

1956/125

**THE MOTOR DRIVERS REGULATIONS 1940,
AMENDMENT NO. 11**

C. W. M. NORRIE, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 15th day of August 1956

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Transport Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Motor Drivers Regulations 1940, Amendment No. 11, and shall be read together with and deemed part of the Motor Drivers Regulations 1940* (hereinafter referred to as the principal regulations).

2. Regulation 4 of the principal regulations is hereby amended by adding to subclause (3) (as substituted by regulation 2 of the Motor Drivers Regulations 1940, Amendment No. 10) the following proviso:

“Provided that any licence issued by the Commissioner under regulation 4A of these regulations may continue to be issued in the form numbered 2 in the Schedule hereto.”

3. Regulation 6 of the principal regulations is hereby amended by adding to subclause (8) (as added by regulation 4 (d) of the Motor Drivers Regulations 1940, Amendment No. 1) the words “unless she is accompanied for protection by a man at least eighteen years of age who is not a fare paying passenger”.

4. (1) The principal regulations are hereby amended by revoking regulation 8 (as substituted by regulation 4 (1) of the Motor Drivers Regulations 1940, Amendment No. 7), and substituting the following regulation:

*S.R. 1940/73 (reprinted with amendments Nos. 1 to 10: S.R. 1956/95)

**“REGULATION 8—DRIVERS OF MOTOR CYCLES OR MOTOR CYCLES AND
SIDE CARS (NEW APPLICANTS)**

“(1) For the purposes of this regulation,—

“‘Appropriate authority’ means the local authority which, having regard to the district wherein for the time being the garage for the motor vehicle is situated or wherein the applicant is permanently resident in terms of subclauses (7) and (8) of regulation 3 hereof, is the proper authority for dealing with an application for a motor driver’s licence:

“‘Approved school of instruction’ means an organisation that conducts courses of instruction in motor cycle driving and is approved by the Minister by notice in the *Gazette* as a school of instruction for the purposes of this regulation:

“‘New applicant’ means an applicant for a licence to drive a motor cycle who is unable to produce evidence satisfactory to the appropriate authority that he has previously been licensed to drive a motor cycle in New Zealand or elsewhere.

“(2) Notwithstanding anything to the contrary in these regulations, the following provisions shall apply in the case of any new applicant.

“(3) No licence to drive a motor cycle shall be issued to a new applicant except subject to the following special conditions:

“(a) The licensee shall not carry any other person on any motor cycle he is driving otherwise than in a side car:

“(b) The licensee shall not drive any motor cycle at a speed exceeding forty miles an hour on any road:

“(c) The licensee shall not drive any motor cycle unless—

“(i) There is fitted to it in the prescribed manner a motor cycle rear registration plate obtained as described in subclause (4) of this regulation, which in addition to the registration numerals has following the numerals an embossed letter L of the same colour as the numerals (hereinafter referred to as a learner’s registration plate); and

“(ii) The provisions of subclause (7) of this regulation are complied with:

“Provided that this paragraph shall not apply in the case of a licensee who is an apprentice or mechanic in the motor trade and who is driving in the course of his employment a motor cycle owned by or in charge of his employer and lawfully fitted with a dealer’s plate, to which on its off side is attached a metal plate displaying to the rear the capital letter L of approximately the same size and colour as the letter D of the dealer’s plate:

“Provided also that this paragraph shall not apply in the case of a licensee who is driving, during a course of instruction conducted by an approved school of instruction, a motor cycle supplied by that school and having attached to its rear registration plate on its off side a metal plate displaying to the rear the capital letter L of approximately the same size and colour as the numerals on the registration plate.

“(4) Notwithstanding anything to the contrary in the Motor Vehicles Registration and Licensing Regulations 1949,* the owner may at any time—

“(a) Apply for and obtain a learner’s registration plate for a motor cycle, and, if another registration plate which is still current has been issued for the same motor cycle, the application shall be deemed to be an application for a substitute registration plate under regulation 19 of the Motor Vehicles Registration and Licensing Regulations 1949:

“(b) Subject to the provisions of subclause (5) of this regulation, apply for and obtain an ordinary registration plate in place of a learner’s registration plate, which application shall likewise be deemed to be an application for a substitute registration plate.

