alcohol in the driver's blood.

Clause 17 re-enacts in an amended form section 58D of the principal Act, which relates to the taking of specimens of blood from persons in hospital or under medical treatment.

The principal changes in the new section 58D are as follows:

- (a) *Subsection (3)* is new. It provides that in proceedings for an offence against Part V of the principal Act a certificate signed by the registered medical practitioner in charge of the examination and treatment of the person from whom the specimen was taken and certifying that—
- (i) The person named in the certificate was received into the hospital for examination and treatment as a result of an accident involving a motor vehicle; and
 - (ii) The medical practitioner giving the certificate was in immediate charge of the examination or treatment of that person and believed either that that person was the driver of the vehicle or was in the vehicle but it is uncertain who was the driver; and
 - (iii) The person named in the certificate had been examined by the medical practitioner who was satisfied that the taking of the specimen of blood would not be prejudicial to his proper care or treatment—
- shall, until the contrary is proved, be sufficient evidence of the matters certified and of the qualifications of the person giving the certificate.
- (b) If no request is made within 14 days by a constable or traffic officer for the specimens of blood to be delivered to him, they may be used for statistical purposes in the hospital.
- (c) Other amendments in the new section are consequential on the amendments to section 58A of the principal Act made by *clause 14* of the Bill.

Clause 18 amends section 65 of the principal Act, which relates to the duties of drivers in cases of accidents.

Subclause (1) provides that where the motor vehicle concerned is a fire engine or an ambulance travelling to an emergency, the driver will be deemed to have complied with his obligations under subsection (1) if he stops his vehicle and sets down a member of the crew who is equipped with a first-aid kit and is responsible for discharging all the other duties of the driver under the subsection.

Subclause (2) amends subsection (3), under which if any person is injured the driver must report the accident in person at the nearest police station or to a constable. The amendment adds a provision allowing the report to be made at the nearest office of the Road Transport Division of the Ministry of Transport or to a traffic officer.

Subclause (3) provides that if a report is made under subsection (3) to a traffic officer other than one employed by the Ministry of Transport, he must make an accident report to that Ministry.

Subclause (4) re-enacts subsection (5) of section 65. It is in the same terms as subsection (3) as amended by section 3 (1) of the Transport Amendment Act 1970, but in the 1970 reprint of the principal Act an incorrect reference to subsection (1) of section 30 of the principal Act occurs. This should have been a reference to subsection (3), and in order to avoid any confusion subsection (5) is re-enacted with the correct reference.

Clause 19 amends section 68 of the principal Act, under which the Court may order a convicted person to attend a traffic improvement school conducted by a local authority or the Ministry of Transport or a defensive driving course conducted by an approved instructor.

Subclause (1) empowers the Court to order a convicted person to attend any other course of instruction approved by the Minister.

Subclause (2) contains amendments that are consequential on *subclause (1)*.

Subclause (3) provides that a person who has been ordered to attend a course of instruction must pay the usual fee for the course.

Subclause (4) makes it an offence to fail to pay that fee.

Clause 20 amends section 68B (2A) of the principal Act, under which a constable or traffic officer is empowered to require an unsafe vehicle to be removed from the road.

Subclause (1) empowers a constable or traffic officer to affix a notice on the vehicle, in a form prescribed by the Minister, that he believes the vehicle to be unsafe.

Subclause (2) makes it an offence to remove, obscure, or render indistinguishable any such notice.

Clause 21 amends section 69A of the principal Act, which defines powers of traffic officers in respect of heavy motor vehicles. Under the present provisions, a traffic officer may require part of a load to be removed or the load to be rearranged if the load on the vehicle or on any axle exceeds by 20 percent or more the maximum permissible weight.

The effect of the new provisions is—

- (a) A traffic officer may exercise his powers under this section in cases where either the load on the vehicle or on any wheel or axle or group of axles exceeds by 20 percent or more or by 5,000 kilograms or more the maximum permissible weight.

- (b) A traffic officer may direct that the vehicle be kept stopped or be removed to a place of safety until part of the load is removed or the load is rearranged in order not to exceed the maximum permissible weight or until the necessary permit is issued enabling the vehicle with its load to proceed along that road.
- (c) Where a traffic officer weighs a vehicle on a road approaching a restricted bridge and finds that the weight of the vehicle or the weight on any wheel or axle or group of axles exceeds the loading limit for the bridge, he may order the vehicle to off-load before proceeding on to the bridge unless the driver obtains a permit from the authority controlling the road.

Clause 22 amends section 72 of the principal Act, which confers power on local authorities to make bylaws as to the use of roads. The effect of the amendment is as follows:

- (a) *Subclause (1)* includes power to make bylaws prohibiting or restricting the use on roads or specified roads of motor vehicles which by reason of their size or weight are unsuitable for use on the roads.
- (b) *Subclause (2)* substitutes a new paragraph for paragraph (kk) of section 72 (1), which authorises the making of bylaws prohibiting U turns or turning to the left or to the right. The new paragraph authorises the bylaws to exclude specified classes of vehicles from the prohibition as to turning to the left or to the right.
- (c) *Subclause (2)* also includes power to make bylaws restricting the use of marked lanes on roads to omnibuses, taxis, or vehicles carrying specified classes of loads.
- (d) *Subclause (3)* validates existing bylaws providing for any such matters.

Clause 23 amends section 77 (1) of the principal Act, which confers power to make regulations as to road traffic. The effect of the amendments is as follows:

- (a) *Subclause (1)* amends paragraph (g) (relating to warrants of fitness), and enables the regulations to exempt vehicles or classes of vehicles from the requirements of the regulations.
- (b) *Subclause (2)* substitutes a new paragraph for paragraph (y), which relates to seat belts. The effect of the new provisions in this paragraph is that regulations may be made requiring all motor cars and other classes of vehicles specified in the regulations (being motor vehicles first registered on or after 1 January 1955) to be fitted with seat belts of the three-point lap and diagonal type. This paragraph will enable effect to be given to the recommendation in the report of the Road Safety Committee 1973. See page 15 of that report.
- (c) *Subclause (2)* also authorises the making of regulations prohibiting or regulating the droving of stock at night.

Clause 24 amends section 109A of the principal Act, which requires waybills to be carried on heavy motor vehicles carrying goods of any description. The amendment provides that in proceedings for an offence relating to the carriage of goods by a heavy motor vehicle, evidence given by a traffic officer as to the contents of a waybill carried on the vehicle, as seen and recorded by him at the time when it was produced to him, will be conclusive evidence—

- (a) As to the contents of the waybill until the contrary is proved by the production to the Court of the original or of a duplicate made simultaneously with the original; and
- (b) That the goods were being carried in accordance with the terms of the waybill until the defendant proves to the contrary.

Clause 25 amends section 120A of the principal Act, which contains special provisions relating to the granting of applications for passenger-service licences (except taxicab-service licences) to be operated in the districts of Regional Authorities.

The effect of these amendments is to extend those provisions to applications for a harbour-ferry service licence.

Clause 26: The effect of this clause is that a rental-service licence will not authorise the letting on hire of a motor vehicle designed for the carriage of more than 14 persons (including the driver).

Clause 27: Section 134 (2) of the principal Act provides for a 3-yearly review of taxicab-service licences carried on in the main centres or in any other place having a population exceeding 10,000.

The effect of this clause is to require such a review in respect of licences carried on in the main centres and in other places having a population exceeding 20,000.

Clause 28: Section 130 of the principal Act provides that a transport licence authorises the licensee, and no other person, to carry on the service authorised by the licence.

