

**Reprint**  
**as at 10 May 2011**

**Transport Act 1962**

Public Act 1962 No 135  
Date of assent 14 December 1962

Transport Act 1962: repealed, on 10 May 2011, by section 98 of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).  
Except in sections 2(1), 68A(2), (4), and (7), and 199B, the words “Secretary” and “Secretary for Transport” have been substituted wherever they occur with the word “Director” in accordance with section 35(1) Land Transport Act 1993 (1993 No 88).

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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**An Act to consolidate and amend certain enactments of the Parliament of New Zealand relating to motor vehicles, to road traffic, and to commercial transport services carried on by means of motor vehicles or harbour ferries**

The long title was amended, as from 1 January 1987, pursuant to section 29(2) Constitution Act 1986 (1986 No 114) by substituting the words “Parliament of New Zealand” for the words “General Assembly”.

**Be it enacted by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:**

**1 Short Title and commencement**

- (1) This Act may be cited as the Transport Act 1962.
- (2) Except where this Act otherwise provides, this Act shall come into force on 1 May 1963.

**2 Interpretation**

- (1) In this Act, unless the context otherwise requires,—

**accident compensation levy***[Repealed]*

Accident compensation levy: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**adjoining** means contiguous, or contiguous except for a separation by a river, stream, drain, canal, or other watercourse, or by a road, motorway, or railway

**Agency** means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

**agricultural operation***[Repealed]*

Agricultural operation: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**agricultural trailer** means a trailer designed exclusively for agricultural operations and used on a road only when proceed-

ing to or from a farm or when being inspected, serviced, or repaired

Agricultural trailer: this definition was omitted during the 1972 revision and a new definition was inserted, as from 16 November 1973, by section 2(2) Transport Amendment Act 1973 (1973 No 35).

**alternative fuel system** means a fuel storage and conducting system that is used to provide liquid petroleum gas, compressed natural gas, or any other pressurised liquid or gaseous fuel (other than petrol or diesel) for the purposes of propulsion of a vehicle

Alternative fuel system: this definition was inserted, as from 17 December 1980, by section 2(1) Transport Amendment Act 1980 (1980 No 96) and has particular relevance to the regulation-making power in section 77(2).

**ambulance** means any motor vehicle designed and used principally for the carriage of sick or injured persons

**approved operational plan***[Repealed]*

Approved operational plan: this definition was repealed, as from 1 October 1989, by section 2(2) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**approved transport section of a regional planning scheme***[Repealed]*

Approved transport section of a regional planning scheme: this definition was repealed, as from 1 October 1989, by section 2(2) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**approved urban transport scheme***[Repealed]*

Approved urban transport scheme: this definition was repealed, as from 1 October 1989, by section 2(2) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**approved vehicle surveillance equipment***[Repealed]*

Approved vehicle surveillance equipment: this definition was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

*[Repealed]*

**articulated vehicle** means any motor vehicle with a trailer attached so that part of the trailer is superimposed upon the motor vehicle and a substantial part of the weight of the trailer and of its load is borne by the motor vehicle. Such a trailer shall be called a semi-trailer

Articulated vehicle: replaced the previous definition of articulated motor vehicle.

**Assessment Centre***[Repealed]*

Assessment Centre: this definition was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

*[Repealed]*

**axle** has the same meaning as it has in section 2(1) of the Land Transport Act 1998

Axle: the second proviso of this definition was amended, as from 29 October 1974, by section 33(a) Transport Amendment Act 1974 (1974 No 61) by substituting the expression “1 metre” for the expression “3 feet 4 inches”.

Axle: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**cargo container** means an article of transport equipment of a type approved for the purposes of this Act by the Authority by notice in the *Gazette*, being a lift van, movable tank, or other similar structure; and includes the normal accessories and equipment of the container, when attached to and used exclusively with it; but does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing

Cargo container: this definition was inserted, as from 19 November 1971, by section 2 Transport Amendment Act 1971 (1971 No 57) and continued into the 1972 amendment. It defined a term used in subsection (5) of section 123 as inserted by section 17 of that same Act. This definition is now redundant with the repeal of section 123 by section 18 Transport Amendment Act (No 2) 1983 (1983 No 33).

Cargo container: this definition was amended, as from 20 August 1993, by section 35 Land Transport Act 1993 (1993 No 88) by substituting the word “Authority” for the word “Minister”.

**carriage** includes haulage

**Charges Appeal Authority***[Repealed]*

Charges Appeal Authority: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**Commissioner** means the Commissioner of Police

Commissioner: this definition was inserted, as from 1 July 1992, by section 2 Transport Amendment Act (No 2) 1992 (1992 No 67).