“(5) The Deputy Registrar shall not supply to any person an ordinary registration plate in place of a learner’s registration plate, unless at the time of the application the applicant produces to the Deputy Registrar either—

“(a) His motor driver’s licence showing that the special conditions imposed by subclause (3) of this regulation have been removed; or

“(b) A statutory declaration by the owner (not being a person who is subject to those special conditions) to the effect that the learner’s registration plate was fitted to the motor cycle to enable some person other than the owner to drive the motor cycle and that that person is either no longer subject to those special conditions or is no longer authorised to ride the motor cycle.

“(6) A learner’s registration plate shall be deemed to be a registration plate for all the purposes of the Motor Vehicles Registration and Licensing Regulations 1949.*

“(7) Where a motor cycle is fitted with a learner’s registration plate the registration number painted on the front plate of a motor cycle in accordance with the second proviso to subclause (1) of regulation 7 of the Motor Vehicles Registration and Licensing Regulations 1949 (as enacted by regulation 2 of the Motor Vehicles Registration and Licensing Regulations 1949, Amendment No. 4) shall be followed by a painted letter L of the same colour and of the same dimensions as the numerals.

“(8) The effect of the special conditions specified in subclause (3) of this regulation shall be intimated by the local authority on the licence by endorsing on the licence, by stamping or other means, the words ‘New motor cyclist—Special conditions apply’, but those conditions shall apply whether or not the licence is so endorsed.

*S.R. 1949/170

Amendment No. 1: S.R. 1950/105

Amendment No. 2: S.R. 1951/109

Amendment No. 3: S.R. 1951/267

Amendment No. 4: S.R. 1952/134

Amendment No. 5: S.R. 1953/60

Amendment No. 6: S.R. 1956/116

“(9) The licensee may at any time after the expiry of six months from the date of issue to him of a licence issued under this regulation apply to the appropriate authority for removal of the special conditions prescribed by subclause (3) of this regulation:

“Provided that an application as aforesaid may be made by the licensee at any time after the expiration of three months from the date of the issue of the licence in any case where the licensee produces to the appropriate authority a certificate or letter from an approved school of instruction certifying that the licensee has successfully completed a course of instruction in motor cycle driving conducted by the school:

“Provided also that, in the case of any licensee to whom subclause (11) of this regulation applies, no such certificate or letter shall have any effect unless the course of instruction had been completed by the licensee after the date of the expiration of the period of suspension or of the issue to him of the new licence, as the case may be.

“(10) Upon receipt of such an application the appropriate authority shall require the licensee to be subjected to a further test by the testing officer, and on receipt of a satisfactory report from that officer, but not otherwise, may remove the said special conditions, whereupon the appropriate authority shall endorse on the licence, by stamping or otherwise, the words ‘Special L plate conditions removed., Clerk to the Council (Board)’.

“(11) Where by any order of suspension or cancellation or disqualification made under section 31 of the Transport Act 1949 any person is disqualified from driving a motor cycle for a period of six months or more, then—

“(a) In the case of an order of suspension, the defendant’s motor driver’s licence shall at the expiration of that period have effect and be subject to the same conditions as if it were a licence issued to a new applicant under the provisions of this regulation on the day after the date of the expiration of the period of suspension; and

“(b) In the case of an order of cancellation or disqualification, the first licence to drive a motor cycle issued to the defendant after the expiration of that period shall have effect and be subject to the same conditions as if it were a licence issued to a new applicant under the provisions of this regulation; and

“(c) In either case, the licensee shall not drive any motor cycle unless the licence has been endorsed by the local authority under the provisions of subclause (8) of this regulation.