This clause inserts a new section 138A in the principal Act empowering the Licensing Authority to authorise the leasing of a taxicab-service licence in the circumstances specified in subsection (1) of that section. The persons who may apply to the Licensing Authority for the right to lease the licence are—

- (a) The surviving wife or husband of a deceased licensee, in cases where the deceased operated the service for at least 6 years immediately before his or her death, and the surviving wife or husband has become the owner of the licence but is not qualified or available to operate the service personally.
- (b) The executor or administrator or trustee of the estate of a deceased holder of the licence in the cases specified in paragraph (b) of subsection (1).
- (c) The licensee, if he has been engaged continuously in the taxicab service industry for at least 20 years and has reached the age of 60 years.
- (d) The licensee, if he is suffering from an illness or incapacity that prevents him from operating the service and also from engaging full time in any other employment.

The section specifies the matters that the Licensing Authority is to take into account in considering the application, and the conditions that are to apply if consent to a lease is granted.

Clause 29 amends section 190 of the principal Act, which relates to mileage tax. It enables prima facie proof of failure to submit returns or to pay the tax to be given by the production of a certificate.

The clause provides that in proceedings for an offence against section 190 a certificate by an authorised officer of the Post Office certifying that the owner of a motor vehicle has failed to submit a return for mileage tax purposes or to pay any such tax or any penal tax shall, until the contrary is proved, be sufficient evidence of the matters certified.

Clause 30 re-enacts in an amended form section 195 of the principal Act, which at present provides that in proceedings for an offence that is punishable summarily, the Court may dismiss the information if it considers that the defendant has been prejudiced by any delay in instituting the proceedings or in notifying the defendant of particulars of the offence.

The effect of the new section 195 is as follows:

- (a) *Subsection (1)* re-enacts the existing section, but includes a new provision that any delay in instituting the proceedings caused by a change in the defendant's address will not be deemed to be unreasonable delay.
- (b) *Subsection (2)* provides that section 14 of the Summary Proceedings Act 1957 (which requires proceedings for summary offences to be commenced within 6 months) shall not apply to the following offences:
 - (i) Offences against section 9 (7) of the principal Act (registration of a motor vehicle the registration of which is still in force). This is not new, as provision to this effect is already made by section 9 (8).
 - (ii) Offences against section 15 (unauthorised, deceptive, or obscured registration plates, and use of unauthorised licences). This is new.
 - (iii) Offences against Part III (licensing of motor drivers) or any regulations made pursuant to that Part. This is new.
 - (iv) Offences against section 35 (driving while disqualified or contrary to terms of a limited licence). This is new.

Clause 31 amends the First Schedule to the principal Act, which prescribes the scale of registration fees and annual licence fees. That scale fixes lower fees for vintage and veteran motor vehicles, but the provisions for lower fees have a restricted application and do not apply to such vehicles as vintage or veteran buses, service coaches, or ambulances.

The effect of these amendments is to apply the lower fees to vintage or veteran motor vehicles of every kind.

Clause 32 metricates certain Imperial measurements in the principal Act. The provisions metricated relate to the distance between axles necessary to constitute a dual axle, and several provisions relating to the gross weight of motor vehicles.

Clause 33 repeals some spent provisions relating to the apportionment of third-party insurance premiums paid in respect of the year that commenced before sections 92 to 96 of the Accident Compensation Act 1972 came into force.

Hon. Sir Basil Arthur

TRANSPORT AMENDMENT

ANALYSIS

Title	
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2. Interpretation	18. Duties of motor drivers in cases of accidents
3. Unauthorised, deceptive, or obscured registration plates or unauthorised licence	19. Traffic improvement schools
4. Cancellation of registration on destruction or permanent removal of motor vehicle	20. Powers of constables and traffic officers
5. Regulations as to motor-cycle drivers' licences	21. Powers of traffic officers in respect of heavy motor vehicles
6. Penalty for offences	22. Bylaws as to the use of roads
7. Retention and custody of licence of disqualified driver	23. Regulations as to road traffic
8. Issue of limited licence to disqualified person	24. Waybill to be carried on heavy motor vehicle
9. Penalty for speeding offences	25. Special provisions relating to Regional Authorities
10. Infringement offences	26. Licensing Authority to prescribe terms and conditions of licence
11. Notice of demerit points	27. Review of taxicab services
12. Speed limit in cities, boroughs, town districts, etc.	28. Leases of taxicab-service licences
13. Causing bodily injury or death through careless use of motor vehicle	29. Mileage tax on certain classes of motor vehicle
14. Breath tests	30. Time for instituting proceedings
15. Blood tests	31. Registration and annual licence fees
16. Refusal to supply specimen of blood	32. Metrication
	33. Repeals

A BILL INTITULED

An Act to amend the Transport Act 1962

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

No. 102—1

1. Short Title and commencement—(1) This Act may be cited as the Transport Amendment Act 1974, and shall be read together with and deemed part of the Transport Act 1962* (hereinafter referred to as the principal Act).

(2) Section 2 (3) of this Act shall come into force on the 5
1st day of July 1975.

(3) Sections 2 (5), 12, and 17 of this Act shall come into force on a date to be fixed by the Governor-General, by Order in Council, and different dates may be so fixed for the commencement of any of these provisions. 10

(4) Except as provided in subsections (2) and (3) of this section, this Act shall come into force on the date of its passing.

*Reprinted 1970, Vol. 3, p. 2383
Amendments: 1971, Nos. 57, 68; 1972, No. 129; 1973, No. 35

2. Interpretation—(1) Section 2 (1) of the principal Act (as substituted by section 2 (1) of the Transport Amendment Act 1972) is hereby amended by repealing the definition of the expression “goods service”, and substituting the following definition:

“‘Goods service’ means—

“(a) The carriage of goods for hire or reward by 20
means of a motor vehicle; or

“(b) The carriage of goods (whether for hire or reward or not) by means of a motor vehicle where the user of that motor vehicle is the holder of a goods-service licence issued under Part VII of this Act; or 25

“(c) The letting on hire of a motor vehicle by a person who himself drives the vehicle or provides a driver therefor if during the hiring the vehicle is used for the carriage of goods: 30

“Provided that, subject to sections 109 and 114 of this Act, the expression ‘goods service’ does not include—

“(d) The carriage of goods by means of a motor vehicle (whether for hire or reward or not) by the 35
owner of the goods, not being the holder of a goods-service licence issued under Part VII of this Act:

5 “(e) The carriage of goods by means of a motor vehicle by the owner of the goods, being the holder of a goods service licence issued under Part VII of this Act, if and only if those goods are intended for the use of the owner and not for resale or disposition of any kind to any other person:”.

(2) Section 2 (1) of the principal Act (as so substituted) is hereby further amended by adding to the definition of the expression “goods-service vehicle” the words “but does not include a tractor”.

10 (3) Section 2 (1) of the principal Act (as so substituted) is hereby further amended by repealing the definition of the expression “power cycle”, and substituting the following definition:

15 “‘Power cycle’ means—

 “(a) A pedal vehicle running on 2 or 3 wheels that for alternative propulsion is fitted with a motor; or

20 “(b) A motor vehicle running on 2 wheels that for alternative propulsion is fitted with pedals,— being in each case a vehicle the motor of which has a capacity not exceeding 60 cubic centimetres or, in the case of an electrically driven motor, an output not exceeding 2 kilowatts:”.

25 (4) Section 2 (1) of the principal Act (as so substituted) is hereby further amended by repealing the definition of the term “tractor”, and substituting the following definition:

30 “‘Tractor’ means a motor vehicle (not being a traction engine) designed principally for traction at speeds not exceeding 50 kilometres an hour:”.

(5) Section 2 (1) of the principal Act (as so substituted) is hereby further amended—

35 (a) By omitting from paragraph (a) of the definition of the expression “speeding infringement” the words “55 miles an hour”, and substituting the words “80 kilometres an hour”:

(b) By omitting from the same paragraph the words “20 miles an hour”, and substituting the words “35 kilometres an hour”:

40 (c) By omitting from paragraph (b) of the same definition the words “15 miles an hour”, and substituting the words “25 kilometres an hour”.

