



THE TRAFFIC REGULATIONS 1976, AMENDMENT NO. 14

RONALD DAVISON
Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington this 11th day of November
1985

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL

PURSUANT to sections 77, 79, and 199 of the Transport Act 1962, His Excellency the Administrator of the Government, 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 1976, Amendment No. 14, and shall be read together with and deemed part of the Traffic Regulations 1976^a (hereinafter referred to as the principal regulations).

^aS.R. 1976/227

Amendment No. 1: S.R. 1978/72
Amendment No. 2: *(Revoked)*
Amendment No. 3: *(Revoked)*
Amendment No. 4: S.R. 1980/31
Amendment No. 5: S.R. 1981/115
Amendment No. 6: S.R. 1981/158
Amendment No. 7: S.R. 1981/811
Amendment No. 8: S.R. 1982/93
Amendment No. 9: S.R. 1983/282
Amendment No. 10: S.R. 1984/31
Amendment No. 11: S.R. 1984/169
Amendment No. 12: S.R. 1985/70
Amendment No. 13: S.R. 1985/144

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

2. Issue of warrants and certificates of fitness—The principal regulations are hereby amended by repealing regulation 84, and substituting the following regulation:

“84. (1) A warrant of fitness shall be issued only by an approved testing authority which shall be—

“(a) A local authority (other than a Town Council); or

“(b) A person appointed or approved for the purpose by the Minister; or

“(c) The Secretary, or an officer of the Department appointed by him for the purpose.

“(2) The appointment or approval of any person under subclause (1) (b) of this regulation may be revoked at any time by the Minister.

“(3) The appointment or approval of any person under subclause (1) (b) of this regulation may specify that the person is authorised to issue warrants of fitness in respect of all classes of vehicles or vehicles of specified classes; and where no class of vehicles is specified, the appointment or approval shall apply in respect of all classes of motor vehicles.

“(4) Any person (other than a department of State or an officer of the Crown) desiring to be appointed as an approved testing authority may make an appropriate application to the Minister together with an application fee of \$56.

“(5) Except as provided in subclauses (7) and (8) of this regulation, no warrant of fitness or certificate of fitness or permit shall be issued in respect of any vehicle requiring to be equipped by any of the relevant provisions of regulations 58 to 64, 68 to 75, 81, 82, and 82A of these regulations 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 those regulations or regulation 80 of these regulations.

“(6) No warrant of fitness, certificate of fitness, or permit shall be issued in respect of any vehicle fitted with an alternative fuel system as defined in regulation 90A of these regulations—

“(a) That is not in a safe working condition; or

“(b) That is a charged CNG or LPG fuel system if that vehicle does not have displayed a current inspection certificate issued under regulation 90L of these regulations.

“(7) A warrant of fitness or a certificate of fitness or permit may be issued, with the prior consent in each particular case of the Secretary or any person authorised by him to give that consent, for a vehicle not equipped with lamps as required by regulations 58 to 62 and 64 of these regulations if the warrant, certificate, or permit is expressed to be subject to the following conditions:

“(a) No headlamps shall be fitted to the vehicle; and

“(b) The vehicle is not to be operated during the hours of darkness.

“(8) A warrant of fitness, certificate of fitness, or permit may be issued in respect of a motor vehicle notwithstanding that it does not comply with the requirements of regulation 71 (2) of these regulations, if—

“(a) The owner of the motor vehicle has placed with a supplier an order, which is then in force, for a new, retreaded, or recapped tyre to replace the tyre that does not comply with the relevant requirements of regulation 71 of these regulations, but such a tyre is not then obtainable; and

“(b) The owner provides evidence of the matters referred to in paragraph (a) of this subclause when presenting the vehicle for inspection; and

“(c) The owner supplies an undertaking in writing that such a tyre will be fitted to the motor vehicle as soon as it is secured.

“(9) Any approved testing authority shall withhold the issue of any warrant of fitness, and the Secretary or any person authorised by him to issue certificates of fitness or permits shall withhold the issue of any certificate or permit if, in its or his opinion, any of the requirements of this Part of these regulations is not complied with.

“(10) An applicant for a warrant of fitness shall pay to the approved testing authority a fee of \$3.25 in the case of a warrant in respect of a motor cycle or trailer and a fee of \$6 in the case of a warrant in respect of any other kind of motor vehicle.

