

TRANSPORT AMENDMENT BILL (NO. 3)

EXPLANATORY NOTE

THIS Bill amends the Transport Act 1962 in relation to regulation-making powers concerning the registration and licensing of motor vehicles and driver licensing, and adds 2 categories of vehicles to the list of vehicles exempted from certificate of fitness requirements.

After the passing of this Bill, it will be possible to dispense with the Motor Vehicles Registration and Licensing Regulations 1965, and various other regulations.

The changes in the Bill will also enable the making of Transport (Drivers Licensing) regulations to replace the Motor Drivers Regulations 1964 and their 19 current amendments.

The changes in relation to those matters are set out in *clauses 3, 4, 5, 7, 10, 19, and 26*. Other unrelated changes are made by the other provisions of the Bill.

Clause 1 relates to the Short Title.

Clause 2 corrects a wrong reference.

Clause 3 replaces section 13 of the principal Act which at present provides that the Governor-General may, by Order in Council, exempt motor vehicles from the payment of registration and annual licence fees. Any such Order in Council may delegate to the Minister the power to grant such exemptions. The section also provides that registration plates and licences issued for such vehicles are to bear prescribed distinguishing marks, and provides for a special register of exempted vehicles.

The proposed section specifies directly the classes of exempted vehicles and does not carry forward the provision for exemptions by Order in Council or by the Minister. Nor does it continue the requirement for the special register of exempted vehicles.

The prescription of special plates and annual licences will be able to be done under the proposed *section 14A (2)* (see *clause 4*).

Clause 4 inserts in the principal Act new provisions relating to the prescription of registration plates and annual licences and the issue of plates and licences in certain situations.

The enactment of these provisions will enable the Motor Vehicle Registration and Licensing Regulations 1965 to be revoked.

The proposed *section 14A* confers upon the Minister the powers at present conferred upon the Governor-General to prescribe the form of registration plates and annual licences and the positions in which they are to be displayed. The Minister is also empowered to prescribe fees payable for the issue of plates and licences to recover the cost of their manufacture and issue.

The proposed *sections 14B and 14C* set out provisions at present in the regulations that relate to the issue of duplicate certificates of registration and substitute registration plates and annual licences, and the issue of new annual licences on the change of use of a vehicle.

Clause 5 repeals an offence of displaying an unauthorised registration plate or licence that is likely to be mistaken for an authorised plate or licence, and substitutes 2 new offences.

The new offences relate to the failure to display the appropriate plates or licences in the prescribed manner, and the display of objects or designs intended or likely to cause a belief that the appropriate plates or licences are being displayed.

Clause 6 changes a cross reference as a consequence of amendments made to the principal Act by the Local Government Amendment Act 1978.

Clause 7 has the effect of creating an offence of knowingly giving false or misleading information in an application for a duplicate certificate of registration, substitute registration plates, or a substitute annual licence.

Clause 8 makes it possible for an unlicensed driver who has been disqualified from holding or obtaining a licence to be tested for a limited licence if the appropriate order is made under section 38 of the Transport Act 1962. At present, if such an order is made, the person commits the offence of driving without a licence while being tested for a licence, because the general exemption for those learning to drive does not apply.

Clause 9 adds to the list of matters to be included on the national register of drivers' licences an item relating to orders under section 30C of the Transport Act 1962 removing a disqualification. Section 30C relates to the removal of disqualifications by the Secretary on the basis of reports from Assessment Centres and other medical evidence.

Clause 10 makes a number of changes to the regulation-making powers relating to driver licensing. The need for the changes has become apparent during the course of a review of the Motor Drivers Regulations 1964 and it is intended to replace those regulations with new regulations once these provisions are passed.

The particular changes are:

Subclause (1) provides that the regulations may permit a subjective passing standard for the driving test in the case of an applicant for the renewal of a licence who is of or over a specified age that is not less than 70 years. In all other cases an objective passing standard must be prescribed.

Subclause (2) permits the making of regulations allowing the Secretary to permit people who do not meet the age requirements for licences to apply for licences in circumstances prescribed in the regulations. If the licence is granted the Secretary may be empowered to impose particular conditions.

