

1969/48



**THE HEAVY MOTOR VEHICLE REGULATIONS 1955,
AMENDMENT NO. 10**

—
ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 24th day of March 1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Transport Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Heavy Motor Vehicle Regulations 1955, Amendment No. 10, and shall be read together with and deemed part of the Heavy Motor Vehicle Regulations 1955* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1969.

2. Interpretation—(1) Regulation 2 of the principal regulations is hereby amended by revoking the definition of the term “weight” in subclause (1).

(2) Regulation 2 of the principal regulations is hereby further amended by inserting, after subclause (1), the following subclause:

“(1A) For the purposes of these regulations, in the computation of the load of heavy motor vehicles engaged in the carriage of passengers, 15 persons, including any personal effects carried free of charge, shall be deemed to weigh 1 ton, and in computing the number of persons the driver shall be included:

*S.R. 1955/59 (Reprinted with Amendments Nos. 1 to 4: S.R. 1961/159)

Amendment No. 5: (Revoked by S.R. 1966/80)

Amendment No. 6: S.R. 1963/199

Amendment No. 7: S.R. 1965/142

Amendment No. 8: (Revoked by S.R. 1966/80)

Amendment No. 9: S.R. 1967/2

“Provided that in the case of a heavy motor vehicle used for the carriage of school children and their teachers and for no other purpose, 30 school children shall be deemed to weigh 1 ton, and each teacher and the driver shall each be deemed to weigh one-fifteenth of a ton.”

3. Classification of roads—Regulation 3 of the principal regulations is hereby amended by revoking subclause (14), and substituting the following subclause:

“(14) Any licensee within the meaning of Part IV of the Motor Vehicle Taxation Regulations 1966* who claims that his operations are adversely affected by a classification of a road, or any association including such licensees, may apply to the controlling authority not earlier than 12 months from the date when the classification was last effected (whether newly effected or effected by amendment of a former classification) for the classification to be amended, and the controlling authority, if it is satisfied by such evidence as it thinks fit, that the claim has been substantiated, may take the appropriate steps to amend the classification. If in the case of a road not under the control of the Board the amendment is not effected within 3 months of the date of the application, the licensee or association, as the case may be, may within a further period of 14 days appeal to the Board which, after making such inquiries as it thinks proper, may exercise its power to require the Secretary to amend the classification under subclause (3) of this regulation or decide not to require the Secretary to amend the classification.”

4. Use of classified roads and general weight limitations—Regulation 4 of the principal regulations is hereby amended by inserting, after subclause (2A) (as inserted by regulation 2 (1) of the Heavy Motor Vehicle Regulations 1955, Amendment No. 9), the following subclause:

“(2B) No person shall operate any heavy motor vehicle or combination of heavy motor vehicles on a classified road if the weight on any group of axles, each axle of which is less than 8 ft from the nearest other axle, exceeds the sum of the weights permitted on the individual axles of the group for a road of the class on which the vehicle is operated.”

5. Overweight permits—(1) Regulation 4 of the principal regulations is hereby further amended by revoking subclause (4), and substituting the following subclauses:

“(4) Notwithstanding anything in the foregoing provisions of this regulation, a controlling authority may—

“(a) In the case of—

“(i) A heavy motor vehicle carrying any commodity for a continuous period not exceeding 7 days; or

“(ii) An unladen heavy motor vehicle; or

“(iii) A heavy motor vehicle carrying an indivisible load; or

“(iv) A heavy motor vehicle in respect of which the controlling authority has been authorised to issue a permit by resolution of the Board,—

*S.R. 1966/80

Amendment No. 1: S.R. 1966/187

Amendment No. 2: S.R. 1967/102

Amendment No. 3: S.R. 1968/39

Amendment No. 4: S.R. 1969/20

give written permission for that heavy motor vehicle to be used under the authority of the appropriate heavy-traffic licence on any road (being a road under the control of that controlling authority and classified so as not otherwise to be available for the use thereon of that heavy motor vehicle), subject to such conditions as to weather, speed, weight of load, number of trips, specified period or periods, or any other condition not involving a monetary payment, as the controlling authority may think fit to impose. That permission shall be given in form C in the First Schedule to these regulations or to the like effect, and may be signed by any officer of the controlling authority authorised by it in that behalf:

“(b) In any other case, give written permission for any period exceeding 7 days to all users of heavy motor vehicles to carry a specified commodity or commodities under the authority of appropriate heavy-traffic licences on any specified road or roads (being a road or roads under the control of that controlling authority and classified so as not otherwise to be available for the use thereon of those heavy motor vehicles). That permission shall be subject to such conditions as to gross weight, axle weight, speed, or any other condition not involving monetary payment as the controlling authority may think fit to impose. Permission shall be given in form CA in the First Schedule to these regulations or to the like effect, and may be signed by any officer of the controlling authority authorised by it in that behalf.

