# Serial Number 1940/73.



#### THE MOTOR-DRIVERS REGULATIONS 1940.

# GALWAY, Governor-General.

## ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 26th day of April, 1940.

#### Present:

THE HON. P. FRASER PRESIDING IN COUNCIL.

Pursuant to the Motor-vehicles Act, 1924, His Excellency the Governor-General, acting by and with the advice of the Executive Council, doth hereby make the following regulations.

# REGULATIONS.

#### REGULATION 1.—PRELIMINARY.

- (1) These regulations may be cited as the Motor-drivers Regulations 1940.
- (2) Clause (12) of Regulation 4 hereof and Regulations 11 and 12 hereof shall come into force on the date of notification of these regulations in the Gazette.\*
- (3) Except as aforesaid, these regulations shall come into force on the 1st day of June, 1940.
  - (4) In these regulations, unless inconsistent with the context,—

    - "The said Act" means the Motor-vehicles Act, 1924: "Commissioner" means the Commissioner of Transport:
    - "Garage" means a building or other structure or place in which a motor-vehicle is kept when not in use, and if the same motor-vehicle has more than one garage then its garage for the purposes of these regulations shall be that which is nearest to the place of permanent residence of the owner of the motor-vehicle:
    - "Heavy trade motor" means a trade motor as herein defined which with the load it is carrying exceeds 2 tons in weight:
    - "Issuing authority" in respect to a license means the local authority which has issued the license:
    - "License" and "motor-driver's license" mean a license to drive a motor-vehicle issued under these regulations, and include an extension of a license:
    - "Light trade motor" means a trade motor as herein defined which with the load it is carrying does not exceed 2 tons in weight:

\* See end note.

- "Local authority" has the meaning assigned to it by the said Act—that is to say, a Borough Council, a County Council, the Town Board of a town district not forming part of a county, or the Road Board of a road district in a county wherein the Counties Act, 1920, is suspended or is not in force:
- "Motor-car" means a motor-vehicle (other than a motor-cycle as herein defined) designed solely or principally for the carriage of persons not exceeding nine in number:
- "Motor-omnibus" means a motor-vehicle designed solely or principally for the carriage of persons exceeding nine in number, but exclusive of a trackless tram:
- "Motor-cycle" means a motor-vehicle having less than four wheels:
- "Passenger-service vehicle" means a motor-vehicle (other than a motor-omnibus, trackless tram, or a taxicab) used for hire or reward for the carriage of passengers with or without goods:
- "Private motor-car" means a motor-car other than a passengerservice vehicle or taxicab as herein defined:
- "Road machine" includes a tractor or any other vehicle or machine commonly used for tractive purposes and not for the carriage of passengers or goods:
- "Taxicab" means a taxicab as defined in section 15 of the Transport Law Amendment Act, 1939—that is to say, a motor-vehicle which—
  - (a) Is designed exclusively or principally for the carriage of persons not exceeding eight in number inclusive of the driver; and
  - (b) Is used for hire or reward for the carriage of passengers otherwise than on defined routes; and
  - (c) Is available for hire to any member of the public on terms that do not expressly or impliedly require the payment of separate fares by each passenger:
- "Trackless tram" means a mechanically propelled vehicle adapted for use without rails upon roads and moved by power transmitted thereto from some external source:
- "Trade motor" means a motor-vehicle designed solely or principally for the carriage of goods, and not being a motor-cycle.
- (5) The Motor-drivers Regulations 1931 and the Motor-drivers Regulations 1931, Amendment No. 1, are revoked.
- (6) All certificates, appointments, approvals, and licenses, and generally all acts of authority and all applications and tests and all other documents, matters, acts, and things which originated or had effect under the regulations hereby revoked and are of continuing effect at the time of coming into force of these regulations shall enure for the purposes of the regulations as if they had originated under these regulations and shall, where necessary, be deemed to have so originated.

#### REGULATION 2.—CLASSES OF LICENSES.

(1) Motor-drivers' licenses shall be of the following classes:—

(i) A license to drive a private motor-car:

(ii) A license to drive a heavy trade motor:

(iii) A license to drive a taxicab:

(iv) A license to drive a motor-omnibus:

(v) A license to drive a trackless tram:

(vi) A license to drive a passenger-service vehicle:

(vii) A license to drive a motor-cycle:

(viii) A license to drive a road machine.

(2) Subject to clauses (7) and (8) of Regulation 4 hereof—

- (a) The holder of a license to drive a private motor-car shall by virtue thereof be authorized to drive any private motor-car or any light trade motor:
- (b) The holder of a license to drive a heavy trade motor shall by virtue thereof be authorized to drive any trade motor or any private motor-car:
- (c) The holder of a license to drive a taxicab shall by virtue thereof be authorized to drive a taxicab, a private motor-car, a light trade motor, or a passenger-service vehicle:
- (d) The holder of a license to drive a motor-omnibus shall by virtue thereof be authorized to drive any motor-vehicle other than a taxicab, a trackless tram, or a motor-cycle:
- (e) The holder of a license to drive a trackless tram shall by virtue thereof be authorized to drive a trackless tram:
- (f) The holder of a license to drive a passenger-service vehicle shall by virtue thereof be authorized to drive any private motor-car, or any light trade motor, or any passengerservice vehicle:
- (g) The holder of a license to drive a motor-cycle shall not by virtue thereof be authorized to drive any motor-vehicle other than a motor-cycle as hereinbefore defined with or without a side-car:
- (h) The holder of a license to drive a road machine shall by virtue thereof be authorized to drive any road machine or any motor-vehicle not heretofore described in this clause.
- (3) Motor-drivers' licenses of more classes than one may be comprised in the same document and the holder shall be deemed to be the holder of a license of each of the classes comprised therein.
- (4) A motor-driver's license may, by extension endorsed thereon, be made to refer to a motor-vehicle of any kind specified in such extension in addition to motor-vehicles of the kind or kinds first named in the license and shall from the date of such extension take effect as if all such kinds of motor-vehicles were specified in the license.
- (5) Except as provided in this regulation, no motor-driver's license shall authorize the holder thereof to drive any motor-vehicle other than a motor-vehicle of the kind specified in the license or any extension thereof.