At present, the Motor Drivers Regulations 1964 purport to give the Secretary power to exempt persons over the age of 15 years from the age restriction of 18 years that ordinarily applies in respect of licences to drive heavy trade vehicles and heavy special-type vehicles.

Subclause (3) permits the making of regulations allowing the Secretary to require any particular applicant for or holder of a licence to submit to a medical examination by a registered medical practitioner nominated by the Secretary. The Secretary may be empowered to decline to grant or to revoke a licence if the person fails to submit to the examination or if after the examination the Secretary is satisfied that the person is unfit to be granted or continue to hold a licence. Provision can be made for appeals against decisions of the Secretary to refuse to grant or to revoke licences under these provisions.

At present, there is power to make such regulations only in respect of holders of licences; the power to make such regulations in respect of applicants for licences is new.

Subclause (4) permits the making of regulations empowering the Secretary to impose conditions on licences relating to the use of aids or the driving of vehicles that are specially adapted or have particular features. Provision can be made for appeals against conditions imposed by the Secretary.

Subclause (5) makes an amendment that is consequential upon *subclause (2)*.

Subclause (6) permits the making of regulations allowing the Secretary to refuse to grant or to revoke a licence authorising a person to drive vehicles carrying passengers for reward where the refusal or revocation is considered necessary in the public interest having regard to the conduct of the person. Provision can be made for appeals against such decisions.

At present, the power exists only in respect of holders of licences, and not applicants for licences.

Subclause (7) enables the making of regulations prescribing conditions subject to which certificates of approval as driving instructors may be held or supplied. This will enable the imposition of conditions relating to production of the certificate, and suspension of the certificate where the holder ceases to hold a driver's licence of the same class as the certificate of instruction.

Subclause (8) permits the making of regulations recognising licences issued overseas for the purpose of granting licences or certificates of approval as driving instructors. The particular significance of this provision is that applicants for some classes of licences are required to have held licences of another class for a specified period, and it is considered desirable to recognise licences issued overseas for this purpose.

Subclause (9) empowers the Secretary to approve defensive driving organisations, traffic improvement schools, and schools of instruction for motorcycle driving for the purposes of regulations made under the Transport Act 1962 in relation to drivers' licences.

Clause 11: The changes made by this clause mean that where the disqualification from holding or obtaining a driving licence is for more than 12 months the person must apply for a new licence and pass the appropriate test. At present this is only the case if the disqualification expires before the expiry of the licence and it is unclear what the situation would be if the licence were allowed to lapse and then renewed after the disqualification period expired. The amendment will be of particular relevance under a proposed scheme of driver licensing in which an expired licence may be renewed at any time up to 5 years after expiry.

Clause 12 amends section 38 of the principal Act (which relates to limited licences) in 2 respects.

Subclause (1) deals with the situation where a person who has been disqualified from holding a driver's licence on 2 separate charges for offences committed within a 5-year period is able to apply for a limited licence in respect of the sentence on the first charge, but not on the second.

The proviso to section 38 (2) of the principal Act provides that a limited licence may not be granted where the disqualification is for one of a class of offences and the offence was committed within 5 years after the commission of any other offence in that class.

In *Hawkins v Ministry of Transport* (Moller J., Auckland, M 622/83, 1 July 1983) the appellant was convicted in February 1983 of a blood-alcohol driving offence committed in August 1982. In March 1983 he was convicted of a similar offence committed in September 1982. On both occasions the penalties included a period of disqualification, presumably not concurrent. He applied for a limited licence in respect of the first sentence of disqualification and, on appeal, Moller J., held that the District Court had jurisdiction to hear the application because the offence to which it related had not been committed within 5 years *after* the commission of another offence of the same class. It had been committed 1 month *before* the other offence.

As the statute is presently worded the application could be considered, but if granted, the limited licence would expire with the first period of disqualification, and no application could be made in respect of the second period of disqualification because that related to an offence committed within 5 years after the commission of a similar offence.

The effect of this amendment is that limited licences will not be able to be granted in respect of the sentence for either offence where 2 offences within the class have been committed within any 5-year period.

Subclause (2) deals with the situation where a person who is authorised to obtain a limited licence has not yet done so but has been convicted of an offence for which he is liable to disqualification. At present, if the person had obtained the limited licence it would be deemed to be revoked, but there is no provision preventing the issue of the limited licence after the date of conviction.

