



TRAFFIC AMENDMENT REGULATIONS 1999

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 2nd day of February 1999

Present:

THE RIGHT HON JENNY SHIPLEY PRESIDING IN COUNCIL

PURSUANT to section 218 of the Land Transport Act 1998, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

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| 1. Title and commencement | 4. Inspection of motor vehicles after accidents |
| 2. Interpretation | 5. Exemptions of certain motor vehicles |
| 3. Provisions relating to warrants of fitness, certificates of fitness, certificates of loading, and permits, revoked | 6. Inspection certificate |
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| | 8. Offences |
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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Traffic Amendment Regulations 1999, and are part of the Traffic Regulations 1976* (“the principal regulations”).

(2) These regulations come into force on 1 March 1999.

2. Interpretation—(1) Regulation 2 of the principal regulations is amended by revoking the definitions of the terms “certificate of fitness or permit” and “warrant of fitness”, and inserting, in their appropriate alphabetical order, the following definitions:

“‘Certificate of fitness or permit’, except in the definition in this regulation of the term ‘evidence of vehicle inspection’, means evidence of vehicle inspection:

“‘Evidence of vehicle inspection’, in relation to a motor vehicle, means anything that is a certificate, label, or document issued under the Land Transport Act 1998, or under land transport rules, as evidence of the completion of the periodic vehicle inspection requirements in respect of that vehicle; and includes—

“(a) A certificate of fitness or permit issued under section 79 of the Act and these regulations before 1 March 1999; and

“(b) A warrant of fitness issued under these regulations before 1 March 1999:

“‘Land transport rules’ means any of the following rules:

“(a) The ordinary rules and emergency rules made under the Land Transport Act 1998; and

“(b) The rules referred to in section 220 of that Act:

“‘Vehicle compliance certifier’ means a person appointed by the Director under land transport rules to certify motor vehicles in accordance with those rules:

*S.R. 1976/227

Amendment No. 1: S.R. 1978/72
 Amendment No. 2: (*Revoked by S.R. 1984/169*)
 Amendment No. 3: (*Revoked by S.R. 1980/115*)
 Amendment No. 4: S.R. 1980/31
 Amendment No. 5: S.R. 1980/115
 Amendment No. 6: S.R. 1981/158
 Amendment No. 7: S.R. 1981/311
 Amendment No. 8: S.R. 1982/93
 Amendment No. 9: S.R. 1983/282
 Amendment No. 10: S.R. 1984/31
 Amendment No. 11: S.R. 1984/169
 Amendment No. 12: S.R. 1985/70
 Amendment No. 13: S.R. 1985/144
 Amendment No. 14: S.R. 1985/289
 Amendment No. 15: S.R. 1987/213
 Amendment No. 16: S.R. 1988/171
 Amendment No. 17: S.R. 1988/187
 Amendment No. 18: S.R. 1988/326
 Amendment No. 19: (*Revoked by S.R. 1990/333*)
 Amendment No. 20: S.R. 1989/312
 Amendment No. 21: S.R. 1990/159
 Amendment No. 22: S.R. 1990/333
 Amendment No. 23: S.R. 1992/184
 Amendment No. 24: S.R. 1993/176
 Amendment No. 25: S.R. 1993/295
 Amendment No. 26: S.R. 1994/31
 Amendment No. 27: S.R. 1994/312
 Amendment No. 28: S.R. 1996/43
 Amendment No. 29: S.R. 1996/338
 Amendment 1997: S.R. 1997/143
 Amendment [No. 2] 1997: S.R. 1997/341
 Amendment 1998: S.R. 1998/45
 Amendment [No. 2] 1998: S.R. 1998/222
 Amendment [No. 3] 1998: S.R. 1998/449

“‘Warrant of fitness’, except in the definition in this regulation of the term ‘evidence of vehicle inspection’, means evidence of vehicle inspection.”

(2) Regulation 2 of the Traffic Regulations 1976, Amendment No. 12 is revoked.

3. Provisions relating to warrants of fitness, certificates of fitness, certificates of loading, and permits, revoked—The following regulations are revoked:

- (a) Regulations 84, 85, 86, of the principal regulations:
- (b) Regulations 10 and 11 of the Traffic Regulations 1976, Amendment No. 1:
- (c) Regulation 8 of the Traffic Regulations 1976, Amendment No. 10:
- (d) Regulation 3 of the Traffic Regulations 1976, Amendment No. 14:
- (e) Regulation 7 of the Traffic Regulations 1976, Amendment No. 29:
- (f) Regulations 4 and 6 of the Traffic Amendment Regulations (No. 2) 1998.

4. Inspection of motor vehicles after accidents—Regulation 87 of the principal regulations is amended by revoking subclause (1), and substituting the following subclauses:

“(1) A member of the Police who believes that a motor vehicle involved in an accident has been so damaged that it is unsafe may, by notice under section 115 of the Land Transport Act 1998, direct that the vehicle must not be operated on any road until there has been produced to any member of the Police—

- “(a) Fresh evidence of vehicle inspection; or
- “(b) A letter from a vehicle compliance certifier advising that fresh evidence of vehicle inspection is not needed.

“(1A) The notice may contain a provision to the effect that the vehicle may continue to be operated on the roads for the purpose only of reaching a vehicle compliance certifier and obtaining evidence of vehicle inspection; and the provision may be unconditional, or subject to any limitations (as to speed, route, or any other matter) the member of the Police giving the notice thinks fit.”

5. Exemptions of certain motor vehicles—Regulation 89 (1) of the principal regulations is amended by omitting the words “regulations 78, 81, and 82, and regulations 84 to 87 hereof”, and substituting the words “78, 81, 82, and 87”.

6. Inspection certificate—(1) Regulation 90L of the principal regulations is amended by revoking subclause (3), and substituting the following subclauses:

“(3) An inspection certificate—

“(a) Must be in a form, and the colour or colours (if any), prescribed by the Director; and

“(b) May comprise any parts the Director prescribes.

“(3A) The owner of a vehicle for which an inspection certificate is issued must keep it (or the portion of it issued to the owner) affixed to the vehicle—

“(a) In a position as close as practicable to the position required by land transport rules for evidence of vehicle inspection; and

“(b) With the month of expiry facing outwards so that it is clearly legible.”

(2) Regulation 15 of the Traffic Regulations 1976, Amendment No. 15 is revoked.

7. Alternative fuel systems to be safe—The principal regulations are amended by inserting, after regulation 90L, the following regulation:

“90LA. (1) No person may operate a motor vehicle fitted with an alternative fuel system that is not in a safe working condition.

“(2) It is a defence in any proceedings for a breach of subclause (1) if the defendant proves that the defendant did not know, and had no reasonable cause to suspect, that the motor vehicle was not so equipped and in such a condition as to justify the issue for it of an inspection certificate under regulation 90L.”

8. Offences—Regulation 136 of the principal regulations is amended by inserting, after paragraph (c), the following paragraph:

“(ca) With intent to deceive, alters any evidence of vehicle inspection, or displays any altered evidence of vehicle inspection on any motor vehicle; or”.

MARIE SHROFF,
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, which come into force on 1 March 1999, make to the Traffic Regulations 1976 miscellaneous amendments that are consequential on the coming into force on that day of rules made under the Land Transport Act 1998.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 4 February 1999.

These regulations are administered in the Ministry of Transport.