

1971/25



THE MOTOR DRIVERS REGULATIONS 1964, AMENDMENT NO. 10

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 8th day of February 1971

Present:

THE RIGHT HON. J. R. MARSHALL PRESIDING 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. Title—These regulations may be cited as the Motor Drivers Regulations 1964, Amendment No. 10, and shall be read together with and deemed part of the Motor Drivers Regulations 1964* (hereinafter referred to as the principal regulations).

2. Issue of licences to persons authorised to obtain a limited licence—The principal regulations are hereby amended by revoking regulation 14, and substituting the following regulation:

“14. Where under section 38 of the Act the Court makes an order authorising any disqualified person to obtain a limited licence, the appropriate local authority or the Secretary, as the case may require, on the application of that person, may issue to him a licence authorising him to drive a specified motor vehicle or, as the case may require, a motor vehicle of the kind specified in the order in accordance with and subject to any conditions imposed by the order.”

3. Penalty—The principal regulations are hereby amended by revoking regulation 39, and substituting the following regulation:

“39. Every person who commits an offence against these regulations is liable to the penalties specified in subsection (4) of section 30 of the Transport Act 1962.”

*S.R. 1964/214 (Reprinted with Amendments Nos. 1 to 8: S.R. 1969/189)
Amendment No. 9: S.R. 1970/73

4. Scale of demerit points—(1) The principal regulations are hereby further amended by revoking the Third Schedule (as added by regulation 6 (2) of the Motor Drivers Regulations 1964, Amendment No. 5), and substituting the Third Schedule set out in the Schedule to these regulations.

(2) The following enactments are hereby consequentially revoked:

- (a) Subclause (2) of regulation 6 of the Motor Drivers Regulations 1964, Amendment No. 5, and the Schedule to those regulations:
 - (b) Regulations 6 and 7 of the Motor Drivers Regulations 1964, Amendment No. 8.
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SCHEDULE
NEW THIRD SCHEDULE TO PRINCIPAL REGULATIONS

“THIRD SCHEDULE
SCALE OF DEMERIT POINTS

Enactment	Section or Regulation	Offence	Number of Demerit Points
The Transport Act 1962	35	Driving while disqualified or contrary to terms of limited licence	} 40 demerit points.
	55 (1)	Causing bodily injury or death through reckless or dangerous driving	
	55 (2)	Causing bodily injury or death through driving while under influence of drink or drugs or with excessive blood-alcohol concentration	
	57 (a)	Reckless driving	
	57 (b)	Driving at a speed which is or might be dangerous	
	57 (c)	Driving in a manner which is or might be dangerous	
	58	Driving or attempting to drive with excessive blood-alcohol concentration or while under influence of drink or drugs	
The Transport Act 1962	58c	Refusal to supply specimen of blood	} 30 demerit points.
	63 (2)	Driving when prohibited by constable or traffic officer	
	65 (4), (5)	Failure to observe duty in case of accident	

"THIRD SCHEDULE—*continued*

Enactment	Section or Regulation	Offence	Number of Demerit Points
The Traffic Regulations 1956 ..	6 (2)	Failure to keep to left at or approaching corners, bends, turnings, intersections, or rises or where less than 300 ft clear view of road and traffic thereon	} 30 demerit points.
	8	Overtaking at places where "no-overtaking" lines marked	
	9 (1) (b)	Overtaking where less than 300 ft clear view of road and traffic thereon	
The Government Railways Act 1949	64 (1)	Driving or attempting to drive on to or across a railway when there is a risk of collision	} 25 demerit points.
The Transport Act 1962	56 (1)	Causing bodily injury or death by careless driving	
	60	Careless or inconsiderate use of motor vehicle	
The Traffic Regulations 1956 ..	6 (1)	Failure to keep as near as practicable to left of roadway	
	11 (1), (1A), (3)	Failure to observe right-hand rule	
	12 (1)	Proceeding before way is clear at stop sign	
	12A	Failure to comply with duties at intersection where give-way sign erected	
	14	Failure to observe duties at pedestrian crossing	
	15	Failure to stop for school patrol sign and remain stopped	
	18 (1)	Failure to comply with signals given by traffic lights	
	22	Driving a vehicle in an unsafe condition	

