

1965/63



THE TRANSPORT (VEHICULAR TRAFFIC ROAD CLOSURE)
REGULATIONS 1965

BERNARD FERGUSSON, Governor-General

ORDER IN COUNCIL

At the Government Buildings at Wellington this 26th day of April
1965

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING 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—These regulations may be cited as the Transport (Vehicular Traffic Road Closure) Regulations 1965.

2. Interpretation—In these regulations, unless the context otherwise requires—

“Controlling authority”, in relation to any road, means the Minister of Works, Board, local authority, or person or persons, as the case may be, having control over the road:

“Period of closure”, in any case where it is proposed to close a road for more than one period, means the first period of closure: Expressions defined in the Transport Act 1962 have the meanings so defined.

3. Controlling authority may close road—For the purpose of holding on any road any vehicle races or trials, or any processions, carnivals, celebrations, sporting events, or other special events, the controlling authority may, subject to the provisions of these regulations, close the road to ordinary vehicular traffic for a period or series of periods of not more than 12 hours each in any consecutive 24 hours.

4. Notice of intention to close road to be advertised—(1) At least 42 days before the proposed period of closure of any road, the controlling authority shall give public notice (hereinafter called the said

notice) in form A in the Schedule hereto in at least one newspaper circulating in the locality in which the road is situated of its intention to close the road to ordinary vehicular traffic, with details of the purpose of the closure, the period or periods of closure, and the provision made for vehicular traffic which would otherwise be using the road, and shall therein call upon persons affected to lodge with the controlling authority any objections thereto.

(2) Any person affected by the closure of any road may lodge an objection thereto not later than 28 clear days before the proposed period of closure of the road.

5. Where no objections to closure received—If no objections are received within the prescribed time as a result of the said notice, the controlling authority may decide to close the road in accordance with the terms of the said notice, and, if it so decides, it shall, not later than 24 hours before the proposed period of closure, give further public notice in form B in the Schedule hereto in at least one newspaper circulating in the locality in which the road is situated of the closure thereof to ordinary vehicular traffic, together with the other particulars specified in that form.

6. Where objections to closure received—If any objections are received within the prescribed time as a result of the said notice, the controlling authority—

- (a) Shall consider the objections so received; and
- (b) If, after considering those objections, it decides to close the road in accordance with the terms of the said notice, shall, not later than 24 hours before the proposed period of closure, give further public notice in form B in the Schedule hereto in at least one newspaper circulating in the locality in which the road is situated of the closure thereof to ordinary vehicular traffic, together with the other particulars specified in that form.

7. Promoter to provide adequate insurance—A controlling authority shall not close any road under these regulations unless the authority is satisfied that the person or organisation promoting the vehicle races or trials, procession, carnival, celebration, sporting event, or other special event, as the case may be, has arranged adequate insurance against his or its liability to pay damages to any person in respect of any claim on account of the death of or bodily injury to any person or damage to property where the death or bodily injury or damage results from the holding of the vehicle races or trials, procession, carnival, celebration, sporting event, or other special event, as the case may be.

8. Permit to use closed road—As provision or part of the provision made for ordinary vehicular traffic that would otherwise use a road closed pursuant to these regulations, and also as provision for the holding of vehicular racing or other similar events on the road, the controlling authority may authorise the issue of a permit by any of its officers or by any constable or traffic officer which will authorise the person to

whom the permit is issued to use a vehicle or vehicles on the road during the period or periods of closure, subject to any condition or conditions contained in the permit.

9. Powers of police and bylaws requiring permits not affected—These regulations shall in no way restrict the power of the police to maintain public order on roads, nor shall they authorise the holding on any road without the appropriate permit therefor of any vehicle race or trial or any procession, carnival, celebration, sporting event, or other special event for which a permit is required under any Act, regulation, or bylaw.

10. Certain enactments suspended—The provisions of the enactments and bylaws specified in the Second Schedule to these regulations shall not apply to any motor vehicle while taking part in any vehicle races or trials, or any procession, carnival, celebration, sporting event, or other special event, as the case may be, on any road that is for the time being closed pursuant to these regulations.

11. Offences—(1) Every person commits an offence who otherwise than in terms of a permit duly issued under regulation 8 hereof uses a road that is for the time being closed pursuant to these regulations.

