

1961/15



THE MOTOR VEHICLES (LICENSING FEES EXEMPTION)  
REGULATIONS 1961

COBHAM, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 6th day of March 1961

Present:

THE HON. J. R. MARSHALL, PRESIDING IN COUNCIL

PURSUANT to the Transport Act 1949, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. These regulations may be cited as the Motor Vehicles (Licensing Fees Exemption) Regulations 1961.

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

“The Act” means the Transport Act 1949:

“Adjoining” means contiguous, or contiguous except for a separation by a river, stream, road, motorway, or railway:

“Agricultural operation” means any operation concerned directly with the management of a farm; and includes the transport on a road of the produce of a farm, farm implements, stock, or other requisites of any kind whatsoever for a farm where and only where they are transported from one part of a farm to another part of the same farm or from one farm to another adjoining farm which is owned or managed by the same person:

“Farm” means—

(a) A dairy farm, cattle farm, pig farm, or sheep farm; or

(b) A market garden, orchard, plant nursery, permanent State forest, or any other area of land on which trees or plants of any description are cultivated. For the purposes of this definition the term “plants” includes hops, peas, potatoes, tobacco, and other crops of any kind whatsoever; or

(c) An apiary; or

(d) A poultry farm or egg producer’s farm;—

and “farmer” has a corresponding meaning:

“Minister” means the Minister of Transport :

“Traction engine” means a motor vehicle propelled by steam power that is designed for use on roads, and not for the carriage thereon of passengers (other than the driver) or of goods:

“Tractor” means a motor vehicle (not being a traction engine) that is designed exclusively for the purposes of traction, and not for the carriage thereon of passengers (other than the driver) or of goods.

3. (1) The following motor vehicles are hereby exempted from the payment of annual licence fees under the Act:

(a) Such motor vehicles described in the First Schedule hereto as are used on roads only for operations for which the vehicle is exclusively or principally designed, or in proceeding from one place to another for use in operations for which the vehicle is exclusively or principally designed:

(b) All motor vehicles of the kinds described in the Second Schedule or Third Schedule hereto.

(2) The exemption conferred on any vehicle by subclause (1) of this regulation shall not be lost only by reason of the fact that the vehicle is used on a road in connection with its inspection, servicing, or repair.

4. (1) The regulations specified in the Fourth Schedule hereto and the notices specified in the Fifth Schedule hereto are hereby revoked.

(2) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that the revocation of any provision by these regulations shall not affect any document made or any thing whatsoever done under the provision so revoked or under any corresponding former provision, and every such document or thing, so far as it is subsisting or in force at the time of the revocation and could have been made or done under these regulations, shall continue and have effect as if it had been made or done under the corresponding provision of these regulations and as if that provision had been in force when the document was made or the thing was done.

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## SCHEDULES

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Reg. 3 (a)

### FIRST SCHEDULE

#### MACHINERY

Any motor vehicle exclusively designed for driving, carrying, or propelling,—

- (1) Well-boring apparatus:
- (2) Saw-bench apparatus:
- (3) Cranes:
- (4) Air-compressor plants:
- (5) Extension ladders:
- (6) Scoops:
- (7) Trench diggers:

FIRST SCHEDULE—*continued*

- (8) Excavators:
- (9) Log haulers:
- (10) Concrete mixers:
- (11) Electric-welding plant:
- (12) Electrical substations:
- (13) Pumps:
- (14) Road graders:
- (15) Front-end loaders:
- (16) Stone and gravel crushing and screening plant:
- (17) Winches (including glider-launching winches):
- (18) Hoppers:
- (19) Fork lifts:
- (20) Bulk-loading elevators:
- (21) Electric-generating plant:
- (22) Pile-driving apparatus:
- (23) Drilling-rig apparatus:
- (24) Ferris wheels:
- (25) Aerodrome runway sweepers:
- (26) Filters for transformer oil used in electrical substations:
- (27) Road sweepers:
- (28) Road rollers:
- (29) Road-marking apparatus:
- (30) Carryall scrapers:
- (31) Paving machines:
- (32) Road-compacting trailers:
- (33) Rock rooters:
- (34) Bitumen-heating apparatus:
- (35) Sawing apparatus for tree cutting:
- (36) Fruit-case making machines:
- (37) Post-debarking machines:
- (38) Any other machinery of a type or kind approved for the purpose of this Schedule by the Minister, by notice in the *Gazette*:

Provided that no such motor vehicle shall be exempt from payment of licensing fees unless the machinery is permanently attached to the motor vehicle.

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SECOND SCHEDULE

Reg. 3 (b)

FARM VEHICLES

(1) Any motor vehicle designed exclusively or principally for agricultural operations and used on a road exclusively for agricultural operations, including mobile or movable huts, galleys, and similar motor vehicles used on a road solely in connection with such operations:

Provided that any motor vehicle designed exclusively or principally for the spreading or cartage and spreading of lime or fertiliser shall not be exempt from the payment of annual licence fees under the Act where it is used on a road for the cartage of lime or fertiliser.

SECOND SCHEDULE—*continued*

(2) Any motor vehicle owned by a person carrying on business as a farmer and used on a road only for either or both of the following purposes:

(a) In proceeding, in connection with the owner's agricultural operations, from one part of a farm to another part of the same farm or from one farm to another adjoining farm which is owned or managed by the same person:

(b) For the cartage of dogs to or from a hydatid-control centre.

(3) Any tractor or traction engine and any trailer drawn thereby, if used on a road either—

(a) Exclusively for agricultural operations; or

(b) Principally for agricultural operations and otherwise solely in connection with the construction or maintenance of roads.

(4) Any tractor, and any motor vehicle adapted in its design principally for use as a tractor, and any trailer drawn by such a tractor or motor vehicle, if the tractor, motor vehicle, or trailer is owned by a person carrying on business as a farmer and is used on a road only for all or any of the following purposes:

(a) For the owner's agricultural operations:

(b) For the cartage of milk, cream, or whey to or from a dairy factory:

(c) For the cartage of lime or fertiliser:

(d) For the cartage of fruit by or for the owner from any of the owner's orchards either to another of his orchards or to a fruit packing shed:

(e) For the cartage of tobacco leaf by or for the owner from the owner's tobacco farm to a tobacco-drying kiln:

(f) For the cartage of farm implements:

(g) For the cartage of dogs to or from a hydatid-control centre,—and is not taken during any one trip for the cartage of lime or fertiliser, fruit, tobacco leaf, or farm implements along more than 13 miles of road in going from the owner's farm or other place of garage and in returning thereto:

Provided that for the purposes of this clause, a tractor shall not be deemed to cease to be a tractor by reason only of the fact that it is fitted with a readily detachable box or platform which is used for the carriage of goods.

(5) Any tractor owned and used by a person carrying on business as an agricultural contractor and used on a road only for all or any of the following purposes:

(a) The cartage by means of a trailer of farm implements where the tractor and trailer are not taken during any one trip for the cartage of farm implements along more than 13 miles of road in going from the usual place of garage and in returning thereto; and

(b) The haulage on its own wheels of a farm implement or farm machine.

SECOND SCHEDULE—*continued*

(6) Any motor vehicle owned and used by a person carrying on business as a farmer or agricultural contractor and approved by the Minister, by notice in the *Gazette*, for exemption under this Schedule on the grounds that, by reason of its design or permanent adaption in its design, it is suitable for use only in connection with the owner's business as a farmer or agricultural contractor and is not capable of a speed exceeding 20 miles an hour.

(7) Any motor vehicle designed and used exclusively for the purpose of loading lime or fertiliser into topdressing aircraft.

(8) Any motor vehicle designed and used partly for the purpose of loading lime or fertiliser into topdressing aircraft and partly for carrying aviation fuel in a permanently attached tank for use in topdressing aircraft, and for no other purpose.

