

1969/115



THE TRAFFIC REGULATIONS 1956, AMENDMENT NO. 18

ARTHUR PORRITT, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 23rd day of June 1969

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to 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.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Traffic Regulations 1956, Amendment No. 18, and shall be read together with and deemed part of the Traffic Regulations 1956* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of July 1969.

2. Tyres—(1) Regulation 44A of the principal regulations (as substituted by regulation 8 of the Traffic Regulations 1956, Amendment No. 17) is hereby amended by adding to subclause (2) the words “nor to any tyre on a twin wheel fitted to a vehicle that is not principally designed for the carriage of passengers unless both the tyres fitted to that twin wheel have a tread pattern less than that specified as aforesaid”.

(2) Regulation 44A of the principal regulations (as so substituted) is hereby further amended by adding the following subclause:

“(4) Notwithstanding anything in the foregoing provisions of this regulation, the use of a tyre in breach of those provisions shall not be an offence if, before the occasion on which the tyre was so used,—

“(a) The owner of the motor vehicle had taken all reasonable steps to obtain a new or retreaded or recapped tyre to replace the tyre that did not comply with the requirements of the relevant subclause but such a tyre was not obtainable; and

“(b) The owner had placed with a supplier an order for such a tyre, which order was still in force.”

*S.R. 1956/217 (Reprinted with Amendments Nos. 1 to 16: S.R. 1968/32)
Amendment No. 17: S.R. 1969/54

3. Warrants of fitness—(1) Regulation 52 of the principal regulations is hereby amended by adding to subclause (6) (as substituted by regulation 19 of the Traffic Regulations 1956, Amendment No. 15) the following proviso:

“Provided that a warrant of fitness may be issued in respect of a motor vehicle notwithstanding that it does not comply with the requirements of subclause (2) of regulation 44A hereof, if—

“(a) The testing authority is satisfied that the owner of the motor vehicle has placed with a supplier an order, which is then in force, for a new or retreaded or recapped tyre to replace the tyre that does not comply with the relevant requirements of regulation 44A hereof but such a tyre is not then obtainable; and

“(b) The owner supplies to the testing authority an undertaking in writing that such a tyre will be fitted to the motor vehicle as soon as it is received.”

(2) Regulation 52 of the principal regulations is hereby further amended by inserting in subclause (7), before the words “No person shall”, the words “Subject to the proviso to subclause (6) of this regulation”.

P. J. BROOKS,

Clerk of the Executive Council.

EXPLANATORY NOTE

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

Regulation 2 amends regulation 44A of the principal regulations, relating to tyres on motor vehicles. The changes are—

(a) The provisions requiring tyres to have a minimum tread depth of $\frac{1}{8}$ of an inch are modified in the case of motor vehicles (other than those designed principally for the carriage of passengers) having twin wheels. In such cases it will be sufficient if one of the two tyres on each such wheel complies with that requirement.

(b) No offence is committed if the owner has taken all reasonable steps to obtain a new or retreaded or recapped tyre to replace the tyre in question but has been unable to obtain one and an order has been placed for a replacement tyre.

Regulation 3 is a corresponding amendment to regulation 52 of the principal regulations relating to warrants of fitness. It enables a warrant to be issued in respect of any motor vehicle that carries a tyre having less than the minimum tread depth if the testing authority is satisfied that a replacement tyre is not obtainable and the owner has placed an order for a replacement and gives to the testing authority a written undertaking to have the replacement tyre fitted as soon as it is received.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 June 1969.

These regulations are administered in the Ministry of Transport.