The effect of this provision is that if the person is convicted of an offence for which he is liable to disqualification, the authorisation to obtain a limited licence is deemed to be revoked.

Clause 13 repeals a provision requiring the payment to local authorities of amounts equal to the infringement fees received by the Ministry of Transport in respect of offences involving breaches of local authority traffic bylaws. The provision is superfluous because the Ministry of Transport no longer enforces local authority parking bylaws.

Clause 14 provides for the taking of blood specimens by registered nurses authorised specifically by the Director-General of Health. At present, blood specimens may be taken by registered medical practitioners anywhere, and in hospitals by nurses and other persons who are employed by Hospital Boards and in the normal course of their duties take blood specimens.

The extension of these provisions will enable the Director-General of Health to approve the taking of blood specimens for blood-alcohol offence purposes by nurses who hold specified positions outside hospitals.

References in the blood-alcohol legislation to Hospital Boards are extended to Area Health Boards, and the term "registered nurse" is defined. The other changes are of a drafting nature only.

Clause 15: The effect of this clause is that vehicles carrying liquefied petroleum gas in containers exceeding 250 litres or as the greater part of their load will have to stop before entering a railway crossing that is not controlled by barrier arms or manually.

Clause 16 makes it clear that bylaws may restrict marked lanes of roads to vehicles carrying not less than a specified number of occupants.

Clause 17 repeals provisions that relate to enforcement of parking controls that are fee based. As such enforcement is no longer carried on by the Ministry of Transport on behalf of local authorities the provisions are superfluous.

Clause 18 prohibits the manufacture, importation, or sale of seat belts and child restraints that are not approved by the Secretary.

The provision is necessary because section 77C of the principal Act only prohibits the manufacture, importation, or sale of non-approved devices if devices of that kind require approval before use. There are specified approvals of seat belts and child restraints, but the Traffic Regulations 1976 do permit the use of non-approved seat belts and child restraints in certain cases. Section 77C as it presently reads cannot be invoked to prohibit the manufacture, importation, or sale of seat belts and child restraints that are not approved by the Secretary.

Clause 19 adds 2 types of vehicles to the list in section 79 of the principal Act of those vehicles that are not required to have certificates of fitness. At present the exemptions are set out in the Transport (Public Passenger Services) Regulations 1970 (S.R. 1970/67) and the Transport (Motor Spirits Conservation) Regulations 1973 (S.R. 1973/283). The moving of these exemptions to the principal Act will mean that once similar changes are made to the regulations relating to transport licensing and driver licensing, the 1970 and 1973 regulations will be able to be revoked.

The exemptions relate to car pooling, and the use of cars by the public and any vehicles operated by the Armed Forces when public transport is suspended, and are wider than the present exemptions.

Clause 20 removes a duplication of provisions relating to enforcement of orders for costs and expenses made by the Licensing Appeal Authority or the Charges Appeal Authority.

It also specifically repeals the Schedule to the Transport Amendment Act 1971. The Schedule has never been in force, and was impliedly repealed by section 4 (1) (d) of the Transport Amendment Act (No. 3) 1983.

Clause 21 repeals a provision that provides for the payment of a prescribed portion of fees received in respect of taxicab services to the Auckland, Wellington, Christchurch, and Dunedin City Councils. Under the Transport Licensing Regulations 1984 no part of the fees are payable to those local authorities.

Clause 22 removes from the Transport Act 1962 the offences of wilfully obstructing or inciting or encouraging any person to obstruct a traffic officer in the execution of his duty. The provision is superfluous in view of section 23 of the Summary Offences Act 1981.

Clause 23 overcomes a defect in the principal Act revealed and explained in the District Court in *Ministry of Transport v Frames and Trusses Ltd* (Lower Hutt, CRN 3078002875, 9 December 1983). Section 197 (5) at present provides that proof that a weighing device was stamped within a stated period is sufficient evidence that the device was accurate at the time of the alleged offence, in the absence of proof to the contrary. However, proof that the device bore a stamp indicating it had been stamped within the period was not proof that the device had been so stamped. That evidence could only be given by someone who applied the stamp or saw it being applied.

The effect of the new provision is that proof that the device bore the appropriate stamp will be sufficient evidence of the accuracy of the device, in the absence of proof to the contrary.