#### REGULATION 3.—APPLICATIONS FOR LICENSES.

(1) Every application for a motor-driver's license shall be in writing signed by the applicant, in the form numbered 1 in the Schedule hereto.

- (2) If the applicant has previously held a motor-driver's license, the most recent license so to be held shall (save in circumstances deemed by the local authority to provide sufficient excuse) be presented by the applicant with his application for a new license.
- (3) If in his option the applicant deletes the clause numbered (a) in the paragraph numbered 14 of the said form numbered 1, or if the local authority so requires, or if the applicant is over the age of seventy years, then, except in cases referred to in clause (4) of this regulation, the application shall be accompanied by a certificate from a registered medical practitioner in or to the effect of the form numbered 3 in the Schedule hereto.
- (4) An application to drive a motor-omnibus, a trackless tram, a taxicab, or a passenger-service vehicle shall be accompanied by a certificate from a registered medical practitioner in or to the effect of form numbered 5 in the Schedule hereto, and in any such case a certificate in the said form numbered 3 shall not be required and the applicant need not complete the clause numbered (a) in the paragraph numbered 14 of the said form numbered 1.
- (5) No medical certificate shall be sufficient for the purposes of this regulation unless it is signed and dated not more than fourteen days prior to the day on which the application is delivered to the local authority.
- (6) An applicant for a license to drive a trackless tram shall also in every case furnish to the satisfaction of the local authority evidence either that he is the holder of an electric-tram driver's certificate for the purposes of the Tramways Act, 1908, or that he has passed the examination prescribed for the holder of such a certificate, or that within the twelve months preceding his application he has been lawfully engaged as the driver of a trackless tram, or as the driver of a motor-omnibus in a service supplemented or wholly or in part superseded or about to be supplemented or wholly or in part superseded by a trackless-tram service.
- (7) Except as provided by clauses (9) and (11) of this regulation, every application for a motor-driver's license of any class or classes made by the owner of one or more motor-vehicles of a class which he would be authorized to drive by virtue of such license shall be made to the local authority in whose district the garage of the said vehicle or one of the said vehicles is situated.
- (8) Except as provided by clauses (9) and (11) of this regulation, every application for a motor-driver's license of any class or classes made by a person, not being the owner of a motor-vehicle of a class which he would be authorized to drive by virtue of such license, shall be made to the local authority ascertained as follows:—
  - (a) If the applicant is the owner of a motor-vehicle, then the application shall be made as in the last preceding clause:
  - (b) If the applicant is not the owner of a motor-vehicle, then the application shall be made to the local authority in whose district the applicant is permanently resident when the application is made.
- (9) If, owing to absence from home or any other cause considered to be adequate by the local authority to which application for a license is made, it is not possible or reasonable to require the

applicant to apply in terms of clause (7) or clause (8) of this regulation to the local authority therein indicated (hereinafter referred to as the appropriate authority), then the application may be delivered by the applicant in person to any other local authority, and such local authority may issue the license but shall endorse the license with the name of the appropriate local authority as follows:—

"Issued on behalf of the ...... Council (or Board)":

Provided that this clause shall not apply to any application for a license to drive a taxicab, a motor-omnibus, a trackless tram, or a passenger-service vehicle.

- (10) Every local authority, having issued a license pursuant to the last preceding clause hereof, shall, within one month of the date of issue of the license, send the amount of the license fee and a copy of the license to the appropriate authority. The fee received for the license shall be deemed a debt due by the issuing authority to the appropriate authority, and shall be recoverable by the latter accordingly.
- (11) (a) Any local authority competent to issue motor-drivers' licenses under the said Act and these regulations may, on such terms as may be mutually agreed on, enter into an arrangement with any other competent local authority that such last-mentioned local authority shall issue motor-drivers' licenses in lieu of the first-mentioned local authority.
- (b) Any arrangement entered into pursuant to this clause may make provision for the apportionment of license fees.
- (c) During the continuance of any such arrangement the local authority issuing the licenses in terms thereof shall for the purposes of this regulation be deemed to be the appropriate local authority for the district of the local authority on behalf of which the licenses are issued.
- (12) Except as provided by clause (13) of this regulation, every application for a motor-driver's license shall be delivered by the applicant in person at a place prescribed by the local authority for receipt of applications, or if no such place is prescribed, then at the public office of the local authority.
- (13) The local authority concerned may, when the applicant resides at an inconvenient distance from its office, dispense with the personal delivery required by the two last preceding clauses of this regulation if—
  - (a) The applicant has previously held a motor-driver's license issued by that local authority; and
  - (b) The form of application bears a certificate signed by a Justice of the Peace, constable, Traffic Inspector, or postmaster in or to the effect of the following words:—
    - "The applicant is, to the best of my belief, a fit person to hold the motor-driver's license hereby applied for."
- (14) An application for extension of a license to vehicles of another class shall be made by the applicant in person to the appropriate local authority, and need not be in writing, but the applicant shall produce the license of which an extension is sought. The provisions of clauses (9) and (11) of this regulation shall apply, mutatis mutandis, to any application for an extension.

(15) If by reason of any change in the garage of a motor-vehicle or in the permanent residence of the applicant, or by reason of the application of clause (9) of this regulation, the local authority granting the extension is not the local authority by or on behalf of which the license was issued, the local authority granting the extension shall forthwith send particulars of the nature and date of the extension to the local authority by or on behalf of which the license was issued for entry in its record of licenses.

#### REGULATION 4.—ISSUE AND TERMS OF LICENSES.

(1) Within three months after the expiry of a motor-driver's license, or on the presentation of a motor-driver's license issued to the applicant by some public authority in any other country than New Zealand and purporting to be still in force or to have expired not more than three months previously, if (in either case) the applicant is classified as "Good" in tests in the knowledge of traffic law as set out in clause (5) of Regulation 5 hereof a new license may, if the local authority thinks fit, be issued to the holder of any license as hereinbefore described who at the date of such issue is not over the age of seventy years without further examination or other evidence as to his ability to drive a motor-vehicle:

Provided that no license shall be issued under the authority of this clause purporting to authorize the holder thereof to drive any motor-vehicle other than a motor-vehicle of the kind or kinds specified or substantially indicated in the license expired or presented as

aforesaid.