**container ship***[Repealed]*

Container ship: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*



**continuous licence***[Repealed]*

Continuous licence: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**contract***[Repealed]*

Contract: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**contract vehicle***[Repealed]*

Contract vehicle: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**controlling authority**, in relation to any road, means the road controlling authority for that road within the meaning of section 2(1) of the Land Transport Act 1998

Controlling authority: this definition was inserted, as from 30 April 1997, by section 2(1) Transport Amendment Act 1997 (1997 No 3).

Controlling authority: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**dealer** means a person who is carrying on business as a manufacturer of motor vehicles or as a dealer in motor vehicles

**Department***[Repealed]*

Department: this definition was repealed, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

*[Repealed]*

**Department of State** means a department of the Public Service as defined in the State Sector Act 1988

Department of State: this definition was inserted, as from 19 November 1971, by section 2 Transport Amendment Act 1971 (1971 No 57).

Department of State: this definition was amended, as from 1 April 1982, by section 120(4) New Zealand Railways Corporation Act 1981 (1981 No 119) by substituting the words “the New Zealand Railways Corporation” for the words “the New Zealand Government Railways Department”.

Department of State: this definition was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words “State Sector Act 1988” for the words “State Services Act 1962; and includes the New Zealand Railways Corporation and the Post Office”.

**design**, in relation to a motor vehicle, refers to the construction of the motor vehicle, and not its use or intended use; and **designed** has a corresponding meaning

Design: this definition was inserted, as from 24 October 1969, by section 2 Transport Amendment Act (No 2) 1969 (1969 No 137).

**District***[Repealed]*

District: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**driver**, in relation to any vehicle, includes the rider of a motor cycle or moped or bicycle; and **drive** has a corresponding meaning

Driver: this definition was amended, as from 1 March 1984, by section 21(3) Transport Amendment Act (No 3) 1983 (1983 No 35) by substituting the word “moped” for the words “power cycle”.

**driver licence** means a driver licence issued or having effect under the Land Transport Act 1998

Driver’s licence: this definition was inserted, as from 30 April 1986, by section 53 Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

Driver licence: this definition was substituted for the definition of Driver’s licence, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**enforcement authority**, in relation to an infringement offence, means—

- (a) the New Zealand Police, in the case of an alleged infringement offence detected by a sworn or non-sworn member of the Police;
- (b) the Authority, in the case of an alleged infringement offence detected by an officer of the Authority;
- (c) the local authority, in the case of an alleged infringement offence detected by an officer of a local authority;
- (d) the airport authority, in the case of an alleged infringement offence detected by an officer of an airport authority

Enforcement authority: this definition was inserted, as from 20 October 1972, by section 2 Transport Amendment Act 1972 (1972 No 129).

Enforcement authority: this definition was amended, as from 29 October 1974, by section 10(3) Transport Amendment Act 1974 (1974 No 61) by inserting the words “infringement offence”.

Enforcement authority: this definition was substituted, as from 1 April 1981, by section 2(2) Transport Amendment Act 1980 (1980 No 96).

Enforcement authority: this definition was amended, as from 23 November 1982, by section 3(1) Airport Authorities Amendment Act 1982 (1982 No 57) by inserting paragraph (c).

Enforcement authority: this definition was substituted, as from 1 July 1992, by section 2 Transport Amendment Act (No 2) 1992 (1992 No 67).

Enforcement authority: this definition was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Authority” for the words “Ministry” and “Ministry of Transport” wherever they occurred.

Enforcement authority: this definition was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by omitting the words “or an overloading infringement” and “or overloading infringement offence”.

**enforcement officer** means a traffic officer or a constable

Enforcement officer: this definition was inserted, as from 1 July 1992, by section 2 Transport Amendment Act (No 2) 1992 (1992 No 67).

**explosive** means any hazardous substance (as defined in section 2(1) of the Hazardous Substances and New Organisms Act 1996) with explosive properties

Explosive: previously the term explosive was given the same meaning as in the Explosives Act 1957. This provision was contained in section 64(4). The new definition set out the full definition of explosive and transferred the definition from section 64 to the Interpretation section.

Explosive: this definition was substituted, as from 29 July 1998, with application to new organisms, by section 149 Hazardous Substances and New Organisms Act 1996 (1996 No 30). See clause 2 Hazardous Substances and New Organisms Act (New Organisms) Commencement Order 1998 (SR 1998/220). See Parts 11 to 16 of that Act (comprising sections 151 to 259) as to the transitional provisions. See clause 2 Hazardous Substances and New Organisms Act Commencement Order (No 2) 2001 (SR 2001/171) as to that amendment coming fully into force as from 2 July 2001.

