

[AS REPORTED FROM THE STATUTES REVISION COMMITTEE]

House of Representatives, 4 May 1983

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 26 October 1983.

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

Hon. Mr Gair

TRANSPORT AMENDMENT (NO. 4)

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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:

5

1. Short Title and commencement—(1) This Act may be cited as the Transport Amendment Act (**No. 4**) 1982, and shall be read together with and deemed part of the Transport Act 1962* (hereinafter referred to as the principal Act).

(2) Except as provided in (**sections 2 (2), 3 (12), 4 (2), 6 (2), 7 (2), 11 (2), 15 (3), and section 18 (6)**) of this Act, this Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

New

1A. Interpretation—Section 2 of the principal Act (as substituted by section 2 (1) of the Transport Amendment Act 1972) is hereby amended by inserting, after the definition of the term “articulated vehicle”, the following definition:

“ ‘Assessment Centre’ means any establishment for the time being approved as an Assessment Centre for the purposes of this Act by the Director-General of Health:”

PART I

LICENSING OF DRIVERS OF MOTOR VEHICLES

2. New Part substituted—(1) The principal Act is hereby amended by repealing Part III, and substituting the following Part:

“PART III

“LICENSING OF DRIVERS OF MOTOR VEHICLES

“25. Unlicensed persons not to drive motor vehicles— (1) Except as otherwise provided in this section, no person shall—

“(a) Drive a motor vehicle on any road, unless he is the holder of a driver's licence for the time being in force which authorises him to drive (*such a motor vehicle; or*) a motor vehicle of that class on a road.

*Reprinted 1974, Vol. 3, p. 2489

Amendments: 1975, No. 4; 1976, No. 126; 1977, No. 3; 1978, Nos. 3, 46; 1979, No. 17; 1980, No. 96; 1982, Nos. 4, 10, 105

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5 “(b) Employ or permit any other person to drive a motor vehicle on any road, unless that other person is the holder of a driver’s licence for the time being in force which authorises him to drive such a motor vehicle.

“(2) Subject to **subsection (3)** of this section, where any person (in this section called ‘the learner’) is driving a motor vehicle and is—

10 “(a) Accompanied by a person seated alongside him who is teaching the learner to drive and who is the holder of a driver’s licence for the time being in force which authorises him to drive (*such a motor vehicle*) a motor vehicle of that class on a road; or

15 “(b) Under the direction of a testing officer for the issue or extension of a motor driver’s licence—
the learner, any person employing or permitting the learner to drive the motor vehicle, and the testing officer shall be deemed not to be acting in contravention of **subsection (1)** of
20 this section.

“(3) Nothing in **subsection (2)** of this section applies in any case where—

25 “(a) The learner has not attained the age that qualifies him to obtain a driver’s licence to drive the motor vehicle that he is driving; or

“(b) The learner is subject to an order that disqualifies him from holding or obtaining a driver’s licence and is not driving the vehicle in accordance with a limited licence authorised under section 38 of this Act.

30 “(4) Every person commits an offence who acts in contravention of **subsection (1)** of this section.

35 “(5) In any proceedings against any person for acting in contravention of **subsection (1)** of this section, a certificate purporting to be signed by an officer of the Department to the effect that he has checked the register of drivers’ licences kept by the Secretary under **section 29c** of this Act, and—

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40 “(a) Has found no record that the person has ever held a driver’s licence; or
“(b) Has found a record that the person has held a licence to drive a vehicle of the type referred to in the proceedings, and that the licence has expired; or

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- “(c) Has found a record that the person holds a licence to drive a vehicle, but not a vehicle of the type referred to in the proceedings; or
- “(d) Has found a record that the person holds a licence to drive a vehicle, but not a vehicle of the type referred to in the proceedings, and that the licence has expired—

New

- “(a) Has found no record that, on or before the date of the alleged offence, the person had ever held a driver’s licence; or
- “(b) Has found a record that the person has held a licence to drive a vehicle of the class referred to in the proceedings, and that, at the date of the alleged offence, the licence had expired; or
- “(c) Has found a record that, at the date of the alleged offence, the person held a licence to drive a vehicle, but not a vehicle of the class referred to in the proceedings; or
- “(d) Has found a record that the person held a licence to drive a vehicle, but not a vehicle of the class referred to in the proceedings, and that, at the date of the alleged offence, the licence had expired—

shall, in the absence of proof to the contrary, be sufficient evidence of the matters contained in the certificate.

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“(6) In any proceedings against any person for failing to comply with the requirements of **subsection (1)** of this section, a certificate purporting to be signed by any officer of the Department to the effect that the person has checked the register of driver’s licences kept by the Secretary under **section 29c** of this Act and has not found any record of a licence currently in force for that person authorising him to drive such a motor vehicle shall, in the absence of proof to the contrary, be sufficient evidence that the person did not hold a licence to drive such a motor vehicle.

New

“(6) **Subsection (5)** of this section shall apply only in respect of offences that are alleged to have been committed on or after the **1st day of September 1984**.

5 Cf. 1962, No. 135, s. 25; 1964, No. 126, s. 4; 1971, No. 57, s. 3 (s. 25)

“26. **Prohibitions relating to drivers’ licences**—(1) The holder of a driver’s licence shall not apply for or obtain another driver’s licence while the licence held by him is in force; and
10 any licence that is so obtained shall be of no effect.

“(2) No person who is under the age of 15 years shall apply for or obtain a driver’s licence; and any licence that is obtained by any such person shall be of no effect.

New

15 “(3) Any driver’s licence obtained by any person who is a committed patient or a special patient within the meaning of the Mental Health Act 1969 shall be of no effect.

“(4) Every person commits an offence who, being a person to whom **subsection (1)** or **subsection (2)** of this section applies,
20 applies for or obtains a driver’s licence.

Cf. 1962, No. 135, s. 26 (3), (4); 1971, No. 57, s. 3 (s. 26 (3), (4))

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25 “27. **Production of driver’s licence on request**—(1) The driver of any motor vehicle shall produce his driver’s licence for inspection whenever requested to do so by a constable or traffic officer.

“(2) Any person to whom a request is made under **subsection (1)** of this section shall be deemed to have complied with the
30 request if, within 7 days after having been so required to produce his driver’s licence, he produces it at a place specified by the constable or traffic officer.

“(3) Where the driver of a motor vehicle produces his driver’s licence under **subsection (1)** or **subsection (2)** of this section, he
35 shall, if so required by the person to whom it is produced, sign his name with his ordinary signature to establish that he is the holder of the licence, or establish his identity by some other means.

New

“**27. Inspection of drivers’ licences**—(1) The driver of any motor vehicle shall produce his driver’s licence for inspection whenever required to do so by a constable or traffic officer.

“(2) The driver shall be deemed to have complied with **subsection (1)** of this section if, within 7 days after having been so required to produce his driver’s licence, he produces it at a place specified by the constable or traffic officer. 5

“(3) Where a driver’s licence is produced for inspection under this section, the driver shall, if so required by the person to whom it is produced,— 10

“(a) Sign his name with his ordinary signature to establish that he is the holder of the licence; or

“(b) Establish his identity by some other means.

Cf. 1962, No. 135, s. 26 (8); 1971, No. 57 s. 3 (s. 26 (8) 15 (8A)); 1972, No. 129, s. 4

Issue of Licences

“**28. Secretary may appoint local authority or other person as agent**—

Struck Out

(1) The Secretary may appoint any local authority or other person as his agent for the purposes of this Part of this Act; and any agent so appointed shall have and may exercise all the functions, duties, and powers of the Secretary under this Part of this Act. 20 25

New

“(1) The Secretary may appoint as his agent for the purposes of this Part of this Act—

“(a) Any local authority; or

“(b) Any other person approved for the purpose by the Minister. 30

“(1A) Any agent appointed under **subsection (1)** of this section shall have and may exercise all the functions, duties, and powers of the Secretary under this Part of this Act.