“(4A) Any permission given under paragraph (a) of subclause (4) of this regulation may apply to any particular trip or to any specified number of trips, and may at any time be revoked or amended by the controlling authority so far as it relates to roads under the control of that controlling authority:

“Provided that no other controlling authority may revoke or amend any such permission given by the Board.

“(4B) Any permission given under paragraph (b) of subclause (4) of this regulation shall be published in a newspaper circulating in the district affected within 7 days of the permission coming into effect. That permission shall continue until the end of the period specified in the notice.

“(4c) In the case of the use of any State highway, any permission given under paragraph (a) or paragraph (b) of subclause (4) of this regulation may (subject to any conditions imposed as aforesaid) be given only by the Board or by a person appointed by it for the purpose.”

(2) Regulation 4 of the principal regulations is hereby further amended by revoking subclause (7).

(3) The First Schedule to the principal regulations is hereby amended by revoking form C, and substituting the forms C and CA set out in the Schedule to these regulations.

6. Weight limits for unclassified roads—The principal regulations are hereby further amended by inserting, after regulation 4A (as substituted by regulation 2 (1) of the Heavy Motor Vehicle Regulations 1955, Amendment No. 4), the following regulation:

“4B. (1) Except in accordance with permission granted under subclause (2) of this regulation, no person shall operate on any road not classified under regulation 3 hereof any heavy motor vehicle or combination of heavy motor vehicles if the weight on any group of axles, each axle of which is less than 8 ft from the nearest other axle, exceeds the sum of the maximum weights permitted on the individual axles of the group by section 69 of the Transport Act 1962 (as substituted by section 21 (1) of the Transport Amendment Act 1968).

“(2) The provisions of subclauses (4) to (8) of regulation 4 hereof shall, with any necessary modifications, apply to the limitations of weight on groups of axles of a heavy motor vehicle prescribed by this regulation.”

7. Speed limits—Regulation 7 of the principal regulations is hereby amended by omitting from subclause (2) (as substituted by regulation 2 (1) of the Heavy Motor Vehicle Regulations 1955, Amendment No. 6) the words “45 miles an hour”, and substituting the words “50 miles an hour.”

8. Use of bridges—Regulation 9 of the principal regulations is hereby amended by inserting, after subclause (3), the following subclauses:

“(3A) Notwithstanding anything in the foregoing provisions of this regulation, a controlling authority may give written permission for any specified heavy motor vehicle to be used under the authority of the appropriate heavy-traffic licence on or over any bridge (being a bridge under the control of that controlling authority and in respect of which the authority has fixed such weight limits under this regulation that the bridge is not available for the use thereon of that heavy motor vehicle), subject to such conditions as to speed, weight of load, number of trips, or any other condition not involving a monetary payment as the controlling authority may think fit to impose. That permission shall be given in form C in the First Schedule to these regulations with such modifications as may be necessary, or to the like effect, and may be signed by any officer of the controlling authority authorised by it in that behalf. In the case of the use of any State highway, that permission (subject to those conditions) may be given by the Board or any person appointed by it for the purpose, in which case it shall not be necessary to obtain the permission of any controlling authority.

“(3B) Every person operating a heavy motor vehicle under a permission given under subclause (3A) of this regulation shall comply with all the conditions of the permission.

“(3C) Any permission given under subclause (3A) of this regulation may apply to any particular trip or to any number of trips or to a specified period or periods, and may at any time be revoked or amended by any controlling authority so far as it relates to roads under the control of that controlling authority:

“Provided that no other controlling authority may revoke or amend any such permission given by or on behalf of the Board.

