

1960/55



THE MOTOR-VEHICLES INSURANCE (THIRD-PARTY RISKS) REGULATIONS 1960

H. E. BARROWCLOUGH, Administrator of the Government
ORDER IN COUNCIL

At the Government House at Wellington this 13th day of April 1960

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to the Transport Act 1949, His Excellency the Administrator of the Government, 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-Vehicles Insurance (Third-Party Risks) Regulations 1960.

(2) These regulations shall come into force on the 1st day of July 1960.

2. Interpretation—In these regulations, unless the context otherwise requires,—

“The Act” means the Transport Act 1949:

“Contract motor vehicle” means a motor vehicle which is either—

(a) Used in the course of business for the carriage for hire of school children going to or returning from school either with or without teachers or other escorts; or

(b) Used in the course of business for the carriage for hire of particular individuals (including clubs or parties of individuals); or

(c) A motorcar used not otherwise than—

(i) As a private motorcar; and

(ii) For reward in the carriage to or from work of employees all working for the same employer and driven when so used by one of those employees,—

and which is in none of the cases aforesaid ever used or available either for the carriage for hire of the general public, or for the carriage for hire solely of persons in respect of whom the liability of an insurance company under subsection (1) of section 70 of the Act is excluded pursuant to subsection (4) of that section:

- “Goods-service vehicle”, “motorcar”, “motor cycle”, “motor vehicle”, “owner”, “power cycle”, “passenger-service vehicle”, “station wagon”, “taxicab”, “tractor”, and “trailer” have the same meanings as in section 2 of the Act:
- “Mobile crane” means a motor vehicle designed or permanently adapted for use principally as a mobile crane:
- “Omnibus”, “passenger truck”, and “service coach” have the same meanings as in the Passenger-Service Vehicle Construction Regulations 1954*:
- “Private taxicab” means a taxicab other than a public taxicab:
- “Private motorcar” means any motorcar that is not a public motor vehicle or a contract motor vehicle or a rental car:
- “Public motor vehicle” means a motor vehicle plying for hire for the carriage of persons or used in the course of the business of carrying passengers for hire; but does not include a motor cycle, or a contract motor vehicle, or a motor vehicle used for the carriage for hire solely of persons in respect of whom the liability of an insurance company under subsection (1) of section 70 of the Act is excluded pursuant to subsection (4) of that section:
- “Public taxicab” means a taxicab which is let on hire from a public place such as a road, street, or wharf, or from any stand thereon:
- “Rental car” means a motorcar let on hire (otherwise than under a hire-purchase agreement) to any person who himself drives the motorcar or provides a driver therefor.

3. Notice by companies—(1) Except as provided in subclause (2) of this regulation, every insurance company willing to undertake insurance business in terms of Part V of the Act shall give to the Registrar of Motor Vehicles at Wellington, in manner prescribed in section 68 of the Act, a notice in the form provided by the Registrar for the purpose.

(2) Every notice heretofore given by an insurance company under the regulations hereby revoked, and subsisting at the commencement of these regulations, shall continue in force until revoked in the manner prescribed by section 68 of the Act.

4. Nomination of companies—The nomination, pursuant to section 69 of the Act, of the insurance company with which the contract of insurance in respect of any motor vehicle is to be made shall be in the form provided by the Registrar of Motor Vehicles for the purpose.

5. Premiums—(1) The annual premiums payable in respect of contracts of insurance under Part V of the Act shall, for the licence year commencing on the 1st day of July 1960 and any subsequent licence year, be as set out in column 3 of the First Schedule hereto, and the classes of motor vehicles for the purpose of insurance premiums shall be those set out and described in columns 1 and 2 of that Schedule.

(2) When a contract of insurance in respect of any motor vehicle is entered into for a period of less than one year, the amount of the premium as prescribed in the First Schedule hereto shall be reduced by one-twelfth part thereof for every complete month by which the term of the contract is less than one year.