**fares** *[Repealed]*

Fares: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**farmer** means any farmer of animals or livestock, or any market gardener, orchardist, viticulturalist, apiarist, nurseryman, poultry or egg producer, or grower of hops, peas, potatoes, tobacco, or other crops; and **farm** has a corresponding meaning

Farmer: this definition was substituted, as from 11 December 1988, by section 2 Transport Amendment Act (No 2) 1988 (1988 No 170).

**fire brigade** has the same meaning as it has in section 2(1) of the Land Transport Act 1998

Fire brigade: this definition was inserted, as from 30 April 1997, by section 2(2) Transport Amendment Act 1997 (1997 No 3).

Fire brigade: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**flammable liquid** means any hazardous substance (as defined in section 2 of the Hazardous Substances and New Organisms

Act 1996) in liquid form with flammable properties; and includes motor spirits

Flammable liquid: this definition was inserted, as from 1 August 1987, by section 2(2) Transport Amendment Act 1987 (1987 No 96).

Flammable liquid: this definition was substituted, as from 29 July 1998, with application to new organisms, by section 149 Hazardous Substances and New Organisms Act 1996 (1996 No 30). See clause 2 Hazardous Substances and New Organisms Act (New Organisms) Commencement Order 1998 (SR 1998/220). See Parts 11 to 16 of that Act (comprising sections 151 to 259) as to the transitional provisions. See clause 2 Hazardous Substances and New Organisms Act Commencement Order (No 2) 2001 (SR 2001/171) as to that amendment coming fully into force as from 2 July 2001.

**goods** has the same meaning as it has in section 2(1) of the Land Transport Act 1998

Goods: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**goods service**, and **goods service licence** have the same meanings as in section 2 of the Land Transport Act 1998

**goods-service vehicle** means a motor vehicle designed exclusively or principally for the carriage of goods but does not include a tractor

Goods-service vehicle: this definition was amended, as from 29 October 1974, by section 2(1) Transport Amendment Act 1974 (1974 No 61) by inserting the words “but does not include a tractor”.

**gross laden weight***[Repealed]*

Gross laden weight: this definition was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

*[Repealed]*

**gross weight***[Repealed]*

Gross weight: this definition was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

*[Repealed]*

**gross weight** and **gross laden weight** have the same meanings as they have in section 2(1) of the Land Transport Act 1998

Gross weight and gross laden weight: this definition was inserted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**harbour***[Repealed]*

Harbour: this definition was repealed, as from 1 November 1989, by section 2(4) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**harbour ferry***[Repealed]*

Harbour ferry: this definition was repealed, as from 1 November 1989, by section 2(4) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**harbour-ferry service***[Repealed]*

Harbour-ferry service: this definition was repealed, as from 1 November 1989, by section 2(4) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**hazardous substance** has the same meaning as in section 70E

Hazardous substance: this definition was inserted, as from 1 November 1989, by section 2(4) Transport Amendment Act 1989 (1989 No 77).

**heavy motor vehicle** means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) the gross laden weight of which exceeds 3 500 kilograms

Heavy motor vehicle: this definition was substituted, as from 20 October 1972, by section 2 Transport Amendment Act 1972 (1972 No 129).

Heavy motor vehicle: this definition was substituted, as from 1 November 1989, by section 2(4) Transport Amendment Act 1989 (1989 No 77).

Heavy motor vehicle: Section 2(4) Transport Amendment Act 1989 (1989 No 77) included the new definition of Heavy motor vehicle shown above. However, there has been no formal repeal of the previous definition.

**heavy traffic** means—

- (a) the use of any heavy motor vehicle; or
- (b) any other traffic declared to be heavy traffic by the Authority by notice in the *Gazette*

Heavy traffic: this definition was inserted by section 9(2) Transport Amendment Act (No 2) 1967 (1967 No 153) and continued in the 1972 amendment.

Heavy traffic: this definition was amended, as from 20 August 1993, by section 35(1) Land Transport 1993 (1993 No 88) by substituting the words “Authority by notice in the *Gazette*”.

**hovercraft** means a contrivance propelled by mechanical power which is designed to be supported by and to move on a cushion of air created by downward thrust from its motor

**image***[Repealed]*

Image: this definition was inserted, as from 1 April 1993, by section 2(1) Transport Amendment Act (No 3) 1992 (1992 No 108).

Image: this definition was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

*[Repealed]*

**inflammable liquid***[Repealed]*

Inflammable liquid: this definition was repealed, as from 1 August 1987, by section 2(1) Transport Amendment Act 1987 (1987 No 96).