“(2) The Secretary may enter into contracts with any local authority or other person setting out the conditions under which the local authority or other person may act as the agent of the Secretary for the purposes of this Act; including 35

conditions relating to retention by the agents of part of the fees payable for the issue of licences under this Part of this Act or other means of remuneration of agents, maintenance of records by agents, confidentiality, the forwarding to the
 5 Secretary of details of licences issued, matters that may result in the termination of agencies by the Secretary, and other conditions relating to the proper and efficient conduct of the agency.

“29. **Licences issued by local authorities deemed to have**
 10 **been issued by Secretary**—Every driver’s licence issued under this Act by any local authority before the commencement of this Part of this Act is hereby deemed to have been issued by the Secretary.

“29A. **Details of licences issued by issuing authorities to**
 15 **be forwarded to Secretary**—Every local authority that was, at the commencement of this Part of this Act, an issuing authority within the meaning of this Act shall forward to the Secretary, not later than the **(1st day of May 1984) 1st day of August**
 20 **1984**, such details concerning drivers’ licences issued by it as the Secretary may require for the purposes of compiling and maintaining the national register of drivers’ licences in accordance with **section 29c** of this Act.

“29B. **Issue of drivers’ licences and extensions of**
 25 **licences**—(1) The Secretary shall, on receipt of the prescribed fee (if any) for each licensing year for which the licence is issued, issue a driver’s licence to any person who satisfies him that he is qualified in accordance with this Act and with any regulations made under this Act to be the holder of a driver’s licence to drive the class or classes of motor vehicles specified
 30 in the licence.

“(2) The Secretary shall grant an extension of any driver’s licence, where the holder of that licence satisfies him that he is qualified in accordance with this Act and with any regulations made under this Act to be the holder of a driver’s licence to
 35 drive the class or classes of motor vehicles in respect of which the extension is applied for.

“(3) Except as may be otherwise provided by this Part of this Act or by regulations made under this Act, every driver’s licence shall be operative throughout New Zealand, and shall
 40 remain in force until the end of the licensing year in which it takes effect or, at the option of the holder and on payment of the appropriate prescribed fee, the end of the first or second or third or fourth licensing year after the licensing year in which the driver’s licence takes effect, and, unless renewed,
 45 shall then expire.

“(4) Nothing in this section shall be construed so as to authorise the issue to any person of a driver’s licence having effect in any licensing year after the year in which it is issued, if, pursuant to regulations made under this Act, an application by that person for a driver’s licence for that licensing year would have to be accompanied by a medical certificate. 5

“(5) Where, during the currency of a driver’s licence, the holder is granted an extension of the licence authorising him to drive the class or classes of motor vehicle specified in the extension, and the application for the extension is required by regulations made under this Act to be accompanied by a medical certificate, the driver’s licence so extended shall expire at the end of the licensing year in which the extension was granted. 10

“(6) Unless otherwise provided by regulations under this Act, where any applicant for a driver’s licence or an extension of a driver’s licence is required to undergo any practical driving test on the ground that he has not previously or within a prescribed period been the holder of a driver’s licence granted in New Zealand of the class applied for, there shall be payable by the applicant, in addition to the fee prescribed for the purposes of **subsection (1)** of this section, the prescribed testing fee (if any), and that testing fee shall be payable whether or not a driver’s licence or extension of a driver’s licence is granted to him. 20 25

Cf. 1962, No. 135, s. 26 (1), (2), (5)–(7), (9)–(12); 1964, No. 126, s. 5; 1966, No. 107, s. 5; 1971, No. 57, s. 3 (s. 26 (1), (2), (5)–(7), (9), (10)); 1980, No. 96, s. 6

“29C. **National register of driver’s licences**—(1) The Secretary shall (*keep*) establish and maintain a national register of all driver’s licences issued or deemed to have been issued by him under this Act, showing with respect to each driver’s licence the following particulars: 30

“(a) The full name, address, and date of birth of the holder of the licence: 35

“(b) The number of the licence:

“(c) The date of issue of the licence:

“(d) The date of expiry of the licence:

“(e) The class or classes of vehicles to which the licence applies: 40

“(f) Any conditions subject to which the licence is issued:

“(g) Particulars of any order of disqualification made against the holder of the licence under section 30 or **section 30A** or section 32 of this Act:

“(h) Particulars of any order made under section 38 of this Act whereby a limited licence is issued to a person who has been disqualified by an order made under Part IV of this Act from holding or obtaining a driver’s licence: 45

- “(i) Particulars of any order made under section 39 of this Act whereby the disqualification of a motor driver is removed.
- 5 “(j) Particulars of any suspension of a licence or disqualification from holding a licence under section 47 or section 48 of this Act:
- “(k) Particulars of any order of disqualification made against the holder of the licence under section 44A of the Criminal Justice Act 1954:
- 10 “(l) Particulars of any revocation or suspension of the licence under any regulations made under the authority of **section 29F** of this Act.

New

- “(2) Any person shall, on written application to the Secretary
 15 and on payment of the prescribed fee (if any), be entitled to a certificate containing the following particulars that are contained in the national register in respect of any person named in the written application:
- “(a) Any particulars specified in **paragraph (d) or paragraph (e) of subsection (1)** of this section:
- 20 “(b) Any particulars specified in **paragraphs (f) to (l) of subsection (1)** of this section that are current at the date of the certificate.
- “(3) Every application under **subsection (2)** of this section shall
 25 describe the person named with sufficient particularity to enable the Secretary to identify the person and the licence concerned.

Cf. 1962, No. 135, s. 28A; 1971, No. 57, s. 3 (s. 27)

“29D. **Licences of mentally disordered persons to be**
 30 **suspended**—(1) Where any person becomes a committed patient or a special patient within the meaning of the Mental Health Act 1969 and is at the date he becomes a committed patient or a special patient the holder of a driver’s licence, that licence shall be deemed to be suspended on and from that
 35 date until such time as he is neither a committed patient nor a special patient under that Act.

“(2) Any person who has possession of a driver’s licence of any person who is a committed patient or a special patient within the meaning of the Mental Health Act 1969 shall, on
 40 the request of the Medical Superintendent of the hospital in which the holder of the licence is received or detained, deliver the licence to that Medical Superintendent, who shall retain the licence until the person ceases to be a committed patient or a special patient in that hospital.

45 “(3) Where a person to whom this section applies ceases to be a committed patient, or, as the case may be, ceases to be a special patient without becoming a committed patient, under

the Mental Health Act 1969 and the Medical Superintendent considers him to be unfit to hold a driver's licence, the Medical Superintendent shall forward to the Secretary a certificate to that effect together with that person's driver's licence, which shall thereupon be deemed to be revoked. 5

“(4) Where—

“(a) Any person to whom **subsection (1)** of this section applies is, under section 66 of the Mental Health Act 1969, permitted to be absent on leave from a hospital under that Act; and 10

“(b) The Medical Superintendent of the hospital certifies in writing that in his opinion that person is fit to hold a driver's licence—

the provisions of **subsection (1)** of this section shall not apply to that person while he is absent on leave from the hospital, 15 and, if his driver's licence is held by the Medical Superintendent pursuant to **subsection (2)** of this section, the Medical Superintendent shall return it to him.