3. Unauthorised, deceptive, or obscured registration plates or unauthorised licence—Section 15 of the principal Act is hereby amended by adding to paragraph (c) the word “or”, and by adding the following paragraphs:

“(d) Uses any motor vehicle which has affixed to it any registration plate or licence which is not authorised by this Act or by regulations thereunder and which is likely to be mistaken for any authorised registration plate or licence; or

“(e) Uses any motor vehicle which in any licensing year has affixed to it any licence not being a licence issued for that motor vehicle for that licensing year or authorised to be used on that motor vehicle in that licensing year.”

4. Cancellation of registration on destruction or permanent removal of motor vehicle—Section 19 (2) of the principal Act is hereby amended by omitting the words “National Roads Fund”, and substituting the words “Consolidated Revenue Account”.

5. Regulations as to motor-cycle drivers’ licences—Section 29 of the principal Act (as substituted by section 3 of the Transport Amendment Act 1971) is hereby amended by repealing paragraph (e), and substituting the following paragraph:

“(e) Providing, notwithstanding anything in this Act, for the issue of provisional, restricted, and full motor drivers’ licences authorising the holders to drive motor cycles only; and prescribing the terms and conditions upon or subject to which those licences may be issued; and prescribing the fees for the issue of those licences; and prescribing that the holders of provisional or restricted licences may drive only motor cycles with engines of limited total piston displacement, or, in the case of motor cycles with an electrically driven engine, with engines of limited power output; and applying to licences to drive a motor cycle, with such modifications as are considered necessary, any of the provisions of this Part of this Act and of any other regulations made pursuant to this section.”.

6. Penalty for offences—(1) Section 30 of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting from subsection (1) the words “not exceeding \$1,000”, and substituting the words
5 “not exceeding \$2,000”.

(2) Section 30 of the principal Act (as so substituted) is hereby further amended by inserting, after subsection (2), the following subsection:

10 “(2A) Every person who commits an offence against section 56 (1A) of this Act is liable on conviction on indictment to imprisonment for a term not exceeding 3 years or to a fine not exceeding \$1,000 or to both, and (without prejudice to the power of the Court to order a longer period of disqualification) the Court shall order him to be dis-
15 qualified from holding or obtaining a driver’s licence for a period of one year, unless the Court for special reasons relating to the offence thinks fit to order otherwise.”

(3) Section 30 of the principal Act (as so substituted) is hereby further amended by adding the following subsection:

20 “(5) On conviction of any person for an offence against any regulations made under section 12 of the Public Works Amendment Act 1947 (which relates to motorways) or against section 64 of the Government Railways Act 1949 (which relates to traffic at level crossings) or against any
25 bylaws made under section 72 of this Act, then, whether or not the Court imposes any other penalty for the offence, the Court, if in its opinion the offence relates to road safety, may order him to be disqualified from holding or obtaining a driver’s licence for such period as the Court thinks fit.”

30 (4) The principal Act is hereby further amended—

(a) By omitting from paragraph (b) of section 30 (3) (as so substituted) the words “Section 56”, and substituting the words “Section 56 (1)”:

35 (b) By inserting in subparagraph (i) of paragraph (a) of section 51 (3) (as enacted by section 2 of the Transport Amendment Act 1970), after the words “subsection (1)”, the words “or subsection (2A)”.

(5) The First Schedule to the Summary Proceedings Act 1957 is hereby amended by inserting in the item in Part II
40 relating to the Transport Act 1962 (as substituted by section 6 (2) of the Transport Amendment Act 1970), after the item relating to section 55 (2), the following item:

56 (1A)	Causing bodily injury or death through careless use of motor vehicle if defendant exceeded speed limit or drove under influence of drink or a drug or committed an offence against certain regulations."
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7. Retention and custody of licence of disqualified driver—Section 37 (2) of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970, and as in force at the commencement of this section) shall while it continues in force have effect as if it had been amended by omitting from paragraph (a) and also from paragraph (b) the words "endorse the terms of the disqualification on the licence and".

8. Issue of limited licence to disqualified person—Section 38 of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by adding to subsection (2) the following proviso:

"Provided that no order may be made under this section in respect of a person who is disqualified by an order under this Part of this Act on his conviction (whether before or after the commencement of this proviso)—

"(a) For an offence against section 35 (1) of this Act; or

"(b) For an offence against this Act of any of the kinds specified in subsection (1) or subsection (2A) or subsection (3) of section 30 of this Act committed within 3 years after the commission of any other offence specified in any of those subsections (whether or not both offences are of the same kind),—

unless the Court is satisfied that the order of disqualification has resulted or will result in extreme hardship to a person other than the applicant."

9. Penalty for speeding offences—Section 42 of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) The Minister may from time to time, by notice in the *Gazette*, prescribe a scale of speeding-infringement fees, not exceeding \$100 in the case of any infringement, payable under this section in respect of speeding infringements, and that
5 scale may fix different amounts having regard to the excess of speed over the prescribed limit.”

10. Infringement offences—(1) The principal Act is hereby further amended by inserting, after section 42 (as enacted by section 2 of the Transport Amendment Act 1970), the following section:

“42A. (1) The Minister may from time to time, by notice in the *Gazette*, declare that any specified offence against this Act, or against any regulations made under this Act, or against any bylaw made under section 72 of this Act, or
15 against any regulations made under section 12 of the Public Works Amendment Act 1947 (which relates to motorways), being an offence punishable on summary conviction but not being an offence punishable by imprisonment or an offence to which section 42 or section 69B or section 194A of this
20 Act applies, shall be an infringement offence for the purposes of this section.

“(2) Where the user of any motor vehicle commits an infringement offence—

25 “(a) He may be proceeded against summarily for the offence; or

“(b) He may be served with an infringement notice, in which case he shall pay to the enforcement authority, in accordance with this section, the appropriate infringement fee;—

30 but, where he is proceeded against summarily for the offence, he shall not be served with an infringement notice.

“(3) Where the Minister has under this section declared any offence to be an infringement offence, he shall in the same notice or a subsequent notice in the *Gazette* prescribe the
35 infringement fee payable in respect of that infringement offence, being an amount not exceeding the amount of the maximum fine for that offence. The notice may prescribe different infringement fees having regard to the extent of the infringement offence.

40 “(4) Where a traffic officer has reason to believe that the user of any motor vehicle has committed an infringement offence, an infringement notice in relation to that offence may be served as hereinafter provided by that traffic officer or by any other officer of the enforcement authority.

“(5) An infringement notice may be served by delivering it personally to the user of the motor vehicle who appears to have committed the infringement offence or by sending it by registered letter addressed to him at his last known place of residence or business. Every infringement notice served by registered letter shall be deemed to have been received when in the ordinary course of post it would be delivered, and in proving service it shall be sufficient to prove that the letter was properly addressed and posted. 5

“(6) Every infringement notice shall be in a form prescribed by the Minister, by notice in the *Gazette*, and shall contain the following particulars: 10

“(a) Such details of the alleged infringement offence as are sufficient fairly to inform the user to whom it is addressed of the time, place, and nature of the infringement offence; and 15

“(b) In the case of an infringement offence in respect of which a scale of infringement fees is prescribed having regard to the extent of the offence, the extent of the infringement offence alleged; and 20

“(c) The amount of the appropriate infringement fee payable to the enforcement authority in respect of the infringement offence; and

“(d) The place at which the fee shall be paid and the times during which it may be paid; and 25

“(e) A statement that if the fee is not paid before the date specified in the notice, being not less than 14 days and not longer than 21 days after the date of the service of the notice, or if before that date he notifies the enforcement authority in writing that he elects to be proceeded against for the infringement offence, proceedings may be taken under the Summary Proceedings Act 1957 for the offence in respect of which the infringement notice was issued as if an infringement notice had not been issued for that offence. 30 35

“(7) Any notice given by the Minister under this section shall be deemed to be a regulation for the purposes of the Regulations Act 1936, and prima facie evidence of the notice may be given in all Courts and in all legal proceedings in the manner specified in section 5 of that Act. 40

“(8) Where any notice is required to be given by any officer of the enforcement authority, the production of a document purporting to be a copy of that notice (being a notice purporting to have been signed by an officer of the enforcement authority) shall, in the absence of proof to the contrary, 45

be sufficient evidence of the contents of the original notice, the signature of the officer concerned, and the authority of the officer to sign that notice.