“(11) Where as a result of inspection a warrant of fitness is not issued, no additional fee shall be payable for subsequent applications to the same approved testing authority for the purposes of the same warrant if those applications are made within 28 days after the first inspection for the issue of the warrant.

“(12) An applicant for a certificate of fitness or permit shall be liable to pay the appropriate fee specified in the Sixth Schedule to the Transport Licensing Regulations 1984*.

“(13) The expiry date to be entered on a warrant of fitness by the approved testing authority shall be—

“(a) In the case of a vehicle that is first registered in New Zealand on or after the 1st day of December 1985 and has never been registered or used in any other country, 12 months from the date of the examination; plus up to 14 days of the unexpired portion of any warrant of fitness still current:

“(b) In the case of any other vehicle and any vehicle to which paragraph (a) of this subclause no longer applies, 6 months from the date of the examination; plus up to 14 days of the unexpired portion of any warrant of fitness still current.

“(14) No warrant of fitness shall be issued under subclause (13) (a) of this regulation more than 3 years after the first registration of the vehicle in New Zealand.

“(15) Every certificate of fitness or permit shall expire 6 months after the date on which it is issued or on the expiration of such lesser period as may be specified on the certificate or permit by the person issuing it.

“(16) A record of all warrants of fitness issued in the preceding 12 months shall be maintained by every approved testing authority and made available for inspection by any police officer or traffic officer.

“(17) On application by any person to whom a warrant of fitness, certificate of fitness, or permit has been issued and on proof that the

warrant, certificate, or permit has been lost or destroyed, there shall be issued to the applicant, by the authority or person that issued the original, a duplicate warrant, certificate, or permit free of charge at any time during the currency of the original warrant, certificate, or permit. Every such duplicate shall for the purposes of these regulations have the same effect as the original.”

3. Current certificate or warrant of fitness to be delivered to purchaser on sale of vehicle—Regulation 86 (1) of the principal regulations is hereby amended by omitting the words “, and having an expiry date at least 5 months after”, and substituting the words “within 1 month before”.

4. Offences and penalties—Regulation 137 of the principal regulations is hereby amended by revoking subclause (2), and substituting the following subclause:

“(2) Subject to subclause (1) of this regulation, every person who commits any offence specified in regulation 136 of these regulations is liable, because no penalty for the offence is provided in these regulations or elsewhere than in section 30 (4) of the Act, to the penalties specified in that section which are—

“(a) A fine not exceeding \$500; and

“(b) If in the opinion of the Court the offence relates to road safety to be ordered by the Court to be disqualified from holding or obtaining a driver’s licence for such period as the Court thinks fit.”

5. Consequential revocations—The following regulations are hereby revoked:

(a) Regulation 9 of the Traffic Regulations 1976, Amendment No. 1:

(b) Regulations 3 and 4 of the Traffic Regulations 1976, Amendment No. 7:

(c) Regulation 3 of the Traffic Regulations 1976, Amendment No. 8:

(d) Regulation 7 of the Traffic Regulations 1976, Amendment No. 10:

(e) Regulation 6 of the Traffic Regulations 1976, Amendment No. 12.

C. J. HILL,
for 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 make 2 changes to the Traffic Regulations 1976 in 2 areas. One is substantive, and the other records, for information purposes, a recent amendment to the Transport Act 1962.

The substantive changes relate to warrants of fitness. Where a motor vehicle has been first registered in New Zealand on or after 1 December 1985 warrants of fitness may be issued for 12 month periods rather than 6 months. The last 12 month warrant must be issued before or on the third anniversary of the registration of the vehicle. Twelve month warrants are not available in the case of any vehicle that has been registered or used outside New Zealand.

The fee for a warrant of fitness is increased from \$5 to \$6 for vehicles other than motor cycles and trailers.

The fees for certificates of fitness and permits are not altered. These are set out in the Sixth Schedule to the Transport Licensing Regulations 1984 (S.R. 1984/119).

The other change records the fact that the maximum financial penalty for an offence for which no specific penalty is provided is increased from \$200 to \$500 by section 3 (1) of the Transport Amendment Act (No. 3) 1985.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 14 November 1985.

These regulations are administered in the Ministry of Transport.