Cf. 1962, No. 135, s. 28; 1971, No. 57, s. 3 (s. 28A)

“29E. **Professional driving instructors**—No person shall 20 engage for financial gain in the teaching of motor vehicle driving unless he is the holder of a certificate of approval for the time being in force issued by the Secretary under the authority of regulations made pursuant to **section 29F** of this Act. 25

Cf. 1962, No. 135, s. 28B; 1971, No. 57, s. 3 (s. 28B)

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“29F. **Regulations as to motor drivers' licences**—Without limiting the general power to make regulations conferred by section 199 of this Act, regulations may be made under that 30 section for all or any of the following purposes:

“(a) Providing, either generally or with respect to any particular locality or localities, or with respect to any particular class or classes of motor vehicles, for the examination and testing of applicants for drivers' 35 licences or extensions of drivers' licences or of any class of such applicants; and prescribing the persons or classes of persons by whom the examinations and tests are to be conducted, and the conditions upon or subject to which licences or extensions may 40 be granted:

“(b) Providing for the granting of different classes of drivers' licences, and prescribing the effect of drivers' licences of each class:

“(c) Providing that in the case of a renewal, an extension, 45 or any other alteration to any driver's licence, the renewal, extension, or alteration may be made by

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the issue of a new driver's licence or by endorsement on the existing licence, as the case may be; and providing for the issue of interim licences pending the issue of such new licences:

5 “(d) Providing for granting of probationary drivers' licences, and prescribing the period or periods of probation and the conditions upon or subject to which those licences may be issued; and applying to those

10 licences with such modifications as may be considered necessary, any of the provisions of this Act and any regulations made pursuant to any other provisions of this section; and providing for the revocation or suspension of a probationary driver's

15 licence upon the conviction of the holder for an offence in connection with the driving of a motor vehicle:

 “(e) Providing, notwithstanding anything in this Act, for the issue of provisional, restricted, and full motor drivers' licences authorising the holders to drive motor

20 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

25 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

30 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:

 “(f) Providing for the issue of provisional motor drivers' licences authorising the holder to drive a motor

35 vehicle other than a motor cycle; and prescribing the terms and conditions upon or subject to which those licences may be issued; and prescribing the fees for those licences; and prescribing that such a

40 provisional licence may not be issued until the applicant has demonstrated by written and oral examination that he has a knowledge of traffic law; and prescribing that the holder of such a provisional licence may not drive a motor vehicle, unless

45 he is accompanied by a person who holds a motor

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driver's licence for that class of vehicle and is engaged in teaching the holder of the provisional licence to drive; and prescribing that a person may not drive any motor vehicle on any road as a learner driver, unless he is in possession of such a provisional motor driver's licence: 5

“(g) Providing for the granting of extensions of drivers' licences:

“(h) Providing for the special examination and testing of the holders of drivers' licences in any case where it is considered by the Secretary to be necessary in the interest of public safety, and for the revocation of their drivers' licences if the holders refuse or neglect to submit to the examination or testing, or if they are found, whether as a result of examination or testing or otherwise, to be for any reason unfit to continue to hold their drivers' licences, subject to a right of appeal against the revocation to a District Court Judge, whose decision shall be final; and prescribing the time within which and the manner in which such appeals may be made: 10 15 20

“(i) Providing for the exemption, either unconditionally or upon or subject to such conditions as may be prescribed by or in accordance with the regulations, of any person who is a visitor to New Zealand from overseas from any of the requirements of this Act with respect to a licence to drive a motor vehicle, and delegating to the Minister power to grant any such exemption or to appoint any person to grant such exemption: 25 30

“(j) Prescribing, or authorising the Secretary to prescribe, forms of drivers' licences, forms of applications for drivers' licences, and other forms that may be required for the purposes of this Part of this Act or of any regulations made under this Act: 35

“(k) Prescribing, or authorising the Secretary to prescribe, the documentary evidence of identity and date of birth which must be submitted with any application for a driver's licence or for any extension or renewal of a driver's licence: 40

“(l) Providing for the issue by the Secretary of certificates of approval to persons engaged for reward in teaching motor-vehicle driving, and prescribing the conditions (including conditions as to the character of 45

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5 applicants for or holders of such certificates and the
 examination and testing of such applicants) upon
 or subject to which those certificates may be issued
 or revoked, subject to a right of appeal to a District
 Court Judge, whose decision shall be final, against
 any decision of the Secretary refusing to issue such
 a certificate or revoking such a certificate:
 10 “(m) Providing that where a person applies for a driver’s
 licence or a probationary driver’s licence, and that
 person has not previously been the holder of a
 motor driver’s licence granted in New Zealand, the
 applicant may be required to demonstrate a knowl-
 15 edge of traffic law and of the principles of safe and
 efficient operation of motor vehicles, as set out in
 publications published by the Government Printer
 and available in New Zealand, either by way of free
 issue or by way of sale.”

New

20 “29F. **Regulations as to motor drivers’ licences and
 driving instructors**—Without limiting the general power to
 make regulations conferred by section 199 of this Act,
 regulations may be made under that section for all or any of
 the following purposes:
 25 “(a) Providing, either generally or with respect to any par-
 ticular locality or localities, or with respect to any
 particular class or classes of motor vehicles, for the
 theoretical and practical examination and testing of
 applicants for drivers’ licences or alterations to or
 30 renewals or extensions of drivers’ licences or of any
 class of such applicants; prescribing the passing
 standards for such examinations and tests; prescrib-
 ing the conditions upon or subject to which licences
 or alterations to or renewals or extensions of
 35 licences may be granted; and prescribing or author-
 ising the Minister to prescribe the persons or classes
 of persons by whom the examinations and tests are
 to be conducted:
 40 “(b) Providing for the granting of different classes of drivers’
 licences, and prescribing the effect of drivers’
 licences of each class:

New

- “(c) Prescribing the matters to be included in any application for a driver’s licence, or for the alteration, renewal, or extension of a driver’s licence:
- “(d) Prescribing an age (being not greater than the age of 15 years in the case of a licence to drive a motorcar, motorcycle, or moped) that must have been attained by an applicant for any class of licence: 5
- “(e) Prescribing the circumstances in which medical certificates or tests of eyesight or hearing are required before any driver’s licence is issued, altered, renewed, or extended; prescribing the standards of eyesight and hearing required of an applicant for a licence of any class or the alteration to or renewal or extension of any licence; and empowering the Secretary to decline to issue, alter, renew, or extend any driver’s licence in the absence of a medical certificate that the person is a fit person to hold a driver’s licence: 10 15
- “(f) Prescribing or authorising the Minister to prescribe the persons who may grant medical certificates or conduct tests of eyesight or hearing in relation to driver’s licences and applications for such licences: 20
- “(g) Prescribing conditions relating to the issue of duplicate and replacement licences: 25
- “(h) Providing for or prescribing conditions relating to the issue, alteration, renewal, and extension of licences:
- “(i) Prescribing the classes of licence authorising the holder to drive vehicles which may carry passengers for reward in respect of which an applicant must produce evidence of his good character: 30
- “(j) Providing that in the case of an alteration to or renewal or extension of any driver’s licence, the alteration, renewal, or extension may be made by the issue of a new driver’s licence or by endorsement on the existing licence, as the case may be; and providing for the issue of interim licences pending the issue of such new licences: 35
- “(k) Specifying the period within which a licence may be renewed after it has expired and the conditions relating to fees or otherwise subject to which licences may be renewed within or outside that period: 40

