

1967/47



**THE MOTOR DRIVERS REGULATIONS 1964,
AMENDMENT NO. 5**

—
BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 20th day of March 1967

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.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Motor Drivers Regulations 1964, Amendment No. 5, and shall be read together with and deemed part of the Motor Drivers Regulations 1964* (hereinafter referred to as the principal regulations).

(2) Except as otherwise provided herein, these regulations shall come into force on the 1st day of April 1967.

2. Eyesight tests—(1) The principal regulations are hereby amended by inserting, after regulation 9, the following regulation:

“9A. (1) Notwithstanding anything to the contrary in regulation 11 hereof, where the holder of a driver’s licence who has attained the age of 50 years but has not attained the age of 70 years applies for a new licence having effect at the expiration of his existing licence, the following provisions shall apply:

“(a) On the first occasion on which he applies for a new licence after attaining the age of 50 years, or, in the case of a person who has attained that age before the commencement of this regulation, on the first occasion on which he applies for a new licence after the commencement of this regulation, the local authority to which the application is made shall not issue the licence unless the applicant either passes the eyesight tests prescribed by subclause (3) of regulation 9 hereof or furnishes to the local authority from a registered medical practitioner or registered optician the certificate as to eyesight referred to in subclause (2) of regulation 9 hereof:

*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

Amendment No. 4: S.R. 1966/50

“(b) On each subsequent occasion on which he applies for a new licence, the local authority to which the application is made shall not issue the licence unless—

“(i) The applicant either passes the eyesight tests so prescribed or furnishes to the local authority such a certificate as to eyesight; or

“(ii) The new licence will expire less than five years after the date on which the applicant last passed the eyesight tests so prescribed or, as the case may be, the date of the certificate as to eyesight last supplied by him with his application for a licence.

“(2) Upon the issue of a licence to which this regulation applies, the issuing authority shall insert in the space provided for endorsements an endorsement to the effect that the holder of the licence complied with the eyesight requirements at the date of issue of the licence.”

(2) This regulation shall come into force on the 1st day of August 1967.

3. Issue of drivers' licences—Regulation 11 of the principal regulations is hereby amended by revoking paragraph (c) of subclause (2).

4. Supply of publications to new licensees—(1) The principal regulations are hereby further amended by inserting, after regulation 11, the following regulation:

“11A. (1) Where a local authority or the Commissioner issues a licence to any person who has not previously been the holder of a licence in New Zealand, the local authority or the Commissioner, as the case may be, shall supply to that person a copy of *The Competent Driver* published by the Government Printer.

“(2) There shall be payable to the local authority or the Commissioner, as the case may be, by the person to whom such a copy is issued a fee of 20c.”

(2) This regulation shall come into force on the 1st day of August 1967.

5. Appeal against refusal or revocation of driving instructor's certificate—(1) The principal regulations are hereby further amended by inserting, after regulation 34, the following regulation:

“34A. (1) Any person whose certificate of approval as a driving instructor is revoked under regulation 34 hereof or whose application for approval as a driving instructor is refused may, within one month after the date of service of the notice of revocation or refusal, as the case may be, appeal therefrom to a Magistrate by serving on the Commissioner a notice of appeal in duplicate in form 15, together with a fee of £1.

“(2) Forthwith on receipt of such a notice of appeal and the said fee, the Commissioner shall send a copy of the notice of appeal, together with a copy of the notice of revocation or refusal, as the case may be, to the Registrar of the Magistrate's Court exercising civil jurisdiction in the place in or nearest to the place where the appellant resides.

“(3) The Registrar of the Court shall fix the time and place for the hearing of the appeal, and shall give at least 5 clear days’ previous notice thereof to the Commissioner and to the appellant.

“(4) At the hearing of the appeal the appellant and the Commissioner respectively may appear in person or be represented by counsel, and the Magistrate in his discretion may—

“(a) Receive any evidence he thinks fit, whether on oath or otherwise, and whether the same would otherwise be admissible in a Court of law or not; and

“(b) Act on any statement, document, information, or matter that in his opinion may assist him to deal with the matter of the appeal, whether the same would otherwise be admissible in a Court of law or not; and

“(c) Permit a further examination or test to be undergone by the appellant before such person or persons as the Magistrate approves for that purpose; and

“(d) From time to time adjourn the hearing of the appeal.

