

1961/94



Reprint under section 7 of the Regulations Act 1936 of the Goods Service Vehicle (Constructional) Regulations 1936 (S.R. 1936/80), as amended by the following amendment:

Amendment No. 1, S.R. 1949/76

THE GOODS SERVICE VEHICLE (CONSTRUCTIONAL) REGULATIONS 1936 (REPRINT)

Enacting authority: His Excellency the Governor-General in Council.
Act pursuant to which the regulations were made: Section 59 of the Transport Licensing Act 1931, and all other powers enabling in that behalf.

Date on which the regulations were made: 9 December 1936.

Date of notification in *Gazette*: 10 December 1936.

Section 59 of the Transport Licensing Act 1931 has been repealed and replaced by s. 160 of the Transport Act 1949.

REGULATIONS

REGULATION 1—PRELIMINARY

(1) These regulations are arranged as follows:

- Regulation 1—Preliminary.
- Regulation 2—Brakes.
- Regulation 3—Tyres.
- Regulation 4—Steering Gear.
- Regulation 5—Inspection of Vehicle.
- Regulation 6—Jacks.
- Regulation 7—Liquid Fuel.
- Regulation 8—Dimensions and Loading.
- Regulation 9—Notification of Name and Weight.
- Regulation 10—Passenger Vehicles.
- Regulation 11—Offences and Penalties.

(2) These regulations may be cited as the Goods Service Vehicle (Constructional) Regulations 1936.

(3) These regulations shall come into force on the 16th day of December 1936.

(4) In these regulations, unless the context otherwise requires,—

“Approved” means approved by a Vehicle Inspector:

“Body” means that portion of a vehicle designed or adapted to accommodate and protect the goods carried, and the driver and the attendants (if any):

“Chassis” means all that portion of a vehicle exclusive of the body and attachments for the body:

“Vehicle” means a motor vehicle used under the authority of a continuous or seasonal goods service licence issued under [the Transport Act 1949] [or required to be issued with a certificate of fitness or inspection warrant in terms of the said Act]:

“Licensee” means the holder of the licence under the authority of which a vehicle is so used, and includes an applicant for such licence:

“Vehicle Inspector” means a person appointed for the inspection of vehicles in terms of [the Transport Act 1949].

(5) Subject to subclause (4) hereof and unless the context otherwise requires, terms used in these regulations shall have the same meaning as in [the Passenger Service Vehicle Construction Regulations 1954]* (hereinafter referred to as the “Passenger Regulations”).

(6) In so far as these regulations are inconsistent with or repugnant to [the Heavy Motor Vehicle Regulations 1955], † [the Traffic Regulations 1956], ‡ or any regulations made in amendment thereof these regulations shall prevail; but save as aforesaid, compliance with these regulations shall not excuse any person from compliance with the other regulations above referred to.

[(7) (a) The Commissioner may, in special circumstances and subject to such conditions as he thinks fit to impose, grant exemption in respect of any vehicle from the provisions of any of these regulations, and may extend such exemption so that it may be granted at the discretion of the Vehicle Inspector to all vehicles of the same make, type, and model plying under similar conditions.

(b) Written application for such exemption shall in every case be made by the owner (or intending owner) of the vehicle or of the chassis to the Vehicle Inspector, and shall state fully the grounds on which exemption is sought. The application shall state the name of the maker of the chassis, shall properly identify the vehicle, and any other information required by the Vehicle Inspector shall be also supplied.]

In subclause (4), in the definitions of the terms “Vehicle” and “Vehicle Inspector”, the Transport Act 1949, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Transport Licensing Act 1931, and the words in square brackets at the end of the definition of the term “Vehicle” were added by regulation 4 (a) of S.R. 1949/76.

In subclause (5) the Passenger Service Vehicle Construction Regulations 1954, being the corresponding enactment in force at the date of this reprint, have been substituted for the revoked Passenger Service Vehicle (Constructional) Regulations 1936.

*S.R. 1954/144

†S.R. 1955/59

‡S.R. 1956/217

In subclause (6) the Heavy Motor Vehicle Regulations 1955 and the Traffic Regulations 1956, being the corresponding enactments in force at the date of this reprint, have been substituted for the revoked Heavy Motor Vehicle Regulations 1932 and the revoked Motor Vehicle Regulations 1933.

Subclause (7) was added by regulation 4 (b) of S.R. 1949/76.

REGULATION 2—BRAKES

- (1) Every brake connection of a vehicle that is such that either—
 - (a) Its loss would render inoperative the brake mechanism on more than one wheel; or
 - (b) It forms part of any brake system which operates directly on two wheels only or through the transmission gear only—shall be secured by an approved locking device or by an approved hardened bolt with a castellated nut and split pin.
- (2) Every vehicle shall be fitted with brakes which comply with the requirements of [the Traffic Regulations 1956] but the stopping ability of the footbrake measured as provided in the said regulations shall be equivalent to 25 ft from a speed of 20 miles per hour for a four-wheel braking system or to 35 ft from a speed of 20 miles per hour for a two-wheel braking system.
- (3) For the purpose of testing the brakes the vehicle shall, if the Vehicle Inspector so requires, be presented with a load up to an equivalent of the maximum load authorised to be carried on the vehicle.