New

- 5 “(l) Providing for the issue of various types of drivers’
licences authorising the holders to drive motor
vehicles subject to such conditions as to vehicle
power and otherwise as are prescribed in the regu-
lations; and prescribing the classes of drivers,
whether by reference to age or driving experience
or otherwise, to whom such conditions are to apply:
- 10 “(m) Providing for the practical, theoretical, or medical
examination and testing of the holders of drivers’
licences in any case where it is considered by the
Secretary to be necessary in the interest of public
safety, and for the revocation of drivers’ licences if
15 the holders refuse or neglect to submit to the exam-
ination or testing, or if they are found as a result
of the examination or testing to be for any reason
unfit to continue to hold their drivers’ licences; pro-
viding for a right of appeal against the revocation
20 to a District Court Judge; and prescribing the time
within which and the manner in which such appeals
may be made:
- 25 “(n) Providing for the revocation of any licence that author-
ises the holder to drive vehicles which may carry
passengers for reward where it is considered by the
Secretary to be necessary in the public interest hav-
ing regard to the conduct of that person; providing
for a right of appeal against the revocation to a
District Court Judge; and prescribing the time within
30 which and the manner in which appeals may be
made:
- 35 “(o) Prescribing, or authorising the Secretary to prescribe,
forms of drivers’ licences and limited licences, forms
of applications for drivers’ licences, and other forms
that may be required for the purposes of this Part
of this Act or of any regulations relating to drivers’
licences made under this Act:
- 40 “(p) Prescribing the documentary evidence of identity and
date of birth which must be submitted with any
application for a driver’s licence or for any altera-
tion to or extension or renewal of a driver’s licence
and empowering the Secretary to grant exemptions
from the requirements of any regulations made
under this paragraph:

New

- “(q) Providing for the issue by the Secretary of certificates of approval to persons engaged for financial gain in teaching motor-vehicle driving, and prescribing the conditions (including conditions as to the character of applicants for or holders of such certificates and the examination and testing of such applicants) upon or subject to which those certificates may be issued or revoked; and providing for a right of appeal to a District Court Judge against any decision of the Secretary refusing to issue such a certificate or revoking such a certificate: 5 10
- “(r) Providing that any applicant for a driver’s licence who satisfies the Secretary that he has held a driver’s licence granted outside New Zealand may be exempted by the Secretary from some or all of the practical or theoretical examinations or tests or requirements for medical certificates or tests of eyesight or hearing that would otherwise be required of applicants for that class of licence: 15 20
- “(s) Providing for the exemption, either unconditionally or upon or subject to such conditions as may be prescribed in the regulations, of persons who are visitors to New Zealand from any of the requirements of this Act or of any regulations relating to drivers’ licences made under this Act: 25
- “(t) To give effect to any international convention relating to the recognition of drivers’ licences and permits issued in other jurisdictions and the recognition of international driving permits: 30
- “(u) Prescribing offences relating to—
- “(i) Applications for drivers’ licences or renewals or extensions of drivers’ licences:
- “(ii) Driving any motor vehicle contrary to the conditions of any driver’s licence: 35
- “(iii) The making of alterations to any driver’s licence and the use of any licence that has been altered:
- “(iv) The custody and use of drivers’ licences: 40
- “(v) The incorrect description by or of any person as the holder of a certificate of approval as a driving instructor, and the employment as a driving instructor of any person who does not hold any such certificate—
- and prescribing fines not exceeding \$200 for such offences.” 45

Struck Out

(2) This section shall come into force on the **1st day of March 1984.**

5 Cf. 1962, No. 135, s. 29; 1971, No. 57, s. 3 (s. 29); 1974, No. 61, s. 5; 1978, No. 46, s. 2

3. Consequential amendments and repeals—(1) Section 2 (1) of the principal Act (as substituted by section 2 (1) of the Transport Amendment Act 1972) is hereby consequentially amended by repealing the definition of the term “issuing authority”, and substituting the following definition:

10 “‘Issue’, in relation to any motor driver’s licence, includes, where appropriate, the issue of a renewal notice for insertion in an existing licence and the *(alteration)* extension of any existing licence to *(show that it applies in respect of)* any class or classes of motor vehicle.”

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

20 “‘Licensing year’ in relation to any driver’s licence means a period of 12 months ending with the 30th day of June in any year, and in relation to any such licence issued during that period means the period commencing with the date of issue of the licence and ending with the next 30th day of June.”

25 (3) Section 2 (1) of the principal Act (as so substituted) is hereby further amended by omitting from the definition of the term “motor driver’s licence” the expression “section 29”, and substituting the expression “**section 29F**”.

30 (4) Section 32 (2)(a) of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting the words “, whether or not the licence with respect to which the application is made has been issued by that authority”.

35 (5) Section 33 (3) of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting the words “local authority on behalf of which the tests were conducted”, and substituting the word “Secretary”.

40 (6) Section 37 of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by repealing subsections (2) and (3), and substituting the following subsection:

45 “(2) Every person who receives a licence under subsection (1) of this section shall forward it to the Secretary who shall retain it until the disqualification has expired or has been removed, and the person entitled to the licence has made a request in writing for it to be returned to him.”

(7) Section 38 (6) of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting the words “any local authority or the Secretary, as the case may require,”, and substituting the words “the Secretary”.

5

(8) Section 38 (7) of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting the words “the local authority or the Secretary, as the case may be,”, and substituting the words “the Secretary”.

10

(9) Section 40 of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting the words “and to the local authority by which the licence (if any) of the defendant was issued”.

(10) Section 41 (5) of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting the words “and also to the local authority by which the licence (if any) of the defendant was issued”.

15

(11) The following enactments are hereby consequentially repealed:

20

(a) Sections 4 to 6 of the Transport Amendment Act 1964:

(b) Section 4 of the Transport Amendment Act 1965:

(c) Sections 5 to 8 of the Transport Amendment Act 1966:

(d) Sections 3 and 4 of the Transport Amendment Act 1971:

(e) Section 5 of the Transport Amendment Act 1974.

25

Struck Out

(f) The Transport Amendment Act Commencement Order 1976 (S.R. 1976/203).

New

(11A) The Transport Amendment Act Commencement Order 1976 (S.R. 1976/203) is hereby consequentially revoked.

30

Struck Out

(12) This section shall come into force on the **1st day of March, 1984.**

New

35

3A. Validation of motor drivers' licences—For the avoidance of doubt it is hereby declared that every motor driver's licence issued before the 1st day of July 1983 is as valid as it would have been if—

(a) The tests administered to the applicant for that licence had been properly prescribed or authorised by regulations made under the principal Act; and

40

New

- (b) The passing standards used for the tests had been properly prescribed or authorised; and
 (c) The answers used as the correct answers to the tests in traffic law were correct in every case.

PART II
 OFFENCES AND PENALTIES

Struck Out

4. New sections inserted—(1) The principal Act is hereby amended by inserting, after section 30, the following sections:

“30A. Court orders relating to persons convicted twice or more of alcohol or drug related traffic offences—
 Where—

“(a) Any Court convicts any person of an offence against any of the following provisions of this Act, namely,—
 “(i) Section 55 (2); or
 “(ii) Section 56 (1A) (b); or
 “(iii) Section 58; or
 “(iv) Section 58A (5); or
 “(v) Section 58B (13); or
 “(vi) Subsection (1) or subsection (2) of section 58C;
 and

“(b) The offence in respect of which the person is convicted was committed after the **1st day of December 1983**;
 and

“(c) The person has previously been convicted of an offence against the same provision or against any other provision specified in **paragraph (a)** of this subsection, being an offence committed within 5 years before the date of the commission of the offence to which that paragraph relates,—

the Court shall make an order under **subsection (2)** of this section.