*S.R. 1954/144

Amendment No. 1: S.R. 1956/113

6. Vehicles in more than one class—If any motor vehicle (other than a motor cycle or a motor vehicle used exclusively as an ambulance) belongs to more than one of the classes specified in the First Schedule hereto, the vehicle shall be classified as belonging to that class of the several classes to which it belongs for which the highest premium is prescribed under these regulations.

7. Seating measurement—Where the premium payable in respect of any motor vehicle is fixed by reference to its seating accommodation, the following rules shall apply:

- (a) If the vehicle has been licensed as a passenger-service vehicle, its seating accommodation shall be deemed to be the seating-capacity of the vehicle, inclusive of the driver's seat, determined in accordance with the Passenger-Service Vehicle Construction Regulations 1954*:
- (b) If the vehicle has not been licensed as a passenger-service vehicle, its seating accommodation shall be determined by including as a separate seat—
 - (i) Every clearly defined seat the vehicle is designed or equipped to carry:
 - (ii) Every complete 16 in. of length of an undivided seat.

8. Refunds of premiums—Where, pursuant to section 27 of the Act, the registration of any motor vehicle is cancelled on the ground that the vehicle has been destroyed, or has become permanently useless as a motor vehicle, or has been permanently removed from New Zealand, and at the time of the cancellation there is in force in respect of the motor vehicle a contract of insurance under Part V of the Act, the insurance company with which the contract of insurance has been effected shall, on application in writing made by the owner of the motor vehicle, and on being satisfied that the registration of the motor vehicle has been cancelled as aforesaid, refund to the owner a sum equal to one-twelfth part of the amount of the premium prescribed in respect of that class of vehicle by column 3 of the First Schedule hereto for every complete month between the date on which notification is received by the Deputy Registrar of the happening of the event which led to the cancellation of the registration and the end of the term of the contract of insurance.

9. Administration expenses—From every premium paid in respect of any contract of insurance under Part V of the Act the sum of 2s. 6d. shall be deducted for administration expenses in accordance with the provisions of subsection (2) of section 77 of the Act.

10. Offences and penalties—(1) Every person commits an offence against these regulations who—

- (a) Knowingly supplies any false or misleading information required for the purposes of these regulations or in any nomination or notice made or given for the purposes of these regulations; or
- (b) Wilfully omits or refuses to supply any information required for the purposes of these regulations.

(2) Every person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding £20.

*S.R. 1954/144
Amendment No. 1: S.R. 1956/113

11. Revocations and savings—(1) The regulations specified in the Second Schedule hereto are hereby revoked.

(2) All notices, nominations, and other documents, matters, acts, or things and generally all acts of authority which originated or had effect under the regulations hereby revoked and are of continuing effect at the commencement of these regulations shall enure for the purpose of these regulations as if they had originated under the corresponding provisions of these regulations and shall, where necessary, be deemed to have so originated.

SCHEDULES

Reg. 5

FIRST SCHEDULE

SCALE OF ANNUAL INSURANCE PREMIUMS PAYABLE UNDER PART V OF
THE TRANSPORT ACT 1949

(Effective on and after 1 July 1960)

<u>Column 1</u> No. of Class	<u>Column 2</u> Description of Motor Vehicle	<u>Column 3</u> Annual Premium
1	Motor cycles	£ s. d. 2 0 0
2	Power cycles	0 12 6
3	(a) Tractors, traction engines, and any of the motor vehicles (other than motorcars, mobile cranes, goods-service vehicles, and trailers) exempted from payment of licensing fees by or pursuant to section 21 of the Act	0 7 0
	(b) Motor vehicles of any class falling within the provisions of clause (2) of the Second Schedule to the Motor Vehicles (Licensing Fees Exemption) Regulations 1948*	0 7 0
4	Private motorcars and private station wagons used exclusively in any one or more of the following ways:	2 2 0
	(a) By any person for private, domestic, pleasure, or farming purposes:	
	(b) By any person for his carriage between his residence and any one place of his own business or calling:	
	(c) In connection with the work of any public or private hospital, or any charitable, benevolent, or religious organisation, or any trade union or other incorporated organisation representing employees, by or on behalf of the authority controlling the hospital or trade union or organisation:	
	(d) By a school teacher in connection with school activities otherwise than for hire or reward.	

