



**THE HEAVY MOTOR VEHICLE REGULATIONS 1974,
AMENDMENT NO. 5**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 19th day of December 1988

Present:

THE HON. M. K. MOORE PRESIDING IN COUNCIL

PURSUANT to sections 77 and 199 of 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.

ANALYSIS

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| <ol style="list-style-type: none"> 1. Title and commencement 2. Interpretation 3. Classification of roads 4. Road classification signs 5. Use of roads and general weight limitations 6. Special weight-limit permits | | <ol style="list-style-type: none"> 7. Protection of bridges 8. Vehicle standards 9. New Second Schedule 10. New Third Schedule 11. Fourth Schedule amended 12. Transitional Schedules |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Heavy Motor Vehicle Regulations 1974, Amendment No. 5, and shall

be read together with and deemed part of the Heavy Motor Vehicle Regulations 1974* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of February 1989.

2. Interpretation—Regulation 2 (1) of the principal regulations is hereby amended by inserting, after the definition of the term “axle” (as amended by regulation 2 of the Heavy Motor Vehicle Regulations 1974, Amendment No. 4), the following definition:

“‘Axle set’ means a single axle set or a tandem axle set or a tri-axle set.”.

3. Classification of roads—(1) The principal regulations are hereby amended by revoking regulation 3 (as amended by regulation 7 (1) (a) of the Motor Spirits Duty Refund Regulations 1978), and substituting the following regulation:

“3. (1) For the purposes of these regulations, roads shall be classified in Class I or Class C.

“(2) Subject to subclause (19) of this regulation, Class I shall comprise—

“(a) All roads classified in Class I before the 1st day of February 1989; and

“(b) All state highways; and

“(c) All roads classified in Class II before the 1st day of February 1989.

“(3) Subject to subclause (19) of this regulation, Class C shall comprise roads—

“(a) That would be likely to suffer excessive damage by heavy motor vehicles if classified in Class I; and

“(b) Are classified in Class C by the Secretary.

“(4) The Board may at any time require the Secretary to alter the classification of any state highway. Any other controlling authority having the control of any road may at any time apply to the Secretary to approve a proposal of the controlling authority that the classification of the road be altered.

“(5) Notwithstanding anything in subclauses (1) to (4) of this regulation, the Board, after notice to the appropriate controlling authority, may require the Secretary to alter the classification of any road under the control of that authority, and the Secretary shall declare the classification accordingly.

“(6) Where a controlling authority or the Board applies to or requires the Secretary to alter the classification of a Class I road to Class C, it shall first give public notice of the names or other sufficient identification of the roads proposed to be so classified and of the class to which it is proposed that each such road shall be declared to belong, and shall in that notice call upon any person objecting to lodge notice in writing of his or her objection and of the ground thereof at an address to be stated in the notice, and before a date to be specified in the notice which shall be at least 14 clear days after the date of the first publication of the notice. The notice shall be

*S.R. 1974/218

Amendment No. 1: S.R. 1974/309

Amendment No. 2: S.R. 1983/283

Amendment No. 3: S.R. 1985/145

Amendment No. 4: S.R. 1987/206

given by publishing in some newspaper circulating in the district affected a notice in form A in the First Schedule to these regulations.

“(7) Upon the expiration of the period stated in the notice, the controlling authority shall apply to the Secretary for approval or (in the case of an application by the Board) for a declaration of the alteration in classification, and, except in the case of the Board, the controlling authority shall forward with its application any objections relating to the application.

“(8) In the case of an alteration in classification proposed by the Board, the Secretary shall, by notice in the *Gazette*, declare the alteration in classification proposed by the Board.

“(9) In the case of an alteration in classification proposed by any other controlling authority, the Secretary may, by notice in the *Gazette*, approve the proposed classification, or, with the concurrence of the parties concerned, modify the proposed alteration in classification in accordance with any objections received or otherwise, and then approve the alteration in classification as so modified.

