

1963/81



THE MOTOR DRIVERS REGULATIONS 1940,
AMENDMENT NO. 16

BERNARD FERGUSSON, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 29th day of May 1963

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.

REGULATIONS

1. (1) These regulations may be cited as the Motor Drivers Regulations 1940, Amendment No. 16, and shall be read together with and deemed part of the Motor Drivers Regulations 1940* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of July 1963.

2. (1) Regulation 1 of the principal regulations is hereby amended by revoking the definition of the term "power cycle" in subclause (4) (which definition was substituted by regulation 2 of the Motor Drivers Regulations 1940, Amendment No. 12), and substituting the following definition:

" 'Power cycle' means—

"(a) A motor vehicle running on two wheels and fitted with a motor the total piston displacement of which does not exceed 60 cubic centimetres; or

"(b) A pedal tricycle that for alternative propulsion is fitted with a motor (whether detachable or not) the total piston displacement of which does not exceed 60 cubic centimetres."

(2) The Motor Drivers Regulations 1940, Amendment No. 12, is hereby revoked.

*S.R. 1940/73 (Reprinted with Amendments Nos. 1 to 10: S.R. 1956/95)
Amendment No. 11: S.R. 1956/125
Amendment No. 12: S.R. 1957/139
Amendment No. 13: S.R. 1958/74
Amendment No. 14: S.R. 1959/156
Amendment No. 15: S.R. 1962/159

3. (1) The principal regulations are hereby further amended by inserting, after regulation 5, the following regulation:

“REGULATION 5A—ADDITIONAL TESTS FOR TAXICAB DRIVERS

“(1) Every applicant for a licence to drive a taxicab shall pass an oral test in the English language at a good standard, and that test shall include questions relating to the fare schedule for taxicabs operating in the district of the issuing authority:

“Provided that this subclause shall not apply in the case of an applicant who was the holder of a licence to drive a taxicab expiring with the 30th day of June immediately preceding the date of application.

“(2) Notwithstanding anything to the contrary in these regulations, a licence to drive a taxicab shall not authorise the holder to drive any taxicab, unless he has obtained from an issuing authority in the area in which the contract of hire in respect of the taxicab may be initiated an endorsement on his licence signifying that he has passed at a good standard a test in knowledge of the area sufficient to enable him to discharge his duties as such.

“(3) The requirements of this regulation are in addition to those of regulation 5 hereof.”

(2) The Schedule to the principal regulations is hereby amended by inserting in form 4, after clause 5, the following clause:

“6. (In the case of an applicant for a licence to drive a taxicab.) Knowledge of English language. (Classifications ‘Good’ or ‘Poor’.)”

4. The principal regulations are hereby further amended by inserting, after regulation 7, the following regulation:

“REGULATION 7A—APPROVAL OF DRIVING INSTRUCTORS

“(1) The Commissioner may, upon application made in accordance with the provisions of this regulation, issue in a form provided for the purpose by the Commissioner a certificate of approval as a driving instructor to any person who, in the opinion of the Commissioner, is qualified under this regulation to be the holder of such a certificate.

“(2) Any certificate issued under this regulation may apply with respect to all motor vehicles or to any specified class or classes of motor vehicle.

“(3) Every person who desires to obtain a certificate of approval as a driving instructor shall make application therefor in a form provided for the purpose by the Commissioner, and shall supply the Commissioner with such evidence or information as will enable the Commissioner to satisfy himself that the applicant is a fit and proper person to be the holder of such a certificate. Every such application shall be accompanied by a fee of £2.

“(4) Before granting an application for a certificate of approval as a driving instructor, the Commissioner shall—

“(a) Make such inquiries as are necessary to satisfy himself that the character of the applicant is such that the applicant is, in the opinion of the Commissioner, having regard to the interests of the public, a fit and proper person to hold a certificate as aforesaid; and

“(b) Require the applicant to undergo and pass at a good standard such tests as may be prescribed by the Commissioner.

“(5) If it appears to the Commissioner at any time that any holder of a certificate of approval is or has become (whether by reason of physical incapacity or incompetency or for any other reason whatsoever) unfit to be the holder of such a certificate, the Commissioner may, by notice in writing served personally upon the holder or sent to him by registered letter at his last known or usual place of residence or at his place of business, call upon him to appear before the Commissioner at a time and place stated in the notice, and to produce his certificate and show cause why it should not be revoked. Every such notice shall state the grounds of the proposed revocation.

“(6) The Commissioner shall at the time and place aforesaid, or at any other time and place to which consideration of the matter may be adjourned, take into consideration the matter stated in such notice and any evidence tendered in support thereof or tendered by the holder of the certificate with respect thereto, and may, if he thinks fit, revoke the certificate of approval as a driving instructor.