(2) In every other case where application is made for a motordriver's license or an extension thereof, the local authority shall cause the applicant to undergo the appropriate tests prescribed by the next succeeding regulation, and no license shall be issued until the testing officer has certified to the local authority in writing in the prescribed form that the applicant has passed such tests to the extent and at the standard required for a license of the class applied for.

(3) Every motor-driver's license shall be in the form numbered 2 in the Schedule hereto, or to the effect thereof, and if for any license year particular colours are prescribed for the license by the Minister by notice published in the *Gazette*, it shall be of those colours. Every motor-driver's license shall be compact in arrangement and on reasonably durable paper or card or similar material to withstand wear

and folding.

(4) If any previous license issued to the applicant has been revoked by the Commissioner of Transport, the issuing officer shall endorse on the license the particulars of such revocation indicated in the said form numbered 2, and if particulars of a conviction of the applicant and of any order of a Court made under section 22 of the said Act have been caused by the Court to be endorsed on a license issued to the applicant within three years of the date of issue the issuing officer shall endorse on the license the particulars of such conviction indicated in the said form numbered 2.

(5) A motor-driver's license may, in the discretion of the issuing authority, be issued subject to a condition that the licensee shall at all times while driving a motor-vehicle use aids to vision,

hearing, or use of the limbs, or subject to any other similar condition deemed by the issuing authority to be necessary for the public safety.

- (6) If any aids to vision or hearing were used during the prescribed tests it shall in all cases, and whether or not such condition is set out in the license, be a condition of the license that the licensee shall, while driving a motor-vehicle and during the full term of the license, save with the written consent of the local authority issuing the license, use the same or like aids to vision or hearing respectively.
- (7) If the practical driving test pursuant to which a license is granted has been undergone in—

(a) A steam-vehicle—that is to say, a vehicle driven by steam power (however generated); or

- (b) An electrically-controlled vehicle—that is to say, a vehicle driven by electric power (however generated) or a vehicle in which changes of gear are effected by electrical means; or
- (c) A gearless vehicle—that is to say, a vehicle in which changes of gear are unnecessary, automatic, or nearly so; or
- (d) A vehicle specially designed for persons suffering from physical disability; or
- (e) A vehicle having more than one of the characteristics aforesaid; then such license shall be issued subject to the condition that it does not authorize the driving of any vehicle other than a steam-vehicle, or an electrically-controlled vehicle, or a gearless vehicle, or a vehicle specially designed as aforesaid, as the case may be.
- (8) A license to drive a motor-vehicle of any class (whether or not a condition to that effect is contained in the license) shall not authorize the holder to drive a steam-vehicle or electrically-controlled vehicle unless such authority is specifically granted by the license.
- (9) For the purpose of an extension to the driving of other vehicles of a license which is subject to any of the restrictions or conditions referred to in the two last preceding clauses, a steam-vehicle, electrically-controlled vehicle, gearless vehicle, or vehicle specially designed as aforesaid shall be deemed to be a vehicle of a different class from vehicles not so driven, controlled, or designed.
- (10) No license subject to a condition shall be deemed to authorize the holder to drive any motor-vehicle while failing to comply with the terms of the condition.
- (11) On application by any person to whom a license has been issued, and on proof to the satisfaction of the local authority which finally received the fee for the issue of the license by statement in writing, statutory declaration, or other evidence that such license or any copy of such license has been lost, destroyed, or mutilated, or become illegible, and on payment of a fee of 2s. 6d., such local authority may, at any time during the currency of the license, issue to such person a duplicate thereof, including any extension or endorsement made thereon marked as being a duplicate, and such duplicate shall be available for all purposes for which the original license could have been available. Upon such issue the local authority shall place upon all relative existing records relating to the original license a note to the effect that a duplicate has been issued, and stating the date of issue of such duplicate.

(12) (a) For the purposes of this clause an "overseas license" means a license to drive a private motor-car or to drive any class of motor-vehicle inclusive of a private motor-car issued and valid in one of the countries described by the Minister for the purposes of this clause by notice published in the Gazette.

(b) Notwithstanding anything to the contrary contained in these regulations, the Auckland City Council, the Wellington City Council, the Christchurch City Council, the Dunedin City Council, or the

Invercargill City Council, in the case of any person who—

(i) Is over the age of fifteen years,

(ii) Is visiting New Zealand from overseas,

- (iii) Is the holder of an overseas license still in force authorizing that person to drive a private motor-car or to drive any class of motor-vehicle inclusive of a private motor-car,
- (iv) Is classified as "Good" in the knowledge of traffic laws as set out in clause (5) of Regulation 5 hereof, may without charge endorse the overseas license in the manner provided

in subclause (d) hereof.

- (c) Any overseas license endorsed as provided in the last preceding subclause shall for the purposes of sections 20 and 21 of the principal Act and these regulations be deemed to be a license to drive a private motor-car duly issued by the respective City Council for the balance of the current license year.
- (d) The form of endorsement of an overseas license referred to in subclause (b) hereof shall be as follows:—

The person described in this license has been duly tested in the knowledge of traffic law in New Zealand and is authorized to drive a private motor-car in New Zealand until the 31st May, 19...

Dated	$\mathbf{a}^{\mathrm{t}}$	,	this		day	of		,	19.
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REGULATION 5.—Tests for Drivers of Motor-vehicles.

- (1) The tests to be passed by applicants for a motor-driver's license shall be conducted by testing officers approved for that purpose by the Minister, and shall include the following:—
  - (i) Eyesight and hearing tests:
  - (ii) Tests in knowledge of traffic law:
  - (iii) Practical driving tests.
- (2) The eyesight and hearing tests shall not be required from any applicant who furnishes to the local authority from a registered medical practitioner a certificate in or to the effect of paragraphs numbered 1, 2, and 3 of the form numbered 3 in the Schedule hereto, and the eyesight test shall not be required from any applicant who furnishes to the local authority from a registered medical practitioner or registered optician a certificate in or to the effect of paragraphs numbered 1 and 2 of the form last aforesaid.

