

1966/50



**THE MOTOR DRIVERS REGULATIONS 1964, AMENDMENT
NO. 4**

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 18th day of April 1966

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., 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. (1) These regulations may be cited as the Motor Drivers Regulations 1964, Amendment No. 4, 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 1st day of June 1966.

2. Regulation 9 of the principal regulations is hereby amended by inserting, after subclause (3), the following subclause:

“(3A) Notwithstanding anything in subclause (3) of this regulation, the eyesight test may be conducted by means of an eye-testing instrument approved for the purpose by the Commissioner, and in such a case the eyesight of an applicant should be equal to or better than the respective standard prescribed by paragraph (d) or paragraph (e), as the case may require, of subclause (3) of this regulation.”

*S.R. 1964/214

Amendment No. 1: S.R. 1965/72

Amendment No. 2: S.R. 1965/209

Amendment No. 3: S.R. 1966/4

3. The principal regulations are hereby further amended by inserting, after regulation 19, the following Part:

"PART IA—PROBATIONARY DRIVERS' LICENCES

"19A. Interpretation—For the purposes of this Part of these regulations—

"'New applicant' means an applicant for a licence to drive a motor vehicle who is unable to produce to the local authority to which the application is made satisfactory evidence that he has been licensed to drive a motor vehicle (other than under a provisional licence to drive a motor cycle) in New Zealand or elsewhere at any time during the period of three years immediately preceding his application for a licence:

"'Probationary licence' means a licence in which an endorsement in form 13 is required to be made, the period of which endorsement is for the time being unexpired:

"'Probationer' means the holder of a probationary licence.

"19B. New applicants to be probationers—(1) Every driver's licence issued to a new applicant shall be a probationary licence.

"(2) The issuing authority shall insert in every such licence in the space provided for endorsements an endorsement in form 13 showing the date of termination of the period of probation.

"19C. Periods of probation—Subject to the provisions of regulations 19D to 19F hereof, the period of probation of a probationer shall be as follows:

"(a) In the case of a new applicant who has not attained the age of 16 years at the date of issue of his licence, the period of probation shall expire on the date on which he attains the age of 18 years;

"(b) In the case of a new applicant who has previously been licensed to drive a motor vehicle (other than under a provisional licence to drive a motor cycle) in New Zealand or elsewhere but whose licence has expired more than three years before the date of application for a licence, the period of probation shall be 12 months from the date of issue of the licence; and

"(c) In the case of any other new applicant, the period of probation shall be two years from the date of issue of the licence.

"19D. Effect of disqualification—Where pursuant to an order made under Part IV of the Act after the commencement of this regulation a person is disqualified from holding or obtaining a driver's licence for a period of 12 months or more, then, unless the Court in its discretion thinks fit to order otherwise,—

- “(a) The appropriate local authority shall make an endorsement in form 13 on any licence held by that person at the date of the making of the order and on any licence issued to him before the date on which he is entitled to have a licence issued to him free from endorsement:
- “(b) Subject to paragraph (c) of this regulation, the period of probation—
- “(i) Shall be 12 months from the date of the termination of the period of disqualification, in any case where that person holds a licence at the date of the making of the order and the licence will expire on a date later than the date of the termination of the period of disqualification:
- “(ii) Shall be 12 months from the date of issue of the licence in any other case:
- “(c) Where that person was a probationer at the date of the making of the order, the period of probation specified in paragraph (b) of this regulation shall be increased by a period equal to the period of probation that was unexpired at that date.

“19E. Effect of partial exemption from or removal of disqualification—Where pursuant to an order made under section 35 or section 35A or section 42 of the Act after the commencement of this regulation a person who has been disqualified from holding or obtaining a driver's licence is authorised by the Court to obtain a driver's licence or the disqualification is removed, then, unless the Court in its discretion thinks fit to order otherwise,—

- “(a) The appropriate local authority shall make an endorsement in form 13 on any licence issued to that person pursuant to the order or, in the case of an order removing the disqualification, on any licence issued to that person within 12 months after the date of the order:
- “(b) Subject to paragraph (c) of this regulation, the period of probation, which shall be calculated from the date of the order, shall be—
- “(i) A period equal to the unexpired term of the order of disqualification, in any case where that person was ordered to be disqualified for a period of less than 12 months:
- “(ii) Twelve months, in any case where that person was ordered to be disqualified for a period of 12 months or more:
- “(c) Where that person was a probationer, the period of probation specified in paragraph (b) of this regulation shall be increased by a period equal to the period of probation that was unexpired at that date.

