

Serial Number **1953/58**

**THE MOTOR DRIVERS REGULATIONS 1940,  
AMENDMENT NO. 7**

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

At the Government Buildings at Wellington, this 26th day of May 1953

Present:

THE HON. K. J. HOLYOAKE PRESIDING 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. 7, and shall be read together with and deemed part of the Motor Drivers Regulations 1940\* (hereinafter referred to as the principal regulations).

2. Regulation 2 of the principal regulations is hereby amended by revoking paragraph (b) of subclause (2) (as enacted by subclause (2) of regulation 3 of the Motor Drivers Regulations 1940, Amendment No. 6), and substituting the following paragraph:

“(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 motor omnibus not used for the time being for the carriage of passengers, any private motor car, any tractor, or any power cycle:”

3. (1) Regulation 3 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Every application for a motor driver’s licence shall be in writing, signed by the applicant, in the form numbered 1 in the Schedule hereto in any case where—

“(a) The applicant has not previously held a licence; or

“(b) The licence last held by the applicant has expired more than twelve months previously; or

“(c) The application is required by subclause (3) or subclause (4) of this regulation to be accompanied by a medical certificate.”

\* 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.

Amendment No. 6: Statutory Regulations 1951, Serial number 1951/277, page 1098.

(2) Regulation 3 of the principal regulations is hereby further amended by revoking subclause (13), and substituting the following subclause:

“(13) The local authority concerned may dispense with the personal delivery required by subclause (12) of this regulation, if—

“(a) The applicant has previously held a motor driver’s licence of the kind applied for issued by any local authority in New Zealand;

“(b) That licence is presented to the local authority as provided by subclause (2) of this regulation together with the prescribed fee; and

“(c) The application is not one that is required by subclause (3) or subclause (4) of this regulation to be accompanied by a medical certificate.”

(3) Regulation 13A of the principal regulations (as enacted by regulation 10 of the Motor Drivers Regulations 1940, Amendment No. 3) is hereby amended by adding the following proviso:

“Provided that it shall be a good defence in proceedings for a breach of this regulation if the defendant satisfies the Court that at the time of the alleged offence he was the holder of a licence for the time being in force authorizing him to drive motor vehicles of that kind and that the licence had been forwarded to a local authority with his application for a new licence for the next succeeding licensing year and had not been returned to him by the local authority.”

4. (1) The principal regulations are hereby amended by revoking regulation 8, and substituting the following regulation:

“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:

“ ‘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; and includes any person who is an applicant for a licence to drive a motor cycle following a period of being disqualified from obtaining a motor driver’s licence pursuant to section 31 of the Transport Act 1949.

“(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 per 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 paragraph (d) of this subclause, 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 (5) of this regulation are complied with:

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

“(i) 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 in terms of regulation 19 of the Motor Vehicles Registration and Licensing Regulations 1949:

“(ii) 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.

“(4) 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.

“(5) 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.

“(6) 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.

“(7) 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.

“(8) 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)’.

\* Statutory Regulations 1949, Serial number 1949/170, page 667.

Amendment No. 1: Statutory Regulations 1950, Serial number 1950/105, page 318.

Amendment No. 2: Statutory Regulations 1951, Serial number 1951/109, page 355.

Amendment No. 3: Statutory Regulations 1951, Serial number 1951/267, page 1037.

Amendment No. 4: Statutory Regulations 1952, Serial number 1952/134, page 573.

“(9) 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.”

(2) The Schedule to the principal regulations is hereby amended by revoking form No. 6.

(3) Regulation 8 of the Motor Drivers Regulations 1940, Amendment No. 6, is hereby revoked.

(4) This regulation shall come into force on the 1st day of July 1953.

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 specifies the types of motor vehicles that may be driven by the holder of a licence to drive a heavy trade motor. It re-enacts the existing provisions in this respect, and also restores a former provision that the holder of such a licence may drive a motor omnibus if no passengers are carried.

The purpose of regulation 3 is to enable local authorities to allow renewal of drivers' licences by post except in cases where the applicant is required to produce a medical certificate. Subclause (3) provides it shall not be an offence for a driver to fail to carry his licence and produce it to a constable or traffic officer if his licence has been sent to a local authority with his application for a licence for the next licensing year.

Regulation 4 re-enacts in an amended form regulation 8 of the principal regulations, which prescribes the conditions that apply to licences to drive motor cycles issued to new applicants. Under the amended regulation the following provisions will apply:

- (a) Where a licence to drive a motor cycle is cancelled by the Court, the licensee is to be regarded as a new applicant following the termination of the period of cancellation, and must comply with all the conditions that apply in the case of new applicants.
- (b) Every licence issued to a new applicant is issued subject to the following conditions:
  - (i) The licensee must not carry a pillion passenger:
  - (ii) The licensee must not exceed 40 miles an hour:
  - (iii) The licensee must not ride a motor cycle unless it carries a learner's registration plate. This must be carried for at least six months following the issue of the licence. The present minimum period is three months. The new regulation requires the letter L to be incorporated in the registration plate instead of being fixed separately.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 28 May 1953.

These regulations are administered in the Transport Department.