- (3) The eyesight and hearing tests shall be conducted as follows:—
- (a) A test-card shall be used consisting of a line of type equal in size to Snellen's distance test type:

(b) The combinations of letters in the test type shall be varied by the testing officer from time to time:

- (c) The applicant (who may wear glasses during the test) shall be placed at a distance of 20 ft. from the test type, which should be well illuminated:
- (d) If the applicant has the use of only one eye while driving, that eye should be equal to or better than the six-ninths standard:
- (e) If the applicant has the use of both eyes while driving, and if neither eye is equal to or better than the six-ninths standard, then each eye singly must be equal to or better than the six-eighteenths standard, and both eyes together must be equal to or better than the six-twelfths standard:

(f) The applicant shall be capable of hearing each word uttered in an ordinary conversational voice at a distance of 10 ft.

(4) No license shall be issued to any applicant who fails to pass the tests prescribed by the last preceding clause unless he furnishes to the local authority from a registered medical practitioner or registered optician the certificate or certificates referred to in clause (2) of this regulation:

Provided that no such certificate shall be available under this clause unless it refers to a personal examination conducted on a date subsequent to that of the tests conducted by the testing officer.

- (5) The tests in knowledge of traffic law shall consist of—
- (a) Questions to be given and answered viva voce from sections 27-30 and 32-33 (all inclusive) of the Motor-vehicles Act, 1924, from sections 3, 4, and 5 of the Motor-vehicles Amendment Act, 1936, and from section 7 of the Transport Law Amendment Act, 1939 (or from any provisions passed in amendment thereof or in substitution therefor), and from any of the regulations for the time being in force relating to the driving or parking of motor-vehicles on the road;
- (b) Evidence of familiarity with the correct driving signals under the said regulations; and
- (c) Evidence of familiarity with the duties of motor-drivers at railway level crossings.
- (6) The practical driving tests shall be conducted in a vehicle of the class in respect of which the license is sought and shall comprise the matters set out in items numbered respectively from (1) to (13) (so far as applicable) of paragraph 5 in the form numbered 4 in the Schedule hereto.
- (7) Every applicant for a license to drive a taxicab, motor-omnibus, trackless tram, or passenger-service vehicle shall pass the tests in knowledge of traffic law and each of the respective tests comprised in the said items (1) to (13) at a good standard, and every applicant for a license of any other class shall pass all the said respective tests (including the tests in knowledge of traffic law taken together), save two at most, at a good standard and those two at a fair standard.

(8) Upon the completion of the said tests the testing officer shall make and sign and deliver to the local authority a certificate in the said form numbered 4 in the Schedule hereto.

# REGULATION 6.—DRIVERS OF TAXICABS.

- (1) Before the issue of a license to drive a taxicab the issuing authority shall cause to be made such inquiries as it thinks proper as to the character of the applicant, and shall require a satisfactory certificate of character signed by a reputable person to be furnished to it, and shall not issue the license unless it is satisfied that the applicant is a person of good character. The issuing authority may also cause to be made such other inquiries as it thinks fit with reference to the suitability of the applicant to act as the driver of a taxicab, and may, if it thinks fit, apply to any constable for his opinion thereon.
- (2) Any local authority, if it appears at any time that any person holding a motor-driver's license authorizing him to drive a taxicab, and for the time being resident or engaged in driving a taxicab within the district of the local authority, is or has become (whether by reason of physical incapacity or incompetency, or for any other reason) unfit to be the holder of such a license, may, by notice in writing served personally upon such person or sent to him by registered post-letter at his last known place of abode or employment, call upon such person to appear before the local authority at the time and place stated in such notice, and to produce his license, and to show cause why the same should not be revoked as regards taxicabs, and shall in such notice set forth the grounds of the proposed revocation.
- (3) The local authority shall at the time and place aforesaid, or at any other time and place to which consideration of the matter may be adjourned, take into consideration the matter set out in such notice and any evidence tendered in support thereof or tendered by the licensee in respect thereto, and may, if it thinks fit, resolve that such license be revoked so far as it authorized the holder thereof to drive a taxicab, and thereupon an endorsement of the restricted effect thereof shall be made thereon or a substituted license be issued in lieu thereof, as the local authority may think fit.
- (4) Any local authority partially revoking a license under this regulation shall forthwith send particulars of such revocation to any other local authority by whom such license or any extension thereof was issued, and such last-named local authority shall enter such particulars in its record.
- (5) The partial revocation of any license under this regulation shall not prevent the person holding the same from making a fresh application for a license of any kind under these regulations.
- (6) If the holder of a license refuses or fails to produce his license when called upon as aforesaid he shall be guilty of an offence against these regulations and shall be liable to a fine of £5.
- (7) Upon the partial revocation of a license as aforesaid, and notwithstanding that the license may not have been endorsed as aforesaid, such license shall thereafter be deemed to authorize the holder thereof to drive a private motor-car or light trade motor but not to drive any other kind of motor-vehicle.

#### REGULATION 7.—AGE RESTRICTIONS.

- 1) A motor-driver's license issued under these regulations shall not authorize the holder thereof, if under the age of twenty-four years, to drive a taxicab, or, if under the age of twenty-one years, to drive a motor-omnibus, or, if under the age of eighteen years, to drive a heavy trade motor.
- (2) The provisions of clause (1) of this regulation, so far as they are applicable to the drivers of taxicabs or heavy trade motors, shall not apply to any person who proves to the satisfaction of the appropriate local authority that he has previously been the lawful holder of a license to drive a taxicab or a heavy trade motor, as the case may be, or to any person who is over the age of twenty-one years and, upon the recommendation of the appropriate local authority, is exempted in writing by the Minister of Transport from the said provisions so far as they relate to taxicabs.
- (3) No local authority shall knowingly issue to any person a license purporting to authorize him to drive a motor-vehicle of a class that by virtue of this regulation he is not authorized to drive.

