

TRANSPORT BILL

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]
House of Representatives, 29 November 1962

Words struck out by the Committee of the Whole are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule.

(2) Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section is liable to a fine not exceeding fifty pounds.

Cf. 1949, No. 7, s. 162 (1)

5 **194. Offences punishable summarily**—(1) Save where otherwise expressly provided, every offence against this Act or against any regulations or bylaws under this Act shall be punishable on summary conviction.

10 (2) A Magistrate's Court presided over by two or more Justices of the Peace shall have jurisdiction in respect of the following offences:

(a) Any offences under the following sections of this Act, namely, sections 7, 12, 15, 18, 25, 38, 39, 49, 50, 52, 59, 63, 66, and 67:

15 (b) Any offence under any bylaws made under section 72 of this Act.

Cf. 1949, No. 7, ss. 156 (1), 162 (2), (3); 1957, No. 87, s. 213

20 **195. Time for instituting proceedings**—In any proceedings for an offence punishable on summary conviction against any Act, regulation, or bylaw relating to the use of motor vehicles, the Court may dismiss the information if it is satisfied that the person charged has been prejudiced in his defence by any unreasonable delay in instituting the proceedings or in
25 notifying him of the time, place, and nature of the offence.

Cf. 1949, No. 7, s. 164

30 **196. Evidence in proceedings**—(1) In all proceedings under this Act, or under any regulation made under this Act, or under any bylaw relating to the use of motor vehicles, for an offence punishable on summary conviction by a fine of an amount not exceeding fifty pounds, and whether by way of hearing in the first instance or by way of appeal or otherwise howsoever, the Court may receive as
evidence—

35 (a) Any affidavit filed in the Court by or on behalf of the defendant:

40 Provided that, except by special direction of the Court, this paragraph shall not apply in any case where it appears to the Court that the deponent's usual place of residence is less than fifty miles by road from the place of hearing:

(b) Any evidence adduced by or on behalf of the defendant that the Court thinks fit, whether or not it would, apart from this paragraph, be legally admissible evidence.

(2) A copy of the *Gazette* containing any bylaw, appointment, warrant, order, or other act of authority made under this Act shall be evidence in all Courts of the same having been duly made or performed under the authority of this Act.

Cf. 1949, No. 7, s. 165

197. Evidence of testing and accuracy of weighing or speed measuring devices—(1) In any proceedings for an offence against this Act or any regulations or bylaws made thereunder, the production of a certificate purporting to be signed by an officer of the Department authorised by the Commissioner as to the testing and accuracy of any weighing or speed measuring device referred to in the certificate shall be admissible as evidence that the device has been tested and is accurate.

(2) Every officer signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorised to sign it.

Cf. 1949, No. 7, s. 165A; 1961, No. 105, s. 4

198. Auckland Transport Board Act 1928 to be read subject to this Act—(1) The Auckland Transport Board Act 1928 shall be read subject to the provisions of this Act.

(2) References in the Auckland Transport Board Act 1928 to the Minister of Works shall hereafter be read as references to the Minister of Transport.

Cf. 1949, No. 7, s. 166

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

(a) Prescribing matters in respect of which fees are to be payable under this Act or under regulations made under this Act, the amount of the fees, and the persons liable to pay them:

(b) Authorising the refund or remission, in such circumstances as in accordance with the regulations the Commissioner thinks fit, of any fees payable under this Act or under regulations made under this Act:

- (c) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof:
- 5 (d) Prescribing fines, not exceeding fifty pounds, for the breach of any *(such regulations)* regulations made under this Act.

(2) Any regulations made under this Act may be so made that different regulations shall apply with respect to different classes of vehicles or harbour ferries or different
10 classes of licensed services, or with respect to the same class of vehicles or harbour ferries or licensed services in different circumstances.