5 “(9) Where a person who has been served with an infringement
ment notice relating to an infringement offence fails to pay
to the enforcement authority before the date specified in the
notice the appropriate infringement fee payable in respect of
that infringement offence, or before that date notifies the
10 enforcement authority in writing that he elects to be pro-
ceeded against summarily for the infringement offence, then,
subject to the Summary Proceedings Act 1957, he may be
proceeded against for the original offence as if an infringe-
ment notice had not been issued.

15 “(10) Where any person on whom an infringement notice
under this section has been served pays to the enforcement
authority the amount of the infringement fee specified in the
notice, then—

20 “(a) Where the payment is made to an enforcement
authority other than the Secretary, the enforce-
ment authority shall send to the Secretary such
particulars of the infringement and of the payment
as the Secretary requires; and

25 “(b) Sections 44 to 51 of this Act shall apply as if the
driver had been convicted on the date on which the
payment is made of the offence in respect of which
the infringement notice was issued.

30 “(11) For the purposes of section 44 to 51 of this Act and
of any regulations made under the said section 51, every
infringement offence in respect of which an infringement
notice is issued under this section shall be deemed to be an
offence in connection with the driving of a motor vehicle.”

35 (2) Section 2 (1) of the principal Act (as substituted by
section 2 (1) of the Transport Amendment Act 1972) is
hereby further amended by inserting, after the definition of
the expression “inflammable liquid”, the following definition:

40 “‘Infringement offence’ means any offence against this
Act or any regulations made under this Act or any
bylaw made under the authority of section 72 of this
Act or any regulations made under section 12 of the
Public Works Amendment Act 1947 (which relates
to motorways) which is declared by the Minister,
pursuant to section 42A of this Act, to be an infringe-
ment offence.”

(3) Section 2 (1) of the principal Act (as so substituted) is hereby further amended—

- (a) By inserting in the definition of the expression “enforcement authority”, after the words “overloading infringement” wherever they occur, the words “or infringement offence”:
 - (b) By omitting from paragraph (a) of the same definition the word “Secretary”, and substituting the word “Department”.
- (4) The principal Act is hereby further amended—
- (a) By omitting the heading preceding the said section 42, and substituting the following heading:
“*Speeding Offences and Infringement Offences*”:
 - (b) By inserting in section 43, after the words “section 42 of this Act”, the words “and all infringement fees received by an enforcement authority under section 42A of this Act”.

11. Notice of demerit points—Section 47 of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by inserting in subsection (1) and also in subsection (2), after the words “Secretary shall”, the words “where reasonably practicable”.

12. Speed limit in cities, boroughs, town districts, etc.—

(1) Section 52 (1) of the principal Act is hereby amended by omitting the words “30 miles an hour”, and substituting the words “50 kilometres an hour”.

(2) Every traffic sign erected at the commencement of this section pursuant to the principal Act or to any regulations made under that Act which indicates a speed limit of 30 miles an hour shall after the commencement of this section have effect as if the sign indicated a speed limit of 50 kilometres an hour.

13. Causing bodily injury or death through careless use of motor vehicle—Section 56 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Every person commits an offence who causes bodily injury to or the death of any person by carelessly using a motor vehicle while—

- “(a) Driving the motor vehicle at a speed in excess of any limit of speed prescribed by this Act or by any regulations made under this Act; or

“(b) Driving the motor vehicle while under the influence of drink or a drug but not so as to commit an offence against section 55 (2) of this Act; or

5 “(c) Driving the motor vehicle in such a manner as to commit an offence against any regulations made under this Act prescribing the manner in which a driver may overtake another vehicle or prescribing the part of the road on which a driver may drive his motor vehicle.”

10 **14. Breath tests**—(1) Section 58A of the principal Act (as enacted by section 5 of the Transport Amendment Act 1970) is hereby amended by inserting, after subsection (1A) (as inserted by section 2 (1) of the Transport Amendment Act (No. 2) 1971), the following subsections:

15 “(1B) Where a constable or traffic officer has good cause to suspect that—

“(a) The driver of a motor vehicle on any road has recently, before driving the vehicle, or has, while driving the vehicle, consumed intoxicating liquor; or

20 “(b) Any person attempting to drive a motor vehicle on any road has recently, before attempting to drive the vehicle, consumed intoxicating liquor,—

he may require that driver or person to provide forthwith a specimen of his breath for a breath test.

25 “(1C) Where—

“(a) An accident has occurred involving any motor vehicle; and

30 “(b) A constable or traffic officer has good cause to suspect that any person in the motor vehicle has recently, before the accident occurred, consumed intoxicating liquor, but the constable or traffic officer is unable to ascertain which of the persons in the motor vehicle at the time of the accident was the driver,—

the constable or traffic officer may require that person to provide forthwith a specimen of his breath for a breath test.”

35 (2) Section 58A of the principal Act (as so enacted) is hereby further amended—

40 (a) By omitting from subsection (2) (a) (as amended by section 2 (2) (a) of the Transport Amendment Act (No. 2) 1971) the words “subsection (1) or subsection (1A)”, and substituting the words “subsection (1), subsection (1A), subsection (1B), or subsection (1C)”:

- (b) By omitting from subsection (2) (b) (as amended by section 2 (2) (b) of the Transport Amendment Act No. 2) 1971) the words “subsection (1) or subsection (1A)”, and substituting the words “subsection (1), subsection (1A), subsection (1B), or subsection (1C)”:
- (c) By omitting from subsection (4) (as amended by section 2 (2) (d) of the Transport Amendment Act (No. 2) 1971) the words “subsection (1) or subsection (1A)”, and substituting the words “subsection (1), subsection (1A), subsection (1B), or subsection (1C)”.
- (3) Section 58A (2) of the principal Act (as so enacted) is hereby further amended by adding to paragraph (c) the word “or” and by inserting, after paragraph (c), the following paragraphs:
- “(d) A constable or traffic officer has good cause to suspect that—
- “(i) The driver of a motor vehicle on any road has recently, before driving the vehicle, or has, while driving the vehicle, consumed intoxicating liquor; or
- “(ii) Any person attempting to drive a motor vehicle on any road has recently, before attempting to drive the vehicle, consumed intoxicating liquor,— but an approved breath-testing device is not readily available or for any reason a breath test cannot then be carried out; or
- “(e) A constable or traffic officer has good cause to suspect that any person in a motor vehicle which has been involved in an accident has recently, before the accident occurred, consumed intoxicating liquor and the constable or traffic officer is unable to ascertain which of the persons in the motor vehicle at the time of the accident was the driver, but an approved breath-testing device is not readily available or for any reason a breath test cannot then be carried out,—”.
- (4) Section 2 of the Transport Amendment Act (No. 2) 1971 is hereby consequentially amended by repealing paragraphs (a), (b), and (d) of subsection (2).