(9) Any motor vehicle designed and used partly for carrying a motor vehicle designed and used exclusively for loading lime or fertiliser into topdressing aircraft and partly for carrying aviation fuel in a permanently attached tank for use in topdressing aircraft, and for no other purpose.

(10) Any tractor designed and used partly for the purpose of loading lime or fertiliser into topdressing aircraft and partly for drawing a trailer which is designed and used exclusively for carrying aviation fuel in a permanently attached tank for use in topdressing aircraft, and for no other purpose; and any such trailer drawn by such a tractor.

(11) Any motor vehicle designed and used partly for the purpose of loading liquid spray into aircraft and partly for carrying water in a permanently attached tank for use in aerial spraying operations, and for no other purpose.

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THIRD SCHEDULE

Reg. 3 (b)

MISCELLANEOUS

(1) Any of the following motor vehicles if used exclusively for the cultivation or upkeep of land used for the purpose of sport, recreation, or education – namely, any tractor or traction-engine, any trailer drawn thereby, and any self-propelled grassmower.

(2) Any tractor or any trailer drawn thereby, owned by a River Board, Catchment Board, or Drainage Board, and used exclusively for the operations of the Board.

(3) Any motor vehicle designed exclusively as a bulldozer or angle-dozer; and also any trailer owned by the Crown or by a local authority or public body and designed exclusively for the carriage of poles.

THIRD SCHEDULE—*continued*

(4) Any motor vehicle which is designed and used exclusively or principally for the construction or maintenance of roads or streets (including mobile or movable huts, galleys, and similar motor vehicles which are used on a road solely in connection with such construction or maintenance) and which upon application by or on behalf of the owner is approved by the Minister for exemption under this Schedule, as from the date fixed in that approval.

(5) Any armoured motor vehicle of the self-laying-track type used exclusively as part of the armament of any of Her Majesty's Forces.

(6) Any tractor propelled and supported solely by means of self-laying tracks.

(7) Any motor vehicle owned by the New Zealand Cement Company Limited of Wellington, which is used on a road only in crossing the road to Cape Foulwind (to the west of the Borough of Westport) by means of a concrete road crossing constructed and maintained by the said company on the route from the company's land on one side of the said road to the company's land on the other side.

(8) Any tractor owned by the New Zealand Government Railways and used exclusively or principally for shunting purposes.

Reg. 4 (1)

## FOURTH SCHEDULE

## REGULATIONS REVOKED

Title	Serial Number
The Motor Vehicles (Licensing Fees Exemption) Regulations 1948 .. .. .	1948/208
The Motor Vehicles (Licensing Fees Exemption) Regulations 1948, Amendment No. 1 .. .. .	1950/79
The Motor Vehicles (Licensing Fees Exemption) Regulations 1948, Amendment No. 2 .. .. .	1951/146
The Motor Vehicles (Licensing Fees Exemption) Regulations 1948, Amendment No. 3 .. .. .	1953/49
The Motor Vehicles (Licensing Fees Exemption) Regulations 1948, Amendment No. 4 .. .. .	1953/117
The Motor Vehicles (Licensing Fees Exemption) Regulations 1948, Amendment No. 5 .. .. .	1956/96
The Motor Vehicles (Licensing Fees Exemption) Regulations 1948, Amendment No. 6 .. .. .	1956/200
The Motor Vehicles (Licensing Fees Exemption) Regulations 1948, Amendment No. 7 .. .. .	1958/30
The Motor Vehicles (Licensing Fees Exemption) Regulations 1948, Amendment No. 8 .. .. .	1959/85

FIFTH SCHEDULE

Reg. 4 (1)