“(10) In the event of any difference of opinion as to the correct classification for a road arising between the Secretary and the controlling authority applying under subclause (4) of this regulation to have the road classification altered and any party objecting under subclause (6) of this regulation to the proposed alteration, the question may be submitted by the Secretary or the controlling authority or any such party to the Board. The decision of the Board shall be final, and the Secretary shall, by notice in the *Gazette*, declare the alteration in classification (if any) in accordance with the decision of the Board.

“(11) When the classification of a road is altered, the controlling authority shall give public notice, by publication in some newspaper circulating in the district affected, of the classification effected and of the Secretary's approval or declaration thereof, and shall forthwith erect and shall at all times maintain, in the manner prescribed by regulation 4 of these regulations, such one of the signs described in that regulation as may be appropriate to the classification.

“(12) Upon publication in the *Gazette* of a notice given under subclause (8) or subclause (9) or subclause (10) of this regulation, the controlling authority shall forthwith take the steps prescribed by subclause (11) of this regulation. On default by the controlling authority, the Secretary may at any time take those steps, or any of them, at the expense in all things of the controlling authority.

“(13) No classification of any road shall be deemed to have altered to Class C—

“(a) Until it is approved or declared by the Secretary in writing and publicly notified and the road is signposted as provided by subclause (11) of this regulation; or

“(b) At any time while the signposting of the road is not maintained as provided by subclause (11) of this regulation.

“(14) Any controlling authority may declare that temporarily a Class C road shall become Class I. Where a declaration is made under this subclause,—

“(a) A copy of the declaration shall be sent to the Secretary within 7 days; and

“(b) Notice of the declaration shall within 7 days be given by publication of the terms of the declaration or a statement conveying the general effect of the declaration in some newspaper circulating in the district to which the declaration relates; and

“(c) The controlling authority shall erect such one of the signs described in regulation 4 of these regulations as may be appropriate to the temporary classification and period during which it has effect; and

“(d) Any signs relating to the permanent classification of the road shall be removed or covered.

“(15) Any such temporary classification shall, unless reimposed, have effect until the date specified in the declaration. On this date the controlling authority shall remove the temporary signs and replace the permanent classification signs, or, as the case may be, remove any covering placed over the permanent classification signs.

“(16) Notwithstanding anything in subclause (15) of this regulation, a controlling authority may, on reasonable grounds, terminate any temporary classification before the date specified in the original declaration. Notice of any such termination shall be given by publication, before the date on which the termination takes effect, of a statement conveying the grounds of and the general effect of the termination in the newspaper which carried notice of the original declaration. On the date on which the termination takes effect, the controlling authority shall remove the temporary signs and replace the permanent classification signs, or, as the case may be, remove any covering placed over the permanent classification signs.

“(17) Any operator of a motor vehicle to which a current road user licence relates who claims that his or her 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 after the date when the classification was last altered for the classification to be altered. 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 alter the classification. If in the case of a road not under the control of the Board the alteration is not effected within 3 months after 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 alter the classification under subclause (5) of this regulation or decide not to require the Secretary to alter the classification.

“(18) In any proceedings for a breach of these regulations—

“(a) Relating to a road alleged to belong or to be deemed to belong to Class I, evidence by a traffic officer that the road belonged to Class I shall be sufficient evidence that the road at all material times belonged to that class:

“(b) Relating to a road alleged to belong to Class C,—

“(i) The production of a copy of the *Gazette*, or of an official extract therefrom, purporting to contain the Secretary's approval or declaration of the classification of any road; and

“(ii) Proof that at all material times the appropriate classification signs were erected and maintained on the road in accordance with regulation 4 of these regulations—

shall be sufficient evidence that the road was at all material times duly classified in the class specified in the Secretary's approval or declaration.

"(19) No classification made by or under either subclause (2)(c) or subclause (3) of this regulation shall have effect before the 1st day of August 1989."