15. Blood tests—Section 58B of the principal Act (as enacted by section 5 of the Transport Amendment Act 1970) is hereby amended—

- (a) By inserting in subsection (7), after the words “if application”, the words “in writing”:
- (b) By inserting in subsection (8), after the words “Government Analyst”, the words “or an officer of the Department of Scientific and Industrial Research on behalf of the Dominion Analyst or a Government Analyst”.

16. **Refusal to supply specimen of blood**—Section 58c of the principal Act (as enacted by section 5 of the Transport Amendment Act 1970) is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) It shall not be a defence in proceedings for an offence against subsection (1) of this section that any of the provisions of sections 58A and 58B of this Act have not been strictly complied with, provided there has been reasonable compliance with the provisions of those sections.”

17. **Special provisions for persons in hospital or under medical treatment**—(1) The principal Act is hereby further amended by repealing section 58D (as substituted by section 4 of the Transport Amendment Act (No. 2) 1971), and substituting the following section:

“58D. (1) Subject to this section, no person who is in a hospital or a registered medical practitioner’s surgery or other place for the purpose of receiving medical care or treatment shall be required under section 58A or section 58B of this Act to provide a specimen of breath or to permit a specimen of blood to be taken, unless the constable or traffic officer first notifies the registered medical practitioner in immediate charge of the care or treatment of that person and the registered medical practitioner is satisfied that the giving or taking of such a specimen would not be prejudicial to the proper care or treatment of that person.

“(2) Notwithstanding anything in any other Act or in any rule of law, where—

“(a) Any person is received in any hospital for examination or treatment as a result of an accident involving any motor vehicle; and

“(b) The registered medical practitioner in immediate charge of the examination or treatment of that person believes that—

“(i) That person was the driver of the motor vehicle at the time of the accident; or

“(ii) That person, being a person appearing to be of or over the age of 15 years, was in the motor vehicle at the time of the accident but it is uncertain as to which of the persons in the motor vehicle at the time of the accident was the driver,—

5

it shall be the duty of the Hospital Board having the control of that hospital and of the Medical Superintendent of that hospital to ensure that if practicable a specimen of his venous blood is taken in accordance with normal medical procedures, whether or not that person has consented thereto and whether or not he is capable of giving his consent:

10

“Provided that the provisions of this subsection shall not apply unless and until that person has been examined by a registered medical practitioner and that medical practitioner is satisfied that the taking of such a specimen of blood would not be prejudicial to the proper care or treatment of that person.

15

“(3) For the purposes of any proceedings for an offence under this Part of the Act, a certificate purporting to be signed by the registered medical practitioner in immediate charge of the examination or treatment of a person from whom a specimen of venous blood has been taken pursuant to subsection (2) of this section that—

20

“(a) The person named in the certificate was received into the hospital for examination or treatment as a result of an accident involving a motor vehicle; and

25

“(b) He, being the registered medical practitioner in immediate charge of the examination or treatment of that person, believed that—

“(i) That person was the driver of the motor vehicle at the time of the accident; or

30

“(ii) That person, being a person appearing to be of or over the age of 15 years, was in the motor vehicle at the time of the accident but it is uncertain as to which of the persons in the motor vehicle at the time of the accident was the driver; and

35

“(c) The person named in the certificate had been examined by the registered medical practitioner signing the certificate and that medical practitioner was satisfied that the taking of such a specimen of blood would not be prejudicial to the proper care or treatment of that person,—

40

shall be sufficient evidence, until the contrary is proved, of

such as of those matters as are so certified and of the qualifications of the person signing the certificate.

“(4) A specimen of blood may be taken under subsection (2) of this section by any registered medical practitioner or
5 by any nurse or other person employed by the Hospital Board and authorised in the normal course of his duties to take blood.

“(5) Any specimen of blood taken under subsection (2) of this section shall forthwith be divided into 2 parts, or if it is insufficient to be divided into 2 parts a further specimen of
10 blood may forthwith be taken under the said subsection (2), and each part or specimen shall be placed in separate containers, which shall be sealed. Where any specimen of blood is divided into 2 parts as aforesaid, each such part shall be
15 deemed to be a specimen of blood for the purposes of this Act.

“(6) Where a constable or traffic officer has good cause to suspect that any person from whom a specimen of blood was taken under subsection (2) of this section—

“(a) Had committed any offence specified in subsection (1) of section 58A of this Act (being an offence arising
20 out of the driving of the motor vehicle involved in the accident); or

“(b) Had, after having recently consumed intoxicating liquor, driven or attempted to drive on any road a motor vehicle involved in the accident, he may
25 request the Medical Superintendent, or a person nominated for the purpose by the Medical Superintendent, of the hospital at which the specimen of blood was taken to deliver to him the separate
30 containers containing the specimens of blood, and the Medical Superintendent, or person so nominated, shall deliver those containers to the person making the request.

“(7) If no such request is made within 14 days after the taking of the specimens of blood they may be used for statistical purposes, and the provisions of subsection (14) of this
35 section shall then apply as if the specimens of blood had been taken pursuant to subsection (13) of this section.

“(8) Subsections (3) and (4) and subsections (6) to (15) of section 58B of this Act, as far as they are applicable and
40 with the necessary modifications, shall apply with respect to every specimen of blood taken pursuant to subsection (2) of this section, as if—

“(a) That specimen had been taken pursuant to the said section 58B; and

“(b) The references to a registered medical practitioner in subsections (4) and (13) of the said section 58B were references to the person by whom the specimen of blood was taken pursuant to subsection (2) of this section; and 5

“(c) The reference in subsection (11) of the said section 58B to a specimen of blood provided by the defendant under that section were a reference to a specimen of blood taken from the defendant pursuant to subsection (2) of this section. 10

“(9) Where the person by whom a container containing a specimen of blood was delivered to a constable or traffic officer pursuant to subsection (6) of this section is the person by whom the specimen of blood was taken, subsection (5) of section 58B of this Act shall apply with respect to that specimen of blood as if the reference in that last-mentioned subsection to a registered medical practitioner were a reference to the person by whom the specimen of blood was taken pursuant to subsection (2) of this section. 15

“(10) Where the person by whom the container containing the specimen of blood was delivered to a constable or traffic officer pursuant to subsection (6) of this section is not the person by whom the specimen of blood was taken, then, in any proceedings for an offence against this Part of this Act, a certificate purporting to be signed by the person by whom the specimen of blood was taken and certifying— 20

“(a) As to the matters specified in subparagraphs (i) to (v) of paragraph (a) of subsection (5) of section 58B of this Act; and 25

“(b) That he handed the container containing the specimen of blood to the Medical Superintendent of the hospital or to a person nominated by the Medical Superintendent for the purposes of subsection (6) of this section, or that he placed it in a place of safety in the hospital designated by the Superintendent,— 30 35

shall be sufficient evidence, until the contrary is proved, of such of those matters as are so certified and of the qualifications of the person by whom the specimen of blood was taken. 40

“(11) In any proceedings for an offence against this Part of this Act, where—

“(a) A certificate under subsection (10) of this section names a person having the same name, address, and occupation as the defendant as the person from whom the specimen of blood was taken; and

5 “(b) A certificate by the person by whom the container containing a specimen of blood was handed to a constable or traffic officer pursuant to subsection (6) of this section states that when he received it
10 from the person giving the certificate under subsection (10) of this section, or, as the case may be, when he took it from a place of safety in the hospital designated by the Superintendent, there was endorsed on or attached to the container a label indicating that the specimen of blood had
15 been taken from a person having the same name, address, and occupation as the defendant,—

it shall be presumed, until the contrary is proved, that the specimen was taken from the defendant.