Clause 24 specifically repeals the Schedule to the Transport Amendment Act 1971. The Schedule has never been in force, and was impliedly repealed by section 4 (1) (d) of the Transport Amendment Act (No. 3) 1983.

Clause 25: Subclauses (1) to (4) correct drafting errors in provisions that make repeals that are effective from 31 October 1986 and, in the case of the amendments in *subclauses (1) and (3)*, repeal from 31 October 1986 further provisions that will then be redundant.

Subclause (5) removes provisions from the Third Schedule to the Transport Amendment Act (No. 2) 1983 that purport to repeal on and from 1 June 1984 provisions that had, by virtue of Part I of the First Schedule to that Act, been repealed on and from 1 November 1983.

Clause 26 makes a consequential amendment to the Summary Proceedings Act 1957. The effect of the provision is that an address given in an application for a duplicate certificate of registration, substitute registration plates, or substitute annual licence is an address to which notices of traffic prosecution may be sent.

Hon. Richard Prebble

TRANSPORT AMENDMENT (NO. 3)

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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, as follows:

1. Short Title—This Act may be cited as the Transport Amendment Act (No. 3) 1985, and shall be read together with and deemed part of the Transport Act 1962* (hereinafter referred to as the principal Act).

*Reprinted 1974, Vol. 3, p. 2489

Amendments: 1976, No. 4; 1976, No. 126; 1977, No. 3; 1978, Nos. 3, 4; 1979, No. 17; 1980, No. 96; 1982, Nos. 4, 10, 105; 1983, Nos. 2, 33, 35; 1984, No. 7

2. Certain trailers exempted from registration and licensing provisions—Section 7 of the principal Act is hereby amended by omitting from subsection (4B) (as inserted by section 22 of the Transport Amendment Act (No. 3) 1983) the expression “section 188”, and substituting the expression “section 187”. 5
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3. Exemption from registration fees and annual licence fees—(1) The principal Act is hereby amended by repealing section 13, and substituting the following section:

“13. (1) All motor vehicles to which this section applies are hereby exempted from the payment of registration fees and annual licence fees, but whenever any vehicle described in paragraphs (b) to (f) of subsection (2) of this section is used on a road the owner shall ensure that it is fitted with registration plates and annual licences that shall only be issued on payment of the appropriate fees prescribed under section 14A (3) of this Act. 15
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“(2) This section applies to—

“(a) Any motor vehicle that is not used on a road that is not a public highway:

“(b) Any motor vehicle that is used on a road that is a public highway only in connection with its inspection, servicing, or repair, or for the purpose of allowing any person to sit a practical driving test in that vehicle: 25

“(c) Any pedestrian-controlled goods service vehicle: 30

“(d) Any motor vehicle propelled and supported solely by self-laying tracks:

“(e) Any motor vehicle used on roads only in road construction zones in accordance with notices declaring such zones: 35

“(f) Any motor vehicle that is used on a road only in crossing or proceeding along a section of the road where it has been authorised to operate by the controlling authority of the road by an authorisation that requires— 40

- 5 (i) A written agreement by the operator of the vehicle, or the person for whom the vehicle is being operated to construct, reconstruct, maintain, or restore to the satisfaction of the controlling authority all or part of the road used by the vehicle; and
- (ii) The erection and maintenance of warning devices, signs, or control devices as required by the controlling authority and the Secretary; and
- 10 (iii) Where the use of the road does not consist solely of the direct crossing of the road, the prior approval of the National Roads Board.”
- (2) Section 6 of the Transport Amendment Act (No. 2) 1965 is hereby repealed.

4. **New sections inserted**—(1) The principal Act is hereby
15 amended by inserting, after section 14, the following sections:

“14A. **Form of registration plates and annual licences**—
(1) The Minister may from time to time, by notice in the
Gazette,—

20 “(a) Prescribe the form and colour of registration plates and annual licences, the size, shape, and character of the letters, numbers, or distinguishing marks to be shown on them, and the means to be adopted to make the plates and licences easily visible:

25 “(b) Prescribe the number of registration plates to be displayed and the position or positions in which registration plates and annual licences are to be displayed.