(2) In a prosecution for any offence against these regulations, the production of copy of a newspaper containing the relevant notice in form B in the Schedule hereto shall be sufficient evidence that the requirements precedent to the closure of the road have been duly complied with by the controlling authority.

(3) Any person who commits an offence against these regulations is liable on summary conviction to a fine not exceeding £50.

12. Revocation—The Transport (Vehicular Traffic Road Closure) Regulations 1963* are hereby revoked.

SCHEDULE

Reg. 4 Form A

PROPOSAL TO CLOSE ROAD(S) TO VEHICULAR TRAFFIC
STREET(S)

PURSUANT to the Transport (Vehicular Traffic Road Closure) Regulations 1965, notice is hereby given that the [Name of controlling authority], for the purpose of [State purpose], proposes to close the following (road(s)) (street(s)) to ordinary vehicular traffic for the period(s) indicated hereunder.

During the proposed period(s) of closure the following provision will be made for ordinary vehicular traffic which would otherwise use the road(s) street(s):.....

Any person objecting to the proposals is called upon to lodge notice of his objection and grounds thereof in writing, before* [Date] at the office of the Council (Board) [or, as the case may require] at [Address]:

Road(s) street(s) proposed to be closed to ordinary vehicular traffic:.....

Period or periods of proposed closure:.....

.....
[Seal of controlling authority, or signature of person or persons authenticating the notice—
Town Clerk, County Clerk, etc.]

*The date to be inserted here shall be 28 clear days prior to the date of the closure.

Regs. 5, 6 Form B

CLOSURE OF ROAD(S) TO ORDINARY VEHICULAR TRAFFIC
STREET(S)

PURSUANT to the Transport (Vehicular Traffic Road Closure) Regulations 1965, notice is hereby given that for the purpose of [State purpose] the following road (s) street(s) will be closed to ordinary vehicular traffic for the period(s) indicated hereunder.

During the period(s) of closure the following provision will be made for ordinary vehicular traffic which would otherwise use the road(s) street(s):

Period or periods of closure:.....

Alternative provision for ordinary vehicular traffic:.....

It will be an offence under the above regulations for any person otherwise than under authority of an authorised permit to use the road(s) street(s) for ordinary vehicular traffic during the period(s) of closure.

.....
[Seal of controlling authority, or signature of person or persons authenticating the notice—
Town Clerk, County Clerk, etc.]

SECOND SCHEDULE

Reg. 10

ENACTMENTS AND BYLAWS NOT APPLYING ON ROADS CLOSED TO
ORDINARY VEHICULAR TRAFFIC

Enactment	Section or Regulation	Subject-matter of Enactment or Bylaw
The Transport Act 1962	7	Motor vehicles to be registered and to have registration plates and annual licences.
	52	Speed limit of 30 miles an hour in cities, boroughs, town districts, etc.
The Traffic Regulations 1956*	6	Keeping to left of road.
	7	Overtaking of vehicles generally.
	8	Overtaking at bends, intersections, or rises where middle lines marked.
	9	Overtaking at other places.
	10	Route of driving at intersections.
	12	Stopping at stop signs.
	12A	Intersections where give-way signs erected.
Any bylaw under the Transport Act 1962	26	Speed - General provisions.
	27	Speed - Limited speed zones.
	52	Warrants of fitness.
	..	Speed limits for motor vehicles.

T. J. SHERRARD,
Clerk of the Executive Council.

*S.R. 1956/217 (Reprinted with Amendments Nos. 1 to 8: S.R. 1963/157)
Amendment No. 9: S.R. 1963/224
Amendment No. 10: S.R. 1964/85
Amendment No. 11: S.R. 1964/119
Amendment No. 12: S.R. 1964/208
Amendment No. 13: S.R. 1965/21

EXPLANATORY NOTE

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

These regulations re-enact, with some amendments, the Transport (Vehicular Road Closure) Regulations 1962.

The amendments are as follows:

- (a) Regulation 4 requires 42 days' notice of a proposed road closure to be given instead of 21 days' notice required by the existing regulations; and the period for lodging objections is extended from seven days to 14 days.
- (b) Regulation 6 omits the requirement for controlling authorities to obtain the consent of the Minister to closures in cases where objections are received. This omission is consequential on the provisions of section 14 of the Transport Amendment Act 1964.