The Government Railways Act 1949	64 (3)	Failure to stop at level crossing where "compulsory stop" or "stop" sign erected	} 20 demerit points.
The Transport Act 1962	64 (1)	Failure to stop before entering railway level crossing	
The Motor Drivers Regulations 1964	15	Failure to comply with conditions of driver's licence	
The Traffic Regulations 1956 ..	9 (1) (a)	Overtaking at or near intersection or railway level crossing	
	12 (1)	Failure to stop in such a position as to be able to ascertain way is clear	
	12 (2)	Failure to stop at railway level crossing where compulsory stop or stop sign erected	
	17	Failure to signal intention to stop or reduce speed or turn or move or draw out from kerb towards right	
	19A (1), (2)	Inconsiderate driving	
	22	Operating dangerously or insecurely loaded vehicle	
	23	Permitting dangerous riding on motor vehicle	
	26 (3)	Driving at such a speed as to be unable to stop short of vehicle ahead	
	42 (2)	Defective service brake	
	64	Defective brake on motor cycle	
	69 (4)	Defective brake on power cycle	

“THIRD SCHEDULE—continued

Enactment	Section or Regulation	Offence	Number of Demerit Points
The Police Offences Act 1927 ..	3 (b)	Driving motor vehicle on footpath	} 15 demerit points.
The Motor Drivers Regulations 1964	19k (4) (a)	Provisional motor cycle licensee exceeding 30 miles an hour	
The Traffic Regulations 1956 ..	7	Overtaking on left of another vehicle	
	26 (2)	Driving at such a speed as to be unable to stop in half the clear distance ahead	
	28 (1)	Exceeding 40 miles an hour while towing trailer	
	29 (1)	Exceeding 45 miles an hour with a pillion passenger	
	34 (1)	Insufficient headlamps	
	35 (2)	Improper use of auxiliary headlamps	
	36 (3), (4)	Failure to dip lights	
	42 (2)	Defective parking brake	
The Transport Act 1962 or any other Act or any regulations or bylaws made or continuing and having effect under the Transport Act 1962 or any other Act	..	Any offence consisting of the breach of a speed limit which applies to all motor vehicles	
The Transport Act 1962	Any offence dealt with as a speeding infringement as defined in section 42, being the breach of a speed limit which applies to all motor vehicles, in respect of which the defendant has paid the speeding-infringement fee to the enforcement authority	
	42 (9)	Failure to pay speeding-infringement fee to enforcement authority, being a fee payable in respect of the breach of a speed limit which applies to all motor vehicles	

The Transport Act 1962 or any other Act or any regulations or bylaws made or continuing and having effect under the Transport Act 1962 or any other Act

..

Any offence in connection with the driving of a motor vehicle, not being—

(a) An offence specified in the foregoing provisions of this Schedule; or

(b) An offence dealt with as a speeding infringement in respect of which the driver has paid the speeding-infringement fee to the enforcement authority; or

(c) An offence consisting solely of the breach of a speed limit which does not apply to all motor vehicles; or

(d) An offence against Part II of the Act, section 25, section 26 (8), or section 69 of the Act; or

(e) An offence against regulation 52 (1) or regulation 52 (2) of the Traffic Regulations 1956; or

(f) An offence against the Transport Licensing Regulations 1963, the Motor Vehicles Registration and Licensing Regulations 1965, the Motor Vehicle Taxation Regulations 1966 or the Heavy Motor Vehicle Regulations 1969

} 10 demerit points.”

P. J. BROOKS,
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 re-enacts in an amended form regulation 14 of the principal regulations relating to the issue of licences to disqualified persons with such changes as are necessary in consequence of the new provisions of section 38 of the Act (substituted by section 2 of the Transport Amendment Act 1970) relating to limited licences.

Regulation 3 revokes the penalty provisions of the principal regulations.

The general penalties for breaches of all regulations made under the Transport Act 1962 are now provided in section 30 (4) of that Act (as enacted by section 2 of the Transport Amendment Act 1970).

Regulation 4 substitutes a new scale of demerit points with such changes as are necessary in consequence of the provisions of the Transport Amendment Act 1970 relating to offences.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 11 February 1971.

These regulations are administered in the Ministry of Transport.