(3) Any regulations made under this Act may apply generally throughout New Zealand, or within any specified
15 part or parts thereof, or to any specified route or routes, and may apply to all vehicles or harbour ferries or traffic or to any specified class or classes of vehicles or harbour ferries or traffic, and may from time to time be applied by the Minister, by notice in the *Gazette*, to any part of New Zealand or
20 to any route or to any class of vehicles or harbour ferries or traffic.

(4) The operation of any regulations made under this Act may, if it is so provided therein, be wholly suspended until they are applied by the Minister by notice in the
25 *Gazette*. Any such notice may at any time in like manner be revoked.

(5) No regulations made under this Act shall be deemed invalid on the ground that any fees imposed thereby are unreasonably high, or on the ground that any conditions
30 therein are unreasonably restrictive.

(6) So far as the bylaws of any local authority are inconsistent with or repugnant to any regulations under this Act in force in the same locality, the bylaws shall be deemed to be subject to the regulations.

35 Cf. 1949, No. 7, s. 167

200. Act to bind the Crown—(1) Except as provided in this section, this Act shall bind the Crown.

(2) No bylaw made by any local authority under section 72 of this Act shall bind the Crown.

40 (3) Part VI of this Act shall bind the Crown only so far as it requires the payment of insurance premiums by or on behalf of the owners of motor vehicles.

Cf. 1949, No. 7, s. 168; 1953, No. 116, s. 11

201. Repeals, revocations, savings, and consequential amendments—(1) The enactments specified in the Fourth Schedule to this Act are hereby repealed.

(2) The regulations specified in the Fifth Schedule to this Act are hereby revoked. 5

(3) Notwithstanding the repeal of any enactment by this section, the provisions of the First Schedule to the Transport Act 1949 (as substituted by subsection (4) of section 4 of the Transport Amendment Act (No. 2) 1953 and subsequently amended) shall continue in force, as if this Act had not been passed, until the first day of July, nineteen hundred and sixty-three. 10

(4) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that—

(a) The repeal of section 169 of the Transport Act 1949 shall not affect the amendments made by subsections (5) and (6) of that section: 15

(b) The repeal of section 19 of the Transport Amendment Act 1955 shall not affect the amendment made by subsection (4) of that section. 20

(5) Every transport licence under Part VI of the Transport Act 1949 in force at the date of the commencement of this Act by which the licensee is authorised to carry on a service for the letting of a motor vehicle on hire (otherwise than under a hire-purchase agreement) to a person who himself drives the motor vehicle or provides a driver therefor is hereby declared to be a rental-service licence, and the provisions of this Act shall apply accordingly. 25

(6) For the purposes of any provision of this Act relating to the penalty on conviction for any second or subsequent offence (including any provision relating to disqualification of drivers and endorsement of drivers' licences), any conviction for an offence under any former Act shall be deemed to be a conviction for an offence against the corresponding provision of this Act. 30

(7) Every application to a Metropolitan Licensing Authority for a transport licence or in relation to a transport licence that has not been disposed of at the commencement of this Act shall be deemed to be an application to the proper Licensing Authority, and shall be dealt with by it accordingly. 35 40

(8) Every decision of a Metropolitan Licensing Authority against which an appeal has been made but has not been determined at the commencement of this Act shall for the purpose of this Act be deemed to be a decision of the proper Licensing Authority. 45

(9) Section 250A of the Harbours Act 1950 (as enacted by section 19 of the Harbours Amendment Act 1959) is hereby amended—

5 (a) By omitting from subsection (1) the words “sections forty, forty A, and forty-six of the Transport Act 1949”, and substituting the words “sections 57, 58, 59, and 60 of the Transport Act 1962”:

10 (b) By omitting from subsection (2) the words “sections forty-seven, forty-eight, and forty-nine of the Transport Act 1949”, and substituting the words “sections 65, 66, and 67 of the Transport Act 1962”.

