

## **TRANSPORT (VEHICLE AND DRIVER REGISTRATION AND LICENSING) AMENDMENT BILL**

---

### **AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE**

THIS bill was formerly part of the Land Transport Law Reform Bill (No. 2) as reported from the Transport Committee. The committee of the whole House has divided the bill as follows:

- This bill, comprising Part I
  - The Transport Amendment Bill, comprising Part II
  - The Land Transport Amendment Bill, comprising Part III
  - The Transport Services Licensing Amendment Bill, comprising Part IV
  - The Transit New Zealand Amendment Bill, comprising Part V
  - The Road User Charges Amendment Bill, comprising Part VI
-

## KEY TO SYMBOLS USED IN REPRINTED BILL

### AS REPORTED FROM A SELECT COMMITTEE

#### *Struck Out (Unanimous)*

Subject to this Act,

Text struck out unanimously

#### *New (Unanimous)*

Subject to this Act,

Text inserted unanimously

*(Subject to this Act,)*

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

### AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE

*((Subject to this Act,))*

Words struck out

Subject to this Act,

Words inserted

*Hon. Jenny Shipley*

**TRANSPORT (VEHICLE AND DRIVER  
REGISTRATION AND LICENSING)  
AMENDMENT**

---

ANALYSIS

|  |  |
|--|--|
| Title  | 8. Particulars required to be supplied by persons acquiring ownership                    |
| 1. Short Title and commencement  | 8A. Cancellation of registration where licence for motor vehicle not renewed             |
| 3. Interpretation  | 9. Issue of trade plates and trade licences  |
| 3A. Motor vehicles to be registered and licensed                               | 10. Regulations  |
| 4. Issue of registration plates and certificates of registration               | 11. Exemption, waiver, or discount for fees or charges relating to supply of information |
| 5. Issue and display of licences   | 12. Delegation of Secretary's functions or powers to persons outside Ministry            |
| 6. Replacement certificates of registration, licences, and registration plates |  |
| 7. Notification of change of ownership of motor vehicle                        |  |

A BILL INTITULED

**An Act to amend the Transport (Vehicle and Driver  
Registration and Licensing) Act 1986**

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

- 5     **1. Short Title and commencement**—(1) This Act may be cited as the **Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1997**, and is part of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (“the principal Act”).
- 10    (2) Except as provided in **sections 3A (4) and 8A (3)**, this Act comes into force on the day on which it receives the Royal assent.

**3. Interpretation**—(1) Section 2 (1) of the principal Act is ~~((hereby))~~ amended by repealing the definition of the term “Registrar” (as substituted by section 32 (1) of the State-Owned Enterprises Act 1986), and substituting the following definition:

“‘Registrar’ means the Secretary, and includes, where appropriate,—

“(a) Any person to whom the Secretary has delegated any of the powers, duties, or functions of the Registrar under this Act:

“(b) Any person for the time being authorised by the Secretary to ~~(exercise or)~~ perform any ~~(of the powers, duties, or functions)~~ specified function of the Registrar under this Act.”

(2) The State-Owned Enterprises Act 1986 is ~~((hereby))~~ consequentially amended by repealing so much of the Third Schedule as relates to section 2 (1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.

*New (Unanimous)*

**3A. Motor vehicles to be registered and licensed**—

(1) Section 5 of the principal Act is ~~((hereby))~~ amended by repealing subsections (1A) and (1B), and substituting the following subsection:

“(1A) Once a motor vehicle is registered in accordance with this Part of this Act then, except as otherwise provided in this Act or in regulations made under **section 35A (1) (a)**,—

“(a) The owner of the vehicle must keep the vehicle licensed at all times under this Part; and

“(b) The fees payable in respect of such licensing are payable as if the vehicle is at all times required to be licensed (whether or not it is actually licensed).”

(2) Section 5 of the principal Act is ~~((hereby))~~ amended by repealing subsection (6).

(3) Section 3 of the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1992 is ~~((hereby))~~ consequentially amended by repealing subsections (1) and (4).

(4) This section comes into force on a date to be appointed by the Governor-General by Order in Council.