# REGULATION 8.—Drivers of Motor-cycles or Motor-cycles and Side-cars (New Applicants).

- (1) For the purposes of this regulation,—
  - "Appropriate authority" means the local authority which, having regard to the district wherein for the time being the garage for the motor-vehicle is situated or wherein the applicant is permanently resident in terms of clauses (7) and (8) of Regulation 3 hereof, is the proper authority for dealing with an application for a motor-driver's license:
  - "New applicant" means an applicant for a license to drive a motor-cycle who is unable to produce evidence satisfactory to the appropriate authority that he has previously been licensed to drive a motor-cycle in New Zealand or elsewhere.
- (2) Notwithstanding anything to the contrary in these regulations, the following provisions shall apply in the case of any new applicant.
- (3) No license to drive a motor-cycle shall be issued to a new applicant except subject to the following special conditions, which shall be inserted in the license by the appropriate authority but which shall apply whether they are inserted in the license or not:—
  - (a) The licensee shall not carry any other person on any motor-cycle he is driving otherwise than in a side-car:
  - (b) The licensee shall not drive any motor-cycle at a speed exceeding forty miles per hour on any road, street, or other place to which the public have access:
  - (c) The licensee shall display in a conspicuous position at the front and at the rear of any motor-cycle he is driving, and facing directly to the front and rear respectively, a distinguishing mark the form of the diagram numbered 6 in the Schedule hereto.
- (4) (a) The licensee may at any time after the expiry of three months from the date of issue to him of a license issued under this regulation apply to the appropriate authority for removal of the special conditions prescribed by clause (3) of this regulation.

(b) Upon receipt of such application the appropriate authority shall require the licensee to be subjected to a further test by the testing officer, and on receipt of a satisfactory report from that officer, but not otherwise, may remove the said special conditions, whereupon the appropriate authority shall issue a certificate in the form numbered 7 in the Schedule hereto.

# REGULATION 9.—DURATION OF LICENSES.

- (1) Notwithstanding anything contained in the foregoing provisions of these regulations, a motor-driver's license may be issued during the month of May in any year to a person being then the holder of a motor-driver's license, but any license so issued shall not come into force until the 1st day of June following, and, unless sooner suspended or revoked, shall thereupon remain in force until the 31st day of May in the year following the year of issue, and shall then expire.
- (2) Every motor-driver's license issued during the month of May in any year to a person not being then the holder of a motor-driver's license shall be operative immediately upon the issue thereof, and, unless sooner suspended or revoked, shall remain in force until the 31st day of May in the year following the year of issue, and shall then expire.
- (3) In the case of a license issued pursuant to clause (1) of this regulation, the form numbered 2 in the Schedule hereto shall contain, after the words "this license", the words "shall come into force on the 1st day of June, 19..., and ".

#### Regulation 10.—Record of Licenses.

- (1) Every local authority shall keep a record, having the surnames alphabetically arranged, of all motor-driver's licenses and extensions of licenses issued by it pursuant to these regulations, showing with respect to each the following particulars:—
  - (a) The full name, address, and occupation of the licensee:
  - (b) The date of issue of the license:
  - (c) Except in cases where no examination of the licensee is required, the name of the testing officer by whom the issue of the license was recommended:
  - (d) Particulars as to any cancellation, suspension, endorsement, extension, or partial revocation of the license:
  - (e) Any other relevant particulars, including all those set out in the form numbered 1 of the Schedule hereto.
- (2) The said record shall be open for public inspection at reasonable hours.

# REGULATION 11.—REVIEW AND REVOCATION OF LICENSES.

(1) The Commissioner may, by notice in the form numbered 8 in the Schedule hereto (hereinafter referred to as the notice), at any time require any licensee to be specially examined and tested for the purpose of judging his fitness to continue to hold the license.

- (2) The examination and test shall be carried out by some person appointed for the purpose by the Commissioner, and at such place, on such date, and at such time as are fixed in the notice or by subsequent arrangement between the Commissioner and the licensee. The notice shall be given by the Commissioner to the licensee not later than fourteen clear days before the date fixed therein for the examination and test.
- (3) Subject to the preceding clauses of this regulation and without limiting the powers of the Commissioner thereunder, the date, time, and place of the examination and test shall be fixed by the Commissioner so far as possible to meet the reasonable convenience of the licensee.
- (4) If any licensee without the prior consent of the Commissioner fails to present himself for examination or test at the place, date, and time fixed by the notice, or if as a result of the examination or test or otherwise the licensee is found by the Commissioner to be for any reason unfit to continue to hold a license, the Commissioner may give to the licensee a notice of revocation in the form numbered 9 in the Schedule hereto.
- (5) If within the time fixed by the next succeeding regulation no notice of appeal with the prescribed fee is received by the Commissioner or if notice of appeal has been so received, then if on determination of the appeal the decision of the Commissioner be upheld the provisions of clauses (6) to (10), both inclusive, of this regulation shall apply.

(6) The Commissioner shall forward to the issuing authority a copy of the notice of revocation, and the issuing authority shall enter

particulars of the revocation in its record of licenses.

- (7) If no notice of appeal is received by the Commissioner as aforesaid then as from the expiration of seven days after service on the licensee of the notice of revocation, and if on determination of the appeal the decision of the Commissioner be upheld then as from the expiration of seven days after service on the licensee of notice of the determination of the appeal, the license shall become void and of no effect, and it shall be an offence for any person after the expiration of the respective time aforesaid to produce the license as being a motor-driver's license.
- (8) The licensee shall forthwith surrender the license to the Commissioner for cancellation.
- (9) The licensee shall not apply for and no local authority shall issue to the licensee any license to have effect during any part of the period for which the revoked license was on its issue expressed to be in force.
- (10) Any license issued to the licensee shall have endorsed thereon, during a period to be directed by the Commissioner, the particulars of revocation indicated in the form numbered 2 in the Schedule hereto.

## REGULATION 12.—APPEAL AGAINST REVOCATION OF LICENSE.

(1) If any person whose license is revoked in terms of the provisions of the last preceding regulation is dissatisfied with the decision of the Commissioner in respect thereto, he may, within seven clear days from

the date of issue of the revocation, appeal therefrom to a Stipendiary Magistrate by delivering or posting by registered post to the Commissioner a notice of appeal in duplicate in the form numbered 10 described in the Schedule hereto, together with a fee of £1.

(2) Within twenty-one days after receipt of such notice of appeal and the said fee the Commissioner shall inform the appellant of the name of the Magistrate before whom the appeal will be heard, and shall at the same time forward to such Magistrate a copy of the notice requiring an examination and test sent by the Commissioner to the appellant pursuant to Regulation 11 hereof, a copy of the notice of revocation, and a copy of the notice of appeal.