30 “(2) The Minister may, under **subsection (1)** of this section, prescribe specific types of or distinguishing marks for registration plates and annual licences to be issued for use on vehicles operated or regularly used by persons holding specified offices or having specified status, immunities, or privileges, and specific types of or distinguishing marks for plates and annual licences to be issued for use on vehicles of specified classes.

35 “(3) The Minister may from time to time, by notice in the *Gazette*, prescribe various fees payable in respect of the issue of registration plates and annual licences to cover the cost of production and issue of the plates and licences.

40 “14B. **Duplicate certificates of registration and substitute registration plates and annual licences**—(1) The Deputy Registrar shall, if he is satisfied that the certificate of registration, registration plate or plates, or annual licence for any vehicle has been lost, damaged, or destroyed, issue a duplicate certificate of registration, a substitute plate or plates,
45 or a substitute annual licence, as the case may require.

“(2) The Deputy Registrar may require the surrender to him of any damaged certificate of registration, registration plate, or annual licence or the undamaged part of any set of plates before issuing any duplicate certificate or substitute plate or licence under **subsection (1)** of this section. 5

“(3) Every application for the issue of any duplicate certificate of registration, substitute registration plate or plates, or substitute annual licence shall be made by or on behalf of the owner to a Deputy Registrar, on a form provided by the Registrar, and shall specify— 10

“(a) The name of the owner:

“(b) The address of the owner’s place of residence or place of business within New Zealand:

“(c) The owner’s postal address within New Zealand, if that address differs from the address given under **paragraph (b)** of this subsection: 15

“(d) Such particulars relating to the vehicle as may be required by the Registrar as indicated on the form— and shall be accompanied by the fee prescribed under **subsection (5)** of this section for the issue of the duplicate 20 certificate of registration or under **section 14A (3)** of this Act for the issue of registration plates or an annual licence, as the case may require.

“(4) The Deputy Registrar may require the person making the application under **subsection (3)** of this section to produce 25 a statutory declaration by the person claiming to be the owner of the vehicle that the person is the owner of the vehicle and a statutory declaration by an appropriate person explaining the circumstances in which the certificate, plate, or licence was lost, damaged, or destroyed. 30

“(5) The Minister may from time to time, by notice in the *Gazette*, prescribe a fee payable in respect of the issue of a duplicate certificate of registration to cover the cost of production and issue of the certificate.

“14c. **Change of use of motor vehicle**—(1) Where a motor 35 vehicle is used for a purpose different from that indicated by the annual licence the owner of the vehicle shall forthwith apply for an appropriate new licence.

“(2) The Deputy Registrar may require production of the certificate of registration of the vehicle for amendment if 40 necessary, and may require the surrender or destruction of the present annual licence before issuing a new annual licence.”

(2) Section 24 (d) of the principal Act is hereby repealed.

5. Offences—Section 15 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraphs:

5 “(a) Operates any motor vehicle on which the appropriate registration plate or plates or annual licence is not displayed in the manner prescribed by the Minister under **section 14A** of this Act:

10 “(aa) Operates any vehicle on which is displayed any object or design that is intended to cause, or reasonably likely to cause, any person to believe that there is displayed on the vehicle the appropriate registration plate or plates or annual licence prescribed by the Minister under **section 14A** of this Act:”.

15 **6. Change of cross reference**—Section 18 (1) (d) of the principal Act is hereby amended by omitting the expression “section 76 of this Act”, and substituting the expression “section 356 of the Local Government Act 1974”.

20 **7. Offence relating to application for duplicate certificate or substitute plate or licence**—Section 18A (1) of the principal Act (as inserted by section 5 of the Transport Amendment Act 1985) is hereby amended by inserting, after paragraph (b), the following paragraph:

25 “(ba) In or for the purposes of any application under **section 14B** of this Act for a duplicate certificate of registration, a substitute registration plate or plates, or a substitute annual licence for any motor vehicle; or”.

30 **8. Unlicensed disqualified driver may be tested for limited licence**—Section 25 (3) (b) of the principal Act (as substituted by section 3 of the Transport Amendment Act (No. 3) 1983) is hereby amended by inserting, after the words “in accordance with”, the words “or while being tested for”.

35 **9. National register of drivers’ licences**—Section 29C (1) (i) of the principal Act (as substituted by section 3 of the Transport Amendment Act (No. 3) 1983) is hereby amended by inserting, after the word “under”, the expression “section 30C or”.