“(12) Every person commits an offence who, being a person
20 from whom a specimen of blood is required to be taken pursuant to subsection (2) of this section, refuses or fails to permit such a specimen to be taken. The provisions of subsections (2), (2A), and (3) of section 58c of this Act shall apply with respect to every offence against this subsection as
25 if it were an offence against subsection (1) of the said section 58c, and subsection (3) of that section shall apply as if the defendant had been required by a constable or traffic officer to permit a specimen of blood to be taken.

“(13) Notwithstanding anything in any other Act or in
30 any rule of law, any person specified in subsection (4) of this section may, with the general or special approval of the Hospital Board by which he is employed, take for statistical purposes, whether in the hospital at which he is employed or otherwise, a specimen of blood from a person other than a
35 person from whom a specimen of blood may be taken pursuant to subsection (2) of this section who is or appears to be over the age of 15 years and who is received in the hospital at which the person taking the specimen is employed, that
40 other person having been received for examination or treatment as a result of an accident involving any motor vehicle, whether or not he was the driver of that motor vehicle.

“(14) A specimen of blood taken pursuant to subsection (13) of this section shall be labelled that it was taken for statistical purposes, and evidence as to the proportion of alcohol found in that specimen shall not be admissible in any civil or criminal proceedings in any Court or in any proceedings before any person acting judicially (as defined in section 2 of the Evidence Act 1908). 5

“(15) Notwithstanding anything in any other Act or in any rule of law, no proceeding, civil or criminal, shall be taken against the Hospital Board or against any person in respect of the taking of a specimen of blood pursuant to this section, or in respect of the delivery of any specimen of blood to a constable or traffic officer pursuant to this section, on the ground that any person whose consent to the taking of the specimen of blood would have been otherwise required by law if this section had not been enacted has not so consented: 10

“Provided that nothing in this subsection shall apply with respect to any proceeding on the ground of any negligent act or omission in the taking of any such specimen. 15

“(16) Except with the consent of the person from whom the specimen of blood was taken, evidence as to the proportion of alcohol in any specimen of blood taken pursuant to subsection (2) of this section shall not be admissible in any proceedings other than proceedings for any offence against— 20

“(a) Section 55 (2) of this Act (being an offence committed while under the influence of drink or with an excessive amount of alcohol in his blood); or 25

“(b) Section 56 (1A) of this Act (being an offence committed while under the influence of drink); or

“(c) Section 58 (1) (a) of this Act; or 30

“(d) Section 58 (1) (b) of this Act (being an offence committed while under the influence of drink).

“(17) In this section the expressions ‘hospital’ and ‘Hospital Board’ have the same meanings as in section 2 of the Hospitals Act 1957.” 35

(2) Section 30 (3) of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting from paragraph (ea) (as inserted by section 5 of the Transport Amendment Act (No. 2) 1971) the words “Subsection (7)”, and substituting the words “Subsection (12)”. 40

(3) The following enactments are hereby consequentially repealed:

- (a) Section 4 of the Transport Amendment Act (No. 2) 1971:
- (b) Section 8 of the Transport Amendment Act 1972.

18. **Duties of motor drivers in cases of accidents**—(1) Section 65 (1) of the principal Act is hereby amended by adding the following proviso:

“Provided that where the motor vehicle involved in the accident is a fire engine or an ambulance travelling to an emergency, the driver shall be deemed to have complied with the provisions of this subsection if he stops his motor vehicle and sets down a member of the crew of the fire engine or ambulance who is equipped with a first-aid kit and is responsible for discharging, and shall discharge, all the other duties imposed on a driver by this subsection.”

(2) Section 65 (3) of the principal Act is hereby amended by inserting, after the words “at the nearest police station or to a constable”, the words “or to the nearest office of the Road Transport Division of the Department or to a traffic officer”.

(3) Section 65 of the principal Act is hereby further amended by inserting, after subsection (3), the following subsection:

“(3) Where an accident report is made pursuant to subsection (3) of this section to a traffic officer other than one employed by the Department, the traffic officer shall forthwith forward to the Secretary an accident report on a form approved by the Secretary.”

(4) Section 65 of the principal Act is hereby further amended by repealing subsection (5), and substituting the following subsection:

“(5) Every driver who fails to comply with any obligation imposed on him by subsection (1) of this section in any case where no other person is injured in the accident commits an offence, and is liable to the penalties specified in subsection (3) of section 30 of this Act.”

(5) The Schedule to the Transport Amendment Act 1970 is hereby consequentially amended by repealing so much thereof as relates to subsection (5) of section 65 of the principal Act.

19. **Traffic improvement schools**—(1) Section 68 of the principal Act is hereby amended by adding to subsection (1) (as amended by section 6 of the Transport Amendment Act (No. 2) 1971) the words “or any other course of instruction approved by the Minister, by notice in the *Gazette*”.

(2) Section 68 of the principal Act is hereby further amended—

(a) By omitting from subsection (2) the words “on behalf of the local authority or the Department, as the case may be, the local authority or the Department”, and substituting the words “the local authority or the Department or the person or organisation conducting the course”:

(b) By omitting from subsection (3) (b) the words “on behalf of the local authority or the Department, as the case may be”.

(3) Section 68 of the principal Act is hereby further amended by inserting, after subsection (2), the following subsection:

“(2A) Any person who has been ordered under subsection (1) of this section to attend a course of instruction shall, not later than 21 days after the completion of the course, pay to the local authority or the Department or the person or organisation conducting the course, as the case may be, the amount of the fee usually charged by that local authority, the Department, or that person or organisation for that course of instruction.”

(4) Section 68 (3) of the principal Act is hereby further amended by adding to paragraph (b) the word “or”, and by adding the following paragraph:

“(c) Fails to pay the fee properly payable in respect of that course of instruction within 21 days after the completion of the course.”

20. Powers of constables and traffic officers—(1) Section 68B of the principal Act (as inserted by section 8 (1) of the Transport Amendment Act (No. 2) 1967) is hereby amended by inserting in subsection (2A) (as inserted by section 9 (2) of the Transport Amendment Act 1972), after the words “safe condition to use the road”, the words “may affix or cause to be affixed to the vehicle a notice to that effect in a form prescribed by the Minister by notice in the *Gazette* and”.

(2) Section 68B of the principal Act (as so inserted) is hereby further amended by inserting, after subsection (2B) (as inserted by section 9 (2) of the Transport Amendment Act 1972), the following subsection:

“(2c) Every person commits an offence who removes, obscures, or renders indistinguishable a notice affixed to a vehicle pursuant to subsection (2A) of this section, unless a new certificate of fitness or permit or warrant of fitness, as the case may require, has been obtained for that vehicle.”

21. Powers of traffic officers in respect of heavy motor vehicles—(1) Section 69A of the principal Act (as inserted by section 22 of the Transport Amendment Act 1968) is hereby amended by repealing subsection (2) (as substituted by section 12 of the Transport Amendment Act (No. 2) 1969), and substituting the following subsections:

“(2) Where the weight of any heavy motor vehicle on any road is measured by or by the direction of a traffic officer, and the gross weight, or the weight on any wheel, axle, or group of axles of the motor vehicle, exceeds by 20 percent or more or by 5,000 kilograms or more any weight restriction prescribed by regulations made under this Act, then, unless the load on the motor vehicle is indivisible, the traffic officer shall, by direction given to the driver or person in charge of the motor vehicle, direct that—

“(a) The motor vehicle be kept stopped at that place; or

“(b) The motor vehicle be removed to a place of safety approved by the traffic officer and be kept stopped at that last-mentioned place—

until such part of the load is removed or the load is so rearranged as to reduce the gross weight and the weight on every wheel, every axle, and every group of axles of the motor vehicle to not more than the maximum so prescribed, or until a permit in writing has been issued pursuant to regulations made under this Act permitting that motor vehicle to proceed along that road with its load.

