

1973/130



THE TRAFFIC REGULATIONS 1956, AMENDMENT NO. 25

DENIS BLUNDELL, Governor-General

ORDER IN COUNCIL

At the Government House at Wellington this 14th day of May 1973

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. 25, 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 December 1973.

2. Motor cyclists and power cyclists with pillion passengers, or without safety helmet—(1) The principal regulations are hereby amended by revoking regulation 29 (as substituted by regulation 7 (1) of the Traffic Regulations 1956, Amendment No. 10), and substituting the following regulation:

“Motor Cyclists and Power Cyclists with Pillion Passengers, or Without Safety Helmets

“29. (1) No person shall drive a motor cycle or a power cycle on any road, with or without a sidecar, at a speed exceeding 45 miles an hour, if that person is carrying any other person on the vehicle otherwise than in a sidecar.

*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
 Amendment No. 21: S.R. 1971/117
 Amendment No. 22: S.R. 1972/83
 Amendment No. 23: S.R. 1972/252
 Amendment No. 24: S.R. 1973/95

“(2) No person shall drive or (not being a person carried in a sidecar) ride on a motor cycle or a power cycle (except a power cycle fitted with pedals as an alternative means of propulsion) on any road, unless he is wearing a safety helmet of an approved type which is securely fastened:

“Provided that, except where the vehicle was being driven at a speed exceeding 30 miles an hour, it shall be a defence in any proceedings for a breach of this subclause if the defendant proves that—

“(a) He had taken all reasonable steps to obtain a helmet of an approved type and of the appropriate size but such a helmet was not obtainable; and

“(b) He had, before the commission of the alleged offence but not more than 3 months previously, placed with a supplier an order for such a helmet and that order was valid and still in force at the time of the commission of the alleged offence.

“(3) For the purposes of this regulation the expression ‘safety helmet of an approved type’ includes a safety helmet complying with New Zealand Standard Specification N.Z.S. 1214—Protective Helmets for Racing Motor Cyclists, or New Zealand Standard Specification N.Z.S. 1215—Protective Helmets for Motor Cyclists, and also, in the case of a helmet manufactured after the 1st day of June 1973, bearing the New Zealand Standard Certification Mark registered under section 47 of the Trade Marks Act 1953.”

(2) Regulation 7 of the Traffic Regulations 1956, Amendment No. 10, is hereby consequentially revoked.

P. G. MILLEN,
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 December 1973, make it compulsory for riders of motor cycles and power cycles (except those fitted with pedals) and their pillion passengers to wear safety helmets of an approved type at all speeds. The regulations define what is an approved type of safety helmet for this purpose.

The regulations also re-enact the former provisions prohibiting the carrying of pillion passengers at a speed exceeding 45 miles an hour.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 May 1973.

These regulations are administered in the Ministry of Transport.