



**THE TRANSPORT (DEMERIT POINTS) REGULATIONS 1985**

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DAVID BEATTIE, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 20th day of May 1985

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 51 and 199 of the Transport Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Transport (Demerit Points) Regulations 1985.

(2) These regulations shall come into force on the 1st day of June 1985.

**2. Demerit points**—(1) Subject to subclause (2) of this regulation, the number of demerit points to be recorded by the Secretary in respect of any person convicted of an offence described in the Schedule to these regulations that was committed on or after the 1st day of June 1985 shall be the number of demerit points shown in the final column of that Schedule in relation to the offence.

(2) No demerit points shall be recorded in respect of any offence for which the defendant is disqualified from holding or obtaining a driver's licence for a period of 3 months or more.

SCHEDULE  
SCALE OF DEMERIT POINTS

Enactment	Section or Regulation	General description of offence	Number of Demerit Points
The Transport Act 1962 .. ..	35	Driving while disqualified or contrary to terms of limited licence	} 40 demerit points
	55 (1)	Causing bodily injury or death through reckless or dangerous driving	
	55 (2)	Causing bodily injury or death through driving while under influence of drink or drugs or with excessive breath or blood-alcohol concentration	
	56 (1A)	Causing bodily injury or death through careless use of a motor vehicle while— (a) Driving in excess of speed limit; or (b) Driving under influence of drink or drug but not so as to commit an offence against section 55 (2) of the Transport Act 1962; or (c) Driving in such a manner as to commit an offence against regulations made under the Transport Act 1962 prescribing the manner of overtaking another vehicle or prescribing the part of the road on which a driver may drive his motor vehicle	
	57 (a)	Reckless driving	
	57 (b)	Driving at a speed which is or might be dangerous	

SCHEDULE—continued

Enactment	Section or Regulation	General description of offence	Number of Demerit Points
The Transport Act 1962 .. ..	57 (c)	Driving in a manner which is or might be dangerous	} 30 demerit points
	58 (1)	Driving or attempting to drive with excessive breath or blood-alcohol concentration or while under influence of drink or drugs	
	58A (5)	Failure or refusal— (a) To wait for result of breath screening test (b) To accompany traffic officer or constable when so required (c) To remain for evidential breath test or blood test (d) To wait for result of evidential breath test	
	58c (1), (2)	Refusal or failure to permit specimen of blood to be taken	
	63 (2)	Driving or attempting to drive when prohibited by constable or traffic officer	
	65 (4), (5)	Failure to observe duty in case of accident	
	8 (3)	Passing or attempting to pass where insufficient clear road visible	
	8 (6)	Passing or attempting to pass where no-passing lines marked	
The Transport Act 1962 .. ..	56 (1)	Causing bodily injury or death by careless driving	}

The Traffic Regulations 1976	60	Careless or inconsiderate use of motor vehicle	
	4 (1)	Failure to keep vehicle as close as practicable to left side of roadway	
	9 (1) (b)	Proceeding before way is clear at stop sign	
	9 (2)	Failure to comply with duties at intersection where give-way sign erected	
	9 (3)	Failure to observe give-way rule when turning	
	9 (4)	Failure to observe give-way to right rule	
	12	Failure to observe duties at pedestrian crossing	
	13	Failure to stop and remain stopped for school patrol sign	
	18 (1)	Failure to comply with signals given by traffic lights	
The Transport Act 1962	27 (1)	Operating vehicle that causes or is likely to cause injury, annoyance, or damage by reason of its condition, manner of operation, or load (including unsafe securing or covering of load)	
	The Traffic Regulations 1976	64 (1)	Failure to stop before entering railway level crossing
		4 (4)	Failure to move to left when speed impedes flow of traffic
		8 (2)	Overtaking at or near intersection
		8 (5)	Overtaking at or near railway level crossing
9 (1) (a)	Failure to stop at stop sign in such a position as to be able to ascertain way is clear		

} 25 demerit points

SCHEDULE—continued

Enactment	Section or Regulation	General description of offence	Number of Demerit Points
The Transport (Drivers Licensing) Regulations 1985	11 (1)	Failure to stop at railway level crossing where stop sign erected	} 20 demerit points
	15	Failure to signal intention to stop or reduce speed, or turn or move or draw out from kerb towards right or left	
	16	Failure to use passing lane or bay	
	17	Permitting dangerous riding on vehicle	
	22 (3)	Driving at such a speed as to be unable to stop short of vehicle ahead	
	27 (2)	Operating vehicle so loaded or with load so unsafely secured or insufficiently covered that load escapes or falls or is likely to do so	
	43 (2)	Riding moped without efficient brake on each wheel	
	68 (2) (a)	Operating vehicle with insufficient service brake	
	14 (a)	Driving motor vehicle on footpath	
	27 (a)	Holder of Class AP licence driving motorcycle in excess of 50 kilometres per hour	
The Traffic Regulations 1976	8 (1)	Unsafe or inconsiderate passing or attempting to pass on left of another vehicle	}
	22 (1)	Driving in a lane at such a speed as to be unable to stop in the length of lane visible	
	22 (2)	Driving at such a speed as to be unable to stop in half the clear distance ahead	

<p>The Transport Act 1962 or any other Act or any regulations or bylaws made or continuing and having effect under the Transport Act 1962 or any other Act</p>	<p>37 (6) 58 (1) 65 (a), (b) 68 (2) (b) ..</p>	<p>Failure to dip lights Insufficient headlamps Improper use of auxiliary lamp or lamps or spotlamp Operating vehicle with insufficient parking brake Any offence consisting of the breach of a speed limit, including any offence dealt with as an infringement offence under section 42A of the Transport Act 1962, being the breach of a speed limit in respect of which the defendant has paid the speeding-infringement fee to the enforcement authority Any offence (other than an offence relating to parking) that is an infringement offence dealt with under section 42A of the Transport Act 1962</p>	<p>} 15 demerit points</p>
<p>The Transport Act 1962 or any other Act or any regulations or bylaws made or continuing and having effect under the Transport Act 1962 or any other Act</p>		<p>Any offence in connection with the driving of a motor vehicle, not being— (a) An offence described in the foregoing provisions of this Schedule; or (b) An offence against Part II of the Transport Act 1962 or sections 25 or 27 (1) of that Act; or (c) An offence against the Heavy Motor Vehicle Regulations 1974 that is the breach of a speed limit; or (d) An offence against subclause (2) or subclause (3) of regulation 85 of the Traffic Regulations 1976; or (e) An offence against the Transport Licensing Regulations 1984</p>	<p>} 10 demerit points</p>

## EXPLANATORY NOTE

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

These regulations prescribe the demerit points to be recorded in relation to various offences relating to motor vehicles committed on or after 1 June 1985. Sections 44 to 48 of the Transport Act 1962 set out the consequences for a driver of having demerit points recorded against him.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 23 May 1985.

These regulations are administered in the Ministry of Transport.