“(5) No order shall be made relating to the costs or expenses of the appeal.

“(6) In determining the appeal the Magistrate may uphold or reverse or vary the decision of the Commissioner, and the Registrar of the Court shall as soon as possible forward the determination of the Magistrate to the Commissioner, and the Commissioner shall forthwith give notice to the appellant of the determination of the appeal.

“(7) If the decision of the Commissioner is reversed, the Commissioner shall forward to the appellant a certificate in form 16 and make him a refund of the appeal fee.”

(2) The First Schedule to the principal regulations (as amended by regulation 4 of the Motor Drivers Regulations 1964, Amendment No. 4) is hereby further amended by adding the forms 15 and 16 set out in the First Schedule to these regulations.

6. Demerit points—(1) The principal regulations are hereby further amended by inserting, after regulation 34A (as inserted by regulation 5 of these regulations), the following regulation:

“34B. For the purposes of section 51A of the Act (as inserted by section 11 of the Transport Amendment Act 1966), the number of demerit points to be recorded by the Commissioner in respect of any person convicted of an offence to which the said section 51A applies (being an offence for which the defendant is convicted after the commencement of this regulation) shall be as set out in relation to that offence in the fourth column of the Third Schedule to these regulations:

“Provided that no demerit points shall be recorded in respect of any offence for which the defendant is disqualified for a period of three months or more.”

(2) The principal regulations are hereby further amended by adding the Third Schedule set out in the Second Schedule to these regulations.

SCHEDULES

Reg. 5 (2)

FIRST SCHEDULE

Reg. 34A (1)

“Form 15

NOTICE OF APPEAL AGAINST REVOCATION OR REFUSAL OF DRIVING
INSTRUCTOR’S CERTIFICATE

To the Commissioner of Transport, Wellington

Take notice that, pursuant to regulation 34A of the Motor Drivers Regulations 1964, I appeal against the decision of the Commissioner of Transport by which my certificate of approval as a driving instructor was revoked (or my application for a certificate of approval as a driving instructor was refused).

Dated at this day of 19.....

Signature of appellant:

(Appeal fee of £1 to accompany this appeal but is refunded if the appeal is successful.)

Reg. 34A (7)

“Form 16

CERTIFICATE OF SUCCESS OF APPEAL *re* DRIVING INSTRUCTOR’S
CERTIFICATE

To of

This is to certify that Mr, S.M. by decision given at on the 19....., allowed your appeal against the decision of the Commissioner of Transport to revoke your certificate of approval as a driving instructor (or to refuse your application for a certificate of approval as a driving instructor). The appeal fee of £1 is being refunded.

Dated at Wellington this day of 19.....

.....
Commissioner of Transport.”

SECOND 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 | 39 | Driving while disqualified or in breach of order for partial disqualification | } 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 | |
| | 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 while under influence of drink or drugs | |
| The Transport Act 1962 | 63 (2) | Driving when prohibited by constable or traffic officer | } 30 demerit points. |
| | 65 (4), (5) | Failure to observe duty in case of accident | |
| The Transport Act 1962 or any regulations made or continuing and having effect under that Act | .. | Any offence to which section 32 of that Act applies | |

SECOND SCHEDULE—*continued*

| Enactment | Section or Regulation | Offence | Number of Demerit Points |
|----------------------------------|-----------------------|--|--------------------------|
| 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 | 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 | |
| | 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 | |

SECOND 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 | 19κ (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 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 an offence specified in the foregoing provisions of this Schedule or an offence consisting solely of the breach of a speed limit which does not apply to all motor vehicles

} 10 demerit points."

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 provides for eyesight examinations at five-yearly intervals between the ages of 50 and 70 years.

The effect of regulation 3 is that where a person's licence has expired for more than one year he must pass the prescribed tests before a new licence is issued. The discretion to grant a licence in such a case without a test is revoked.

Regulation 4 provides for the issue of a copy of *The Competent Driver* to new licensees at a cost of 20c.

Regulation 5 provides for a right of appeal against the revocation or refusal of a driving instructor's certificate.

Regulation 6 prescribes the number of demerit points to be recorded by the Commissioner in respect of convictions for driving offences.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 22 March 1967.

These regulations are administered in the Transport Department.