

1977/9



THE MOTOR DRIVERS REGULATIONS 1964,
AMENDMENT NO. 16

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 7th day of February 1977

Present:

THE RIGHT HON. R. D. MULDOON 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 and commencement—(1) These regulations may be cited as the Motor Drivers Regulations 1964, Amendment No. 16, and shall be read together with and deemed part of the Motor Drivers Regulations 1964* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Provisional licence to drive motor cycle—(1) Regulation 19A of the principal regulations (as substituted by regulation 2 of the Motor Drivers Regulations 1964, Amendment No. 11, and amended by regulation 13 of the Motor Drivers Regulations 1964, Amendment No. 15) is hereby further amended by inserting in subclause (5), before the words "Every person", the words "Subject to subclauses (8) and (9) of this regulation,".

(2) The said regulation 19A is hereby further amended by revoking subclauses (8) and (9), and substituting the following subclauses:

*S.R. 1964/214 (Reprinted with Amendments Nos. 1 to 8: S.R. 1969/189)
Amendment No. 9: S.R. 1970/73
Amendment No. 10: S.R. 1971/25
Amendment No. 11: S.R. 1972/166
Amendment No. 12: S.R. 1973/185
Amendment No. 13: S.R. 1974/114
Amendment No. 14: S.R. 1975/277
Amendment No. 15: S.R. 1976/204

“(8) It shall be a defence in proceedings for an offence of driving a motor cycle in breach of the condition specified in subclause (4) (c) of this regulation if the court is satisfied that—

- “(a) The motor cycle was a motor cycle of any of Her Majesty’s Forces or of the Police Department; or
- “(b) The defendant was at the time an apprentice or mechanic in the motor trade and was driving in the course of his employment a motor cycle owned or in the charge of his employer and lawfully fitted with a trade plate, to which on its off side was 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 trade plate; or
- “(c) The defendant was driving, during a course of instruction conducted by a school of instruction approved by the Minister by notice in the *Gazette*, 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; or
- “(d) The motor cycle was a motor cycle exempted from the payment of annual licence fees pursuant to section 13 of the Act or declared to be a vehicle of Class B pursuant to section 188 of the Act.

“(9) It shall be a defence in proceedings for an offence of driving a motor cycle in breach of the condition specified in subclause (4) (d) of this regulation if the court is satisfied that—

- “(a) The defendant owned the motor cycle on the 31st day of July 1976; or
- “(b) The defendant was at the time an apprentice or mechanic in the motor trade and was driving in the course of his employment a motor cycle owned or in the charge of his employer; or
- “(c) The defendant was driving, during a course of instruction conducted by a school of instruction approved by the Minister by notice in the *Gazette*, a motor cycle supplied by that school.”

3. Restricted licence to drive motor cycle—(1) Regulation 19c of the principal regulations (as inserted by regulation 15 of the Motor Drivers Regulations 1964, Amendment No. 15) is hereby amended by inserting in subclause (4), before the words “Every person”, the words “Subject to subclause (4A) of this regulation,”.

(2) The said regulation 19c is hereby further amended by inserting, after subclause (4), the following subclause:

“(4A) It shall be a defence in proceedings for an offence of driving a motor cycle in breach of the condition specified in subclause (2) (b) of this regulation if the court is satisfied that—

- “(a) The defendant owned the motor cycle on the 31st day of July 1976; or

- “(b) The defendant was at the time an apprentice or mechanic in the motor trade and was driving in the course of his employment a motor cycle owned or in the charge of his employer; or
- “(c) The defendant was driving, during a course of instruction conducted by a school of instruction approved by the Minister by notice in the *Gazette*, a motor cycle supplied by that school.”

4. Full licence to drive motor cycle—Regulation 19D of the principal regulations (as inserted by regulation 15 of the Motor Drivers Regulations 1964, Amendment No. 15) is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Subject to subclauses (2) to (5) of this regulation and regulation 19c hereof but notwithstanding any other provision of these regulations, no local authority shall issue a motor-driver’s licence of Class A to any person who has not previously held a motor-driver’s licence of Class A:

Provided that nothing in this regulation shall affect any power a local authority has under regulation 11 hereof or any other enactment to issue a motor-driver’s licence of Class A to any person who has previously held a motor-driver’s licence of Class A.”

5. Approval of motor cycle driving instructors—Regulation 34 (1) of the principal regulations (as substituted by regulation 19 of the Motor Drivers Regulations 1964, Amendment No. 15) is hereby amended by adding the following proviso:

“Provided also that, if an applicant for a certificate of approval that applies in respect of motor cycles only satisfies the Secretary that he has held a motor-driver’s licence of Class A for not less than 3 years, he shall not be required to satisfy the Secretary as to the matter specified in paragraph (b) of this subclause.”