“(2) Where any Court is required by **subsection (1)** of this section to make an order in respect of any person the Court shall—

“(a) Make an order under this section disqualifying the person from holding or obtaining a driver’s licence; or

“(b) If it is satisfied in the particular case that there is no Assessment Centre that is reasonably available to the person, make an order that nothing in **sections 30B to 30C** of this Act is to apply to that person.

“(3) The duty imposed upon the Court by this section shall not in any way restrict any other duty or power of the Court to disqualify any person from holding or obtaining a driver’s licence, or to impose any other penalty.

(4) For the avoidance of doubt it is hereby declared that sections 33 to 41 of this Act shall apply in respect of any order made under **subsection (2) (a)** of this section and any person in respect of whom such an order is made.

Struck Out

“30B. **Assessment Centre fee**—(1) Every person in respect of whom an order is made under **section 30A (2) (a)** of this Act shall pay an Assessment Centre fee of \$100, which shall be payable whether or not that person attends an Assessment Centre. 5

“(2) Where any person is required to pay any fee under **subsection (1)** of this section that fee shall be payable to the Court and shall be recoverable in the same manner as any fine imposed by the Court on the conviction of that person. 10

“30C. **Issue of licence to disqualified person after attendance at Assessment Centre**—(1) Where an order has been made under **section 30A (2) (a)** of this Act in respect of any person (in this section called ‘the applicant’), the Secretary shall, if he is satisfied that the requirements of this Act and any regulations made under this Act relating to the issue of a driver’s licence to the applicant have been complied with, and that the applicant is not disqualified from holding or obtaining a driver’s licence other than by virtue of an order made under **section 30A (2) (a)** of this Act, issue a licence to the applicant on his application if— 15 20

“(a) Not less than 6 months after the date of the order, the applicant has submitted to the Secretary a certificate from the person in charge of an Assessment Centre to the effect that— 25

“(i) The applicant has attended the Assessment Centre; and

“(ii) The applicant has received any necessary counselling or treatment at the Centre or as recommended by the Centre; and 30

“(iii) The applicant has benefited from the counselling or treatment; or

“(b) Not less than 12 months after the order, the applicant has submitted to the Secretary a certificate from the person in charge of the Assessment Centre to the effect that— 35

“(i) The applicant has attended the Assessment Centre; and

“(ii) That he is satisfied that the person does not have a condition that requires the counselling or treatment that is available at or at the recommendation of the Centre. 40

“(2) The effect of the issue under **subsection (1)** of this section of a licence to the applicant shall be to terminate the order of disqualification made in respect of him under **section 30A (2) (a)** of this Act.” 45

Struck Out

(2) Section 2 of the principal Act (as substituted by section 2 (1) of the Transport Amendment Act 1972) is hereby amended by inserting, after the definition of the term “approved urban transport scheme” (as inserted by section 42 of the Urban Transport Act 1980), the following definition:

“‘Assessment Centre’ means any establishment for the time being approved as an Assessment Centre for the purposes of this Act by the Director-General of Health.”

New

4. New sections inserted—The principal Act is hereby amended by inserting, after section 30, the following sections:

“30A. Court orders relating to persons convicted twice or more of alcohol or drug related traffic offences—
(1) Where—

“(a) Any Court convicts any person of an offence against any of the following provisions of this Act, namely,—

“(i) Section 55 (2); or

“(ii) Section 56 (1A) (b); or

“(iii) Section 58 (1); or

“(iv) Section 58A (5); or

“(v) Section 58B (13); or

“(vi) Section 58c (1); or

“(vii) Section 58c (2); and

“(b) The person has previously been convicted of an offence against the same provision or against any other provision specified in **paragraph (a)** of this subsection, being an offence committed within 5 years before the date of the commission of the offence to which that paragraph relates,—

the Court shall, subject to **subsection (2)** of this section, make an order requiring the person to attend an Assessment Centre and disqualifying him from holding or obtaining a driver’s licence until the Secretary makes an order under **section 30c (1)** of this Act removing that disqualification.

“(2) The Court shall not make an order under **subsection (1)** of this section unless both the offences referred to in that subsection were committed on or after the **1st day of December 1983**, and at least one of those offences was an offence—

New

- “(a) Against section 58 (1) (a) of this Act and the proportion of alcohol in his breath, as ascertained by an evidential breath test undergone by him, exceeded 1000 micrograms of alcohol per litre of breath; or 5
- “(b) Against section 58 (1) (b) of this Act and the proportion of alcohol in his blood, as ascertained from an analysis of a blood specimen taken from him, exceeded 200 milligrams of alcohol per 100 millilitres of blood; or 10
- “(c) Against section 58A (5), or section 58B (13), or section 58C (1), or section 58C (2) of this Act.
- “(3) For the purposes of this section, any certificate given under section 58B (9) of this Act and admitted in evidence in any proceedings for an offence against section 58 (1) (b) of this Act shall be sufficient evidence of the matters stated in the certificate, until the contrary is proved. 15
- “(4) The duty imposed upon the Court by this section shall not in any way restrict any other duty or power of the Court to disqualify any person from holding or obtaining a driver’s licence, or to impose any other penalty. 20
- “(5) For the avoidance of doubt it is hereby declared that sections 33 to 37 of this Act shall apply in respect of both any order made under **subsection (1)** of this section and any person in respect of whom such an order is made. 25
- “**30B. Assessment Centre fee**—(1) Every person in respect of whom an order is made under **section 30A (1)** of this Act shall pay an Assessment Centre fee of \$150, which shall be payable whether or not that person attends an Assessment Centre. 30
- “(2) Where any person is required to pay any fee under **subsection (1)** of this section, that fee shall be payable to the Court and shall be recoverable in the same manner as any fine imposed by the Court on the conviction of that person.
- “(3) There shall be paid to every Assessment Centre by the Minister of Transport, out of money appropriated by Parliament for the purpose, the sum of \$150 for the first attendance of any person in respect of whom an order has been made under **section 30A (1)** of this Act, where that person has not previously attended an Assessment Centre following the making of that order. 35 40
- “**30C. Removal of disqualification by Secretary**—(1) Where an order has been made under **section 30A (1)** of this Act in respect of any person (in this section called ‘the applicant’), the Secretary shall, if he is satisfied— 45

New

- “(a) That, having regard to—
- 5 “(i) Any report which is from a registered medical practitioner attached to any Assessment Centre and which is made available to the Secretary by the applicant or the Assessment Centre; and
- “(ii) Any other evidence submitted by the applicant or otherwise available to the Secretary relating to the medical condition of the applicant,—
- 10 the applicant is a fit person to hold a driver’s licence; and
- “(b) That the applicant is not disqualified from holding or obtaining a driver’s licence other than by virtue of an order made under **section 30A (1)** of this Act—
- 15 make an order removing the disqualification of the applicant from holding or obtaining a driver’s licence.
- “(2) On the making of an order by the Secretary under **subsection (1)** of this section in respect of any applicant, every order made under **section 30A (1)** of this Act in respect of that applicant shall be deemed to have expired.
- 20 “(3) No order shall be made under **subsection (1)** of this section in respect of any applicant within 2 years after the making of the latest order in respect of that applicant under **section 30A (1)** of this Act.
- “**30D. Appeal against refusal of Secretary to remove disqualification**—(1) Where an order has been made under **section 30A (1)** of this section and the person in respect of whom the order was made—
- 25 “(a) Has unsuccessfully applied to the Secretary for an order under **section 30C (1)** of this Act; and—
- 30 “(b) Considers that the Secretary should have made an order under that section—
- that person may appeal to a District Court against the refusal of the Secretary to make that order.
- “(2) In determining the appeal the Court may—
- 35 “(a) Direct the Secretary to make an order under **section 30C (1)** of this Act; or
- “(b) Dismiss the appeal.”