(2) The item relating to form A in the First Schedule to the principal regulations is hereby consequentially amended—

- (a) By omitting the expression "Reg. 3 (5)", and substituting the expression "Reg. 3 (6)":
- (b) By omitting the expression "Class II" in both places where it occurs, and substituting in each case the expression "Class C".

4. Road classification signs—(1) Regulation 4 of the principal regulations is hereby amended by omitting from subclauses (1), (3), and (5) the expression "Class II", and substituting in each case the expression "Class C".

(2) Regulation 4 (6) of the principal regulations is hereby amended by omitting the expression "subclause (13)", and substituting the expression "subclause (14)".

5. Use of roads and general weight limitations—(1) The principal regulations are hereby amended by revoking regulation 5 (as amended by regulation 3 of the Heavy Motor Vehicle Regulations 1974, Amendment No. 4), and substituting the following regulation:

"5. (1) No person shall operate any heavy motor vehicle if the weight on any of its axles exceeds the weight prescribed for that type of axle by table No. 1 in the Second Schedule to these regulations.

"(2) No person shall operate any heavy motor vehicle if the weight on 2 axles in a tandem axle set exceeds the weight prescribed for that type of axle set by table No. 2 in the Second Schedule to these regulations.

"(3) No person shall operate any heavy motor vehicle if the weight on the axles in a tri-axle set exceeds the weight prescribed for that type of axle set by table No. 3 in the Second Schedule to these regulations.

"(4) No person shall operate any heavy motor vehicle if the weight on any 2 or more axles not in a tandem or a tri-axle set exceeds the weight prescribed for such axles by table No. 4 in the Second Schedule to these regulations.

"(5) No person shall operate any heavy motor vehicle on any Class C road, except for the purposes of the delivery or collection of goods or passengers, or any of those things, to or from locations directly accessible only from such roads."

(2) Regulation 3 of the Heavy Motor Vehicle Regulations 1974, Amendment No. 4 is hereby consequentially revoked.

6. Special weight-limit permits—Regulation 6 (1) of the principal regulations is hereby amended by omitting the expression "1 November 1974", and substituting the words "the 1st day of February 1989".

7. Protection of bridges—(1) Regulation 11 (6) of the principal regulations is hereby amended by revoking paragraph (a), and substituting the following paragraph:

“(a) Panel 1 of the sign may show a weight in kilograms in which case the weight shown shall be the weight limit on any one axle on the bridge. If no special axle weight limits are fixed, the word ‘Axles’ and panel 1 may be omitted from the sign, and its height may be reduced accordingly:”.

(2) Regulation 11 (6) (b) of the principal regulations is hereby amended by inserting, after the expression “No. 3”, the expression “and No. 4”.

8. Vehicle standards—The principal regulations are hereby amended by inserting, after regulation 16, the following regulation:

“16A. (1) The following provisions shall apply to heavy motor vehicles and trailers to which this regulation applies:

“(a) No vehicle, whether in a combination of vehicles or otherwise, shall exceed the weights determined by the Secretary as being the vehicle manufacturer’s recommended maximum weight for each axle and gross maximum weight for the vehicle and for any other vehicle with which it is operated:

“(b) Every vehicle, whether in a combination of vehicles or otherwise, shall comply with the Interim Performance specification for Heavy Vehicle Braking published by the Ministry of Transport:

“(c) Every trailer and every vehicle used to tow any such trailer, shall comply with the New Zealand Standard 5446: 1987 Code of Practice for Heavy Motor Vehicle Towing Connections: Drawbar Trailers:

“(d) Every semi-trailer and every vehicle used to tow any semi-trailer, whether in a combination of vehicles or otherwise, shall comply with the following standards:

“(i) New Zealand Standard 5450: 1989 Coupling Devices for Articulated Vehicles: Fifth Wheel Assemblies:

“(ii) New Zealand Standard 5451: 1989 Coupling Devices for Articulated Vehicles: Fifth Wheel Kingpins:

“(e) Every vehicle, whether in a combination of vehicles or otherwise, shall comply with New Zealand Standard 5444: 1989 Load Anchorage Points for Heavy Vehicles:

“(f) Load securing lashings (including webbings, ropes, and chains) shall comply with such standard or code of practice as the Secretary may determine:

“(g) The following provisions shall apply in relation to tyres:

“(i) Tyres shall be fitted to rims approved by the tyre manufacturer:

“(ii) Tyres shall be of sufficient load capacity to support the weight imposed on them by the vehicle and its load:

“(iii) Tyres shall comply with such standard as the Secretary may determine:

“(iv) Rims shall be fixed to the hub, and the hub shall be fixed to the vehicle in accordance with the method recommended by the vehicle manufacturer:

“(v) Rims and hubs shall be compatible with each other and with the vehicle.

“(2) The Secretary may, by notice in the *Gazette* or otherwise, prescribe an alternative standard or specification or code of practice or other requirement to have effect in place of any standard determined or

prescribed by or under any of paragraphs (a) to (d) of subclause (1) of this regulation.

“(3) Certificates of loading issued in respect of vehicles to which this regulation applies shall be endorsed with a statement specifying any applicable standards, specifications, or codes of practice, or other requirement.

“(4) No person shall operate any heavy motor vehicle that fails to comply with any standard or specification or code of practice or other requirement applicable to that vehicle and prescribed or determined by or under this regulation.

“(5) For the purposes of this regulation, a requirement to comply with a particular standard or specification or code of practice means a requirement to comply with the latest standard or specification or code of practice, and any amendments, for the time being prescribed or determined.

“(6) This regulation applies as follows:

“(a) Every heavy motor vehicle and every combination of vehicles, exceeding 39 000 kg gross weight, shall comply with subclause (1) of this regulation on and from either—

“(i) The 1st day of February 1989; or

“(ii) The date on which the vehicle is first registered,—
whichever date is the later:

“(b) Every heavy motor vehicle and every combination of vehicles, not exceeding 39 000 kg gross weight, that is first registered in New Zealand after the 1st day of February 1989, shall comply with subclause (1) of this regulation either—

“(i) By the 1st day of August 1989; or

“(ii) On and from the date on which the vehicle is first registered,—
whichever date is the later:

“(c) Any heavy motor vehicle first registered before the 1st day of February 1989 that is, at any time after that date, altered or modified or reconstructed to such an extent that a new certificate of loading is required in respect of that vehicle, shall comply with subclause (1) of this regulation on and from the time when the vehicle is so altered or modified or reconstructed:

“(d) Nothing in subclause (1) of this regulation applies to any heavy motor vehicle not exceeding 39 000 kg gross weight that was first registered in New Zealand before the 1st day of February 1989, or to trailers towed by any such vehicle.”

9. New Second Schedule—(1) The principal regulations are hereby amended by revoking the Second Schedule (as amended by regulation 8 of the Heavy Motor Vehicle Regulations 1974, Amendment No. 4), and substituting the Second Schedule set out in the First Schedule to these regulations.

(2) Regulation 8 of the Heavy Motor Vehicle Regulations 1974, Amendment No. 4 is hereby consequentially revoked.

10. New Third Schedule—The principal regulations are hereby amended by revoking the Third Schedule, and substituting the Third Schedule set out in the Second Schedule to these regulations.

11. Fourth Schedule amended—The Fourth Schedule to the principal regulations is hereby consequentially amended by revoking the item relating to diagram No. 1, and substituting the item set out in the Third Schedule to these regulations.

12. Transitional—Notwithstanding anything in these regulations, the provisions of the principal regulations revoked by regulations 3 (1), 5 (1), and 9 (1) of these regulations shall continue to have effect in relation to every road classified in Class II before the 1st day of February 1989, in place of the provisions substituted by those regulations, until—

(a) The classification of that road is altered to Class I; or

(b) The 1st day of August 1989,—

whichever occurs first.

