

Serial Number 1942/230



**THE TRAFFIC EMERGENCY REGULATIONS 1942 (NO. 2)**

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

**ORDER IN COUNCIL.**

At the Government House at Wellington, this 29th day of  
July, 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 Traffic Emergency Regulations 1942 (No. 2).

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

“ Minister ” means the Minister of Transport ; and includes any person for the time being authorized to exercise any of the Minister’s powers or functions under these regulations :

Expressions defined in the Traffic Regulations 1936\* have the meanings so defined.

3. (1) Subject to the provisions of this regulation, and notwithstanding anything to the contrary in any Act or in any regulation or by-law, no person shall drive any motor-vehicle at a speed exceeding forty miles an hour on any road, street, or other place to which the public have access.

(2) It shall be a defence to any person charged with an offence against this regulation if he proves that he was at the time of the act in respect of which he is so charged the driver of a motor-vehicle—

(a) Used as an ambulance, and being at the time used on urgent ambulance service ; or

\* Statutory Regulations 1936-7, Serial number 1936/86, page 319.

Amendment No. 1 : Statutory Regulations 1939, Serial number 1939/76, page 306.

Amendment No. 2 : Statutory Regulations 1940, Serial number 1940/156, page 531.

- (b) Used for a fire-brigade for attendance at fires and at the time responding to a call of fire ; or
  - (c) Conveying a constable or a traffic inspector or a member of His Majesty's naval, military, or air forces, or a member of any other force for the time being lawfully present in New Zealand, engaged on urgent business in the execution of his duty ; or
  - (d) Conveying a member of the Executive Council engaged on urgent public business, or conveying any other person authorized in that behalf by the Minister and engaged on urgent public business in the execution of his functions.
- (3) Nothing in this regulation shall operate—
- (a) To make lawful in respect of any place for which a lower limit of speed than forty miles an hour is duly fixed any speed in excess of that lower limit :
  - (b) To make it a defence in any proceedings for an offence relating to the use of a motor-vehicle, other than an offence against this regulation, that at the time of the alleged offence the motor-vehicle was being driven at a speed not exceeding forty miles an hour.

4. (1) No person shall operate any motor-vehicle so that any of the tires fitted to it bears a weight greater than the weight for which a tire of that make and type is declared to be available by the Minister by Order published in the *Gazette*.

(2) For the purposes of this regulation each of the tires fitted to any dual wheel shall be deemed to bear one-half of the total weight borne by both tires.

5. Notwithstanding anything to the contrary in Regulation 9 (2) of the Traffic Regulations 1936,\* any motor-vehicle used for the purposes of the Home Guard or any emergency precautions service may, with the authority of the Minister given in respect of that vehicle or of the class to which that vehicle belongs, but not otherwise, be equipped with a bell, siren, or whistle for use only while the vehicle is being used for the purposes of the Home Guard or any emergency precautions service.

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 appointment, or to the

\* Statutory Regulations 1936-7, Serial number 1936/86 page 319.

holders of offices or appointments of a specified class, whether or not any such offices or appointments are in the Government service or in any of His Majesty's forces or in any emergency precautions service.

(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.

7. Every person commits an offence against these regulations who, without lawful excuse, acts in contravention of or fails to comply in any respect with any provision of these regulations.

8. Every person who commits an offence against these regulations shall be liable on summary conviction to a fine not exceeding £50.

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

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Issued under the authority of the Regulations Act, 1936.

Date of notification in *Gazette* : 30th day of July, 1942.

These regulations are administered in the Transport Department.