- 5. Application of disqualification provisions where offender already disqualified**—The principal Act is hereby
- 40 amended by repealing section 31 (as substituted by section 2 of the Transport Amendment Act 1970), and substituting the following section:
- “31. (1) Where—
- 45 “(a) Any person who is disqualified from holding or obtaining a driver’s licence; or
- “(b) Any person who holds a limited licence issued under section 38 of this Act—

is convicted of any offence that renders him liable to be disqualified from holding or obtaining a driver's licence, the Court shall, subject to **subsection (2)** of this section, order him to be disqualified from holding or obtaining a driver's licence for a period of 6 months, *(or where any provision of this Act requires that a longer period of disqualification be ordered, for that longer period)* unless for special reasons relating to the offence it considers such disqualification would be inappropriate. 5

“(2) The penalty that shall be imposed by the Court under **subsection (1)** of this section shall be in addition to any other penalty that shall or may be imposed and without prejudice to any duty or power of the Court to order a longer period of disqualification. 10

“(3) Where any person in respect of whom an order is made under **subsection (1)** of this section is at the time when the order is made already disqualified from holding or obtaining a driver's licence, the period of disqualification ordered under **subsection (1)** of this section shall commence on the date on which the order or the last of the orders to which he is already subject ceases to have effect, and in every other case shall commence in accordance with section 36 of this Act.” 15 20

New

5A. Driving while disqualified or contrary to the terms of a limited licence—Section 35 of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting from subsection (2) (a) the words “may order him to be disqualified from holding or obtaining a driver's licence for such period as the Court thinks fit”, and substituting the words “shall make an order under section 31 of this Act as if the offence for which the person is convicted is an offence that renders him liable to be disqualified from holding or obtaining a driver's licence”. 25 30

5B. Issue of limited licence to disqualified person—Section 38 of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by repealing subsection (1), and substituting the following subsections: 35

“(1) Except as provided in **subsection (1A)** of this section, this section applies in respect of any person who is disqualified by an order made under this Part of this Act from holding or obtaining a driver's licence. 40

“(1A) Nothing in this section applies in respect of any person who is disqualified by an order made under **section 30A (1)** of this Act from holding or obtaining a driver's licence.”

6. Removal of disqualification—(1) Section 39 of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by inserting, after subsection (1), the following subsection:

5 “(1A) In having regard under subsection (1) of this section to the conduct of any person subsequent to an order disqualifying him from holding or obtaining a driver’s licence, the Court shall have regard to—

10 “(a) Whether or not any course operated by a traffic improvement school or defensive driving organisation approved under **section 39A** of this Act was reasonably available to that person; and

“(b) Whether or not that person attended that course; and

15 “(c) Any report of any person conducting such a course on the conduct of the person in respect of whom the order was made, and on his awareness of the responsibilities of drivers and suitability to hold a driver’s licence; and

Struck Out

20 “(d) Any certificate from the person in charge of an Assessment Centre as to whether or not the person has benefited from the counselling or treatment available at or under the direction of the Centre, or the need or lack of a need of the person for such counselling or treatment.”

New

30 “(d) Any report which relates to the medical condition of that person and which is from a registered medical practitioner attached to an Assessment Centre attended by the person other than under an order made under **section 30A (1)** of this Act.”

(1A) Section 39 of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by adding the following subsection:

35 “(5) No application or order may be made under this section in respect of any person who is disqualified by an order made under **section 30A (1)** of this Act from holding or obtaining a driver’s licence.”

Struck Out

40 (2) This section shall come into force on the **1st day of March 1984.**

7. Approval of traffic improvement schools and defensive driving courses—(1) The principal Act is hereby amended by inserting, after section 39, the following section:

“39A. The Secretary may, by notice in the *Gazette*, approve any traffic (*instruction*) improvement school conducted by the Department or any local authority, or any defensive driving organisation as a school or organisation that conducts courses available to persons in respect of whom orders disqualifying them from holding or obtaining a driver’s licence have been made by any Court.”

Struck Out

(2) This section shall come into force on the **1st day of March 1984.**

8. Infringement fees—Section 42A of the principal Act (as enacted by section 7 of the Transport Amendment Act 1980) is hereby amended by repealing subsection (9), and substituting the following subsections:

“(9) Where proceedings are being or have been taken against a person under the Summary Proceedings Act 1957 for an infringement offence and the infringement fee is paid after the commencement of the proceedings, the infringement fee shall not be refundable to the person who made the payment unless the person against whom the proceedings are or have been taken is acquitted of the infringement offence, or the proceedings in respect of the offence are dismissed.”

“(10) Where an infringement fee is paid to an enforcement authority before the commencement of proceedings in respect of the infringement offence for which the fee has been paid, sections 44 to 51 of this Act shall apply as if the person to whom the infringement notice, or a copy of that notice, was delivered or sent had been convicted of the infringement offence on the date on which the payment is made.

“(11) Where an infringement fee is paid to an enforcement authority other than the Department, the enforcement authority shall send to the Secretary such particulars of the infringement offence and the payment as the Secretary requires.”

9. Retention of infringement fees by local authorities—Section 43 (2) (a) (ii) of the principal Act (as enacted by section 7 of the Transport Amendment Act 1980) is hereby amended by inserting, after the words “the bylaw”, the words “where the infringement notice in respect of the offence was issued by (*a traffic officer employed*) an officer or other person appointed by that authority”.

10. Notice of demerit points—The principal Act is hereby amended by repealing section 47 (as substituted by section 2 of the Transport Amendment Act 1970), and substituting the following section:

5 “47. The Secretary shall, where reasonably practicable, cause a notice in writing to be given to any person in respect of whom 60 or more demerit points have been recorded informing that person of the number of demerit points so recorded and the consequences of further demerit points being
10 recorded against him.”

New

(2) Section 11 of the Transport Amendment Act 1974 is hereby consequentially repealed.

Cf. 1962, No. 135, s. 47; 1974, No. 61, s. 11

15

PART III

ROAD TRAFFIC

New

10A. Penalties for offences—Section 30 of the principal Act (as substituted by section 2 of the Transport Amendment Act
20 1970) is hereby amended by inserting, after subsection (2A) (as inserted by section 6 (2) of the Transport Amendment Act 1974), the following subsection:

“(2B) Every person who commits an offence against section
25 58A (5) of this Act (which relates to failure to accompany an enforcement officer for purposes relating to breath tests or blood tests and failure to remain at places for those purposes) is liable on summary conviction to a fine not exceeding \$1,500, and the Court may order him to be disqualified from holding or obtaining a driver’s licence for such period as the Court
30 thinks fit.”

11. Error in evidential breath test not to vitiate proceedings for offence relating to blood alcohol concentration—(1) Section 58 of the principal Act (as substituted by section 7 of the Transport Amendment Act
35 (No. 3) 1978) is hereby amended by adding the following subsections:

“(5) It shall not be a defence to a charge under subsection (1) (b) of this section—

“(a) That there was or may have been an error in the result of the evidential breath test; or

“(b) That the occurrence or likely occurrence of any such error did not entitle or empower any person to request or require a blood test. 5

“(6) **Subsection (5)** of this section shall not apply in respect of any offence that is alleged to have been committed before the **1st day of December 1983**”. 10

Struck Out

(2) This section shall come into force on the **1st day of December 1983**.