“(2A) Where—

“(a) The weight of any heavy motor vehicle approaching a bridge for which a weight restriction has been prescribed pursuant to regulations made under this Act is measured by or by the direction of a traffic officer; and

“(b) The gross weight of the motor vehicle, or the weight on any wheel, axle, or group of axles of the motor vehicle, exceeds by 20 percent or more or by 5,000 kilograms or more any weight restriction for that bridge,—

the traffic officer shall, by direction given to the driver or person in charge of the motor vehicle, direct that the motor

vehicle shall not be driven on to the bridge until the load or part of the load is removed so as to reduce the gross weight and the weight on every wheel, every axle, and every group of axles to not more than the maximum prescribed for that bridge, or until a permit in writing has been issued pursuant to regulations made under this Act permitting that motor vehicle to proceed on to that bridge with its load.” 5

(2) Section 69A of the principal Act (as so inserted) is hereby further amended—

(a) By omitting from subsection (4) (a) the words “or subsection (3)”, and substituting the words “or subsection (2A)”:

(b) By omitting from subsection (4) (d) the words “or subsection (3)”, and substituting the words “or subsection (2A)”:

(c) By omitting from subsection (5) the words “or subsection (3)”, and substituting the words “or subsection (2A)”.

(3) Section 12 of the Transport Amendment Act (No. 2) 1969 is hereby consequentially repealed. 20

22. Bylaws as to the use of roads—(1) Section 72 (1) of the principal Act is hereby amended by repealing paragraph (i), and substituting the following paragraph:

“(i) Prohibiting or restricting absolutely or conditionally any specified class of traffic (whether heavy traffic or not), or any specified motor vehicle or class of motor vehicle which by reason of its size is unsuitable for use on any road or roads specified in the bylaw:” 25

(2) Section 72 (1) of the principal Act is hereby further amended by repealing paragraph (kk) (as inserted by section 11 (2) of the Transport Amendment Act 1970), and substituting the following paragraphs: 30

“(ka) Prohibiting, subject to the erection of the prescribed signs, vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction, or prohibiting vehicles on a roadway, other than vehicles of a class specified in the bylaw, from turning to the right or to the left: 35 40

“(kb) Prescribing, subject to the marking of lanes on the roadway, that on any road any traffic lane specified in the bylaw may be used or any turning movement may be made only by omnibuses, taxis,

or vehicles of other specified classes or vehicles carrying specified classes of loads:”.

(3) Section 11 of the Transport Amendment Act 1970 is hereby consequentially amended by repealing subsection (2).

5 (4) Bylaws made before the commencement of this section which would have been valid if subsections (1) and (2) of this section had been in force when the bylaws were made are hereby validated and declared to have been lawfully made.

10 **23. Regulations as to road traffic—**(1) Section 77 (1) of the principal Act is hereby amended by adding to paragraph (g) the words “and exempting specified motor vehicles or classes of motor vehicles from the provisions of the regulations”.

15 (2) Section 77 (1) of the principal Act is hereby further amended by repealing paragraph (y) (as added by section 7 of the Transport Amendment Act (No. 2) 1971), and substituting the following paragraphs:

20 “(y) Requiring motorcars and such other classes of motor vehicles as are specified in the regulations (being motor vehicles first registered on or after the 1st day of January 1955) to be fitted with seat belts of a type approved by the Secretary by notice in the *Gazette*; requiring that any of the motorcars or other classes of motor vehicles required by the regulations to be fitted with seat belts be fitted with three-point lap and diagonal belts or harnesses of a type so approved; authorising the Secretary to approve the fitting of different types of seat belts for particular vehicles or classes of vehicles where it is not practicable to fit three-point lap and diagonal belts or harnesses; requiring persons of a specified age or over occupying a seat for which a seat belt is provided to wear the seat belt while the vehicle is moving forward; and authorising the Secretary to exempt, whether conditionally or otherwise, specified persons or classes of persons and specified vehicles or classes of vehicles from the requirements of the regulations:

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40 “(z) Prohibiting or regulating the driving of loose horses, cattle, sheep, pigs, or other animals along any road at night, being the period commencing half an hour after sunset and ending half an hour before sunrise on the following morning.”

45 (3) Section 7 of the Transport Amendment Act (No. 2) 1971 is hereby consequentially repealed.

24. Waybill to be carried on heavy motor vehicle—Section 109A of the principal Act (as inserted by section 16 of the Transport Amendment Act (No. 2) 1969) is hereby amended by inserting, after subsection (1B) (as inserted by section 15 of the Transport Amendment Act 1972), the following subsection: 5

“(1C) In proceedings for an offence against this Part of this Act relating to the carriage of goods by road on a heavy motor vehicle, evidence given by a traffic officer as to the contents of any waybill carried on the heavy motor vehicle at the time of the commission of the alleged offence, as seen and recorded by him at the time when it was produced to him pursuant to subsection (1) of this section, shall be conclusive evidence— 10

“(a) Of the contents of that waybill, until the contrary is proved by the production to the Court of the original waybill or of a duplicate copy thereof made simultaneously with the original; and 15

“(b) That goods being carried on the motor vehicle were being carried in accordance with the provisions of that waybill, until the defendant satisfies the Court to the contrary.” 20

25. Special provisions relating to Regional Authorities—Section 120A of the principal Act (as inserted by section 16 of the Transport Amendment Act 1971) is hereby amended— 25

(a) By inserting in subsection (1), after the words “passenger-service licences (not being taxicab-service licences)”, the words “or to harbour ferry-service licences”: 30

(b) By inserting in subsection (2), after the words “passenger-service licences (other than taxicab-service licences)”, the words “or to harbour ferry-service licences”:

(c) By inserting in subsection (4), after the words “passenger-service licence (other than a taxicab-service licence)”, the words “or to a harbour ferry-service licence”: 35

(d) By inserting in subsection (8), after the words “passenger-service licence”, the words “or a harbour ferry-service licence”: 40

(e) By inserting in subsection (9), after the words “passenger-service licence (other than a taxicab-service licence)”, the words “or of a harbour ferry-service licence”. 45

26. Licensing Authority to prescribe terms and conditions of licence—Section 127 of the principal Act is hereby amended by adding the following subsection:

5 “(6) Notwithstanding anything in this Act, a rental-service licence (whether issued before or after the commencement of this subsection) shall not authorise the letting on hire of a motor vehicle designed exclusively or principally for the carriage of more than 14 persons (including the driver).”

10 **27. Review of taxicab services**—Section 134 (2) of the principal Act is hereby amended by omitting the words “exceeding 10,000”, and substituting the words “exceeding 20,000”.

15 **28. Leases of taxicab-service licences**—The principal Act is hereby further amended by inserting after section 138, the following section:

“138A. (1) Subject to this section and to section 138 of this Act, the following persons, and no others, may apply to the proper Licensing Authority for the right to lease a taxicab licence:

20 “(a) The surviving wife or husband of a deceased holder of the licence, where the deceased operated the taxicab service pursuant to that licence for a period of not less than 6 years immediately before his or her death and the surviving wife or husband, having become the beneficial owner of the licence, is not qualified or available to operate the service personally:

25 “(b) The executor or administrator or trustee of a deceased holder of the licence in any case where—

30 “(i) The surviving wife or husband of the licensee is a beneficiary in the estate of the licensee and as such is entitled to have the ownership of the licence vested in her or him or is entitled to receive the income derived from the operation of the taxicab service; and

35 “(ii) The deceased held and operated the taxicab service for a period of not less than 6 years immediately before his death:

- “(c) The holder of the licence, if he has been engaged continuously in the taxicab-service industry for a period of at least 20 years before making the application and has reached the age of 60 years: 5
- “(d) The holder of the licence, if he is suffering from an illness or incapacity of such a nature as to prevent him operating the taxicab service and to preclude him from engaging full time in any other employment. 5
- “(3) Application for authority to lease any taxicab-service licence shall be made in the prescribed form, and the provisions of sections 116, 117, and 118 of this Act shall, with the necessary modifications, apply with respect to every such application as if it were an application for a new licence. 10 15
- “(4) The Licensing Authority, after duly considering the application and any objections thereto, may refuse to grant consent to the lease of the licence, or may grant consent to the lease upon or subject to the conditions set out in subsection (5) of this section together with such other conditions as it thinks fit; but it shall not grant consent to the lease of the licence unless it is satisfied that the proposed lessee is financially able to carry on the service, is likely to carry it on satisfactorily, and will be able to earn an economic return within the framework of existing fare schedules and taxi drivers’ awards. 20 25
- “(5) The following conditions shall, in addition to any other conditions imposed by the Licensing Authority, apply in any case where the Licensing Authority has consented to the lease of a taxicab-service licence: 30
- “(a) The lease shall be for a period to be specified therein, being not less than one year: 30
- “(b) For the purposes of sections 128, 129, and 130 of this Act, the lessee shall be deemed to be the licensee of the licence: 35
- “(c) It shall be an implied condition in every lease that if during the term of the lease the lessee dies the lease shall thereby determine and the licence shall immediately revert to the lessor: 35
- “(d) The lessee shall not assign, transfer, sublease, or in any other way part with the licence: 40

- 5 “(e) Where the lessee is an individual, the lessee shall personally drive the taxicab operated under the licence, or where the licence authorises more than one cab authority, one or more of the taxicabs operated under the licence, for an aggregate period of not less than 40 hours in each week and for an aggregate period of not less than 47 weeks in each period of 52 consecutive weeks:
- 10 “Provided that the lessee shall be deemed to have complied with this condition if he is a member of a taxicab organisation which has introduced a roster of duties and he complies in all respects with the terms of the roster:
- 15 “Provided also that it shall not be a breach of this condition if the lessee is unable to comply with its terms because of the illness of the lessee or of mechanical breakdown of or accident to a taxicab operated under the licence or other cause beyond the control of the lessee:
- 20 “(f) Where the lessee is a company, every taxicab that may be operated under the licence is operated for not less than 40 hours in each week and for not less than 47 weeks in each period of 52 consecutive weeks:
- 25 “Provided that it shall not be a breach of this condition if any such taxicab cannot be so operated by reason of mechanical breakdown or accident or other cause beyond the control of the lessee:
- 30 “(g) The lessee shall observe the terms and conditions of the licence, the provisions of this Part of this Act, and any regulations made under this Part as if he were the licensee.
- 35 “(6) In considering any application for consent to the leasing of a taxicab-service licence, the Licensing Authority shall consider all such matters as it considers to be relevant to the application, and shall also consider those matters set out in subsections (2) and (3) of section 121 of this Act as if the proposed lessee were an applicant for a new taxicab-service licence.
- 40 “(7) Where the taxicab-service licence authorises more than one cab authority, each cab authority shall be deemed to be a separate licence for the purposes of this section.

“(8) If the Licensing Authority grants the application, there shall be issued to the lessee a transport licence in the prescribed form authorising him, as lessee, to carry on the taxicab service in accordance with the terms and conditions imposed pursuant to this Part of this Act. 5

“(9) Within 28 days after the approval of any application under this section, the lessor shall forward to the Licensing Authority a signed copy of the lease.”

29. Mileage tax on certain classes of motor vehicle— 10
Section 190 of the principal Act (as substituted by section 24 of the Transport Amendment Act (No. 2) 1969) is hereby amended by inserting, after subsection (10), the following subsection:

“(10A) In proceedings for any offence against this section the production of a certificate purporting to be signed by an officer of the Post Office authorised by the Director-General of the Post Office in that behalf, either generally or in any particular case, certifying that the owner of a motor vehicle has failed to lodge a return in the prescribed form as required by subsection (3) of this section or that the owner of a motor vehicle has failed to pay any tax or penalty as prescribed in subsection (4) or subsection (5) of this section shall, until the contrary is proved, be sufficient evidence of the matters so certified. Any person signing any such certificate shall, until the contrary is proved, be presumed to be duly authorised to sign it, and it shall not be necessary for any such certificate to show on its face that the officer signing it was so authorised.” 15 20 25

30. Time for instituting proceedings—(1) The principal Act is hereby further amended by repealing section 195, and substituting the following section: 30

“195. (1) In any proceedings for an offence punishable on summary conviction against any Act, regulation, or bylaw relating to the use of motor vehicles, the Court may dismiss the information if it is satisfied that the person charged has been prejudiced in his defence by any unreasonable delay in instituting the proceedings or in notifying him of the time, place, and nature of the offence. If any delay in instituting the proceedings has been caused by a change in the address of the defendant, this shall not be deemed to be unreasonable delay for the purposes of this subsection. 35 40

“(2) Section 14 of the Summary Proceedings Act 1957 shall not apply with respect to a prosecution for an offence against—

5 “(a) Section 9 (7) of this Act (which relates to the registration of a motor vehicle the registration of which is still in force):

“(b) Section 15 of this Act (which relates to unauthorised, deceptive, or obscured registration plates and to the use of unauthorised licences):

10 “(c) Part III of this Act (which relates to the licensing of drivers of motor vehicles) or any regulations made pursuant to any provision of that Part:

15 “(d) Section 35 of this Act (which relates to driving while disqualified or contrary to the terms of a limited licence).”

(2) Section 9 of the principal Act is hereby consequentially amended by repealing subsection (8).

31. Registration and annual licence fees—(1) The First Schedule to the principal Act (as substituted by section 2 (4) 20 of the Transport Amendment Act 1967) is hereby amended by repealing that part of Part I that was substituted by section 20 (1) of the Transport Amendment Act 1972, and substituting the following words:

25 “Nothing in clauses 2, 3, 4, and 7 of this Part of this Schedule shall apply with respect to any motor vehicle to which clause 1 or clause 1A of this Part applies.”

(2) The First Schedule to the principal Act (as so substituted) is hereby further amended by repealing that part of Part II that was substituted by section 20 (2) of the Transport Amendment Act 1972, and substituting the following 30 words:

“Nothing in clauses 1, 2, 4, 5, and 7 of this Part of this Schedule shall apply with respect to any motor vehicle to which clause 3 or clause 3A of this Part applies.”

35 (3) Section 20 of the Transport Amendment Act 1972 is hereby consequentially repealed.

32. Metrication—The principal Act is hereby further amended—

40 (a) By omitting from the second proviso to the definition of the term “axle” in section 2 (1) (as substituted by section 2 (1) of the Transport Amendment Act 1972) the words “3 feet 4 inches”, and substituting the words “1 metre”:

- (b) By omitting from the definition of the expression “heavy motor vehicle” in section 2 (1) (as so substituted) the words “4,500 pounds”, and substituting the words “2,000 kilograms”:
- (c) By omitting from section 109 (1) the words “2½ tons”, and substituting the words “2,500 kilograms”:
- (d) By omitting from section 109 (2) (as amended by section 15 of the Transport Amendment Act 1969) the words “5 tons”, and substituting the words “5,000 kilograms”:
- (e) By omitting from section 143 (2) (b) (as substituted by section 18 (1) of the Transport Amendment Act (No. 2) 1969) the words “6½ tons”, and substituting the words “6,500 kilograms”:
- (f) By omitting from section 143 (4) (as added by section 18 (2) of the Transport Amendment Act 1971) the words “2 tons”, and substituting the words “2,000 kilograms”.

33. Repeals—The following enactments are hereby repealed:

- (a) Section 25 of the Transport Amendment Act (No. 2) 1972:
- (b) Section 5 (b) of the Transport Amendment Act 1973.