40 **10. Regulations as to motor drivers’ licences and driving instructors**—(1) Section 29F of the principal Act (as substituted by section 3 of the Transport Amendment Act (No. 3) 1983) is hereby amended by inserting in paragraph (a), after the words

“such examinations and tests”, the words “, or, in the case of applicants for the renewal of licences who have attained an age specified in the regulations, being not less than the age of 70 years, providing that the applicant shall pass the test if the person conducting the test is satisfied that the driving ability of the applicant is such that the applicant is a fit and proper person to hold the licence. 5

(2) Section 29F of the principal Act (as so substituted) is hereby further amended by adding to paragraph (d) the words “, and prescribing circumstances in which the Secretary may allow persons who do not meet the age requirements to apply for any class of licence which, if granted, shall be subject to such conditions as the Secretary thinks fit”. 10

(3) Section 29F of the principal Act (as so substituted) is hereby further amended by inserting, after paragraph (e), the following paragraph: 15

“(ea) Authorising the Secretary to require the medical examination of any particular applicant for or holder of a driver’s licence to be conducted by a registered medical practitioner nominated by the Secretary; empowering the Secretary to decline to grant a licence or revoke a licence if the person refuses or neglects to submit to the examination or if, following the examination, the Secretary is satisfied that on medical grounds the person is unfit to be granted or continue to hold a driver’s licence; providing for a right of appeal to a District Court Judge against the refusal to grant the licence or the revocation of the licence; and prescribing the time within which and the manner in which such appeals may be made:”. 20 25 30

(4) Section 29F of the principal Act is hereby further amended by inserting, after paragraph (f), the following paragraph:

“(fa) Empowering the Secretary to impose in particular cases conditions on licences relating to the use of aids or the driving of vehicles that are specially adapted or have particular features; providing for a right of appeal to a District Court Judge against the imposition of any such condition; and prescribing the time within which and the manner in which such appeals may be made:”. 35 40

(5) Section 29F of the principal Act (as so enacted) is hereby further amended by omitting from paragraph (m) the words “practical, theoretical, or medical”, and substituting the words “practical or theoretical”. 45

(6) Section 29F of the principal Act (as so enacted) is hereby further amended by repealing paragraph (n), and substituting the following paragraph:

5 “(n) Authorising the Secretary to decline to issue or revoke
any licence that authorises the holder to drive
vehicles carrying passengers for reward where the
Secretary considers the refusal or revocation to be
10 necessary in the public interest having regard to the
conduct of that person; providing for a right of
appeal to a District Court Judge against the refusal
to grant the licence; and prescribing the time within
which and the manner in which such appeals may
be made:”.

(7) Section 29F of the principal Act (as so substituted) is hereby
15 further amended by inserting in paragraph (q), after the word
“issued”, the words “, held, suspended,”.

(8) Section 29F of the principal Act (as so enacted) is hereby
further amended by adding to paragraph (r) the words “and
20 providing for the recognition of licences issued outside New
Zealand for the purpose of granting licences or certificates of
approval as driving instructors under regulations made
pursuant to this Act”.

(9) Section 29F of the principal Act (as so enacted) is hereby
25 further amended by adding, as subsection (2), the following
subsection:

“(2) The Secretary may from time to time, by notice in the
Gazette,—

30 “(a) Approve any defensive driving organisation or traffic
improvement school as an organisation that
conducts any course that is required to be completed
by any applicant for a driver’s licence:

 “(b) Approve schools of instruction in relation to motorcycle
driving for the purpose of regulations made
pursuant to this Act relating to drivers’ licences.”

35 **11. Effect of disqualification**—Section 33 of the principal
Act (as substituted by section 2 of the Transport Amendment
Act 1970) is hereby amended by repealing subsection (2), and
substituting the following subsection:

40 “(2) Where the holder of a driver’s licence is disqualified from
holding or obtaining a driver’s licence for a period of more
than 12 months or for 2 or more cumulative periods totalling
more than 12 months, the licence shall, on the expiration of
his disqualification, continue to be of no effect until the holder
applies for in the prescribed manner and passes such

examinations and tests as are prescribed for a driver's licence authorising him to drive motor vehicles of the class or classes that he was authorised to drive by virtue of his driver's licence, or any of those classes."