12. Breath tests—Section 58A of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by omitting from subsection (1) (c) the words “made under this Part of this Act”, and substituting the words “authorised by section 77 of this Act and made under section 199 of this Act”. 15

13. Analyst’s certificate relating to blood specimen analysis conclusive evidence in certain cases—Section 58B of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by inserting, after subsection (9), the following subsection: 20

“(9A) The Court shall not make an order under paragraph (e) or paragraph (f) of subsection (9) of this section unless the application made by the defendant is accompanied by an affidavit sworn by the private analyst specified by the defendant or his solicitor or counsel under subsection (7) of this section to the effect that— 25 30

“(a) Since the date given to him as the date on which application was made under subsection (7) of this section for the sending to him of a blood specimen relating to the defendant he has not received any such specimen; or 35

“(b) The blood specimen received by him relating to the defendant—

“(i) Was not suitable for analysis; or

“(ii) Was suitable for analysis but, for specified reasons, that analysis was not carried out; or 40

“(iii) Was suitable for analysis and that analysis was carried out but, for specified reasons, the results of the analysis are not available; or

5 “(c) The blood specimen received by him relating to the defendant has been analysed and found to contain not more than 80 milligrams of alcohol per 100 millilitres of blood; or

10 “(d) The blood specimen received by him relating to the defendant has been analysed and found to contain 20 or more milligrams of alcohol per 100 millilitres of blood more or less than the proportion of alcohol per 100 millilitres of blood specified in the certificate given under subsection (9) (a) (ii) of this section.”

15 *Struck Out*

14. Stopping of vehicle for possible breath screening test of driver—The principal Act is hereby amended by inserting, after section 58F, the following section:

20 “58G. (1) Any traffic officer may, whether or not he has good cause to suspect that any offence has been committed against this or any other Act, direct the driver of any vehicle on any road to stop that vehicle so that the traffic officer or any other traffic officer may form an opinion about whether or not he has grounds under section 58A (1) of this Act to require the driver to undergo a breath screening test.

25 “(2) The power to direct a driver to stop a vehicle conferred by **subsection (1)** of this section may be exercised where—

30 “(a) The traffic officer exercising the power to direct a driver to stop a vehicle is within or near an area that is identified by signs, lights, or other devices as a place where vehicles are intended to be or are being stopped by traffic officers; and

“(b) No fewer than 3 traffic officers are within or near the area; and

35 “(c) All traffic officers within or near the area are in uniform; and

40 “(d) Every traffic officer exercising the power to direct a driver to stop a vehicle has in his possession, and produces if requested to do so, a warrant issued by the Secretary authorising him to direct drivers to stop vehicles under this section; and

45 “(e) The vehicles used by the traffic officers at the area are marked in the manner ordinarily used for marking marked vehicles of the Ministry of Transport or the local authority that employs traffic officers.

Struck Out

“(3) It shall not be a defence to any proceedings for any offence against this Act or any regulations made under this Act that any of the requirements of **subsection (2)** of this section were not strictly complied with or were not complied with at all, provided there has been reasonable compliance with those requirements. 5

“(4) In any proceedings for any offence against this Act or any regulations made under this Act it shall be presumed, until the contrary is proved, that the requirements of **subsection (2)** 10 of this section have been complied with.

“(5) Every person commits an offence against this Act who fails to comply with any direction given under **subsection (1)** of this section, and may be arrested by any constable without warrant. 15

“(6) Where any traffic officer requires any driver to stop any vehicle under the powers conferred by this section he or any other traffic officer may exercise any other power conferred upon him by this or any other Act.

“(7) The powers conferred by this section may be exercised 20 notwithstanding any other power conferred by this or any other Act on any traffic officer to require any person to stop any vehicle, or any obligation imposed by this or any other Act on any person to stop any vehicle, and shall not in any way affect or restrict any such powers or obligations, or the 25 actions that may be taken in the exercise of any such powers.

“(8) This section shall expire with the close of the **31st day of December 1985** and shall be deemed to be repealed as from the close of that day.”

Struck Out

30

New

14. Stopping of vehicle for enforcement of this Act or Road User Charges Act 1977—(1) The principal Act is hereby amended by repealing section 66 (as substituted by section 7 (1) of the Transport Amendment Act 1970), and substituting the following section: 35

“66. (1) Any constable in uniform or traffic officer in uniform may, whether or not he has good cause to suspect that any offence has been committed against this Act or the Road User Charges Act 1977 or any regulations or bylaws for the time 40 being in force under either of those Acts, direct the driver of any vehicle on any road to stop that vehicle and remain stopped so that the constable or traffic officer or any other constable or traffic officer may determine whether or not in his opinion any such offence has been committed. 45

Struck Out

New

“(2) Where the power conferred by **subsection (1)** of this section to direct a driver to stop a vehicle is exercised, the
 5 constable or traffic officer who exercised the power or any other constable or traffic officer may require the driver to state clearly—

“(a) His name and residential address; and

10 “(b) Whether or not he is the owner of the vehicle, and, if he is not, the name and address of the owner of the vehicle.

“(3) Every person commits an offence who fails to comply with any direction or requirement under **subsection (1)** or **subsection (2)** of this section, and may be arrested by any
 15 constable without warrant.”

(2) Section 7 of the Transport Amendment Act 1970 is hereby consequentially repealed.

Struck Out

20 **15. Repeal of provision empowering Court to order attendance at traffic improvement school or defensive driving course**—(1) The following enactments are hereby repealed:

(a) Section 68 of the principal Act:

(b) Section 6 of the Transport Amendment Act (No. 2) 1971:

25 (c) Section 19 of the Transport Amendment Act 1974.

(2) The repeal of the enactments specified in **subsection (1)** of this section shall not affect the validity of any order made by any Court before the commencement of this section, or the obligations of any person under any such order.

30 (3) This section shall come into force on the **1st day of March 1984.**

New

35 **15. Power of Court to order attendance at traffic improvement or defensive driving course**—(1) The principal Act is hereby amended by repealing section 68, and substituting the following section:

40 “68. (1) Where any person is convicted of an offence against this Part of this Act or of any other offence (whether against this Act or any other enactment or any bylaw) in connection with the driving of a motor vehicle, the Court may, whether or not it imposes any other penalty in respect of the offence, order that person to attend—

New

“(a) A course of instruction at a traffic improvement school approved under **section 39A** of this Act; or

“(b) A course conducted by a defensive driving organisation approved under **section 39A** of this Act. 5

“(2) Any person who has been ordered under **subsection (1)** of this section to attend a course shall, within 21 days after being required to do so, pay to the person in charge of the course the fee usually charged for that course.

“(3) Every person commits an offence who, having been 10 ordered to attend a course,—

“(a) Fails to attend the course in accordance with the order; or

“(b) Fails to pay any fee that he is required to pay under **subsection (4)** of this section.” 15

(2) The following enactments are hereby consequentially repealed:

(a) Section 6 of the Transport Amendment Act (No. 2) 1971:

(b) Section 19 of the Transport Amendment Act 1974.

16. Jurisdiction of traffic officers—(1) The principal Act is 20 hereby amended by repealing section 68D (as inserted by section 8 (1) of the Transport Amendment Act (No. 2) 1967), and substituting the following section:

“68D. (1) Any power or authority conferred by this or any other Act or by any regulations or bylaws for the time being 25 in force under this or any other Act on any traffic officer who is an officer of the Department, or a traffic officer who is appointed as such by a territorial authority, may be exercised by that officer on any road.

