

Serial Number 1951/277

**THE MOTOR DRIVERS REGULATIONS 1940,
AMENDMENT NO. 6**

FREYBERG, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington, this 28th day of
November 1951

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. (1) These regulations may be cited as the Motor Drivers Regulations 1940, Amendment No. 6, 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 twenty-eighth day after the date of their notification in the *Gazette*.

2. (1) Regulation 1 of the principal regulations is hereby amended by revoking the definitions of the terms "motor cycle" and "road machine" in subclause (4), and substituting therefor respectively the following definitions :—

“ ‘ Motor cycle ’ means a motor vehicle running on two wheels, or on not more than three wheels when fitted with a side car ; but does not include a power cycle :

“ ‘ Road machine ’ means any motor vehicle fitted with self-laying tracks or any other motor vehicle not otherwise defined in this subclause : ”.

(2) Regulation 1 of the principal regulations is hereby further amended by inserting in subclause (4), in their appropriate alphabetical order, the following new definitions :—

“ ‘ Articulated vehicle ’, means a heavy trade motor consisting of a trailing unit attached permanently or temporarily to a drawing unit so that part of the trailing unit is superimposed upon the drawing unit and so that when the trailing unit is uniformly loaded not less than 20 per cent of the weight of its load is borne by the drawing unit :

* Statutory Regulations 1940, Serial number 1940/73, page 211.
Amendment No. 1 : Statutory Regulations 1943, Serial number 1943/101, page 199.
Amendment No. 2 : Statutory Regulations 1945, Serial number 1945/199, page 527.
Amendment No. 3 : Statutory Regulations 1947, Serial number 1947/112, page 440.
Amendment No. 4 : Statutory Regulations 1947, Serial number 1947/182, page 619.
Amendment No. 5 : Statutory Regulations 1951, Serial number 1951/73, page 277.

“ ‘ Power cycle ’ means a pedal bicycle or a pedal tricycle that is fitted with a detachable motor attachment for alternative propulsion :

“ ‘ Tractor ’ means a motor vehicle (not being a vehicle fitted with self-laying tracks) that is designed exclusively for the purposes of traction and not for the carriage thereon of passengers (other than the driver) or of goods : ”.

(3) Regulation 1 of the principal regulations is hereby further amended by omitting from the definition of the term “ heavy trade motor ” in subclause (4) and also from the definition of the term “ light trade motor ” in the same subclause the words “ 2 tons ”, and substituting in each case the words “ 2½ tons ”.

(4) Regulation 1 of the principal regulations is hereby further amended by inserting in the definition of the term “ motor car ” in subclause (4), after the words “ herein defined ”, the words “ or a motor vehicle fitted with self-laying tracks ”.

(5) Regulation 1 of the principal regulations is hereby further amended by adding to the definition of the term “ trade motor ” in subclause (4) the words “ or a motor vehicle fitted with self-laying tracks ”.

3. (1) Regulation 2 of the principal regulations is hereby amended by adding to subclause (1) the following paragraphs :—

“ (ix) A licence to drive an articulated vehicle :

“ (x) A licence to drive a power cycle.”

(2) Regulation 2 of the principal regulations is hereby further amended by revoking subclause (2), and substituting the following subclause :—

“ (2) Subject to subclauses (7) and (8) of regulation 4 hereof,—

“ (a) The holder of a licence to drive a private motor car shall by virtue thereof be authorized to drive any private motor car, any light trade motor, any tractor that does not weigh more than 2½ tons unladen, or any power cycle :

“ (b) The holder of a licence to drive a heavy trade motor shall by virtue thereof be authorized to drive any trade motor other than an articulated vehicle, any private motor car, any tractor, or any power cycle :

“ (c) The holder of a licence to drive a taxicab shall by virtue thereof be authorized to drive any taxicab, any private motor car, any light trade motor, any tractor that does not weigh more than 2½ tons unladen, or any power cycle :

“ (d) The holder of a licence to drive a motor omnibus shall by virtue thereof be authorized to drive any motor omnibus, any private motor car, any trade motor, any passenger service vehicle, or any power cycle :

“ (e) The holder of a licence to drive a trackless tram shall by virtue thereof be authorized to drive any trackless tram :

“ (f) The holder of a licence to drive a passenger service vehicle shall by virtue thereof be authorized to drive any passenger service vehicle, any private motor car, any light trade motor, any tractor that does not weigh more than 2½ tons unladen, or any power cycle :

- “(g) The holder of a licence to drive a motor cycle shall by virtue thereof be authorized to drive any motor cycle with or without a side car or any power cycle :
- “(h) The holder of a licence to drive an articulated vehicle shall by virtue thereof be authorized to drive any articulated vehicle, any private motor car, any trade motor, any tractor, or any power cycle :
- “(i) The holder of a licence to drive a power cycle shall by virtue thereof be authorized to drive any power cycle :
- “(j) The holder of a licence to drive a road machine shall by virtue thereof be authorized to drive any road machine, any power cycle, or any other motor vehicle not specified in this subclause.”

4. Regulation 3 of the principal regulations is hereby amended by adding to subclause (5) the following proviso :—

“ Provided that the holder of a current licence to drive any of the vehicles described in subclause (4) of this regulation who applies for an extension of that licence to drive another or others of the vehicles described in that subclause shall not be required to provide another medical certificate for that purpose, unless expressly instructed to do so by the local authority to which application for extension of the licence is made.”

5. (1) Regulation 4 of the principal regulations is hereby amended by inserting in subclause (7), after paragraph (c), the following paragraph :—

“(cc) A vehicle not equipped with reversing gear ; or”.

(2) Regulation 4 of the principal regulations is hereby further amended by inserting in subclause (7), after the words “ or a gearless vehicle ”, the words “ or a vehicle not equipped with reversing gear,”.