“(3b) No such permission shall prejudice the rights of the controlling authority to recover by legal process reimbursement for any damage done to the bridge during the trip or trips authorised by the permission.”

SCHEDULE

Reg. 4 (4) (a)

“FORM C

Permit given under Heavy Motor Vehicle Regulations 1955

PURSUANT to (regulation 4 (4) [*in the case of a road*]) (regulation 9 (3A) [*in the case of a bridge*]) of the above regulations [*user's name*] is hereby authorised to use [*vehicle description*] registered No.

(a)* For trips on the day of 19....., or

(b)* On the day of 19.....; or

(c)* For the period from to over the [*Description of road(s) or bridge(s)*] subject to the conditions set out below.

CONDITIONS

1. This permit shall be rendered void and of no effect if any of its conditions are broken or if it is altered or mutilated without authority.

2. This permit shall at all times be carried on the vehicle, and shall be surrendered for inspection on the demand of any member of the Police or any traffic officer.

3. The gross weight of the vehicle or combination of vehicles shall not exceed tons cwt.

4. The weight on the axles of the vehicle shall not exceed—

First (front)	axle tons cwt	} (A total weight may be specified for groups of axles spaced less than 8 ft apart.)
Second	axle tons cwt	
Third	axle tons cwt	
Fourth	axle tons cwt	
	etc.			

5. The speed of the vehicle while used under this permission shall not exceed miles an hour.

6. (Any other conditions)

[Name of Authority]

.....
(Signature of authorised officer).

.....
(Designation of authorised officer).

Date issued

*Use wording applicable.

Reg. 4 (4) (b)

“FORM CA

Permit given under Heavy Motor Vehicle Regulations 1955

PURSUANT to regulation 4 (4) of the above regulations, all users of heavy motor vehicles are hereby authorised to use their vehicles under the authority of appropriate heavy-traffic licences for—

(a) Carriage of [Set out description of commodity or commodities].

(b) During the period from to over the road(s) hereunder described, subject to the conditions set out.

Description of roads covered by permit

CONDITIONS

1. The gross weight of the vehicle or combination of vehicles shall not exceed tons cwt.

2. The weight on the axles of the vehicle shall not exceed the following:

Axles Fitted with Two Tyres Only		Axles More than 8 ft from the Nearest Other Axle				Axles Closer than 8 ft (but not Closer than 40 in.) to the Nearest Other Axle			
		With Dual Tyres		Oscillating Axles		With Dual Tyres		Oscillating Axles	
Tons	Cwt	Tons	Cwt	Tons	Cwt	Tons	Cwt	Tons	Cwt

3. The total weight on any group of axles, each of which is closer than 8 ft to the nearest other axle, shall not exceed the sum of the maximum axle weights permitted on the individual axles of the group.

4. (Any other conditions)

[Name of Authority]

.....
(Signature of authorised officer).

.....
(Designation of authorised officer).

Date issued

P. J. BROOKS,
Clerk of the Executive Council.



EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

Regulation 2 (1) revokes the definition of "weight". This term is defined in the Transport Act 1962 and has the same meaning in the regulations.

Regulation 2 (2) reinstates the provision for the computation of the weight of passengers which was revoked by the Motor Vehicle Taxation Regulations 1966.

Regulation 3 gives an association of road carriers the same powers as an individual carrier to appeal against a road classification.

Regulation 4 prohibits the use on any road of a heavy motor vehicle if the weight on a group of closely spaced axles exceeds the sum of the weights permitted on the axles that make up the group.

Regulation 5 provides for road controlling authorities to issue long-term permits to exceed road classification for the carriage of specified commodities. When these are issued they will be available to all vehicles carrying those commodities. Permits for individual vehicles will be limited to a period of 7 days except for unladen vehicles, those carrying indivisible loads, and those in respect of which the National Roads Board has authorised the issue of over-weight permits.

Regulation 6 applies to unclassified roads substantially the same provisions as apply by regulation 4 of the principal regulations to classified roads.

Regulation 7 increases from 45 miles an hour to 50 miles an hour the maximum speed for heavy motor vehicles designed for the carriage of passengers.

Regulation 8 empowers a controlling authority to give permission for over-weight vehicles to use bridges subject to such conditions as the authority may prescribe.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 27 March 1969.

These regulations are administered in the Ministry of Transport