“(12) Every person commits an offence against these regulations who (being the holder of a licence which is for the time being subject to the conditions specified in subclause (3) of this regulation) drives a motor cycle in breach of any of those conditions, or, in any case to which subclause (11) of this regulation applies, in breach of that subclause.”

(2) Regulation 4 of the Motor Drivers Regulations 1940, Amendment No. 7, is hereby revoked.

5. The principal regulations are hereby amended by inserting, after regulation 10, the following heading and regulation:

"REGULATION 10A—ENDORSEMENT OF LICENCES

"Where, under section 31 (1) of the Transport Act 1949, particulars of any conviction and of any order of the Court under that subsection are required to be endorsed on the defendant's motor driver's licence (if any) and on every motor driver's licence that may thereafter be issued to him within the next succeeding period of three years, then—

- "(a) In the case of a licence held by the defendant at the date of the conviction, those particulars shall be endorsed on the licence by the Registrar of the Court:
- "(b) In the case of a licence issued to the defendant at any time within the said period of three years, those particulars shall be endorsed on the licence by the Clerk of the local authority which issues the licence:
- "(c) If the defendant at any time during the said period of three years applies to any local authority for a motor driver's licence, he shall at the time of the application supply to the local authority full and correct particulars of the conviction and of the order for endorsement made by the Court."

6. Regulation 11 of the principal regulations is hereby amended by revoking subclause (9), and substituting the following subclause:

"(9) The licensee shall not apply for and no local authority shall issue to the licensee any licence to have effect before a date to be specified by the Commissioner, or where that date is varied on appeal, by the Magistrate hearing the appeal, being not later than twelve months after the date of the decision of the Commissioner or, in the case of an appeal, of the decision of the Magistrate."

T. J. SHERRARD,
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 enables the previous form of driver's licence to be continued in use for drivers' licences issued to members of the armed forces by the Commissioner of Transport.

Regulation 3 has the effect of enabling a woman taxi driver to ply at night provided she is accompanied for protection by a male companion who has attained eighteen years of age.

Regulation 4 re-enacts in an amended form the existing provisions applying to learner motor cyclists. The new provisions in the regulation are—

- (a) Any apprentice or mechanic in the motor trade may drive in the course of his employment a motor cycle held by his employer and lawfully fitted at the rear with a D plate to which is attached a plate bearing the letter L.
- (b) Any licensee who is undergoing a course of instruction conducted by an approved school of instruction for motor cyclists may drive a motor cycle provided by the school if there is attached to the rear registration plate a plate bearing the letter L.
- (c) Before a Deputy Registrar of Motor Vehicles supplies ordinary registration plates in substitution for L plates the licensee must produce either his driving licence showing that the L plate conditions have been removed, or a statutory declaration that the special L plate was fitted to the motor cycle to enable some other person to drive it and that that person is either no longer subject to the special L plate conditions or is no longer authorised to drive the motor cycle.

(d) The period of six months during which the special L plate conditions apply has been reduced to three months where the licensee produces a certificate by an approved school of instruction that he has successfully completed a course of instruction conducted by that school.

(e) A licensee whose licence is suspended by the Court for six months or more will at the expiration of that period be treated as a new applicant and be subject to the conditions applying to learner motor cyclists.

Regulation 5 provides that any order for endorsement made by the Court is to be endorsed on the defendant's motor driver's licence (if any) by the Registrar of the convicting Court, or, in the case of a licence issued within three years after the date of the conviction, by the Clerk of the local authority which issues the licence. The regulation also provides that if any person in respect of whom an order for endorsement has been made applies for a licence during the period of endorsement, he must supply to the local authority particulars of the conviction and of the order for endorsement.

Regulation 6 provides that, where a licence is revoked by the Commissioner of Transport, the licensee cannot obtain a new licence before a date to be specified by the Commissioner, or, in cases where an appeal is made, by the Magistrate hearing the appeal, that date being not later than twelve months after the date of the decision of the Commissioner or, in the case of an appeal, the decision of the Magistrate.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 16 August 1956.

These regulations are administered in the Transport Department.