*[Repealed]*

**infringement offence** has the meaning assigned to it in section 42A(1)

Infringement offence: this definition was substituted, as from 1 April 1981, by section 2(3) Transport Amendment Act 1980 (1980 No 96) as part of a new regime of infringement offences.

**initiator***[Repealed]*

Initiator: this definition was repealed, as from 1 November 1986, by section 22(1)(a) Transport Amendment Act (No 2) 1983 (1983 No 33).

*[Repealed]*

**international cargo container** means a cargo container designed for carriage in a cellular hold of a container ship engaged in international trade

International cargo container: this definition was inserted by section (2) Transport Amendment Act 1971 (1971 No 57).

**invalid carriage***[Repealed]*

Invalid carriage: this definition was repealed, as from 22 June 2005, by section 91(1) Land Transport Amendment Act 2005 (2005 No 77). See sections 96 to 100 of that Act as to the transitional and savings provisions.

*[Repealed]*

**issue***[Repealed]*

Issue: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**Land Transport Fund***[Repealed]*

Land Transport Fund: this definition was repealed, as from 1 July 1996, by section 29 Transit New Zealand Amendment Act 1995 (1995 No 42).

*[Repealed]*

**large passenger service vehicle** has the same meaning as in section 2 of the Land Transport Act 1998**Licensing Appeal Authority***[Repealed]*

Licensing Appeal Authority: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**Licensing Authority***[Repealed]*

Licensing Authority: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**licensing year***[Repealed]*

Licensing year: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**load** has the same meaning as it has in section 2(1) of the Land Transport Act 1998

Load: this definition was inserted, as from 1 February 1986, by section 2(1) Transport Amendment Act (No 3) 1985 (1985 No 126).

Load: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**local authority** means a local authority within the meaning of the Local Government Act 2002

Local authority: this definition was amended, as from 1 April 1978, by section 7(3) Local Government Amendment Act (No 3) 1977 (1977 No 122) by inserting the words “a District Council, a Regional Council, a United Council,”.

Local authority: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

Local authority: this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

**logbook** means a logbook (being a logbook in a form approved by the Director) referred to in sections 70C and 70D

Logbook: this definition was inserted, as from 1 August 1987, by section 2(3) Transport Amendment Act 1987 (1987 No 96). It relates to the regime of driving hours enforcement introduced by that Amendment.

**Minister** has the same meaning as it has in section 2(1) of the Land Transport Act 1998

Minister: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**moped** means a motor vehicle running on 2 or 3 wheels that is fitted with a motor having a power output not exceeding 2 kilowatts and is designed to be ridden at a speed not exceeding 50 kilometres per hour under normal conditions of use

Moped: this definition was inserted, as from 1 December 1983, by section 2 Transport Amendment Act (No 3) 1983 (1983 No 35) to replace the definition of power cycle.

**motorcar** means a motor vehicle (other than a motor cycle or moped) designed exclusively or principally for the carriage of persons not exceeding 9 in number inclusive of the driver; and includes a motor vehicle which is designed principally for the carriage of passengers but which has rear doors and collapsible rear seats

Motorcar: this definition was amended, as from 1 March 1984, by section 21(3) Transport Amendment Act (No 3) 1983 (1983 No 35) by substituting the word “moped” for the words “power cycle”.

**motor cycle** means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a side car; and includes any vehicle with motorcycle controls declared by the Director to be a motorcycle; but does not include a moped

Motor cycle: this definition was amended, as from 1 March 1984, by section 21(3) Transport Amendment Act (No 3) 1983 (1983 No 35) by substituting the word “moped” for the words “power cycle”.

**motor driver’s licence or driver’s licence** *[Repealed]*

Motor driver’s licence or driver’s licence: this definition was amended by section (3) Transport Amendment Act (No 3) 1983 and repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**motor vehicle** has the same meaning as it has in section 2(1) of the Land Transport Act 1998

Motor vehicle: the previous definition was amended, as from 29 October 1965, by section 2 Transport Amendment Act (No 2) 1965 (1965 No 128) by inserting the words “(not being a trailer designed solely for the carriage of goods)” in para (c).

Motor vehicle: the previous definition was amended, as from 24 October 1969, by section 2 Transport Amendment Act (No 2) 1969 (1969 No 137) by inserting the words “and used”. A trailer “designed” as part of the armament of any of Her Majesty’s Forces would remain outside the definition of motor vehicle even if sold and used for some other purpose without the addition of these words.

Motor vehicle: paragraph (d) of the previous definition was inserted, as from 29 October 1965, by section 2 Transport Amendment Act 1965 (1965 No 127).