6. Regulation 4 of the principal regulations is hereby further amended by omitting from paragraph (b) of subclause (12) the words “ the Auckland City Council, the Wellington City Council, the Christchurch City Council, the Dunedin City Council, or the Invercargill City Council ”, and substituting the words “ any local authority ”.

7. (1) Regulation 7 of the principal regulations (as amended by regulation 5 of the Motor Drivers Regulations 1940, Amendment No. 2) is hereby further amended as follows :—

(a) By inserting in subclause (1) after the words “ motor omnibus ”, the words “ or a passenger service vehicle ”.

(b) By omitting from subclause (2) all the words after the words “ relate to taxicabs ”, and substituting the words “ or, so far as they apply to heavy trade motors, to any person over the age of fifteen years who is exempted in writing from the provisions by the Minister of Transport subject to any special condition that is made in the exemption ”.

(2) The Motor Drivers Regulations 1940, Amendment No. 2, are hereby amended by revoking regulation 5.

8. (1) Regulation 8 of the principal regulations is hereby amended by omitting from subclause (3) the words “ which shall be inserted in the licence by the appropriate authority, but which shall apply whether they are inserted in the licence or not ”.

(2) Regulation 8 of the principal regulations is hereby further amended by inserting, after subclause (3), the following subclause :—

“(3A) 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.”

(3) Regulation 8 of the principal regulations is hereby further amended by omitting from paragraph (b) of subclause (4) the words “issue a certificate in the form numbered 7 in the Schedule hereto”, and substituting the words “endorse on the licence, by stamping or otherwise, the words “Special L plate conditions removed..... Clerk to the Council (Board)”.

(4) The Schedule to the principal regulations is hereby amended by revoking Form No. 7.

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.]

These regulations make several miscellaneous amendments to the Motor Drivers Regulations 1940.

Regulation 2 (1) substitutes in the principal regulations new definitions of the terms “motor cycle” and “road machine”. The new definition of the term “motor cycle” is intended to exclude three wheeled motor cars and power cycles from the definition. A driver of a three wheeled motor car will in future be required to hold a licence to drive a private motor car instead of a licence to drive a motor cycle (see in this connection regulation 3 hereof as explained hereunder), and a driver of a power cycle will be required to hold either a licence to drive a power cycle or any other motor driver’s licence. The new definition of the term “road machine” excludes wheeled tractors from the definition but includes all motor vehicles of the self-laying track type.

Regulation 2 (2) defines the terms “articulated vehicle”, “power cycle”, and “tractor” for the purposes of the subsequent provisions relating to licences to drive those types of vehicles.

The effect of regulation 2 (3) is that a heavy trade motor is now defined as one which with its load exceeds $2\frac{1}{2}$ tons in weight instead of 2 tons as at present, and the definition of the term “light trade motor” is correspondingly amended.

Regulation 3 (1) establishes new kinds of drivers’ licences—namely, a licence to drive an articulated vehicle and a licence to drive a power cycle.

Regulation 3 (2) re-enacts in an amended form the existing regulation 2 (2), which specifies the motor vehicles that may be driven by the holders of the various classes of drivers’ licences. The effect of the change is as follows :—

- (a) The holder of a licence to drive a private motor car may now also drive a tractor that does not weigh more than $2\frac{1}{2}$ tons unladen or a power cycle :
- (b) The holder of a licence to drive a heavy trade motor may now also drive a tractor or a power cycle :
- (c) The holder of a licence to drive a taxicab may now also drive a tractor that does not weigh more than $2\frac{1}{2}$ tons unladen or a power cycle :
- (d) The holder of a licence to drive a passenger service vehicle may now also drive a tractor that does not weigh more than $2\frac{1}{2}$ tons unladen or a power cycle :
- (e) The holder of a licence to drive a motor cycle may also drive a power cycle :
- (f) The holder of a licence to drive an articulated vehicle may also drive a private motor car, a trade motor, a tractor, or a power cycle :
- (g) The holder of a licence to drive a power cycle may drive only a power cycle.

The holders of the other classes of drivers' licences may also drive a power cycle, but otherwise their rights are unchanged, except as they may be affected by amended definitions of the motor vehicles to which the licences relate.

Under regulation 3 (5) of the principal regulations no medical certificate obtained for the purposes of an application for a driver's licence is to remain in force for more than fourteen days. Regulation 4 of these regulations modifies this provision, and provides that in the case of an application for an extension of a current licence this provision is not to apply unless the local authority requires the applicant to obtain an up to date certificate.

Regulation 5 provides for the issue of licences limited to vehicles not equipped with a reversing gear.

Regulation 4 (12) of the principal regulations authorizes certain specified City Councils to issue drivers' licences to overseas visitors. Regulation 6 of these regulations extends this power to all local authorities.

The effect of regulation 7 (a) is to prohibit a person under twenty-one years of age from driving a passenger service vehicle.

Regulation 7 (2) of the principal regulations authorizes the Minister to exempt from the age restriction in the case of heavy trade motors persons over the age of fourteen years who drive in the course of their employment on a farm or market garden. Regulation 7 (b) of these regulations revokes this provision, and substitutes a provision authorizing the Minister to grant the exemption to a person over the age of fifteen years subject to any conditions imposed by the Minister, and does not restrict the authority to persons employed on farms or market gardens.

Regulation 8 relates to special L plate conditions that apply to new motor cyclists. Instead of the conditions being inserted in full specifically on the licence, which in practice requires the use of a separate form, the issuing authority is now required to endorse on the licence a notice that the conditions apply. On the holder being entitled to the removal of the restrictions his licence is to be endorsed to that effect, instead of a separate certificate being issued to the licence holder.

Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette*: 29th day of November 1951.

These regulations are administered in the Transport Department.