SCHEDULES

Reg. 9 (1)

FIRST SCHEDULE

NEW SECOND SCHEDULE TO PRINCIPAL REGULATIONS

Regs. 5, 11 (6)

“SECOND SCHEDULE

TABLES OF MAXIMUM WEIGHTS FOR HEAVY MOTOR VEHICLES

Table No. 1—Maximum Weight on Individual Axles

Type of Axle	Weight (Kilograms)
1. Single standard tyres—	
(a) In a twin steer axle set, or in a tandem axle set with a twin or large tyred axle	5 400
(b) In any other axle set	6 000
2. Single large tyred—	
(a) In a twin steer axle set	5 400
(b) In a tandem axle set with 2 single tyred axles or in a tri-axle set	6 600
(c) In any other axle	7 200
3. Twin tyred—	
(a) In a tri-axle set	6 600
(b) In any other axle set	8 200
4. Oscillating tyred, in any axle set	9 500

Table No. 2—Maximum Sum of Axle Weights on 2 Axles in a Tandem Axle Set

Type of Axle	Weight (Kilograms)
1. Two single standard tyred axles—	
(a) In a twin steer set	10 800
(b) Not in a twin steer set	11 000

FIRST SCHEDULE—*continued*

NEW SECOND SCHEDULE TO PRINCIPAL REGULATIONS—*continued*

“SECOND SCHEDULE—*continued*”

TABLES OF MAXIMUM WEIGHTS FOR HEAVY MOTOR VEHICLES—*continued*

Type of Axle	Weight (Kilograms)
2. Two single large tyred axles—	
(a) In a twin steer set 	10 800
(b) Not in a twin steer set 	13 000
3. Two twin tyred axles—	
(a) Spaced less than 1.3 m from the first axle to the last axle 	14 500
(b) Spaced 1.3 m or more but less than 1.8 m from the first axle to the last axle 	15 000
(c) Spaced 1.8 m or more from the first axle to the last axle 	15 500
4. Single standard tyred axle with an oscillating axle	13 000
5. Single standard tyred axle with a single large tyred axle or a twin tyred axle 	12 000
6. All other types of tandem axle (including two oscillating, oscillating with large single, and twin with large single or standard, and any two twin tyred axles that do not comprise a tandem axle set) ..	14 500

*Table No. 3—Maximum Sum of Axle Weights
in a Tri-axle Set*

Type of Axle	Weight (Kilograms)
Three oscillating axles, three twin tyred axles, or three large tyred axles—	
(a) Spaced 2.5 m or more from the first axle to the last axle 	18 000
(b) Spaced 2.4 m or more and less than 2.5 m from the first axle to the last axle 	17 500

FIRST SCHEDULE—*continued*NEW SECOND SCHEDULE TO PRINCIPAL REGULATIONS—*continued*“SECOND SCHEDULE—*continued*”TABLES OF MAXIMUM WEIGHTS FOR HEAVY MOTOR VEHICLES—*continued*

Table No. 4—*Maximum Sum of Weights on any 2 or
More Axles Not in a Tandem or Tri-axle Set
(Including Maximum Gross Weight)*

Type of Axle	Weight (Kilograms)
Where the distance from the centre of the first axle to the centre of the last axle is—	
2.5 m but less than 3.0 m	17 500
3.0 m but less than 3.3 m	19 000
3.3 m but less than 3.6 m	20 000
3.6 m but less than 4.0 m	21 000
4.0 m but less than 4.4 m	22 000
4.4 m but less than 4.7 m	23 000
4.7 m but less than 5.1 m	24 000
5.1 m but less than 5.4 m	25 000
5.4 m but less than 5.8 m	26 000
5.8 m but less than 6.4 m	27 000
6.4 m but less than 7.0 m	28 000
7.0 m but less than 7.6 m	29 000
7.6 m but less than 8.2 m	30 000
8.2 m but less than 8.8 m	31 000
8.8 m but less than 9.4 m	32 000
9.4 m but less than 10.0 m	33 000
10.0 m but less than 10.8 m	34 000
10.8 m but less than 11.6 m	35 000
11.6 m but less than 12.4 m	36 000
12.4 m but less than 13.2 m	37 000
13.2 m but less than 13.5 m	38 000
13.5 m but less than 14.4 m	39 000
14.4 m but less than 14.8 m	40 000
14.8 m but less than 15.2 m	41 000
15.2 m but less than 15.6 m	42 000
15.6 m but less than 16.0 m	43 000
16.0 m or more	44 000”.