In subclause (2) the Traffic Regulations 1956, being the corresponding enactment in force at the date of this reprint, have been substituted for the revoked Motor Vehicle Regulations 1933.

REGULATION 3—TYRES

- (1) Every tyre on a road wheel of a vehicle shall be made of rubber or other elastic material.
- (2) Every such tyre shall at all times be in a safe condition.

REGULATION 4—STEERING GEAR

- (1) The steering gear of every vehicle and all the connections thereof shall be of ample strength and their design shall be such as to give convenient and sensitive control.
- (2) Unless a Vehicle Inspector otherwise approves, when ball-and-socket joints are used for steering connections the respective parts of the ball-and-socket joint shall be prevented from separating through wear or neglect of maintenance by the provision of a special keeper or by fitting some other suitable and positive retaining device approved for the purpose.

REGULATION 5—INSPECTION OF VEHICLE

- (1) Whenever the vehicle is presented for inspection for any purpose the licensee shall on each such occasion present it in a thoroughly clean condition in all its parts.

(2) The licensee shall give without charge every facility for expediting the inspection of the vehicle or its separate parts or for any testing or weighing thereof, and, if requested so to do, shall supply all tools or workshop equipment that it is possible for him to provide for the prompt inspection of the vehicle.

(3) The licensee shall also provide without charge any skilled or unskilled labour that may reasonably be required during the inspection.

REGULATION 6—JACKS

One approved lifting-jack of an ordinary rated capacity of at least two-thirds of the unladen weight of the vehicle shall at all times while a vehicle is in service be carried in a position which is easy of access without the use of a key.

REGULATION 7—LIQUID FUEL

Supplies of motor spirits or other liquid fuel intended to be consumed in any vehicle shall not be carried in that vehicle otherwise than in—

- (a) The permanent fuel supply tanks thereof; or
- (b) A specially fitted approved emergency fuel tank; or
- (c) Approved containers.

REGULATION 8—DIMENSIONS AND LOADING

(1) The maximum gross weight including load but excluding driver of any vehicle shall not exceed by more than one-fourth the maximum gross weight including load approved or authorised or permitted in respect of that vehicle or that make and type of vehicle by the manufacturer of the chassis of the vehicle.

(2) In the case of any vehicle or type of vehicle which is specially adapted to carry greater loads than those for which it was designed the maximum gross weight including load but excluding driver of any particular vehicle or any make and type of vehicle shall be such as may be determined in that behalf by the Commissioner, whose decision thereon shall be final.

(3) If livestock are transported on a vehicle the loading and construction of the vehicle shall be such as to provide reasonably comfortable and safe accommodation for the stock to the satisfaction of the Vehicle Inspector.

(4) Subject to subclauses (1), (2), and (3) hereof, the dimensions and loading of a vehicle shall conform to the appropriate regulations for the time being in force under [the Transport Act 1949].

In subclause (4) the Transport Act 1949, being the corresponding enactment in force at the date of this reprint, has been substituted for the repealed Motor Vehicles Act 1924.

REGULATION 9—NOTIFICATION OF NAME AND WEIGHT

(1) Every vehicle used regularly under the authority of a goods service licence shall at all times bear conspicuously displayed thereon the name or trade name and the business address of the licensee.

(2) Every vehicle so used shall at all times bear displayed on the right or off side of the vehicle in clear characters not less than 1 in. in height a statement correct to within one hundredweight of the unladen weight of the vehicle in the form following—namely, “Unladen weight tons cwt.”

REGULATION 10—PASSENGER VEHICLES

(1) Notwithstanding anything to the contrary in these regulations, any motor vehicle used to carry passengers for hire or reward under a goods service licence endorsed for the carriage of passengers pursuant to [section 107 of the Transport Act 1949] shall, subject as hereinafter appears, be deemed to be a passenger truck within the meaning and for the purposes of the Passenger Regulations.

(2) Every such vehicle shall conform to regulation 8 hereof and need not conform to the provisions of the Passenger Regulations relating to limitation of loads.

(3) Every such vehicle shall conform to the provisions of the Passenger Regulations declared to apply to passenger trucks.

(4) It shall not be necessary for any such vehicle to conform to any provision of the Passenger Regulations from which exemption is duly granted.

In subclause (1), s. 107 of the Transport Act 1949, being the corresponding enactment in force at the date of this reprint, has been substituted for s. 28 of the repealed Transport Law Amendment Act 1933.

REGULATION 11—OFFENCES AND PENALTIES

(1) No person shall use or drive or cause or permit to be used or driven for the purposes of a goods service licensed under a continuous or seasonal goods service licence any vehicle that does not comply with the requirements set out in these regulations.

(2) No person shall do or omit or cause or knowingly permit or suffer to be done or omitted any act, matter, or thing contrary to the provisions of these regulations.

(3) No person shall in relation to any matter dealt with in these regulations make any statement or supply any information that is false or misleading in any material particular.

(4) Any person who commits a breach of these regulations is liable to a fine not exceeding £10.

Certified for the purposes of section 7 of the Regulations Act 1936, this 31st day of July 1961.

J. R. HANAN, *Attorney-General.*

Issued under the authority of the Regulations Act 1936.
Date of notification of principal regulations in *Gazette*: 10 December 1936.
These regulations are administered by the Transport Department.