**4. Issue of registration plates and certificates of registration**—(1) Section 8 (1) of the principal Act is ~~((hereby))~~ amended by inserting, after the words “the Registrar”, the

words “, or a person authorised in that behalf under **subsection (6),**”.

(2) Section 8 of the principal Act is *((hereby))* amended by adding the following subsection:

5 “(6) The Secretary may authorise any person (whether or not employed in the Ministry of Transport) to issue registration plates and certificates of registration under this section, and any such authorisation may—

10 “(a) Include within the authorisation any employees or agents of the person principally authorised:

“(b) Specify the manner in which the authority is to be exercised:

15 “(c) Also be expressed to apply for the purposes of issuing substitute registration plates and duplicates of certificates of registration and duplicate personalised plates under section 15.”

**5. Issue and display of licences**—(1) Section 13 (1) of the principal Act is *((hereby))* amended by inserting, after the words “the Registrar,”, the words “or a person authorised in that behalf under **subsection (6),**”.

(2) Section 13 of the principal Act is *((hereby))* amended by adding the following subsection:

25 “(6) The Secretary may authorise any person (whether or not employed in the Ministry of Transport) to issue licences for motor vehicles under this section, and any such authorisation may—

“(a) Include within the authorisation any employees or agents of the person principally authorised:

30 “(b) Specify the manner in which the authority is to be exercised:

“(c) Also be expressed to apply for the purposes of issuing substitute licences under section 15.”

**6. Replacement certificates of registration, licences, and registration plates**—Section 15 (3) of the principal Act (as substituted by section 4 (1) of the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1988) is *((hereby))* amended by inserting, after the words “The Registrar,”, the words “, or any person appropriately authorised in that behalf under **section 8 (6) (c) or section 13 (6) (c) or section 34 (2) (c),**”.

**7. Notification of change of ownership of motor vehicle**—(1) Section 20 (1) of the principal Act is *((hereby))* amended by inserting, after the words “give to the Registrar”, the words “or to a person authorised by the Secretary in that behalf”. 5

(2) Section 20 of the principal Act is *((hereby))* amended by repealing subsection (2).

(3) Section 13 of the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1992 is *((hereby))* consequentially repealed. 10

(4) The Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1992 is *((hereby))* amended by repealing section 14 (2).

**8. Particulars required to be supplied by persons acquiring ownership**—Section 22 (1) of the principal Act (as substituted by section 14 of the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1992) is *((hereby))* amended by omitting the words “, on the form referred to in section 20 of this Act”, and substituting the words “or to a person authorised by the Secretary in that behalf, on a form provided by the Registrar”. 15 20

*New (Unanimous)*

**8A. Cancellation of registration where licence for motor vehicle not renewed**—(1) Section 28 of the principal Act is *((hereby))* amended by repealing subsection (3), and substituting the following subsection: 25

“(3) Notwithstanding anything in subsection (1), the Registrar may not cancel the registration of a motor vehicle at any time during which the vehicle, by virtue of any provision of this Act or any regulations made under **section 35A (1) (a)**, is for a specified period exempt from the requirement in **section 5 (1A) (a)** to be licensed at all times.” 30

(2) Section 18 of the Transport (Vehicle and Driver Registration and Licensing) Amendment Act 1992 is *((hereby))* consequentially repealed. 35

(3) This section comes into force on a date to be appointed by the Governor-General by Order in Council.

**9. Issue of trade plates and trade licences**—(1) Section 34 of the principal Act is ~~((hereby))~~ amended by inserting, after the words “the Registrar”, the words “, or a person authorised in that behalf under **subsection (2)**”.

5 (2) Section 34 of the principal Act is ~~((hereby))~~ amended by adding the following subsection:

“(2) The Secretary may authorise any person (whether or not employed in the Ministry of Transport) to issue trade plates or trade licences under this section, and any such  
10 authorisation may—

“(a) Include within the authorisation any employees or agents of the person principally authorised:

“(b) Specify the manner in which the authority is to be exercised:

15 “(c) Also be expressed to apply for the purposes of issuing substitute plates or substitute ~~(licenses)~~ licences under section 15.”

