

Serial Number 1948/209



**THE HEAVY MOTOR-VEHICLE REGULATIONS 1940,
AMENDMENT NO. 6**

B. C. FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 22nd day of
December, 1948

Present :

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Public Works Act, 1928, and the Motor-vehicles Act, 1924, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS

1. These regulations may be cited as the Heavy Motor-vehicle Regulations 1940, Amendment No. 6.

2. These regulations shall be read together with and deemed part of the Heavy Motor-vehicle Regulations 1940* (hereinafter called the principal regulations).

3. (1) The definition of "farmer's truck" in clause (3) of Regulation 1 of the principal regulations, as amended by the Heavy Motor-vehicle Regulations 1940, Amendment No. 3, is hereby revoked, and the following definition substituted:

" 'Farmer's truck' means a heavy motor-vehicle (inclusive of a tractor with a trailer attached) which is owned by a person carrying on business as a farmer or a market-gardener, and which is used exclusively in connection with that business, or which, being owned by a farmer, is used exclusively in connection with that business and for the carriage of milk, cream, or whey to or from a dairy factory for the neighbours of the farmer."

(2) This amendment shall be operative in respect of any fees due under the principal regulations for the licence quarter ending on 28th February, 1949, and subsequent licence quarters.

* Statutory Regulations 1940, Serial number 1940/78, page 240.
Amendment No. 1 : Statutory Regulations 1940, Serial number 1940/97, page 339.
Amendment No. 2 : Statutory Regulations 1944, Serial number 1944/180, page 504.
Amendment No. 3 : Statutory Regulations 1946, Serial number 1946/9, page 22.
Amendment No. 4 : Statutory Regulations 1946, Serial number 1946/116, page 283.
Amendment No. 5 : Statutory Regulations 1948, Serial number 1948/4, page 4.

4. The principal regulations are hereby amended by inserting, after Regulation 5, the following regulation :—

“REGULATION 5A.—MAXIMUM INFLATION OF TIRES

“No person shall operate any heavy motor-vehicle outside of the district of any borough where there is a population of six thousand or upwards (as described in subsections one and two of section nine of the Motor-spirits Taxation Act, 1927) if the air pressure in any pneumatic tire fitted to the vehicle exceeds 75 lb. per square inch.”

5. The principal regulations, as amended by the Heavy Motor-vehicle Regulations 1940, Amendment No. 5, are hereby amended by revoking Regulation 7A, and substituting therefor the following regulation :—

“REGULATION 7A.—PROTECTION OF BRIDGES

“ (1) No person shall operate on or over any bridge which is under the control of a controlling authority any heavy motor-vehicle which exceeds the weight-limits for the time being in force and fixed with respect to that bridge pursuant to this regulation, and no person shall cause any heavy motor-vehicle to pass over any such bridge at a speed in excess of the speed-limit for the time being in force and fixed with respect to that bridge pursuant to this regulation.

“ (2) For the purposes of this regulation a controlling authority may with respect to any bridge under its control fix weight-limits or a speed-limit or weight-limits and a speed-limit for heavy motor-vehicles using that bridge, that is to say, it may fix—

“ (a) The maximum weight of any such heavy motor-vehicle and its load ;

“ (b) The maximum portion of the weight of any such heavy motor-vehicle and its load borne by any axle ; and/or

“ (c) The maximum speed at which any such heavy motor-vehicle may pass over such bridge.

“ (3) Before a controlling authority proceeds to fix any weight-limits or speed-limit with respect to any bridge pursuant to this regulation it shall have obtained from an engineer registered under the Engineers Registration Act, 1924, a certificate that the use of the bridge by vehicles exceeding in weight the weight-limits, or passing at a speed exceeding the speed-limit proposed to be fixed would so overstrain the bridge as to be likely to cause its ultimate failure.

“ (4) Any controlling authority that has fixed weight-limits or a speed-limit or weight-limits and a speed-limit with respect to any bridge as aforesaid shall cause notification thereof in Form F in the Second Schedule hereto to be published in some newspaper circulating in the district in which the bridge is situated, and shall erect and maintain at each end of the bridge a sign indicating the weight-limits or speed-limit or weight-limits and speed-limit so fixed in the form of diagram No. 1A in the Third Schedule hereto—that is to say, in the form of a rectangle coloured lemon-yellow bearing black letters and numerals and approximately of the dimensions in sign, letters, and numerals indicated in the diagram.

“ (5) The weight-limits or speed-limit fixed with respect to any bridge shall become effective for the purposes of this regulation so soon as the provisions of the last preceding clause of this regulation have been complied with and no sooner.

“(6) Within seven days of the publication or first publication (if more than one) of a notification as aforesaid the controlling authority shall forward to the Commissioner of Transport a copy of the newspaper containing such notification, together with advice that an engineer’s certificate has been obtained in accordance with clause (3) of this regulation.

“(7) Any controlling authority may remove any weight-limits or speed-limit which it has fixed with respect to any bridge pursuant to this regulation upon being satisfied that the same are no longer necessary by reason of repairs to the bridge having been effected or for other sufficient reason, and shall cause notification of such removal to be published in some newspaper circulating in the district in which the bridge is situated, and shall forthwith remove the signs erected pursuant to clause (4) of this regulation.

“(8) The controlling authority shall forthwith notify the Commissioner of Transport of the removal of any weight-limits or speed-limit as aforesaid and shall forward to him a copy of the newspaper containing notification thereof.

“(9) The Minister may at any time, by notice in the *Gazette*, remove any weight-limits or speed-limit with respect to any bridge fixed by a controlling authority pursuant to this regulation, and the controlling authority shall thereupon comply with clause (7) of this regulation as to publication of notification of such removal and as to removal of signs from the bridge as if it had itself removed such weight-limits or speed-limit.