12. Issue of limited licence to disqualified person— 5

(1) Section 38 of the principal Act (as substituted by section 5 (1) of the Transport Amendment Act (No. 3) 1976) is hereby amended by omitting from subsection (2) (a) (ii) the word "after", and substituting the word "of".

(2) Section 38 of the principal Act (as so substituted) is hereby 10 further amended by inserting, after subsection (7), the following subsection:

"(7A) Where any person who is authorised to obtain a limited licence and has not become the holder of such a licence is convicted of any offence for which he is liable to 15 disqualification, the order authorising him to obtain a limited licence shall be deemed to be revoked."

13. Entitlement to infringement fees—Section 43 (3) of the principal Act (as substituted by section 7 of the Transport 20 Amendment Act 1980) is hereby amended by repealing paragraph (a).

14. Blood tests—(1) Section 57A (1) of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by repealing the definitions of the 25 terms "approved Hospital Board" and "authorised person", and substituting the following definitions:

" 'Area Health Board' has the same meaning as in the Area Health Boards Act 1983:

" 'Approved Area Health Board or approved Hospital 30 Board' means an Area Health Board or Hospital Board approved by the Minister, with the agreement of the Minister of Health, for the purposes of section 58F of this Act:

" 'Authorised person' means— 35

"(a) Any person acting in any hospital who is a registered nurse or other person employed by an Area Health Board or Hospital Board and who in the normal course of his duties takes blood 40 specimens; or

5 “(b) A registered nurse who for the time being is the holder of an office or position declared by the Director-General of Health by notice in the *Gazette* as an office or position the holder of which is an authorised person for the purposes of sections 58B and 58F of this Act:”.

(2) Section 57A (1) of the principal Act (as so substituted) is hereby further amended by adding the following definition:

10 “‘Registered nurse’ has the same meaning as in the Nurses Act 1977.”

(3) Section 57A (3) of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by inserting, before the words “a Hospital Board”, the words “an Area Health Board or”.

15 (4) Section 58B (12) of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by omitting the words “in any hospital”.

(5) Section 58C (2) of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by inserting, before the words “an authorised person”, the words “a registered medical practitioner or”.

20 (6) Section 58D (7) of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by inserting, before the words “a Hospital Board”, the words “an Area Hospital Board or”.

25 (7) Section 58F (1) of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by omitting the words “authorised person employed by an approved Hospital Board may, with the general or special approval of the Hospital Board”, and substituting the words “registered medical practitioner or authorised person employed by an approved Area Health Board or approved Hospital Board may, with the general or special approval of that Board”.

35 **15. Compulsory stopping of certain vehicles at railway crossings**—Section 64 (1) of the principal Act is hereby amended by repealing paragraph (c), and substituting the following paragraph:

40 “(c) The carriage of flammable liquid or liquefied petroleum gas in bulk or in containers any of which has a capacity of 250 litres or more or, where the greater part of the load consists of flammable liquid or liquefied petroleum gas, or both, in smaller containers—”.

16. Bylaws—Section 72 (1) of the principal Act is hereby amended by adding to paragraph (kb) (as substituted by section 22 (2) of the Transport Amendment Act 1974), the words “or not less than a specified number of occupants”.

17. Cost of enforcement of traffic legislation—(1) Section 75 of the principal Act (as substituted by section 6 of the Transport Amendment Act 1965) is hereby amended by repealing subsections (2) and (3), and substituting the following subsection:

“(2) The whole of the cost of enforcement under any arrangement made under subsection (1) of this section shall be payable by the Crown.”

(2) The Local Government Amendment Act 1979 is hereby consequentially amended by repealing so much of Part III of the Third Schedule as relates to section 75 (3) of the principal Act.

18. Manufacture or sale of seat belts and child restraints—The principal Act is hereby amended by adding to section 77C (as inserted by section 12 of the Transport Amendment Act 1972 as section 77A, and renumbered as section 77C by section 26 of the Transport Amendment Act (No. 3) 1983) as subsection (2) the following subsection:

“(2) Notwithstanding subsection (1) of this section and notwithstanding that regulations made under this Act may permit the use of seat belts and child restraints that have not been approved by the Secretary, no person shall manufacture for the purposes of sale, import for sale, sell, offer or expose for sale, or have in his possession for the purposes of sale any seat belt or child restraint which is or purports to be for use or fitting in any motor vehicle unless that seat belt or child restraint is for the time being approved by the Secretary by notice in the *Gazette* pursuant to section 77B of this Act.”