15 (10) The First Schedule to the Summary Proceedings Act 1957 (as amended by paragraph (d) of subsection (2) of section 3 of the Summary Proceedings Amendment Act 1961) is hereby further amended by omitting from Part II so much thereof as relates to the Transport Act 1949, and substituting, in their appropriate columns, the following words:

20	“The Transport Act 1962	55 (1)	Causing bodily injury or death through reckless or dangerous driving
		55 (2)	Causing bodily injury or death through driving while under influence of drink or a drug
25		65 (4)	Failing to stop after accident and render assistance to injured person”.

Cf. 1949, No. 7, s. 169

SCHEDULES

FIRST SCHEDULE

Section 12

ANNUAL LICENCE FEES

(Effective on and from 1 July 1963)

	£	s.	d.
1. For every motor cycle	2	0	0
2. For every power cycle	1	0	0
3. For every motorcar or private station wagon	3	0	0
4. For every trailer that with the load it is for the time being carrying does not weigh more than two tons.. .. .	1	10	0
5. For every traction engine	7	10	0
6. For every other motor vehicle	4	0	0

Section 191 (4)

SECOND SCHEDULE

SCALE OF MILEAGE TAX

Type of Vehicle Used		For Every Complete 100 Miles of Public Highway Over Which the Vehicle Has Been Used During the Quarter Covered by the Declaration	
		£	s. d.
1. Heavy motor vehicles (not being traction engines or vehicles designed solely or principally for the use of fire brigades in attendance at fires) when the gross laden weight of the vehicle does not exceed—			
2½ tons ..	..	0	7 6
3 tons ..	..	0	7 10
3½ tons ..	..	0	9 1
4 tons ..	..	0	10 1
4½ tons ..	..	0	10 11
5 tons ..	..	0	11 3
5½ tons ..	..	0	12 5
6 tons ..	..	0	13 5
6½ tons ..	..	0	14 3
7 tons ..	..	0	14 9
7½ tons ..	..	0	15 4
8 tons ..	..	0	16 2
8½ tons ..	..	0	17 2
9 tons ..	..	0	18 0
9½ tons ..	..	0	19 1
10 tons ..	..	1	0 4
11 tons ..	..	1	1 8
12 tons ..	..	1	3 0
13 tons ..	..	1	4 4
14 tons ..	..	1	5 5
15 tons ..	..	1	6 5
16 tons ..	..	1	7 3

Plus an additional 10 per cent of the prescribed rate for every 10 miles or fraction thereof by which the total distance exceeds 100 miles or a multiple of 100 miles.

17 tons ..	..	..	1 8 0
18 tons ..	..	..	1 8 8
19 tons ..	..	..	1 9 2
20 tons ..	..	..	1 9 8
21 tons ..	..	..	1 10 0
22 tons ..	..	..	1 10 4
23 tons ..	..	..	1 10 8
24 tons ..	..	..	1 11 0
25 tons ..	..	..	1 11 3
26 tons ..	..	..	1 11 6
27 tons ..	..	..	1 11 9
28 tons ..	..	..	1 12 0
29 tons ..	..	..	1 12 3
30 tons ..	..	..	1 12 6
When the gross laden weight of the vehicle exceeds 30 tons ..	..	..	1 12 6
			plus an additional 3d. for each ton or part thereof by which the gross laden weight of the vehicle exceeds 30 tons
			0 7 2

Plus an additional 10 per cent of the prescribed rate for every 10 miles or fraction thereof by which the total distance exceeds 100 miles or a multiple of 100 miles.