“(10) Any weight-limits or speed-limit removed pursuant to this regulation either by the controlling authority or by the Minister shall be effective as from the time of removal of the signs by the controlling authority, or as from the date of publication or first publication (if more than one) of the notification of such removal, or as from the date of publication in the *Gazette* of the Minister’s notice as aforesaid, whichever is the earliest.

“(11) In any prosecution for a breach of this regulation it shall be sufficient evidence that the weight-limits or speed-limit with respect to any bridge had been fixed and were in force in accordance with this regulation if the prosecution proves that at the time when the offence was committed the signs indicating such weight-limits or speed-limit, or both, were in position at each end of the bridge.”

6. Form F in the Second Schedule to the principal regulations, as amended by the Heavy Motor-vehicle Regulations 1940, Amendment No. 5, is hereby revoked, and replaced by Form F set forth in the First Schedule hereto.

7. The words “Diagram No. 1A—Bridge Weight-limits Sign (Reg. 7A (4))” and the diagram following them in the Third Schedule to the principal regulations, as amended by the Heavy Motor-vehicle Regulations 1940, Amendment No. 5, are hereby revoked, and replaced by the following words:—

“DIAGRAM No. 1A”

“*Bridge Weight-limits and Speed-limit Sign.* (Reg. 7A (4))”

followed immediately by the diagram set out in the Second Schedule hereto.

8. (1) Regulation 4 of the Heavy Motor-vehicle Regulations 1940, Amendment No. 1, is hereby revoked.

(2) The Heavy Motor-vehicle Regulations 1940, Amendment No. 3, are hereby revoked.

(3) The Heavy Motor-vehicle Regulations 1940, Amendment No. 5, are hereby revoked.

SCHEDULES

FIRST SCHEDULE

[Form F (Reg. 7A)]

NOTIFICATION OF WEIGHT-LIMITS (AND SPEED-LIMIT) FOR BRIDGE

WHEREAS it is provided by clause (1) of Regulation 7A of the Heavy Motor-vehicle Regulations 1940 (as enacted by Regulation 5 of the Heavy Motor-vehicle Regulations 1940, Amendment No. 6) that no person shall operate on or over any bridge which is under the control of a controlling authority any heavy motor-vehicle which exceeds the weight-limits (or shall cause any heavy motor-vehicle to pass over any such bridge at a speed in excess of the speed-limit) for the time being in force and fixed with respect to that bridge pursuant to the said regulations.

Notification is hereby given that, being the controlling authority in respect of the Bridge, situated on the Road, in the County (or as the case may be), has fixed the following weight-limits (and speed-limit) for heavy motor-vehicles using the said bridge, that is to say:—

The maximum weight of any such heavy motor-vehicle and its load shall not exceed tons ;

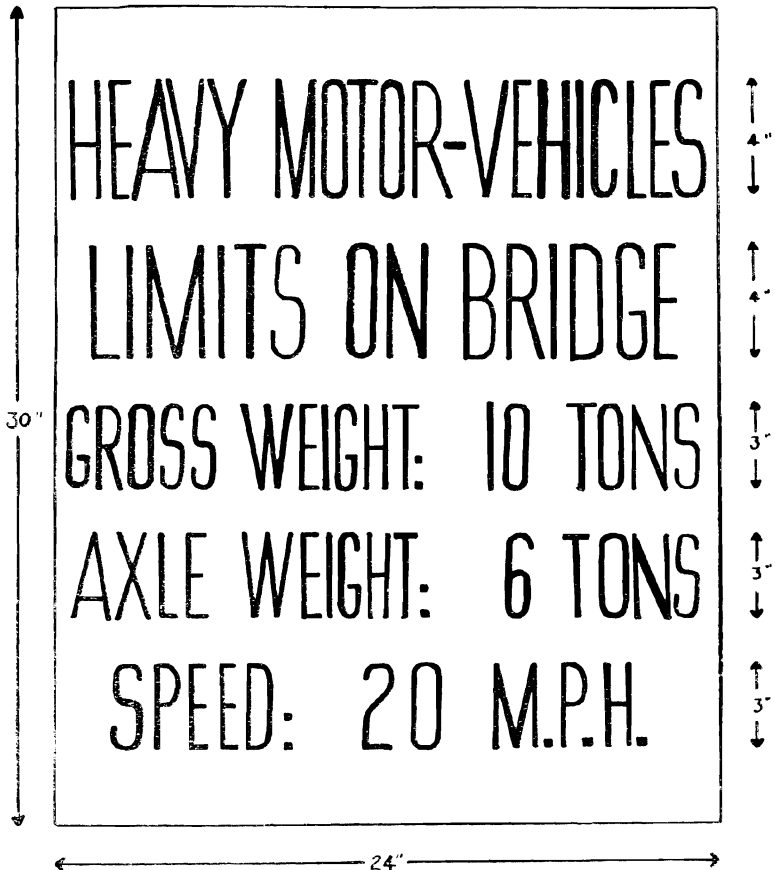
The maximum portion of the weight of any such heavy motor-vehicle and its load borne by any axle shall not exceed tons ; and

[The maximum speed at which any such heavy motor-vehicle may pass over such bridge shall not exceed miles per hour.]

Attention is called to Regulation 16 of the said regulations, which fixes a penalty of £20 for each offence against the regulations.

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Controlling Officer

SECOND SCHEDULE



Black Letters on Yellow Background.

T. J. SHERRARD,
Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1936.
Date of notification in *Gazette*: 23rd day of December, 1948.
These regulations are administered in the Transport Department.