**10. Regulations**—The principal Act is ~~((hereby))~~ amended by repealing section 35A, and substituting the following  
20 section:

“35A. (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

25 “(a) Exempting or authorising the Secretary to exempt any motor vehicle or person or any specified category or class of motor vehicles or persons from—

“(i) Any specified requirements of this Part or of any regulations made under this Part:

“(ii) Any prescribed fees:

30 “(b) Prescribing fees for the purposes of this Part or the method by which such fees are to be assessed:

“(c) Providing for the refund or waiver of any such fee, in whole or in part, in any specified class of cases:

35 “(d) Authorising the Registrar to refund or waive payment of any such fee, in whole or in part, in any specified case:

“(e) Prescribing the obligations of the seller and the buyer, and the functions of the Registrar, where there is a change in the registered ownership of a registered  
40 motor vehicle:

“(f) Providing for the appointment, functions, and duties of agents for the purposes of effecting a change in the registered ownership of a registered motor vehicle:

- “(g) Prescribing or authorising the Secretary to prescribe the form of certificates of registration for the purposes of this Part:
- “(h) Authorising the Registrar to enter particulars of a change of registered ownership on the register, notwithstanding the failure of any party to comply with the requirements of section 20 (1) or section 22 (1), and prescribing the circumstances in which such particulars may be entered: 5
- “(i) Providing for discounts to be granted in respect of the prescribed fee payable where a change in the registered ownership of a registered motor vehicle occurs. 10

*New (Unanimous)*

- |   |          |
|---|----------|
| “(2) Without limiting the generality of <b>subsection (1) (a)</b> , regulations under that provision may—   | 15       |
| “(a) Define a class of motor vehicles by reference to—  |          |
| “(i) Actual or intended vehicle usage:  |          |
| “(ii) Ownership by a specified class of owner or by persons or classes of persons approved for the purpose by the Secretary:  | 20       |
| “(iii) Loss of possession or control, whether because of theft or any other specified reason:   |          |
| “(b) Provide that a registered owner whose application for an exemption from the requirement in <b>section 5 (1A) (a)</b> is lodged with the Secretary more than 60 days after the date of expiry of the latest licence issued in respect of the vehicle to which the application relates is liable to pay, in respect of the period commencing on the day after that date of expiry and ending with the close of the day immediately preceding the date of lodgment of the application, an amount which is a proportionate amount of the appropriate annual vehicle licence fee: | 25<br>30 |
| “(c) Authorise the Secretary to grant an exemption from any requirements or fees referred to in <b>subsection (1) (a)</b> if he or she is satisfied, whether because the registered owner is intending to go overseas or will be hospitalised or for any other reason whatever, that the vehicle to which the application relates will not be used on a road while the exemption has effect:  | 35<br>40 |



*New (Unanimous)*

- 5 “(d) Provide that exemptions referred to in **subsection (1) (a)** that  
are granted by the Secretary are to have effect for  
such period as the Secretary thinks fit in each case,  
subject to any limitations imposed by the  
regulations:
- 10 “(e) Provide that exemptions from the requirement in  
**section 5 (1A) (a)**, whether conferred by or under the  
regulations, have no effect while a vehicle is being  
used on a road:
- “(f) Provide for the renewal and revocation of exemptions  
referred to in **subsection (1) (a)** that are granted by the  
Secretary.”

15 **11. Exemption, waiver, or discount for fees or charges  
relating to supply of information**—The principal Act is  
*((hereby))* amended by inserting, after section 36, the following  
section:

20 “36A. Notwithstanding anything in section 19, or in any  
regulations made under **section 35A** or section 48, the Secretary  
may waive, or allow an exemption from or discount on, any  
fee or charge payable under this Part by any person or class of  
persons in respect of the supply of information from a register,  
where the Secretary considers that to do so would be  
commercially or otherwise advantageous to the Crown.”

25 **12. Delegation of Secretary’s functions or powers to  
persons outside Ministry**—Section 51A of the principal Act  
(as inserted by section 35 (1) of the Land Transport Act 1993) is  
*((hereby))* amended by adding the following subsection:

30 “(8) In this section, ‘person’ includes a body corporate, but  
does not include an unincorporated body of persons.”

. . . . .