2. Other motor vehicles
3. For the purposes of clause 1 of this Schedule, the term "gross laden weight" means—
 - (a) The manufacturer's gross laden weight, in any case where that weight has been specified by the manufacturer and the vehicle has not subsequently been modified;
 - (b) The gross laden weight as determined by the Commissioner in any other case.
4. Where in any quarter any such vehicle is used over a total of less than 100 miles, the tax payable shall, for each complete mile over which the vehicle is used, be at the rate of one-hundredth part of the appropriate amount for a complete 100 miles.
5. Notwithstanding anything in the foregoing provisions of this Schedule, the tax payable in the case of motor vehicles of any kind specified by the Governor-General, by Order in Council in that behalf, shall be at the rate specified in that Order in Council. Any such Order in Council may prescribe different rates of tax in respect of the same kind of motor vehicle in different circumstances.
6. The amount of tax ascertained as aforesaid shall—
 - (a) Be reduced by 75 per cent if the motor vehicle uses electricity as its main motive power; and
 - (b) Be reduced or increased, as the case may require, by one-fifteenth thereof for every 1d. by which the motor spirits duty imposed on motor spirits under the Motor Spirits Duty Act 1961 is less than or exceeds the rate of 1s. 3¼d. per gallon, or by a corresponding proportion where the amount by which that duty is less than or exceeds the last-mentioned rate is not 1d. or a multiple of 1d.

THIRD SCHEDULE

PART I

Sections 30, 44-46

Offences for Which Offender Liable to Disqualification and Endorsement of Driver's Licence

Enactment Creating Offence	Nature of Offence	Period of Disqualification	Period of Endorsement of Driver's Licence Held by or Issued to Defendant
<p><u>Section 7 (5) of this Act</u> ..</p>	<p>Using or permitting use of un-registered motor vehicle or motor vehicle without registration plates or licence</p>	<p>At discretion of Court</p>	<p>At discretion of Court, but not exceeding three years from date on which offender ceases to be disqualified, subject to Part V of this Schedule (which requires a minimum period of endorsement in certain cases).</p>
<p><u>Section 15 of this Act</u> ..</p>	<p>(a) Affixing to motor vehicle unauthorised or deceptive registration plates or licence</p> <p>(b) Affixing to motor vehicle licence not issued for or authorised to be used on that vehicle</p> <p>(c) Using motor vehicle with unauthorised or obscured registration plates or licence</p>		
<p><u>Section 25 of this Act</u> ..</p>	<p>Driving motor vehicle without a driver's licence or employing or permitting unlicensed person to drive</p>			At discretion of Court, subject to clause 2 of Part IV of this Schedule (which requires a minimum period of disqualification to be ordered in certain cases)

Mr Scott

WAITEMATA COUNTY COUNCIL EMPOWERING

[LOCAL]

ANALYSIS

Title	2. Interpretation
Preamble	3. Constitution of Council
1. Short Title	4. Part II of principal Act to continue to apply

A BILL INTITULED

An Act to increase the number of members of the Council of the County of Waitemata and the number of Councillors to be elected for each riding

- 5 **WHEREAS**, having regard to the extensive area comprised within the boundaries of the County of Waitemata and the large and increasing population resident therein, it is deemed advisable that the Waitemata County Council be empowered to increase the maximum number of members of the Council
- 10 of the county and the number of Councillors to be elected for each riding and to make provision for additional Councillors to be elected at the general election of Councillors to be held on the thirteenth day of October, nineteen hundred and sixty-two:
- 15 **BE IT THEREFORE 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 Waitemata County Council Empowering Act 1962.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Council” means the Waitemata County Council:

“Principal Act” means the Counties Act 1956.

3. Constitution of Council—(1) Notwithstanding anything 5
to the contrary in subsection (1) of section 33 of the principal
Act or in any special order made under section 36 of that
Act, the Council shall consist of not fewer than six or more
than sixteen Councillors.

(2) The Council may, at any time not later than the 10
seventh day before the last day fixed by section 12 of the
Local Elections and Polls Act 1953 for the nomination of
candidates for the triennial general election of Councillors to
be held on the thirteenth day of October, nineteen hundred
and sixty-two, by resolution publicly notified, alter within the 15
limits aforesaid the number of members of the Council and
the number of Councillors to be elected for each riding at that
election.

(3) Any such resolution shall come into full force only at
that election except in so far and to such extent as may be 20
necessary for providing for the election.

4. Part II of principal Act to continue to apply—Except as
otherwise expressly provided in section 3 of this Act, the pro-
visions of Part II of the principal Act shall continue to apply 25
in all respects to the Council.