NOTICES REVOKED

Description	Reference
Stone Crushing and Screening Plant Exempted from Annual Licence Fees	<i>Gazette</i> , 1950, Vol. II, p. 1652.
Mobile Winches Exempted from Annual Licence Fees	<i>Gazette</i> , 1951, Vol. III, p. 1404.
Mobile Hoppers Exempted from Annual Licence Fees	<i>Gazette</i> , 1951, Vol. III, p. 1871.
Fork Lift Vehicles Exempted from Annual Licence Fees	<i>Gazette</i> , 1953, Vol. I, p. 599.
Glider Launching Winches Exempted from Annual Licence Fees	<i>Gazette</i> , 1953, Vol. III, p. 1523.
Bulk Loading Elevator Vehicles Exempted from Annual Licence Fees	<i>Gazette</i> , 1955, Vol. II, p. 1183.
Electric Generating Plant Vehicles Exempted from Annual Licence Fees	<i>Gazette</i> , 1955, Vol. II, p. 1344.
Pile Driving Vehicles Exempted from Annual Licence Fees	<i>Gazette</i> , 1955, Vol. III, p. 1737.
Drilling Rigs: Exemption from Annual Licence Fees	<i>Gazette</i> , 1956, Vol. II, p. 888.
Sawing Apparatus for Tree Cutting: Exemption from Annual Licence Fees	<i>Gazette</i> , 1958, Vol. I, p. 103.
Mobile Fruit-case Making Machines: Exemption from Annual Licence Fees	<i>Gazette</i> , 1958, Vol. III, p. 1467.
Exemptions from Annual Licence Fees . .	<i>Gazette</i> , 1960, Vol. I, p. 137.
Exemption from Annual Licence Fees: Mobile Filter for Transformer Oil	<i>Gazette</i> , 1960, Vol. I, p. 199.
Exemption from Annual Licence Fees: Road Rollers	<i>Gazette</i> , 1960, Vol. I, p. 440.
Exemption from Annual Licence Fees: Post-debarking Machine	<i>Gazette</i> , 1961, Vol. I, p. 212.

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 and amend the Motor Vehicles (Licensing Fees Exemption) Regulations 1948.

The principal amendments are as follows:

In regulation 2 the definition of "agricultural operation" has been amended to make it clear that farm implements and stock are farm requisites, and the definition of "farm" has been set out in full, in order to make it clear that it includes a permanent State forest, a poultry farm, and an egg-producing farm. The term "traction engine" has been defined and the term "tractor" has been given a new definition.

Regulation 3 (2) has been inserted to make it clear that the use of an exempted motor vehicle on a road in connection with its inspection, servicing, or repair does not cause its exemption to be lost.

Certain types of machinery which have already been exempted from annual licence fees by the Minister under the powers conferred on him by the regulations, have been included in the First Schedule.

The provisions relating to the exemption of farm tractors and trailers (clauses 4 and 5 of the Second Schedule) have been amended to allow:

- (a) Dogs to be carried to and from hydatid-control centres:
- (b) Farmers and agricultural contractors to carry farm implements where the round trip does not exceed thirteen miles:
- (c) Tobacco farmers to carry tobacco leaf to a tobacco-drying kiln where the round trip does not exceed thirteen miles.

The following vehicles are exempted for the first time:

- (a) Motor vehicles designed and used partly for carrying a motor vehicle designed and used exclusively for loading lime or fertiliser into top-dressing aircraft and partly for carrying aviation fuel in a permanently attached tank for use in top-dressing aircraft, and for no other purpose:
- (b) Tractors designed and used partly for the purpose of loading lime or fertiliser into top-dressing aircraft and partly for drawing a trailer designed and used exclusively for carrying aviation fuel in a permanently attached tank for use in top-dressing aircraft, and for no other purpose, and any trailer drawn by such a tractor:
- (c) Motor vehicles designed and used partly for the purpose of loading liquid spray into aircraft and partly for carrying water in a permanently attached tank for use in aerial spraying operations, and for no other purpose:
- (d) Any tractor owned by the New Zealand Government Railways and used exclusively or principally for shunting purposes.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 March 1961.

These regulations are administered in the Transport Department.