“(2) Any power or authority conferred by this or any other 30 Act or by any regulations or bylaws for the time being in force under this or any other Act on any traffic officer to whom **subsection (1)** of this section does not apply may be exercised by that traffic officer—

“(a) On any road that is under the control of the authority 35 by which he has been appointed as a traffic officer:

“(b) On any other road—

“(i) Where he has good cause to suspect that an offence against section 58 of this Act has been committed by the driver or person in charge of a motor 40 vehicle on a road that is under the control of the authority by which he has been appointed as a traffic officer:

5 “(ii) For the purpose of identifying or arresting, pursuant to section 62 of this Act, the driver or person in charge of the motor vehicle or of identifying the motor vehicle or of preventing the continuance of the offence, where he has good cause to suspect that any other offence against this Act or any offence against any regulations or bylaws in force under this Act has been committed by the driver or person in charge of any motor vehicle within the area under the control of that other authority, and it is necessary for him to proceed beyond that district or area for that purpose:

10 “(iii) In any case where he believes on reasonable grounds that it is necessary for him to exercise that power or authority in order to deal with any accident or emergency or to prevent the continuance of any danger to the public or to any person.”

15 (2) Section 10 of the Transport Amendment Act 1980 is hereby consequentially repealed.

20 **17. Duty of traffic officer to order overloaded motor vehicle off road**—Section 69A (2) of the principal Act (as substituted by section 21 (1) of the Transport Amendment Act 1974) is hereby amended by omitting the words “, unless the load on the motor vehicle is indivisible,”.

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PART IV

MISCELLANEOUS AMENDMENTS TO PRINCIPAL ACT

30 **18. Definition of term “moped”**—(1) Section 2 (1) of the principal Act (as substituted by section 2 (1) of the Transport Amendment Act 1972) is hereby amended by inserting, after the definition of the term “Minister”, the following definition:

35 “ ‘Moped’ means a motor vehicle running on 2 or 3 wheels that is fitted with a motor having a power output not exceeding 2 kilowatts and is designed to be ridden at a speed not exceeding 50 kilometres per hour under normal conditions of use:”.

(2) Section 2 (1) of the principal Act (as so substituted) is hereby amended by repealing the definition of the term “power cycle” (as substituted by section 2 (2) of the Transport Amendment Act 1974).

40 (3) Section 2 (1) of the principal Act (as so substituted) is hereby amended by omitting from the definitions of the terms “driver”, “motorcar”, and “motor cycle”, the words “power cycle”, and substituting in each case the word “moped”.

(4) The First Schedule to the principal Act (as substituted by section 3 (1) of the Transport Amendment Act 1977) is hereby amended by omitting from clause 5 of Part I and from clauses 2 and 8 of Part II the words “power cycle”, and substituting in each case the word “moped”. 5

(5) Section 2 (2) of the Transport Amendment Act 1974 is hereby consequentially repealed.

(6) This section shall come into force on the **1st day of March 1984.**

19. Certain trailers exempted from registration and licensing provisions—Section 7 of the principal Act is hereby amended by inserting, after subsection (4A) (as inserted by section 6 of the Transport Amendment Act (No. 2) 1969), the following subsection: 10

“(4B) Nothing in subsection (1) of this section shall apply with respect to any trailer that is attached to or being drawn by any exempted vehicle within the meaning of section 188 of this Act.” 15

20. Details of register—(1) Section 17 of the principal Act is hereby amended by repealing subsections (2) and (3), and substituting the following subsections: 20

“(2) Subject to **subsection (3)** of this section, any person shall, on making oral or written application to the Registrar or to a Deputy Registrar, be entitled to a certificate containing the name and address of the registered owner of a specified motor vehicle or, if he so wishes, shall be entitled to that information given orally or by other means. 25

“(3) No person shall be entitled to a certificate or to be given information under **subsection (2)** of this section unless he has paid the appropriate prescribed fee, or the Registrar is satisfied that adequate arrangements have been made for the later payment of that fee.” 30

(2) Section 4 (b) of the Transport Amendment Act 1980 is hereby consequentially repealed.

21. Change of ownership of motor vehicle—Section 18 of the principal Act is hereby amended by inserting, after subsection (8), the following subsection: 35

“(8A) Notwithstanding subsection (8) of this section, the Registrar may endorse particulars of a change of ownership on the certificate of registration or on a duplicate certificate issued for the purpose if— 40

- “(a) The endorsement fee has been paid; and
- “(b) The Registrar is satisfied that ownership of the vehicle has changed; and
- 5 “(c) The Registrar is satisfied that the person selling or otherwise disposing of the vehicle has failed or refused to notify the change of ownership in accordance with subsection (1) of this section; and
- “(d) The person seeking the endorsement has made a statutory declaration—
- 10 “(i) That he is the new owner of the vehicle; and
- “(ii) Explaining the circumstances under which he became the new owner; and
- “(iii) Detailing any efforts he has made to have the previous owner sign the notice of change of ownership.”
- 15

New

22. New sections inserted—(1) The principal Act is hereby amended by inserting, after section 77, the following sections:

20 **“77A. Regulations relating to seat belts and child restraints**—(1) Without limiting the general power to make regulations conferred by section 199 of this Act, regulations may be made under that section regulating and requiring the fitting and use of seat belts and child restraints in motor vehicles, and, without limiting the generality of the foregoing

25 provisions, for all or any of the following purposes:

“(a) Requiring the owners or operators of motor vehicles or specified classes or types of motor vehicles to ensure that the vehicles are fitted with approved seat belts or specified types of approved seat belts and

30 specifying the sitting positions in vehicles where such seat belts shall be fitted:

“(b) Exempting owners or operators of specified vehicles or specified classes of vehicles or vehicles used solely for specified purposes from all or any of the requirements of regulations made under **paragraph (a)** of this subsection:

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“(c) Requiring the drivers of motor vehicles or specified classes or types of motor vehicles to ensure that the vehicle is fitted with approved seat belts or approved child restraints in specified circumstances when a child or children are being carried in the vehicle:

40

“(d) Exempting any driver or class of driver from the requirements of any regulations made under **paragraph (c)** of this subsection in all circumstances or in circumstances specified in the regulations:

45

New

“(e) Requiring persons of, under, or over a specified age or of or over a specified weight in a vehicle for which a seat belt or child restraint appropriate for that person is provided and available for use to be properly restrained by that seat belt or child restraint while the vehicle is in motion; and imposing duties on drivers of motor vehicles to ensure that children are restrained in accordance with regulations made under this paragraph: 5

“(f) Exempting any person or class of persons from all or any of the requirements of regulations made under paragraph (e) of this subsection in all circumstances or in circumstances specified in the regulations. 10

“(2) Any regulations made under subsection (1) of this section shall not apply to or in respect of any owner of, or driver or other person in, any motor vehicle that was first registered before the 1st day of January 1955. 15

“77B. **Power of Secretary to approve child restraints and seat belts**—The Secretary may, by notice in the *Gazette*, approve seat belts and child restraints (including restraints to be used in conjunction with seat belts) for the purposes of regulations made under this Act, whether by reference to specified standards or otherwise, and subject to such conditions as to fitting, dates of manufacture or purchase, use by persons of, under, or over specified ages or weights, periods of use, and use generally, and otherwise as are specified in the notice.” 20 25

(2) Section 77 (1) (y) of the principal Act (as substituted by section 23 (2) of the Transport Amendment Act 1974) is hereby repealed. 30

23. Manufacture or sale of devices, fittings, or equipment requiring approval—The principal Act is hereby amended by renumbering section 77A (as inserted by section 12 of the Transport Amendment Act 1972) as section 77C.