

Serial Number 1942/154



THE ROAD TRANSPORT EMERGENCY REGULATIONS 1942

C. L. N. NEWALL, Governor-General.

ORDER IN COUNCIL.

At the Government House at Wellington, this 23rd day of May, 1942.

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL.

PURSUANT to the Emergency Regulations Act, 1939, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, doth hereby make the following regulations.

REGULATIONS.

1. These regulations may be cited as the Road Transport Emergency Regulations 1942.

INTERPRETATION.

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

“Minister” means the Minister of Transport:

“Motor-vehicle” means a motor-vehicle as defined in section 2 of the Motor-vehicles Act, 1924, as amended by section 3 of the Transport Law Amendment Act, 1939:

“Owner”, in relation to a motor-vehicle, means the owner as defined in section 2 of the Motor-vehicles Act, 1924, as amended by section 3 of the Transport Law Amendment Act, 1939.

DIRECTIONS AS TO USE OF MOTOR-VEHICLES.

3. (1) If at any time it appears to the Minister to be necessary or expedient in the public interest so to do, he may, by notice in writing given in accordance with these regulations, direct—

(a) That any motor-vehicle or motor-vehicles referred to in the notice shall be used for such purpose or for such purposes as may be specified in the notice; or

(b) That any motor-vehicle or motor-vehicles referred to in the notice shall not after a specified date be used for any specified purpose, or that any motor-vehicle or motor-vehicles referred to in the notice shall after a specified date be used for any specified purpose only in such circumstances and in accordance with such conditions as the Minister may prescribe.

(2) Any notice given under the last preceding subclause may be given in respect of a specified motor-vehicle or of specified motor-vehicles, or may be given generally in respect of any motor-vehicle or motor-vehicles for the time being in the possession or under the control of the person to whom the notice is given, or may be given in respect of any such motor-vehicles of a specified kind or class.

(3) Any notice under this regulation may be given to the owner of the motor-vehicle or motor-vehicles to which the notice relates, or may be given to any person who appears to the Minister to have any authority (whether absolute or limited) to use such motor-vehicle or motor-vehicles.

(4) Any notice given for the purposes of this regulation may be served personally on the owner or other person to whom it is given, or may be sent to him by registered letter addressed to him at his usual or last known place of residence or business, or may be given by notice published in a newspaper circulating in the district.

(5) Any notice sent by registered letter as aforesaid shall be deemed to have been given on the day on which, in the ordinary course of post, it would be delivered to the person to whom it is addressed.

4. (1) Any notice under the last preceding regulation requiring the use of any motor-vehicle or of any motor-vehicles for any purpose may relate to the performance of a specified work, or may relate to the carrying-on of a specified service.

(2) Any such notice may specify the conditions subject to which the work must be done or the service must be carried on, and in particular, but not in limitation of the general authority herein conferred, may contain directions as to the time when any such work must be done, or the period within which any such service must be carried on, or as to the number or class of workers to be employed for the purposes of such work or service.

(3) Every such notice as aforesaid may be at any time amended or revoked.

MODIFICATION OF EXISTING ACTS AND REGULATIONS IN THEIR APPLICATION TO THE USE OF MOTOR-VEHICLES UNDER THESE REGULATIONS.

5. (1) Except as provided in the next succeeding subclause the provisions of the Transport Licensing Act, 1931, or of the Motor-vehicles Act, 1924, or of section 166 of the Public Works Act, 1928, or of any regulations made under or for the

purposes of any of the said enactments, shall apply in respect of the use of any motor-vehicle in accordance with these regulations only to such extent as may be specified by the Minister in any notice given by him with respect to the use of such motor-vehicle.

(2) Nothing in these regulations or in any notice given thereunder shall exempt the driver of any motor-vehicle from the operation of section 27, 28, 29, 30, or 32 of the Motor-vehicles Act, 1924, or section 5 of the Motor-vehicles Amendment Act, 1936.

(3) The provisions of the Motor-vehicles Insurance (Third-party Risks) Act, 1928, and of the regulations thereunder are hereby suspended in so far as they may require that there shall be paid in respect of any motor-vehicle used in accordance with a notice given under these regulations a premium higher than the premium that would be payable if the motor-vehicle were not so used.

(4) The provisions of clause (5) of Regulation 2 of the Motor-drivers Regulations 1940,* are hereby suspended in so far as they may require the driver of a motor-vehicle, while being used in accordance with a notice under these regulations, to be the holder of a motor-driver's license of a class different from that which he would be required to hold if the motor-vehicle were not used in accordance with the notice.

DELEGATION OF POWERS.

6. (1) The Minister may from time to time, either generally or particularly, delegate to any person any of the powers conferred on him by these regulations, including the power of delegation conferred by this regulation.

(2) Subject to any general or special directions given by the Minister or other person by whom any powers are delegated as aforesaid, the person to whom any powers are so delegated may exercise those powers in the same manner and with the same effect as if they had been directly conferred on him by these regulations and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this regulation shall be presumed to be acting in accordance with the terms of the delegation unless and until the contrary is proved.

(4) Any delegation under this regulation may be made to a specified person or to persons of a specified class, or may be made to the holder for the time being of a specified office, or to the holders of offices of a specified class, whether any such offices are in the Government service or not.

(5) The delegation by the Minister or by any other person of any powers conferred on him by or by virtue of these regulations shall not prevent the personal exercise of those powers by the Minister or by such other person.

* Statutory Regulations 1940, Serial number 1940/73, page 211.

MINISTER'S DIRECTIONS UNDER THESE REGULATIONS TO PREVAIL
OVER CONTRACTUAL OBLIGATIONS.

7. (1) No person shall be excused from complying with any directions given by the Minister or by any other person under or for the purposes of these regulations on the ground that compliance therewith would prevent or interfere with his obligations or the obligations of any other person under any contract, whether such contract has, in any case, been entered into before or after the commencement of these regulations.

(2) In any proceedings for failure to comply with any such contract it shall be a good defence if the defendant proves that the failure complained of was directly or indirectly attributable to his compliance or to the compliance of some other person with any direction given by the Minister or by any other person as aforesaid under these regulations.

INFORMATION TO BE SUPPLIED.

8. The Minister may from time to time require any person to furnish, in a form to be approved by or acceptable to the Minister, any information or particulars that may be required by him for the purposes of these regulations.

OFFENCES.

9. (1) Every person commits an offence against these regulations who—

- (a) Acts in contravention of or fails to comply in any respect with any direction or requirement given or made by the Minister or any other person acting under the authority of these regulations; or
- (b) Makes any false or misleading statement in or any material omission from any communication (whether in writing or otherwise) made to the Minister or any other person for the purposes of these regulations.

(2) Every person who commits an offence against these regulations shall be liable on summary conviction,—

- (a) In the case of an individual, to imprisonment for a term not exceeding three months, or to a fine not exceeding £200 and (if the offence is a continuing one) to a further fine not exceeding £50 for every day during which the offence continues;
- (b) In the case of a body corporate, to a fine not exceeding £500 and (if the offence is a continuing one) to a further fine not exceeding £100 for every day during which the offence continues.

C. A. JEFFERY,
Clerk of the Executive Council.