“19F. Discretionary power of Court in other cases—Subject to the provisions of regulation 19D of these regulations, where on the conviction of any person a Court is required to or has power to order that particulars of the conviction be endorsed on a driver's licence held by that person,—

“(a) The Court may, in its discretion, whether or not it orders that those particulars be so endorsed, order that an endorsement in form 13 be made on the driver’s licence then held by that person or on any licence issued to him within 12 months after the date of the order:

“(b) The period of probation shall be as follows:

“(i) Where that person is at the date of the order the holder of a driver’s licence (other than a probationary licence), a period specified by the Court, being not less than three months nor more than six months from that date:

“(ii) Where that person is at that date the holder of a probationary licence, the unexpired portion of the period of his probation, increased by a period specified by the Court, being not less than three months nor more than six months:

“(iii) Where that person at that date does not hold a driver’s licence, the period of probation of any driver’s licence issued to him within 12 months after that date shall be increased by a period specified by the Court, being not less than three months nor more than six months.

“19c. Disqualification of probationers—(1) Where a probationer is convicted of any offence consisting of a breach of any of the enactments specified in subclause (4) of this regulation, then (without prejudice to the power of the Court to order a longer period of disqualification), the Court shall order him to be disqualified from holding or obtaining a driver’s licence for a period of three months, unless the Court for special reasons thinks fit to order otherwise.

“(2) Where a probationer who during the period of his probation has been previously convicted of any offence consisting of a breach of any of the enactments specified in subclause (4) of this regulation is convicted of a further such offence (including a second or subsequent conviction for the same offence), then (without prejudice to the power of the Court to order a longer period of disqualification), the Court shall order him to be disqualified from holding or obtaining a driver’s licence for a period of 12 months, unless the Court for special reasons thinks fit to order otherwise.

“(3) Where under the provisions of this regulation a person is disqualified from holding or obtaining a driver’s licence,—

“(a) The period of probation of any driver’s licence held by him at the date of the termination of the period of disqualification shall be a period equal to the period of probation that was unexpired at the date of the conviction, increased, in the case of a disqualification for 12 months or more, by a period equal to the period of disqualification:

“(b) The period of probation of any driver’s licence issued to him within 12 months after the termination of the period of disqualification shall, where the period of disqualification is for 12 months or more, be increased by a period equal to the period of disqualification.

“(4) The enactments referred to in subclauses (1) and (2) of this regulation are as follows:

Enactment	Section or Regulation	Offence
The Government Railways Act 1949	64 (1)	Driving or attempting to drive on to or across a railway when there is risk of collision.
The Transport Act 1962	.. 60	Careless or inconsiderate use of motor vehicle.
”	.. 63 (2)	Driving when forbidden by constable or traffic officer.
”	.. 63 (2)	Failing to surrender keys at request of constable or traffic officer.
”	.. 64 (1)	Failing to stop before entering railway crossing.
”	.. 65 (1)	Failing to observe duty in case of accident.
”	.. 66 (1)	Failing to stop for constable or traffic officer.
The Transport Act 1962 or any regulations made or continuing and having effect under that Act	..	Any offence specified in Part IV of the Third Schedule to the Transport Act 1962.
The Traffic Regulations 1956*	.. 11 (1), (1A), (3)	Failure to observe right-hand rule.
”	.. 11 (4)	Increasing speed at uncontrolled intersection.
”	.. 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 specified in regulation 18 (3).
”	.. 23	Permitting dangerous riding on motor vehicle.
”	.. 26 (2)	Driving at such a speed as to be unable to stop in half clear distance ahead.
”	.. 26 (3)	Driving at such a speed as to be unable to stop short of vehicle ahead.