*S.R. 1948/208

Amendment No. 1: S.R. 1950/79
 Amendment No. 2: S.R. 1951/146
 Amendment No. 3: S.R. 1953/49
 Amendment No. 4: S.R. 1953/117
 Amendment No. 5: S.R. 1956/96
 Amendment No. 6: S.R. 1956/200
 Amendment No. 7: S.R. 1958/30
 Amendment No. 8: S.R. 1959/85

FIRST SCHEDULE—*continued*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
No. of Class	Description of Motor Vehicle	Annual Premium
5	(a) Private motorcars used for any purpose not included in the purposes specified in class 4 or class 13	£ s. d. 3 5 0
	(b) Manufacturers' and dealers' motor vehicles (other than motor cycles or power cycles) used under the authority of section 28 of the Act, per set of registration plates	3 5 0
6	(a) Goods-service vehicles	3 10 0
	(b) Station wagons used in any other than the ways specified in class 4	3 10 0
	(c) Motor vehicles designed solely or principally for the carriage of persons exceeding 9 in number (not being public motor vehicles or contract motor vehicles)	3 10 0
7	Motor vehicles of any class (other than trailers, motor cycles, and power cycles) used by fire brigades	2 10 0
8	Public taxicabs	17 10 0
9	Private taxicabs	5 10 0
10	Omnibuses, being public motor vehicles— Up to 30 seats (inclusive of driver's seat) Over 30 seats (inclusive of driver's seat) (Premiums in this class are subject to a rebate of 10 per cent for vehicles constructed entirely of metal or of metal with fibre-glass panels.)	27 0 0 23 0 0
11	Service coaches, being public motor vehicles— Up to 10 seats (inclusive of driver's seat) 11 to 20 seats (inclusive of driver's seat) Over 20 seats (inclusive of driver's seat) (Premiums in this class are subject to a rebate of 10 per cent for vehicles constructed entirely of metal or of metal with fibre-glass panels.)	14 0 0 27 0 0 35 0 0
12	(a) Contract motor vehicles; and (b) Public motor vehicles which are passenger trucks or which do not fall within classes 8, 9, 10, or 11— Up to 10 seats (inclusive of driver's seat) 11 to 20 seats (inclusive of driver's seat) Over 20 seats (inclusive of driver's seat)	4 0 0 5 0 0 6 0 0
13	Motorcars or station wagons used exclusively in one or more of the ways described in the description of class 4, and also used either (a) For reward in the carriage to or from work of employees all working for the same employer and driven by the employer or one of those employees; or (b) For reward in the carriage of school children to or from school by the owner of the motor vehicle.	2 2 0
14	Trailers	4 0
15	Hearses, ambulances for the carriage of sick or injured persons, mobile cranes, and any motor vehicle of a class not otherwise specified	2 15 0
16	Rental cars	10 0 0

Reg. 11 (1)

SECOND SCHEDULE

REGULATIONS REVOKED

Title	Serial Number
The Motor-Vehicles Insurance (Third Party Risks) Regulations 1950	1950/81
The Motor-Vehicles Insurance (Third Party Risks) Regulations 1950, Amendment No. 1	1951/110
The Motor-Vehicles Insurance (Third Party Risks) Regulations 1950, Amendment No. 4	1954/79
The Motor-Vehicles Insurance (Third Party Risks) Regulations 1950, Amendment No. 5	1955/40
The Motor-Vehicles Insurance (Third Party Risks) Regulations 1950, Amendment No. 8	1958/68
The Motor-Vehicles Insurance (Third Party Risks) Regulations 1950, Amendment No. 9	1959/75

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.

These regulations consolidate with some amendment the regulations referred to in the Second Schedule.

The amendments are as follows:

The schedule of annual premiums has been amended to prescribe the premiums payable for the ensuing licensing year.

Class 4 (private motorcars) has been extended to cover motorcars used by school teachers in connection with school activities, provided no hire or reward is received.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 13 April 1960.

These regulations are administered in the Transport Department.