19. Certificates of fitness—Section 79 of the principal Act (as inserted by section 2 of the Transport Amendment Act (No. 2) 1983) is hereby amended by adding to subsection (4) the following paragraphs:

“(e) Any motorcar, and any motor vehicle used by any part of the Armed Forces (as defined in the Defence Act 1971), that is being used to convey persons who would otherwise use public transport during any period in which any public transport in any part of New Zealand is suspended:

“(f) Any motorcar used to carry persons to or from their places of employment or business pursuant to a cost-sharing arrangement between the occupants of the vehicle.”

5 **20. Repeal of provisions relating to orders for costs and expenses**—Section 176 of the principal Act (as substituted by section 18 of the Transport Amendment Act (No. 2) 1983) is hereby amended by omitting the words “or the Licensing Appeal Authority or the Charges Appeal Authority”.

10 **21. Application of fees relating to taxicab services**—Section 177 of the principal Act (as substituted by section 18 of the Transport Amendment Act (No. 2) 1983) is hereby amended by repealing subsection (2).

15 **22. Obstruction of traffic officers**—Section 192A of the principal Act (as inserted by section 15 (1) of the Transport Amendment Act (No. 2) 1967) is hereby amended by omitting from paragraph (a) the expression “; or”, and repealing paragraph (b).

20 **23. Evidence of accuracy of weighing devices**—(1) Section 197 of the principal Act (as substituted by section 22 (1) of the Transport Amendment Act 1970) is hereby amended by repealing subsection (5), and substituting the following subsection:

25 “(5) In any proceedings for an offence against this Act or the Road User Charges Act 1977, or any regulations or bylaws made pursuant to this Act or that Act, proof that any weighing device bore the stamp of a mark of verification under the Weights and Measures Act 1925 indicating that the weighing device had been so stamped in a month not earlier than 12
30 months before the month of the alleged offence shall, in the absence of proof to the contrary, be sufficient evidence that the weighing device was accurate on the date of the alleged offence.”

35 (2) Section 30 (b) of the Road User Charges Act 1977 is hereby consequentially repealed.

24. Repeal of Schedule to Transport Amendment Act 1971—The Schedule to the Transport Amendment Act 1971 is hereby repealed.

- 25. Amendments to Transport Amendment Act (No. 3) 1983**—(1) Section 21 (2) of the Transport Amendment Act (No. 2) 1983 is hereby amended by repealing paragraphs (b) and (c), and substituting the following paragraph:
- “(b) Subsections (3), (6) (b), and (8) (c) of section 117:” 5
- (2) Section 21 (2) of the Transport Amendment Act (No. 2) 1983 is hereby further amended by repealing paragraph (g), and substituting the following paragraph:
- “(g) Section 140 (9) (d):”.
- (3) Section 22 of the Transport Amendment Act (No. 2) 1983 10 is hereby amended by inserting, after subsection (3), the following subsection:
- “(3A) Section 119 (1) (c) (ii) of the principal Act (as substituted by section 18 of this Act) is hereby repealed.”
- (4) Section 22 (4) of the Transport Amendment Act (No. 2) 15 1983 is hereby amended by omitting the expression “Section 132”, and substituting the expression “Section 134”.
- (5) The Third Schedule to the Transport Amendment Act (No. 2) 1983 is hereby amended—
- (a) By omitting from the item relating to the Transport 20 Amendment Act 1970 the expression “Sections 15”, and substituting the expression “Sections 16”;
- (b) By omitting from the item relating to the Transport Amendment Act 1971 the expression “Sections 17 and 18 (2)”, and substituting the expression 25 “Section 17”.

26. Amendment to Summary Proceedings Act 1957—Section 24 (1) of the Summary Proceedings Act 1957 is hereby amended by inserting in paragraph (d) (as inserted by section 30 3 of the Summary Proceedings Amendment Act 1985), after the expression “section 12 (1)”, the expression “section 14B (3),”.