(3) The Magistrate shall hear and determine the appeal at such convenient time and place as may be decided by the Magistrate, being not more than forty-two days after receipt by the Commissioner of the notice of appeal, and shall cause at least five days' previous notice of such time and place to be given to the Commissioner and 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 may in his discretion receive any evidence that he thinks fit (whether on oath or otherwise) and may act on any statement, document, information, or matter which in his opinion may assist him to deal with the matter of the appeal, whether the same would be regularly admissible in a Court of law or not, and may permit a further examination or test to be undergone by the appellant before such person or persons as the Magistrate may approve for that purpose, and may from time to time adjourn the hearing or consideration or determination of the appeal.
- (5) In matters not expressly provided for in this regulation the procedure upon the hearing of the appeal shall, so far as practicable, be in accordance with the ordinary procedure of the Magistrate's Court, but no order shall be made relating to costs or expenses.
- (6) In determining the appeal the Magistrate may either uphold or reverse the decision of the Commissioner and shall as soon as possible forward his determination 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 the form numbered 11 in the Schedule hereto and make him a refund of the appeal fee.

## REGULATION 13.—EXERCISE OF POWERS, SERVICE OF NOTICES, ETC.

- (1) The powers and duties conferred or imposed by these regulations on any local authority (except the power of partial revocation conferred by Regulation 6 and the duty of reconsideration imposed by clause (2) of this regulation) shall be deemed to be duly exercised and performed if exercised or performed by any officer of that local authority generally authorized in that behalf or by any other person specially authorized in that behalf by the local authority.
- (2) Any person affected by the action of such officer or other person may (save in the case of a failure to pass the tests prescribed by Regulation 5 hereof), by notice in writing addressed to the local

authority or its Clerk and delivered at its office, apply to the local authority to reconsider such action, and the local authority shall thereupon take the matter into its consideration; and, after the person affected has been afforded a reasonable opportunity of submitting to it any relevant matters of fact or opinion and any evidence thereon, the local authority may either confirm, modify, reverse, or otherwise

deal with the action previously taken.

(3) Any notice or document required to be given to or served on any person for the purposes of these regulations shall be sufficient if delivered personally or if left at the usual or last-known place of abode or business of the person to be served or the address stated by him in any application or document under these regulations, or if sent by registered letter addressed to him at such place of abode or business or address, and if so sent shall be deemed to be served at the time when it would reach its destination in the ordinary course of registered post.

# REGULATION 14.—OFFENCES AND PENALTIES.

(1) No person shall add to a motor-driver's license any advertisement or other words extraneous to the license as issued.

(2) No person shall use or retain any motor-driver's license to which have been added any words extraneous to the license as issued, or from which any words have been erased from the license as issued; but any license so altered shall be deemed to have been mutilated

within the meaning of these regulations.

(3) Every person who shall do or cause or procure to be done anything contrary to or otherwise than provided by these regulations or any of these regulations or part of a regulation, or shall omit to do anything therein required to be done by him, or shall supply particulars purporting to be in conformity with these regulations knowing them to be incorrect or misleading, or shall apply for a license to take effect during any period during which he is disqualified from holding a license, commits an offence against these regulations.

(4) Any person who commits an offence against these regulations for which no other penalty is provided shall be liable to a fine not

exceeding £50.

#### SCHEDULE.

[Form No. 1.

APPLICATION FOR A MOTOR-DRIVER'S LICENSE UNDER THE MOTOR-VEHICLES Аст, 1924.

Any misstatement in the following particulars renders the applicant liable to a fine not exceeding £50.

To the [Insert name of local authority to which application is made].

I HEREBY apply for the issue to me under the Motor-vehicles Act, 1924, and the regulations thereunder, of a motor-driver's license, and I declare that the following particulars are correct:-

- 1. Class or classes of license applied for: A license to drive a private motor-car (including a light trade motor); heavy trade motor; taxicab; motor-omnibus;
  - 3. Place of permanent residence [Full address]: ......
  - 4. Usual postal address: .....

Con. Regs.-8.

5. Occupation: ......

6. Situation of garage (if any): ......7. Date, year, and place of birth: .....

8. Were the last practical driving tests, pursuant to which a license was

- granted to the applicant, undergone, or is it proposed that any practical driving tests now required be undergone, in any of the following types of motor-vehicle, and, if so, which :-(a) A steam-vehicle? (b) An electrically-controlled vehicle? (c) A gearless vehicle? or (d) A vehicle specially designed to meet a physical disability from which the applicant suffers? 9. Is applicant the holder, or has (he) (she) ever been the holder, of any license to drive a motor-vehicle? If so, present the most recent license for inspection, and hereon give, concerning it, the following particulars:-Name of authority by whom license was issued: ...... Year of issue: ..... Class of motor-vehicle: . . . . . . . Endorsements (if any): ...... 10. Has applicant ever been refused a motor-driver's license? If so, give particulars as to-Name of authority to which application was made: ...... Grounds of refusal:  $\dots$ Date of application: ..... Any other relevant particulars: ..... 11. Has applicant ever had (his) (her) license revoked by the Commissioner of Transport ? If so, give particulars as to— Year in which revoked: ...... Any other relevant particulars: ...... 12. Has applicant within the past two years been convicted of any offence arising out of the driving of any motor-vehicle? If so, give particulars: ....... 13. What is applicant's experience of motor-driving? [Indicate briefly the nature and extent of applicant's experience.] 14. I do hereby solemnly state that to the best of my knowledge and belief: [Delete such of the following clauses (a), (b), (c), and (d) as are not applicable.] \*(a) (1) My hearing, sight (with glasses, if necessary), and heart are normal. (2) I am not subject to epilepsy, fits, dizziness, or fainting bouts. (3) I do not suffer from rheumatism in the limbs, so as to affect my driving capabilities. (4) In the use of at least three out of four limbs I have no disability such as to affect my capability in controlling a motor-vehicle (or, I have no disability in the use of either arm such as to affect my capability in controlling a motor-vehicle, and my application is to drive a vehicle specially designed to meet physical disability in the use of my legs). (5) I am not aware that I have any physical or mental disability or infirmity such as is likely to affect my efficiency as the driver of a motor-vehicle. † (b) A medical certificate in form No. 3 is attached of my fitness to drive a motor-vehicle, and I am the person therein named. ‡ (c) A medical certificate in form No. 5 is attached of my fitness to drive a motor-omnibus, a trackless tram, or a passenger-service vehiclei.e., a motor-vehicle used to carry passengers for hire or rewardother than a taxicab, and I am the person named in the certificate. § (d) A medical certificate in form No. 5 is attached of my fitness to drive
- \* Not required in case of application to drive a taxicab, a motor-omnibus, a trackless tram, or a passenger-service vehicle—i.e., a motor-vehicle used to carry passengers for hire or reward—or if a medical certificate in form No. 3 is supplied.

am the person therein respectively named.

