

[AS REPORTED FROM THE COMMUNICATIONS AND ROAD SAFETY  
COMMITTEE]

*House of Representatives, 19 December 1990.*

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

*Hon. W. Rob Storey*

## TRANSPORT AMENDMENT

### ANALYSIS

Title	3. Transport (Breath Tests) Notice (No. 2)
1. Short Title and commencement	1989
2. Interpretation	4. Savings

### A BILL INTITULED

**An Act to amend the Transport Act 1962, and to declare  
the Transport (Breath Tests) Notice (No. 2) 1989 to be  
valid**

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

**1. Short Title and commencement**—(1) This Act may be  
cited as the Transport Amendment Act 1990, and shall be read  
together with and deemed part of the Transport Act 1962\*  
(hereinafter referred to as the principal Act).

10 (2) This Act shall come into force on the date on which it  
receives the Royal assent.

**2. Interpretation**—Section 57A of the principal Act (as  
substituted by section 7 of the Transport Amendment Act  
15 (No. 2) 1988) is hereby amended by adding the following  
subsections:

\*R.S. Vol. 16, p. 659

Amendments: 1985, Nos. 50, 76, 126, 194; 1986, No. 49; 1987, No. 96; 1988, Nos. 139,  
170; 1989, No. 158

No. 3—2

*Price  
incl. GST \$2.20*

“(5) No notice given by the Minister in the *Gazette* for the purposes of subsection (1) of this section shall be invalid because it does any of the following:

“(a) Defines an approved breath screening device or an approved evidential breath-testing device as a device that bears or is associated by its manufacturer with such trade name or number or other expression, or any combination thereof, as may be specified in the notice: 5

“(b) Provides for a breath screening test or an evidential breath test, or any part of any such test, to be carried out in accordance with instructions displayed or printed on or by the device. 10

“(6) In the absence of evidence to the contrary, a breath screening device or an evidential breath-testing device is deemed to bear or be associated with a particular trade name or number or other expression if that name or number or other expression— 15

“(a) Appears on the device, whether on a label or otherwise, or is shown on a display panel on the device; or 20

“(b) Is printed out by the device on a card or on paper; or

“(c) Appears on any printed matter that accompanies the device and is issued by or on behalf of the manufacturer of the device.”

**3. Transport (Breath Tests) Notice (No. 2) 1989**—For the avoidance of doubt, but subject to section 4 of this Act,— 25

(a) The Transport (Breath Tests) Notice (No. 2) 1989 (S.R. 1989/389), being the notice that is dated the 11th day of December 1989 and came into force on the 15th day of December 1989, is hereby declared to be and always to have been valid: 30

(b) The publication that purported to be the Transport (Breath Tests) Notice (No. 2) 1989 (S.R. 1989/389), being the publication that purported to be dated the 11th day of December 1989 and purported to come into force on the 8th day of December 1989, is hereby declared to be and always to have been of no force or effect. 35

**4. Savings**—(1) Nothing in this Act affects any order or determination made by any Court before the date on which this Act comes into force. 40

*Struck Out*

5 (2) Where any proceedings commenced before the date on which this Act comes into force are finally dealt with by any Court on or after that date, those proceedings shall be dealt with and finally determined as if this Act had not been passed.

*New*

10 (2) Where any proceedings in respect of an offence committed before the date on which this Act comes into force—  
(a) Were commenced but not finally determined before that date; or  
(b) Are commenced on or after that date,—  
those proceedings shall be dealt with and finally determined as if this Act had not been passed.