“19H. Disqualification for speeding offences—Where a probationer is convicted of any offence consisting solely of exceeding any limit of speed, the Court may order him to be disqualified from holding a driver’s licence for such a period from the date of conviction as the Court thinks fit.

*S.R. 1956/217 (Reprinted with Amendments Nos. 1 to 8, S.R. 1963/157)

Amendment No. 9: S.R. 1963/224

Amendment No. 10: S.R. 1964/85

Amendment No. 11: S.R. 1964/119

Amendment No. 12: S.R. 1964/208

Amendment No. 13: S.R. 1965/21

“19I. Restrictions on probationers—(1) A probationer shall not on any road—

- “(a) Teach any other person to drive a motor vehicle, being a person who is driving the motor vehicle and is not the holder of a driver’s licence that authorises him to drive the motor vehicle; or
- “(b) Drive an ambulance or a school bus, or any vehicle carrying passengers for hire or reward; or
- “(c) Ride a motor cycle, unless there is affixed to it in the prescribed manner a learner’s licence label obtained as described in subclause (1) of regulation 19J hereof; or
- “(d) Drive any motor vehicle other than a motor cycle, unless there is displayed in a prominent position so as to be visible from the rear of the vehicle a sign in form 14.

“(2) Nothing in paragraph (c) or paragraph (d) of subclause (1) of this regulation shall apply in the case of a licensee who is driving a motor vehicle of any of Her Majesty’s Forces or of the Police Department or of the Transport Department.

“(3) Nothing in paragraph (c) of subclause (1) of this regulation shall apply in the case of a licensee who—

- “(a) Is an apprentice or mechanic in the motor trade and is driving in the course of his employment a motor cycle owned 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 letter D of the dealer’s plate; or
- “(b) Is driving, during a course of instruction conducted by a school of instruction approved by the Minister, 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
- “(c) Is driving a motor cycle exempted from the payment of annual licence fees pursuant to section 13 of the Act or is declared to be a vehicle of Class B pursuant to section 188 of the Act.

“19J. Licence labels in case of probationary drivers of motor cycles—

(1) Notwithstanding anything to the contrary in the Motor Vehicles Registration and Licensing Regulations 1965*, the owner of a motor cycle may at any time—

- “(a) Apply for and obtain a learner’s licence label for the 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 14 of the Motor Vehicles Registration and Licensing Regulations 1965*:

“(b) Subject to the provisions of subclause (2) 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.

“(2) 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 the application the applicant produces to the Deputy Registrar either—

“(a) His motor driver’s licence showing that the period of probation to which it is subject has expired; or

“(b) A statutory declaration by the owner (not being the holder of a probationary driver’s licence) 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 a probationer or is no longer authorised to drive the motor cycle.

“(3) 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 1965*.

“**19κ. Provisional licence to drive motor cycle**—(1) Notwithstanding anything in these regulations, the appropriate local authority may, on payment of a fee of 5s., issue a provisional motor driver’s licence in form 4 to any person who passes the tests prescribed by regulation 9 hereof as to eyesight, hearing, traffic law, and the principles of safe and efficient operation of motor vehicles, authorising that person to drive a motor cycle for the purpose of learning to drive a motor cycle.

“(2) Every such provisional licence shall continue in force, unless the holder thereof is sooner disqualified from holding a driver’s licence, for a period of eight weeks, but may be extended from time to time by the local authority for further periods of eight weeks each upon payment of a further fee of 5s. for each extension.

“(3) If during the licensing year in which a provisional licence was issued or extended the holder obtains an ordinary licence, no further fee shall be payable in respect of the issue of the ordinary licence other than the prescribed fee for a practical-driving test.

“(4) No provisional licence shall be issued under this regulation except subject to the following special conditions:

“(a) The holder shall not drive any motor cycle on any road at a speed exceeding 30 miles an hour:

“(b) The holder shall not carry any person on any motor cycle he is driving otherwise than in a sidecar.

“(5) The provisions of regulations 19ι and 19j hereof, as far as they are applicable and with the necessary modifications, shall apply with respect to every provisional licence issued under this regulation as if it were a licence to drive a motor cycle issued to a probationer.

“(6) Every person commits an offence against these regulations who, being the holder of a provisional licence issued under this regulation, drives a motor cycle in breach of any of the conditions specified in subclauses (4) and (5) of this regulation.

