

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 16 August 1986

ROAD USER CHARGES AMENDMENT BILL NO. 4

Proposed Amendment

HON. FRASER COLMAN, in Committee, to move the following amendment:

Clause 2: To omit lines 1 to 3 on page 2, and substitute the following lines:

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “gross weight”, and substituting the following definition:

“‘Gross weight’, in relation to a motor vehicle, means the weight which is transmitted to the road surface through the axle or group of axles of the vehicle, and includes all weight exerted on that vehicle by any other vehicle:

“Provided that—

“(a) Without limiting the methods by which the gross weight of a vehicle may be determined, the gross weight of a motor vehicle may be determined by adding the weight transmitted to the road surface at different parts of the vehicle:

“(b) Where the gross weight of any one of a combination of vehicles is to be ascertained, nothing in this Act shall require the vehicles comprising the combination to be detached from each other and be separately weighed.”

(2) Section 2 (1) of the principal Act is hereby further amended by repealing the definition of the term “weight”, and substituting the following definition:

EXPLANATORY NOTE

The amendment rewrites the definition of the term “gross weight”, in relation to a vehicle, to ensure that, where a vehicle is part of a combination of vehicles,—

(a) The gross weight of any vehicle includes all weight exerted on that vehicle by any other vehicle:

(b) There is no requirement that each vehicle is to be weighed separately.

This overcomes the difficulty raised in a recent case (Ministry of Transport v Fitzgerald) where it was held that each vehicle being part of a combination of vehicles is to be weighed separately.