



**TRANSPORT (VEHICLE REGISTRATION AND LICENSING)
AMENDMENT REGULATIONS 1997**

MICHAEL HARDIE BOYS, Governor-General

ORDER IN COUNCIL

At Wellington this 21st day of July 1997

Present:

THE HON WINSTON PETERS PRESIDING IN COUNCIL

PURSUANT to section 35A of the Transport (Vehicle and Driver Registration and Licensing) Act 1986, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Transport (Vehicle Registration and Licensing) Amendment

Regulations 1997, and are part of the Transport (Vehicle Registration and Licensing) Regulations 1994* (“the principal regulations”).

(2) These regulations come into force on 1 September 1997.

*S.R. 1994/244
Amendment No. 1: (Revoked)
Amendment No. 2: S.R. 1995/202

2. New regulations inserted—The principal regulations are amended by inserting, after regulation 3A, the following regulations:

“3B. Exemption from requirement to be continuously licensed—The following classes of motor vehicle are exempt from the requirement of section 5 (1A) (a) of the Act to be licensed at all times by their owners:

“(a) Vehicles described in any part of the Schedule of the Transit New Zealand (Exempted Vehicles) Order 1995* (being vehicles exempt from excise duty under Part V of the Transit New Zealand Act 1989):

“(b) Motor vehicles manufactured before 1 January 1919 (veteran vehicles):

“(c) Motor vehicles manufactured on or after 1 January 1919 that are at least 40 years old (vintage vehicles):

“(d) Pedestrian-controlled goods service vehicles:

“(e) Tractors and self-propelled agricultural machines:

“(f) Trailers having a gross laden weight not exceeding 3 500 kilograms:

“(g) All terrain vehicles (as defined in regulation 2 of the Transport (Drivers Licensing) Regulations 1987†):

“(h) Motor vehicles while being held for the purpose of sale by any motor vehicle dealer who is or belongs to a class of motor vehicle dealers approved by the Secretary by notice in the *Gazette* for the purpose of this regulation:

“(i) Stolen motor vehicles (until returned to the owner’s possession after the theft).

“3C. Owner may apply for temporary exemption from requirement to be continuously licensed—(1) The registered owner of a motor vehicle who expects or currently finds that the vehicle will not be or is not being used on a road for a continuous period of at least 3 months, whether because of the owner’s absence from New Zealand or hospitalisation or for any other reason, may apply in writing to the Secretary for an exemption from the requirement of section 5 (1A) (a) of the Act to keep the vehicle continuously licensed.

“(2) The application must be on a form approved by the Secretary, and contain such information and declarations as may be specified in the form.

“(3) On receipt of a properly completed application, the Secretary must grant an exemption from section 5 (1A) (a) of the Act for such period not less than 3 months and not more than 12 months as the Secretary thinks fit.

“(4) The exemption has effect only for the period specified in it, but may from time to time be renewed by the Secretary for a further period or periods of not less than 3 months and not more than 12 months as the Secretary thinks fit.

“(5) An exemption or renewal of an exemption may include a period occurring before the date on which the exemption or renewal is actually granted, but if the application for the exemption is lodged with the Secretary more than 60 days after the date of expiry of the latest licence issued in respect of the vehicle to which the application relates, the registered owner is liable to pay an amount equal to the sum of—

“(a) The licence application administration fee specified in Part IIA of the Second Schedule; and

“(b) An amount representing that part of the other fees payable in respect of licensing of the vehicle that relates to the period commencing on the day after the date of expiry and ending with the day immediately preceding the date on which the application is lodged.

“3D. **Exempt vehicle may not be used on road**—(1) The fact that a vehicle is exempt under regulation 3B or regulation 3C from the requirement to be licensed at all times by its owner does not exempt the vehicle from the requirement to be licensed at any time when it is used on a road and, subject to subclause (2), the exemption has no effect while the vehicle is being used on a road.

“(2) An exemption of a vehicle specified in paragraph (h) or paragraph (i) of regulation 3B will not cease to have effect merely because the stolen vehicle is being used without the authority of the owner or the vehicle held for sale is being driven by a prospective purchaser.

“3E. **Exemption of exempt vehicle from licence fees**—While a vehicle is exempt from the requirement of section 5 (1A) (a) of the Act to be continuously licensed, the vehicle is also exempt from the requirement of section 5 (1A) (b) to pay the fees payable in respect of the licensing of the vehicle (except as provided in regulation 3C (5)).

“3F. **Revocation of exemption from continuous licensing**—(1) The Secretary may by notice in writing to the vehicle owner revoke a current exemption granted under regulation 3C if—

“(a) The vehicle to which the exemption relates is used on a road at any time while the exemption has effect (except in the circumstances referred to in regulation 3D (2)); or

“(b) The owner of the vehicle requests in writing that the exemption be revoked.

“(2) A revocation takes effect from the date specified in the notice of revocation, which date may not be earlier than—

“(a) The date the vehicle was used on the road, in the case of a revocation under subclause (1) (a); or

“(b) The date the owner made the request, in the case of a revocation under subclause (1) (b).”

MARIE SHROFF,
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 September 1997, amend the Transport (Vehicle Registration and Licensing) Regulations 1994 to provide for exemptions from the requirement for a vehicle to be continuously licensed.

The new *regulation 3B* provides a blanket exemption for the classes of vehicles listed. Included in the exemption are vehicles such as vintage and veteran cars and tractors and other farm vehicles.

The new *regulation 3c* allows vehicle owners to apply for a temporary exemption of from 3 to 12 months where they expect that they will not be using their vehicle over that period, whether because they will be going overseas, will be hospitalised, or for any other reason. An exemption can be renewed by the Secretary.

The new *regulation 3D* provides that an exemption will not excuse a vehicle from being licensed at any time when it is actually being used on a road.

The new *regulation 3E* provides that for so long as a vehicle is exempt from continuous licensing, it is also exempt from the liability to pay a licence fee. Provision is however made for payment of a proportionate fee where the owner applies for the exemption more than 60 days after the expiry of the latest licence issued in respect of the vehicle.

The new *regulation 3F* prescribes the circumstances in which the Secretary may revoke an exemption.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 25 July 1997.

These regulations are administered in the Ministry of Transport.