6. Scale of demerit points—The Third Schedule to the principal regulations (as substituted by regulation 21 of the Motor Drivers Regulations 1964, Amendment No. 15) is hereby amended—

- (a) By omitting the item relating to the offences against the Traffic Regulations 1956 for which 30 demerit points are to be recorded, and substituting the following item:

“The Traffic Regulations 1976	8 (3)	Passing or attempting to pass where insufficient clear road visible	} 30 demerit points.”:
	8 (6)	Passing or attempting to pass where ‘no-passing’ lines marked	

- (b) By omitting the item relating to the offences against the Traffic Regulations 1956 for which 25 demerit points are to be recorded, and substituting the following item:

"The Traffic Regulations 1976	4 (1)	Failure to keep as near as practicable to left of road-way	} 25 demerit points.":
	9 (1) (b)	Proceeding before way is clear at stop sign	
	9 (2)	Failure to comply with duties at intersection where give-way sign erected	
	9 (3)	Failure to observe give-way rule when turning	
	9 (4)	Failure to observe give-way to right rule	
	12	Failure to observe duties at pedestrian crossing	
	13	Failure to stop for school patrol sign and remain stopped	
	18 (1)	Failure to comply with signals given by traffic lights	
	27 (1)	Operating a vehicle in an unsafe condition	

(c) By omitting the item relating to the offences against the Traffic Regulations 1956 for which 20 demerit points are to be recorded, and substituting the following item:

"The Traffic Regulations 1976	4 (4)	Inconsiderate driving	} 20 demerit points.":
	8 (2)	Overtaking at or near intersection	
	8 (5)	Overtaking at or near railway level crossing	
	9 (1) (a)	Failure to stop in such a position as to be able to ascertain way is clear	
	11 (1)	Failure to stop at railway level crossing where stop sign erected	
	15	Failure to signal intention to stop or reduce speed or turn or move or draw out from kerb towards right or left	
	16	Failure to use passing lane or bay	
	17	Permitting dangerous riding on motor vehicle	
	22 (3)	Driving at such a speed as to be unable to stop short of vehicle ahead	
	27 (2)	Operating dangerously or insecurely loaded vehicle	
	43 (2)	Defective brake on power cycle	
68 (2) (a)	Defective service brake		

(d) By omitting the item relating to the offences against the Traffic Regulations 1956 for which 15 demerit points are to be recorded, and substituting the following item:

"The Traffic Regulations 1976	8 (1)	Unlawful passing or attempting to pass on left of another vehicle	} 15 demerit points.":
	21 (5)	Exceeding 70 kilometres an hour while towing a trailer	
	22 (1)	Driving in a lane at such a speed as to be unable to stop in the length of lane visible	
	22 (2)	Driving at such a speed as to be unable to stop in half the clear distance ahead	
	37 (6)	Failure to dip lights	
	58 (1)	Insufficient headlamps	
	65 (a) and (b)	Improper use of auxiliary lamps	
68 (2) (b)	Defective parking brake		

(e) By omitting paragraph (c) of the third column of the item relating to offences for which 10 demerit points are to be recorded, and substituting the following paragraph:

"(c) An offence against regulation 85 (1) or regulation 85 (2) of the Traffic Regulations 1976; or".

P. G. MILLEN,

Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

Regulations 2 and 3 amend regulations 19A and 19c of the principal regulations (which relate to provisional and restricted licences to drive motor cycles). The effect of the amendments is to grant certain exemptions from the condition that provisional and restricted licence holders shall not ride a motor cycle having a motor of over 250 cc.

Regulation 4 substitutes a new regulation 19D (1) in the principal regulations. The effect of this amendment is to restrict the application of regulation 19D (which requires applicants for full motor cycle licences to first hold a restricted licence or obtain a certificate of riding instruction) to persons who have not previously held a full motor cycle licence.

Regulation 5 amends regulation 34 of the principal regulations (which relates to approval of driving instructors). The effect of the amendment is to enable a person who has held a full motor cycle licence for 3 years (but who has not held another class of licence for 3 years) to obtain a certificate of approval as a driving instructor in respect of motor cycles only.

Regulation 6 makes amendments to the scale of demerit points (set out in the Third Schedule to the principal regulations) that are consequential upon the enactment of the Traffic Regulations 1976.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 February 1977.

These regulations are administered in the Ministry of Transport.