“(7) Subject to the provisions of this regulation, every provisional licence issued under this regulation shall be deemed to be a motor driver’s licence for the purpose of these regulations and of the Act and of any other regulations under the Act, but, except as provided in this regulation, nothing in regulation 19i or regulation 19j hereof shall apply with respect to any provisional licence issued under this regulation.

“(8) Where a provisional licence under this regulation is issued to a person who holds a current motor driver’s licence authorising him to drive some other class or classes of motor vehicle, the provisional licence shall be deemed to be part of and shall be affixed to that current licence, and, subject to this regulation, shall have effect as an extension of that current licence.”

4. The First Schedule to the principal regulations is hereby amended by adding the forms 13 and 14 set out in the Schedule to these regulations.

5. Part III of the principal regulations is hereby revoked.

6. (1) Every motor driver’s licence on which, at the commencement of these regulations, the words “New motor cyclist—Special conditions apply” are endorsed and has not been endorsed with the words “Special L plate conditions removed” by the appropriate local authority shall be deemed to be a probationary licence for the purposes of Part IA of the principal regulations (as inserted by regulation 3 of these regulations) in so far as it applies to the driving of a motor cycle.

(2) Notwithstanding anything to the contrary in these regulations, the holder of a licence to which this regulation applies may apply to the appropriate local authority for the removal of the special conditions at such time and in such manner as he would have been entitled to under regulation 27 of the principal regulations if these regulations had not been made, and upon the removal of the special conditions the licence shall cease to be a probationary licence.

SCHEDULE

Reg. 4

“Form 13

Reg. 19B(2)

ENDORSEMENT ON PROBATIONARY LICENCE

On probation

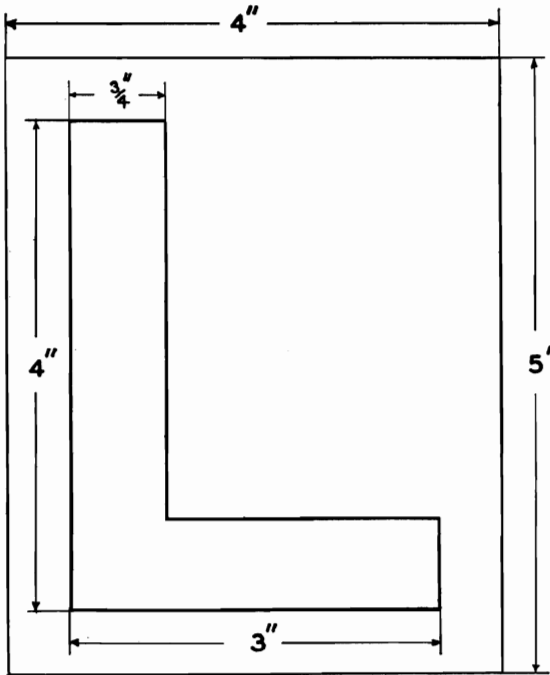
until.....19.....

Display ‘L’ sign, or, in the case of a motor cycle, display learner’s licence label.

“Form 14

Reg. 19t

SIGN TO BE DISPLAYED ON MOTOR VEHICLE DRIVEN BY PROBATIONER



Bright red on transparent or white ground.

(The dimensions prescribed for this sign are minimum dimensions, but the dimensions shall be proportionate, as near as may be, to those prescribed.)”

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 will enable the use of approved eye-testing instruments in the examination of applicants for licences.

Regulation 3 provides for the issue of probationary drivers' licences and the conditions applying to those licences. New applicants who are under 16 years of age will be probationary licensees until they attain 18 years of age, new applicants who have previously held licences which expired more than three years previously will be probationary licensees for one year, and other new applicants will be probationary licensees for two years.

Provision is made for the disqualification of a probationer on conviction for certain offences.

Provision is made authorising the Court, on the conviction of the holder of an ordinary licence for certain offences, to order a period of probation.

Provision is also made for the application of the probationary provisions where drivers are disqualified.

Regulations 4 to 6 are consequential provisions.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 21 April 1966.

These regulations are administered in the Transport Department.