

1978/177



THE ROAD USER CHARGES REGULATIONS 1978,
AMENDMENT NO. 1

KEITH HOLYOAKE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 26th day of June 1978

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Road User Charges Act 1977, His Excellency the Governor-General, 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 Road User Charges Regulations 1978, Amendment No. 1, and shall be read together with and deemed part of the Road User Charges Regulations 1978* (hereinafter referred to as the principal regulations).

(2) Regulation 4 (1) of these regulations shall come into force on the 1st day of August 1978.

(3) Subject to subclause (2) of this regulation, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. **Interpretation**—Regulation 2 of the principal regulations is hereby amended—

(a) By revoking paragraph (a) of the definition of the term “hubodometer”, and substituting the following paragraph:

“(a) If fitted before the 1st day of January 1979 to a motor vehicle operated by a Government department or a local authority, has a unique serial number thereon; or”:

(b) By inserting, after the definition of the term “hubodometer”, the following definition:

“‘Local authority’ means a territorial authority within the meaning of the Local Government Act 1974, the Auckland Regional Authority, or the Christchurch Transport Board.”.

3. Vehicles exempted from Act—The principal regulations are hereby amended by revoking regulation 3, and substituting the following regulation:

“3. The following motor vehicles are hereby exempted from Part I of the Act:

“(a) All motor vehicles that are exempted vehicles within the meaning of section 188 of the Transport Act 1962:

“(b) Two-wheeled motor vehicles whose gross laden weight is 1 tonne or less:

“(c) Trailers designed and used exclusively as part of the armament of any of Her Majesty’s Forces (other than trailers designed solely for the carriage of goods).”

4. Hubodometers—(1) Regulation 6 of the principal regulations is hereby amended by revoking subclause (5), and substituting the following subclause:

“(5) Every hubodometer (other than an electronic hubodometer) fitted to a motor vehicle for the purposes of this regulation shall be affixed by a rigid bracket to a non-lifting axle or wheel on the left-hand side (or the right-hand side, in any case where the Secretary has given written notice to the effect that he considers that it is impracticable to affix a hubodometer to the left-hand side) of the motor vehicle in such a manner that—

“(a) It accurately records the distance travelled by the vehicle; and

“(b) It is easily visible from outside the vehicle; and

“(c) Its axis of rotation is central and parallel to the axis of rotation of the axle or wheel to which it is affixed.

Where an adjustable bracket is used to affix a hubodometer to an axle or wheel, the bracket shall be welded, rivetted, or otherwise modified to ensure that, once so affixed, the hubodometer’s position cannot be altered.”

(2) Regulation 6 of the principal regulations is hereby further amended by inserting, after subclause (5), the following subclause:

“(5A) Every electronic hubodometer fitted to a motor vehicle for the purposes of this regulation shall be affixed to the motor vehicle in such a manner that—

“(a) It accurately records the distance travelled by the vehicle; and

“(b) Its wheel revolution detector is affixed by a rigid bracket in such a manner that it accurately records the revolutions of a non-lifting wheel of the vehicle; and

“(c) The face of the distance recording unit thereof is easily visible from outside the left-hand side of the vehicle; and

“(d) All cables and fittings thereof are easily visible without dismantling any part of the vehicle; and

“(e) It cannot be switched off or temporarily disconnected from within the vehicle; and

“(f) Where its functioning is dependent upon internal re-chargeable batteries, it is connected to a power supply that continuously re-charges the batteries whenever the vehicle is moving.

Where an adjustable bracket is used to affix a wheel revolution detector to a vehicle, the bracket shall be welded, rivetted, or otherwise modified to ensure that, once so affixed, the detector's position cannot be altered."

(3) Regulation 6 (6) (a) of the principal regulations is hereby amended by omitting the words "subclause (5) of".

5. Restrictions on replacement and modification of hubodometers—
The principal regulations are hereby amended by inserting, after regulation 6, the following regulation:

"6A. (1) No person shall replace a hubodometer fitted to a motor vehicle for the purposes of these regulations with another hubodometer that has previously been fitted to that vehicle.

"(2) No person, other than the manufacturer thereof or a person approved in writing for this purpose by the Secretary, shall repair or modify or attempt to repair or modify, or in any way tamper with any part of, a hubodometer.

"(3) Any approval given by the Secretary for the purposes of this regulation may be given on such terms and conditions as the Secretary thinks fit; and may at any time be varied or revoked by the Secretary by notice in writing to the person.

"(4) Every person who contravenes or fails to comply in any respect with this regulation commits an offence, and is liable on summary conviction to a fine not exceeding \$1,000."

6. Amendment to Motor Spirits Duty Refund Regulations 1978—
Part III of the First Schedule to the Motor Spirits Duty Refund Regulations 1978* is hereby amended by omitting from clause 16 the word "tractor", and substituting the words "motor vehicle".

P. G. MILLEN,
Clerk of the Executive Council.

*S.R. 1978/28

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

Regulation 2: The effect of this amendment is to provide that certain hubodometers used by certain local authorities need not have a manufacturer's serial number thereon.

Regulation 3: The effect of this amendment is to add to the list of exemptions from the Road User Charges Act 1977 two-wheeled motor vehicles whose gross laden weight is 1 tonne or less and trailers used as part of the armament of the Armed Forces.

Regulation 4 prescribes new requirements relating to the fitting of mechanical and electronic hubodometers. The new provisions relating to mechanical hubodometers do not come into force until 1 August 1978.

Regulation 5 inserts a new regulation 6A in the principal regulations. The new regulation provides that no person shall replace a hubodometer fitted to a motor vehicle with another hubodometer that has previously been fitted to that vehicle; and that no person, other than the manufacturer or a person approved by the Secretary for Transport, shall repair, modify, or tamper with a hubodometer.

Regulation 6 amends the Motor Spirits Duty Refund Regulations 1978 by including in the list of exempted motor vehicles any motor vehicle owned by a Harbour Board, shipping company, or stevedoring company and used for certain purposes. Previously only tractors so owned and used were exempted motor vehicles.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 29 June 1978.

These regulations are administered in the Ministry of Transport.