Motor vehicle: paragraph (f) of the previous definition was substituted, as from 1 January 1969, by section 3(2) Transport Amendment Act 1968 (1968 No 148).

Motor vehicle: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**moving vehicle offence** *[Repealed]*

Moving vehicle offence: this definition was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

*[Repealed]*



**Officer** means an employee of the Authority or of a local authority; and includes a traffic officer

Officer: this definition was inserted, as from 1 April 1981, by section 2(4) Transport Amendment Act 1980 (1980 No 96).

Officer: this definition was substituted, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Officer: this definition was amended, as from 20 August 1993, by section 35 Land Transport Act 1993 (1993 No 88) by substituting the word “Authority” for the word “Department”.

Officer: this definition was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110), by substituting the words “an employee” for the words “an officer”.

**Officer of the Authority***[Repealed]*

Officer of the Authority: this definition was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110). Section 215(1) proposed to repeal the definition of the term Officer of the Department apparently in error.

*[Repealed]*

**operate**, in relation to any vehicle, means to use or drive the vehicle on any road, or to cause or permit the vehicle to be on any road or be driven on any road, whether or not the person is present with the vehicle; and **operator** has a corresponding meaning

Operate: this definition was inserted, as from 1 November 1987, by section 2 Transport Amendment Act 1987 (1987 No 96).

**overloading infringement***[Repealed]*

Overloading infringement: this definition was repealed, as from 1 November 1987, by section 2(4) Transport Amendment Act 1987 (1987 No 96).

*[Repealed]*

**overloading-infringement fee***[Repealed]*

Overloading-infringement fee: this definition was repealed, as from 1 November 1987, by section 2(4) Transport Amendment Act 1987 (1987 No 96).

*[Repealed]*

**overloading-infringement notice***[Repealed]*

Overloading-infringement notice: this definition was repealed, as from 1 November 1987, by section 2(4) Transport Amendment Act 1987 (1987 No 96).

*[Repealed]*

**overloading offence***[Repealed]*

Overloading offence: this definition was inserted, as from 1 November 1987, by section 2 Transport Amendment Act 1987 (1987 No 96).

Overloading offence: this definition was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

*[Repealed]*

**owner**, in relation to a motor vehicle, means the person lawfully entitled to possession thereof, except where—

- (a) the motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or
- (b) the motor vehicle is let on hire pursuant to the terms of a rental-service licence—

in which case **owner** means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and **owned** and **ownership** have corresponding meanings

**parking** means—

- (a) in relation to any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes;
- (b) in relation to any other portion of a road, the stopping or standing of a vehicle on that portion of the road

Parking: this definition was amended as from 1 April 1981, by section 2(5) Transport Amendment Act 1980 (1980 No 96) by omitting the words “where the parking is prohibited for a period in excess of a period fixed by a bylaw of a local authority”.

**parking infringement***[Repealed]*

Parking infringement: this definition was repealed, as from 1 April 1981, by section 2 Transport Amendment Act (No 2) 1980 (1980 No 96).

*[Repealed]*

**parking infringement notice***[Repealed]*

Parking infringement notice: this definition was repealed, as from 1 April 1981, by section 2 Transport Amendment Act (No 2) 1980 (1980 No 96).

*[Repealed]*

**parking offence** means an offence described in paragraph (a) of the definition of the term **stationary vehicle offence** in section 41A

Parking offence: this definition was inserted, as from 1 April 1981, by section 2(4) Transport Amendment Act 1980 (1980 No 96).

Parking offence: this definition was substituted, as from 1 April 1993, by section 2 Transport Amendment Act (No 3) 1992 (1992 No 108).

**parking warden** means a parking warden appointed under section 7 of this Act

Parking warden: this definition was inserted, as from 1 August 1987, by section 2(5) Transport Amendment Act 1987 (1987 No 96).

**passenger service, passenger service licence, and passenger service vehicle** have the same meanings as in section 2 of the Land Transport Act 1998

**pedestrian-controlled machine** means a vehicle (not designed for the carriage of persons or goods) controlled by a pedestrian and designed exclusively to perform some mechanical operation by means of machinery either forming an integral part of, or permanently attached to, the vehicle

**public body***[Repealed]*

Public body: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**quarter** means a period of 3 months ending with the last day of March, June, September, or December in any year

**quarter day** means the 1st day of March, June, September, or December in any year

**rail service vehicle***[Repealed]*

Rail service vehicle: this definition was repealed, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37). See sections 105 to 111 of that Act as to the transitional provisions.

*[Repealed]*

**railway line***[Repealed]*

Railway line: this definition was repealed, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37). See sections 105 to 111 of that Act as to the transitional provisions.

