

1971/117



**THE TRAFFIC REGULATIONS 1956, AMENDMENT NO. 21**

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**ARTHUR PORRITT, Governor-General**  
**ORDER IN COUNCIL**

At the Government House at Wellington this 24th day of May 1971

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.

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**REGULATIONS**

**1. Title and commencement**—(1) These regulations may be cited as the Traffic Regulations 1956, Amendment No. 21, 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 June 1971.

**2. Temporary speed limits**—(1) Regulation 31 of the principal regulations (as amended by regulation 5 of the Traffic Regulations 1956, Amendment No. 20) is hereby further amended by adding the following subclause:

“(4) Every person commits an offence who drives a motor vehicle on a road where a temporary maximum speed limit is fixed pursuant to the provisions of this regulation at a speed in excess of the maximum so fixed.”

(2) Regulation 5 of the Traffic Regulations 1956, Amendment No. 20, is hereby consequentially revoked.

**3. Warrants of fitness**—(1) The principal regulations are hereby further amended by revoking regulation 52, and substituting the following regulation:

“52. (1) Save as provided in subclause (10) of this regulation, no person shall operate a motor vehicle other than a power cycle unless there is carried on the vehicle a current warrant of fitness as described in subclause (2) of this regulation.

\*S.R. 1956/217 (Reprinted with Amendments Nos. 1 to 16: S.R. 1968/32)  
 Amendment No. 17: S.R. 1969/54  
 Amendment No. 18: S.R. 1969/115  
 Amendment No. 19: S.R. 1970/157  
 Amendment No. 20: S.R. 1970/272

“(2) Every warrant of fitness shall be in 2 parts as described in the Second Schedule hereto, and the owner of the motor vehicle for which the warrant is issued shall keep the portion of the warrant issued to him affixed to the vehicle with the month of expiry facing forward so that it is clearly legible, in the following manner:

“(a) In the case of a vehicle fitted with a windscreen, the warrant shall be affixed to the left-hand side of the inner side of the windscreen so as not to be readily detachable therefrom:

“(b) In the case of a vehicle not fitted with a windscreen, the warrant shall be affixed to the inside of a piece of clear glass or other transparent material fitted to an approved waterproof holder, which shall be attached to the vehicle,—

“(i) In the case of a motor cycle, in such a position that it is readily visible:

“(ii) In the case of a trailer, on the back of the vehicle and in a position near the registration plate:

“(iii) In the case of a tractor or other motor vehicle, in a conspicuous position on the front of the vehicle on the left-hand side and as near as convenient to the top thereof:

“(3) The warrant of fitness shall be issued only by an approved testing authority, which shall be—

“(a) A City Council, or Borough Council, or County Council; or

“(b) A person or firm appointed or approved for the purpose by the Minister, which appointment or approval shall be notified in such manner as the Minister directs. Every appointment or approval of a person or firm may be revoked at any time by the Minister, and the revocation shall be notified in such manner as the Minister directs.

“(4) The expiry date to be entered on the warrant of fitness by the approved testing authority shall be the date 6 months from the date of the examination:

“Provided that, in the case of a vehicle for which a warrant of fitness has already been issued, a further warrant of fitness may be issued on any of the last 14 days of the currency of the previous warrant of fitness to expire not later than 6 months from the date of expiry of the previous warrant of fitness.

“(5) The Minister may, by notice published in the *Gazette*, exempt from the provision of subclause (1) of this regulation any motor vehicle while used solely on such island or islands as may be specified in the notice.

“(6) With the prior consent of the Secretary or any person authorised by him for the purpose, a warrant of fitness may be issued for a vehicle not equipped with lamps as required by regulations 34 to 40 hereof if the warrant is expressed to be subject to both of the following conditions—namely, first, that no headlamps shall be fitted to the vehicle, and, second, that the vehicle shall not be operated during the hours of darkness. The existence of such a warrant shall excuse non-compliance with regulations 34 to 40 hereof, but no person shall, if the only warrant of fitness carried in a motor vehicle is one containing the conditions herein specified, operate that vehicle on a road in breach of either of those conditions:

“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 approved 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 approved testing authority an undertaking in writing that such a tyre will be fitted to the motor vehicle as soon as it is secured.