“(7) Every person commits an offence against these regulations who—

“(a) Not being the holder of a certificate of approval as a driving instructor that is for the time being in force, takes or uses any name, title, addition, or description implying that he is the holder of such a certificate; or

“(b) Being a person carrying on the business of providing driving instruction, uses any title, addition, or description implying that any person employed by him is the holder of such a certificate when in fact the person so employed is not the holder of such a certificate that is for the time being in force; or

“(c) Issues any advertisement likely to mislead with respect to the extent to which persons employed by him are the holders of such certificates.”

5. (1) The principal regulations are hereby further amended by revoking regulation 8 (as substituted by regulation 4 of the Motor Drivers Regulations 1940, Amendment No. 11, and amended by regulation 2 of the Motor Drivers Regulations 1940, Amendment No. 14), and substituting the following regulation:

“REGULATION 8—DRIVERS OF MOTOR CYCLES OR MOTOR CYCLES AND SIDECARS (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 to the appropriate authority—

“(a) Satisfactory evidence that he has previously been licensed to drive a motor cycle in New Zealand or elsewhere; or

“(b) A certificate or letter from an approved school of instruction certifying that the applicant has successfully completed a course of instruction in motor-cycle driving conducted by the school.

“(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 sidecar:

“(b) The licensee shall not drive any motor cycle at a speed exceeding 40 miles an hour on any road:

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

“(i) There is affixed to it in the prescribed manner a learner’s licence label obtained as described in subclause (4) of this regulation; 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 the 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 letters DC 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 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 licence label for a motor cycle, and, if another licence label which is still current has been issued for the same motor cycle, the application shall be deemed to be an application for a substitute licence label under regulation 19 of those regulations:

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

*S.R. 1949/170 (Reprinted with Amendments Nos. 1 to 9, S.R. 1962/16)
Amendment No. 10: S.R. 1962/60

“(5) The Deputy Registrar shall not supply to any person an ordinary licence label in place of a learner’s licence label, unless at the time of 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 licence label 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 licence label shall be deemed to be a licence label for all the purposes of the Motor Vehicles Registration and Licensing Regulations 1949.*

“(7) 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.

“(8) 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 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 (10) 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.

“(9) 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)’.

“(10) Where by any order made under Part IV of the Transport Act 1962 any person is disqualified from holding or obtaining a motor driver’s licence for a period of six months or more, then—

*S.R. 1949/170 (Reprinted with Amendments Nos. 1 to 9, S.R. 1962/16)
Amendment No. 10: S.R. 1962/60

“(a) In any case where, pursuant to section 37 of that Act, the defendant’s motor driver’s licence is suspended during the period of disqualification, his 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 disqualification; and

“(b) In any other case, 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 (7) of this regulation.

“(11) 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 (10) of this regulation applies, in breach of that subclause.”

(2) The following regulations are hereby revoked—

(a) Regulation 4 of the Motor Drivers Regulations 1940, Amendment No. 11:

(b) Regulation 2 of the Motor Drivers Regulations 1940, Amendment No. 14.

6. Regulation 8A of the principal regulations (as inserted by regulation 3 (1) of the Motor Drivers Regulations 1940, Amendment No. 14) is hereby amended by revoking paragraph (c) of subclause (4), and substituting the following paragraph:

“(c) The holder shall not ride any motor cycle unless it has affixed to it in the prescribed manner a learner’s licence label.”

7. (1) Regulation 10A of the principal regulations (as inserted by regulation 5 of the Motor Drivers Regulations 1940, Amendment No. 11) is hereby revoked.

(2) Regulation 5 of the Motor Drivers Regulations 1940, Amendment No. 11, is hereby revoked.

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 substitutes a new definition of the term “power cycle”.

Regulation 3 provides that an applicant for a taxi-driver’s licence must pass a test in spoken English and also pass a test in knowledge of any district in which he drives.

Regulation 4 provides for the issue of certificates of approval of driving instructors.

Regulation 5 replaces in an amended form regulation 8 of the principal regulations (relating to learner motor cyclists). The new regulation now provides for the display of special licence labels by learner motor cyclists instead of L plates.

Regulation 6 makes a similar provision in the case of holders of provisional motor cycle drivers' licences.

Regulation 7 revokes regulation 10A of the principal regulations relating to endorsements on licences. The provisions of that regulation now appear in sections 49 and 50 of the Transport Act 1962.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 30 May 1963.

These regulations are administered in the Transport Department.