Dated at ....., this ...... day of ....., 19...

a taxicab, and a certificate of character is also attached, and I

Signature of Applicant: ......

† (b), (c), (d) alternatives to (a).

‡ Required only in the case of an application to drive a motor-omnibus, a trackless tram, or a passenger-service vehicle, other than a taxicab.

§ Required only in the case of an application to drive a taxicab.

[Form No. 2.

19..-19..

LICENSE	то	Drive	A	Мотог	R-VEHICLE.
Issued by	y the	Nam	e o	f local	authority]

Addres Class(e (ii) heavy t (vi) passen names of cle This li applicable]. This lic are endorsed Period Date o Signatu	s: s) of verade m ger-serv usses to cense is ense is f issue : ure of is	see: ( chicles: cotor; (i rice veh which li applies subject t	Occupation (i) Privat (ii) taxical icle; (vii cense does only to [ to the cond day fficer:	o; (iv) mot ) motor-eye not apply]. Insert descr ditions endor	r (inclor-omele; (incloration)	luding light nibus; (v) t (viii) road r  of vehicle; ereon [Delete	track track $f$ $f$ $f$ $f$ $f$	kless tram; nine [Delete elete if not so conditions		
Extend Date of	led to a f extens	vehicle		llowing class	s(es):	•••••				
			En	dorsements.						
		,	_	ed on back o		,				
I. Part	iculars —	of re	vocation	of previou	s lice	enses by Co	mn	nissioner of		
Date of	Revocat	tion.	Local Re	Local Authority issuing Revoked License.			Endorsement to remain until			
II. Par	rticular	s of conv	victions ca	rried forwai	rd :—					
Date of Conviction.	Pla	ice.	Court.	Nature of Offence.	Pena En	alty (besides dorsement).	ti	te of Expira- on of Period of ndorsement.		
III. Paissue of lice  Date of Conviction.		rs of co	onvictions  Nature of Offence.	in relation Penalty (bes.	ides 1	notor-driving Date of Expirat of Period of J	tion	Signature of Endorsing		
Conviction.			Offence.	Endorsemen	nt).	dorsement,		Officer.		

[Form No. 3.

The Motor-vehicles Act, 1924.

- MEDICAL CERTIFICATE (TO ACCOMPANY APPLICATION FOR MOTOR-DRIVER'S LICENSE WHEN APPLICANT IS OVER AGE OF SEVENTY YEARS, OR IF THE LOCAL AUTHORITY SO REQUIRES, OR IN APPLICANT'S OPTION; NOT AVAILABLE ON APPLICATION FOR LICENSE TO DRIVE A PASSENGER-SERVICE VEHICLE, MOTOR-OMNIBUS, TRACKLESS TRAM, OR TAXICAB).
- I have on this date personally examined [Name of applicant], knowing (him) (her) to be an applicant for a motor-driver's license under the above Act for a vehicle other than a passenger-service vehicle, motor-omnibus, trackless tram, or taxicab, and I hereby certify as follows:—
- 1. In my opinion, having all proper regard to the safety of passengers and of the public generally, the applicant is mentally and physically a fit and proper person to be granted a motor-driver's license for a vehicle other than a passenger-service vehicle, motor-omnibus, trackless tram, or taxicab.
  - 2. Eyesight:
    - (He) (she) conforms to the standards laid down in clause (3) of Regulation 5 of the Motor-drivers Regulations 1940.
  - 3. Hearing:
    - (He) (she) conforms to the standards laid down in clause (3) of Regulation 5 of the Motor-drivers Regulations 1940.

[Alternative, to be crossed out when not applicable.]

- (He) (she), although not able to comply with the standard for hearing laid down by clause (3) of Regulation 5 of the said regulations, is nevertheless, having consideration to general mental and physical condition, a fit and proper person to be granted a motor-driver's license for a vehicle other than a passenger-service vehicle, motor-omnibus, trackless tram, or taxicab.
- 4. The respiration (is) (is not) natural, and the respiratory sounds and the resonance of the chest are (normal) (abnormal).
- 5. The pulsations of the heart (are) (are not) natural in rhythm and force, and its sounds (are) (are not) those of health.
- 6. The applicant is free from any disease or any physical defect that would, in my opinion, interfere with (his) (her) capabilities as a motor-driver within the licensing year ending on the 31st May, 19...

Date : . . . . . . . .

Registered Medical Practitioner (or, if the case requires, Registered Optician).

[Form No. 4.

TEST FOR DRIVERS OF MOTOR-VEHICLES.

- 1. Name of applicant: . . . . . . . .
- 2. Class of vehicle on which test carried out: ......
- 3. Eyesight and hearing tests:—

Applicant (passed) (did not pass) the eyesight test and (passed) (did not pass) the hearing test prescribed in clause (3) of Regulation 5 of the Motor-drivers Regulations 1940.

Notes.—(a) Failure to pass entails the obligation prescribed in clause (4) of the said Regulation 5; (b) test is unnecessary if the applicant supplies such satisfactory medical certificate as may be appropriate under the regulations for the type of vehicle sought to be driven.

4. Knowledge of traffic law: ......

(a) Questions to be given and answered viva voce from sections 27-30, 32-33 (all inclusive) of the Motor-vehicles Act, 1924, and from section 7 of the Transport Law Amendment Act, 1939 (or from any provisions passed in amendment thereto or in substitution thereof), and from any of the regulations in force relating to the driving or parking of motor-vehicles on the road.

\* Item (11) not to apply to applicant for a license to drive a motor-cycle or motor-cycle and side-car.

† Items (12) and (13) to apply only to applicant for license to drive a taxicab or motor-cycle and the state of the state

[Form No. 5.

#### The Motor-vehicles Act, 1924.

MEDICAL CERTIFICATE (TO ACCOMPANY APPLICATION FOR A LICENSE TO DRIVE A PASSENGER-SERVICE VEHICLE, TAXICAB, MOTOR-OMNIBUS, OR TRACKLESS TRAM).