SECOND SCHEDULE

Reg. 10

NEW THIRD SCHEDULE TO PRINCIPAL REGULATIONS

THIRD SCHEDULE

Reg. 6 (2)

“SPECIAL WEIGHT-LIMIT PERMIT

PURSUANT to regulation 6 (1) of the Heavy Motor Vehicle Regulations 1974, any vehicles specified herein are exempt from the weight limits prescribed in regulation 5 of those regulations, but are subject to the special weight limits and conditions prescribed in this permit.

Vehicle Registration No.: Truck, Trailer

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

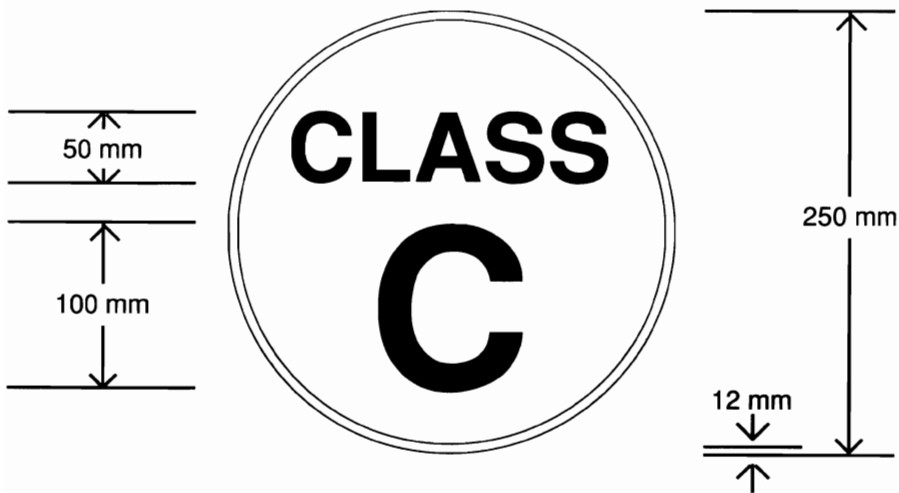
Axle Number	1	2	3	4	5	6	7	8
*Axle Type								
Weight (000 kg)								
Totals Allowed (000 kg)								

- *S = Single-tyred axle
- T = Twin-tyred axle
- (4) = 4-tyred oscillating axle
- (8) = 8-tyred oscillating axle.”



Reg. 11

THIRD SCHEDULE
NEW DIAGRAM NO. 1 SUBSTITUTED IN FOURTH SCHEDULE
TO PRINCIPAL REGULATIONS
"DIAGRAM NO. 1
Classification Sign (Reg. 4 (1))



White reflectorised letters and figures on a black background with a red reflectorised border."

MARIE SHROFF,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

These regulations, which come into force on 1 February 1989, amend the Heavy Motor Vehicle Regulations 1974 as follows:

- (a) The Class II classification of roads is abolished and provision is made for such roads to be reclassified in Class I:
- (b) A new Class C road classification is created and will apply to roads that are suitable for use by heavy motor vehicles only for the purposes of the delivery or collection of goods or passengers:
- (c) A new scale of heavy motor vehicle weight limits is introduced, with a maximum weight of 44 tonnes. The former maximum was 39 tonnes:
- (d) New standards, codes of practice, and specifications are either specified or provided for in respect of heavy motor vehicles:
- (e) Transitional provisions are included for the purposes of introducing new classifications and standards.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 December 1988.

These regulations are administered in the Ministry of Transport.