*[Repealed]*

**Registrar***[Repealed]*

Registrar and Deputy Registrar: this definition was repealed, as from 1 August 1986, by section 5(a) Transport Amendment Act 1986 (1986 No 49).

*[Repealed]*

**registration plate***[Repealed]*

Registration plate: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6)

*[Repealed]*

**rental car***[Repealed]*

Rental car: this definition was repealed, as from 1 November 1989, by section 2(6) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**rental service, rental service licence, and rental service vehicle** have the same meanings as in section 2 of the Land Transport Act 1998

**road** has the same meaning as it has in section 2(1) of the Land Transport Act 1998

Road: this definition was amended, as from 16 December 1983, by section 16(1) Public Works Amendment Act 1983 (1983 No 150) by omitting the words “; but does not include a motorway within the meaning of the Public Works Amendment Act 1947”.

Road: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**sale**, in relation to any motor vehicle, includes disposition by way of hire-purchase; and also includes a conditional sale; and **sell, seller, and purchaser** have corresponding meanings

**seasonal licence***[Repealed]*

Seasonal licence: this definition was repealed, as from 1 August 1987, by section 2(6) Transport Amendment Act 1987 (1987 No 96).

*[Repealed]*

**Secretary or Secretary for Transport** means the chief executive of the Ministry of Transport

Secretary or Secretary for Transport: this definition was substituted, as from 1 April 1993, by section 2(1) Transport Amendment Act (No 3) 1992 (1992 No 108).

Secretary or Secretary for Transport: this definition was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words “Ministry of Transport” for the word “Department”.

**Service** means a transport service

Service: this definition was substituted for the definition of Service or transport service, as from 1 November 1989, by section 2(7) Transport Amendment Act 1989 (1989 No 77).

**small passenger service vehicle** has the same meaning as in section 2 of the Land Transport Act 1998

**speeding offence** and **speed limit** have the same meanings as they have in section 2(1) of the Land Transport Act 1998

Speeding offence: this definition was amended, as from 1 February 1982, by section 248(1) Public Works Act 1981 (1981 No 35) by substituting the “Public Works Act 1981” for the repealed “Public Works Amendment Act 1947”.

Speeding offence: this definition was inserted, as from 1 April 1993, by section 2 Transport Amendment Act (No 3) 1992 (1992 No 108).

Speeding offence: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**stationary vehicle offence** has the same meaning as in section 41A

Stationary vehicle offence: this definition was inserted, as from 1 April 1993, by section 2(1) Transport Amendment Act (No 3) 1992 (1992 No 108).

**taxicab** means a motor vehicle—

- (a) designed principally for the carriage of persons not exceeding 8 in number, inclusive of the driver; and
- (b) used for hire or reward for the carriage of passengers otherwise than on defined routes; and
- (c) available for hire to any member of the public

Taxicab: this definition was amended, as from 20 October 1972, by section 2(1) Transport Amendment Act 1972 (1972 No 129) by omitting the words “exclusively or”. A station wagon may now be used as a taxicab.

**taxicab service** means a passenger service carried on by means of a taxicab or taxicabs used as such

**temporary licence***[Repealed]*

Temporary licence: this definition was repealed, as from 1 November 1989, by section 2(10) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**territorial authority** means a territorial authority within the meaning of the Local Government Act 2002

Territorial authority: this definition was inserted, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59).

Territorial authority: this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). See sections 273 to 314 of that Act as to the savings and transitional provisions.

**towage fee**, in respect of a parking offence, means an amount specified as the towage fee in respect of that offence by the Director by notice in the *Gazette*; and, for the purposes of this definition, the Director may prescribe different rates of towage fees in respect of different classes of persons, vehicles, products, or any other property or item, or on the basis of different times of use, or different distances, or on any other differential basis

Towage fee: this definition was inserted, as from 1 April 1981, by section 2(4) Transport Amendment Act 1980 (1980 No 96).

Towage fee: this definition was amended, as from 22 June 2005, by section 91(7) Land Transport Amendment Act 2005 (2005 No 77) by substituting the words “rates of towage fees in respect of different classes of persons, vehicles, products, or any other property or item, or on the basis of different times of use, or different distances, or on any other differential basis” for the words “towage fees in respect of offences involving different areas, times, or vehicles”. See sections 96 to 100 of that Act as to the transitional and savings provisions.