I have on this date personally examined [Name of applicant], knowing (him) (her) to be an applicant for a license under the above Act to drive a passenger-service vehicle, taxicab, motor-omnibus, or trackless tram, and I hereby certify that in my opinion, having all proper regard to the safety of passengers and of the public generally, the applicant is mentally and physically a fit and proper person to be licensed as the driver of a passenger-service vehicle, taxicab, motor-omnibus, or trackless tram. The results of my examination are as follow:—

1. Eyesight: Right eye, .....; left eye, ...... (Each eye should be either (a) of six-ninths standard without glasses or better, or (b) of six-sixths standard with glasses; and if the applicant has the use of only one eye while driving, that eye should be of six-sixths standard without glasses.)

2. Colour-vision: [Satisfactory or not satisfactory.]

3. Hearing: [The applicant should be able to recognize the words uttered in an ordinary conversational voice at 10 ft.]

4. The respiration (is) (is not) natural, and the respiratory sounds and the resonance of the chest are (normal) (abnormal).

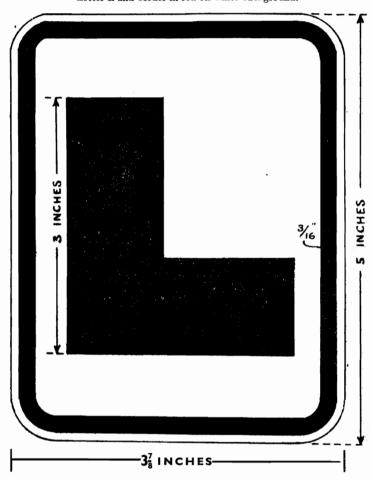
5. The pulsations of the heart (are) (are not) natural in rhythm and force, and its sounds (are) (are not) those of health.

6. The applicant is free from disease and from any physical defect that would in my opinion interfere with the proper carrying-out of (his) (her) duties.

	• • • • • • •
Date:	Registered Medical Practitioner.

[Form No. 6.

Diagram of Distinguishing Mark to be displayed by New Motor-cyclistsLetter L and border in red on white background.



[Form No. 7.

CERTIFICATE OF REMOVAL FROM DRIVER'S LICENSE OF SPECIAL CONDITIONS FOR NEW DRIVER OF MOTOR-CYCLE.

Full name of driver: . . . . . . . . Address of driver: . . . . . . .

License No. ....., issued by ..... on ....., 19...

In terms of the Motor-drivers Regulations 1940, the ....... (Council) (Board), having received a satisfactory report from the testing officer as to the ability of the above-named driver to drive a motor-cycle free of the special conditions set out in the above-described license, does hereby as from the date hereof remove the said conditions.

Clerk to the (Council) (Board).

[Form No. 8.

Notice for Special Examination and Test of Holder of a License to Drive a Motor-vehicle.

In terms of Regulation 11 of the Motor-drivers Regulations 1940, the Commissioner of Transport doth hereby require that the person holding the license described hereunder be examined and tested for the purpose of judging (his) (her) fitness to continue to hold the license.

Particulars of License.

· ·
Name of local authority by whom the license was issued:
Full name of licensee:
Latest known address of licensee:
Date of expiry of license:
The examination and test will be carried out by the person named hereunder at the place, on the date, and at the time given hereunder:—
Name:
Place:
Date:
$\mathbf{Time}:\ldots\ldots$
Dated at Wellington, this day of, 19
Commissioner of Transport.
Notes for Licensee.
If the place or date or time are not convenient to you, please notify the Commissioner of Transport by return mail, when endeavours will be made to meet your convenience in this respect.
Please note that if, without permission of the Commissioner, you fail to present yourself for examination and test at the place or date or time fixed herein or any substituted date, your license may thereupon be revoked.
[Form No. 9.
NOTICE OF REVOCATION OF LICENSE TO DRIVE A MOTOR-VEHICLE.
To the licensee hereinafter named.
PURSUANT to Regulation 11 of the Motor-drivers Regulations 1940, the Commissioner of Transport doth hereby revoke the license to drive a motor-vehicle particulars of which license are hereinafter set out.
Unless notice of appeal be given and the appeal fee (£1) paid within seven day of service of this notice the revocation takes effect on the expiration of sever days from the date of service hereof and the license is thenceforth void.
The license must be surrendered forthwith to the Commissioner of Transportat Wellington, and failure so to deliver it constitutes an offence.
Particulars of this revocation are to be endorsed upon any license issued to the licensee on or before
Reason for revocation:
Particulars of License.
Name of local authority by whom the license was issued :
Class or classes of motor-vehicle to which license applied:
Full name of licensee:
Latest known address of licensee:
Date of expiry of license:
Date of expiry of needse:

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

Commissioner of Transport.

[Form No. 10.

NOTICE OF APPEAL AGAINST REVOCATION OF LICENSE.

To the Commissioner of Transport, Wellington.

Take notice that, in terms of Regulation 12 of the Motor-drivers Regulations 1940, I appeal against the decision of the Commissioner of Transport by which the license to drive a motor-vehicle issued to me and particulars of which are given hereunder, was revoked by the Commissioner.

Particulars of License.
Name of local authority by whom the license was issued:
Class or classes of motor-vehicle to which license applies:
Full name of licensee:
Address of licensee:
Date of expiry of license:
Dated at, this day of, 19
Signature of Appellant:
(Appeal fee of £1 is to accompany this appeal but is refunded if the appeal is successful.)
<u> </u>
[Form No. 11. The Motor-vehicles Act, 1924.
CERTIFICATE OF SUCCESS OF APPEAL re LICENSE TO DRIVE A MOTOR-VEHICLE.  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. The appeal fee of £1 is being refunded.
Particulars of License.
Issued by  Class or classes of motor-vehicle to which license applies:  Full name of licensee:  Address of licensee:  Date of expiry of license:  Dated at Wellington, this day of, 19
$\cdots$ Commissioner of Transport.
C. A. JEFFERY,

Clerk of the Executive Council.

Issued under the authority of the Regulations Act, 1939. Date of notification in *Gazette*: 29th day of April, 1940. These regulations are administered in the Transport Department.

(TT. 9/4.)