“(7) Except as provided in subclause (6) of this regulation, no approved testing authority shall issue a warrant of fitness in respect of any vehicle requiring to be equipped by any of the provisions of regulations 34 to 45, subclause (1) of regulation 46, regulations 47 to 50, and regulation 51D hereof, or in the case of a motor cycle, by regulations 61 to 67 hereof, which is not so equipped, or if, having regard to the condition of the vehicle or of any of its equipment or to the absence of any equipment, the operation or use of the vehicle would be a breach of any of these conditions.

“(8) Until the date fixed by the Minister for the purposes of subclause (9) of this regulation, any approved testing authority may, in his or its discretion, decline to issue a warrant of fitness in respect of any motor vehicle if in his or its opinion it is so affected by corrosion or weakening of its structure that the vehicle is unsafe to operate.

“(9) On and after a date to be fixed by the Minister by notice in the *Gazette*, no approved testing authority shall issue a warrant of fitness in respect of any motor vehicle if in his or its opinion based on a visual external examination the motor vehicle, is so affected by corrosion or weakening of its structure that the vehicle is unsafe to operate.

“(10) An applicant for a warrant of fitness shall pay to the approved testing authority a fee of not more than 75 cents in the case of a warrant in respect of a motor cycle or trailer and a fee of not more than \$1 in the case of a warrant in respect of any other kind of motor vehicle. If as a result of that inspection a warrant of fitness is not issued, no additional fee may be charged in either case for subsequent applications for the purposes of the same warrant if those applications are made within 28 days after making the first application for inspection for the issue of the warrant.

“(11) On application by any person to whom a warrant of fitness has been issued and on proof to the satisfaction of the approved testing authority that the warrant has been lost or destroyed, the approved testing authority which issued the warrant shall at any time during the currency of the warrant issue to the applicant a duplicate warrant of fitness free of charge. Every such duplicate shall for the purposes of these regulations have the same effect as the original.

“(12) Every person or firm other than a department of State or an officer of the Crown desiring to be appointed as an approved testing authority shall make application to the Minister in that behalf, and shall forward with his application a fee of \$10.

“(13) This regulation shall not apply to any motor vehicle which has been issued with or is required to be issued with a certificate of fitness, permit, or corresponding document issued under Part VII of the said Act.

“(14) It shall be a defence in any proceedings for a breach of sub-clause (1) of this regulation if the defendant proves that the motor vehicle was being operated solely for the purpose of obtaining a warrant of fitness.”

(2) The following regulations are consequentially revoked:

- (a) Regulation 13 (1) of the Traffic Regulations 1956, Amendment No. 2:
- (b) Regulation 16 of the Traffic Regulations 1956, Amendment No. 7:
- (c) Regulation 14 of the Traffic Regulations 1956, Amendment No. 10:
- (d) The Traffic Regulations 1956, Amendment No. 14:
- (e) Regulation 19 of the Traffic Regulations 1956, Amendment No. 15:
- (f) The Traffic Regulations 1956, Amendment No. 16:
- (g) Regulations 11 and 12 of the Traffic Regulations 1956, Amendment No. 17:
- (h) Regulation 3 of the Traffic Regulations 1956, Amendment No. 18:
- (i) Regulation 3 of the Traffic Regulations 1956, Amendment No. 19.

P. J. BROOKS,

Clerk of the Executive Council.

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#### EXPLANATORY NOTE

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

Regulation 2 provides that it is an offence for any person to drive a motor vehicle on any road at a speed in excess of a temporary speed limit. The penalty for such an offence is the general penalty provided in section 30 (4) of the Transport Act 1962.

Regulation 3 substitutes a new regulation 52 in the principal regulations relating to warrants of fitness, the only material change being an increase in the fees for warrants of fitness. The fee for a warrant of fitness for a motor cycle is increased from 55c to 75c and the fee for a warrant for any other motor vehicle is increased from 75c to \$1.

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Issued under the authority of the Regulations Act 1936

Date of notification in *Gazette*: 27 May 1971.

These regulations are administered in the Ministry of Transport.