**traction engine***[Repealed]*

Traction engine: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**tractor***[Repealed]*

Tractor: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**trade licence***[Repealed]*

Trade licence: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**trade plates***[Repealed]*

Trade plates: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**traffic officer** means an enforcement officer appointed or otherwise holding office under the Land Transport Act 1998

Traffic officer: this definition was substituted, as from 1 August 1987, by section 2(7) Transport Amendment Act 1987 (1987 No 96). Prior to this date the definition was the only reference in the Act to the appointment of traffic offi-

cers or their approval by the Minister. The new section 6 inserted by the same amendment comprehensively dealt with the matter before its repeal.

Traffic officer: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**trailer** means a vehicle without motive power that is capable of being drawn or propelled by a motor vehicle from which it is readily detachable; but does not include—

- (a) a sidecar attached to a motor cycle; or
- (b) a vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power

**Transit New Zealand***[Repealed]*

Transit New Zealand: this definition was inserted, as from 1 October 1989, by section 2(1) Transport Amendment Act 1989 (1989 No 77).

Transit New Zealand: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118).

*[Repealed]*

**transport service, transport service licence, and transport service vehicle** have the same meanings as in section 2 of the Land Transport Act 1998

**trolley omnibus***[Repealed]*

Trolley omnibus: this definition was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*[Repealed]*

**unladen weight or tare weight**, in relation to a vehicle, means the weight of the vehicle together with the fuel in its fuel system (if any) and the equipment and accessories thereon that are necessary for its operation for the purpose for which it was designed

**urban transport area***[Repealed]*

Urban transport area: this definition was repealed, as from 1 October 1989, by section 2(2) Transport Amendment Act 1989 (1989 No 77).

*[Repealed]*

**use**, in relation to a vehicle, includes driving, drawing, or propelling by means of another vehicle, and permitting to be on any road; and **to use** and **user** have corresponding meanings

**vehicle** has the same meaning as it has in section 2(1) of the Land Transport Act 1998

Vehicle: this definition was amended by section 2 Transport Amendment Act 1972 (1972 No 129), when section 2 of the Act was completely substituted. Previously a vehicle was simply defined as a contrivance equipped with wheels or revolving runners upon which it moves or is moved. That part of the definition was retained but the specific types of vehicles specified in paras (a) to (i) are excluded from the definition.

Vehicle: paragraph (d) of this definition was amended, as from 1 August 1987, by section 2 Transport Amendment Act 1987 (1987 No 96), by substituting the expression “355 mm” for the expression “14 inches”.

Vehicle: paragraph (i) of this definition was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Authority” for the word “Minister”.

Vehicle: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

**vehicle recovery service, vehicle recovery service licence, and vehicle recovery service vehicle** have the same meanings as in section 2 of the Land Transport Act 1998

**waybill** *[Repealed]*

Waybill: this definition was repealed, as from 1 November 1986, by section 22(1)(b) Transport Amendment Act 1983 (1983 No 33).

*[Repealed]*

**weight** has the same meaning as it has in section 2(1) of the Land Transport Act 1998.

Weight: the two definitions of weight prior to the 1972 amendment were combined into one definition. Weight is defined in relation to a wheel, and in relation to the load.

Weight: this definition was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Authority” for the word “Minister”.

Weight: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

(2) *[Repealed]*

(3) *[Repealed]*

Section 2(1) **Agency**: inserted, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **Authority**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **Director**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **goods service** and **goods service licence**: amended, on 1 October 2007, by section 91(2) of the Land Transport Amendment Act 2005 (2005 No 77).



Goods service: this definition was repealed, as from 1 November 1989, by section 2(3) Transport Amendment Act 1989 (1989 No 77).

Goods service and goods service licence: this definition was inserted, as from 1 November 1989, by section 2(3) Transport Amendment Act 1989 (1989 No 77).

Large passenger service vehicle: this definition was inserted, as from 1 November 1989, by section 2(4) Transport Amendment Act 1989 (1989 No 77).

Section 2(1) **large passenger service vehicle**: amended, on 1 October 2007, by section 91(3) of the Land Transport Amendment Act 2005 (2005 No 77).

Section 2(1) **passenger service, passenger service licence, and passenger service vehicle**: amended, on 1 October 2007, by section 91(4) of the Land Transport Amendment Act 2005 (2005 No 77).

Passenger service and Passenger service vehicle: these definitions were substituted, as from 1 November 1989, by section 2 Transport Amendment Act 1989 (1989 No 77).

Rental service, rental service licence, and rental service vehicle: these definitions were substituted, as from 1 November 1989, by section 2(6) Transport Amendment Act 1989 (1989 No 77) for the definitions rental service, and rental vehicle.

Section 2(1) **rental service, rental service licence, and rental service vehicle**: amended, on 1 October 2007, by section 91(5) of the Land Transport Amendment Act 2005 (2005 No 77).

Section 2(1) **small passenger service vehicle**: amended, on 1 October 2007, by section 91(6) of the Land Transport Amendment Act 2005 (2005 No 77).

Small passenger service vehicle: this definition was inserted, as from 1 November 1989, by section 2(7) Transport Amendment Act 1989 (1989 No 77).

Section 2(1) **Transit**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Transport service, transport service licence, and transport service vehicle: this definition was substituted for the definition of transport licence, as from 1 November 1989, by section 2(8) Transport Amendment Act 1989 (1989 No 77).

Section 2(1) **transport service, transport service licence, and transport service vehicle**: amended, on 1 October 2007, by section 91(8) of the Land Transport Amendment Act 2005 (2005 No 77).

Vehicle recovery service, vehicle recovery service licence, and vehicle recovery service vehicle: this definition was inserted, as from 1 November 1989, by section 2(9) Transport Amendment Act 1989 (1989 No 77).

Section 2(1) **vehicle recovery service, vehicle recovery service licence, and vehicle recovery service vehicle**: amended, on 1 October 2007, by section 91(9) of the Land Transport Amendment Act 2005 (2005 No 77).

Section 2 was substituted, as from 20 October 1972, by section 2(1) Transport Amendment Act 1972 (1972 No 129).

Subsection (2) was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

Subsection (3) was repealed, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

## **Part 1 Administration**

### **3 Transport Department**

*[Repealed]*

Section 3 was repealed, as from 25 November 1968, by section 17 Ministry of Transport Act 1968 (1968 No 39)

### **4 Commissioner of Transport and other officers**

*[Repealed]*

Section 4 was repealed, as from 25 November 1968, by section 17 Ministry of Transport Act 1968 (1968 No 39).

### **5 Inquiries for purposes of transport co-ordination**

*[Repealed]*

Part 1 (section 5) was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

### **6 Appointment of traffic officers**

*[Repealed]*

Section 6 was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

### **7 Appointment of parking wardens**

- (1) Any local authority may appoint any person to hold the office of parking warden.
- (2) Every person who holds the office of parking warden at the commencement of this section is hereby deemed to have been appointed under the authority of subsection (1).
- (3) A parking warden may exercise the functions, duties, and powers of a parking warden conferred or imposed by or under this or any other Act only within the district or region of the local authority that appointed the parking warden.
- (4) Every local authority that appoints any person under this section shall be liable for the actions of that person as a parking warden in all respects as if that person were an officer or em-

ployee of the local authority (whether or not that is the case) and as if any directions given or control exercised by any other person over the parking warden in that capacity were directions given or control exercised by the local authority.

(5) *[Repealed]*

Subsection (3) of the original section 7, which was in Part 2, was repealed, as from 1 July 1966, by section 4(1) Transport Amendment Act (No 2) 1965 (1965 No 128).

Subsection (4) of the original section 7, which was in Part 2, was amended, as from 29 October 1965, by section 4(2) Transport Amendment Act (No 2) 1965 (1965 No 128), by omitting the words “an agricultural tractor”, and substituting the words “a motor vehicle”.

Subsection (4A) of the original section 7, which was in Part 2, was inserted, as from by 24 October 1969, by section 6 Transport Amendment Act (No 2) 1969 (1969 No 137).

Subsection (4B) of the original section 7, which was in Part 2, was inserted, as from 2 December 1983, by section 22 Transport Amendment Act (No 3) 1983 (1983 No 35).

Subsection (4C) of the original section 7, which was in Part 2, was inserted, as from 3 April 1985, by section 2(2) Transport Amendment Act (No 2) 1985 (1985 No 76)

Section 7, which was in Part 2, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

A new section 7 was inserted, as from 1 August 1987, by section 3 Transport Amendment Act 1987 (1987 No 96).

Subsection (3) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by inserting the words “or region” after the word “district”. See sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (5) was repealed, as from 1 November 1987, by section 6(2)(a) Transport Amendment Act 1987 (1987 No 96).

## **Part 2**

### **Registration and licensing of motor vehicles**

*[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**8 Registrar of Motor Vehicles, and Deputy Registrars***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**9 Applications for registration***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**10 Issue of registration certificate and plates***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**11 Annual licences***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**12 Application for licence for motor vehicle***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**13 Exemption from registration and licence fees***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**14 Issue of licences for motor vehicles***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**14A Form of registration plates and licences**

*[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**14B Duplicate certificates of registration and substitute registration plates and licences**

*[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**14C Change of use of motor vehicle**

*[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**15 Unauthorised, deceptive, or obscured registration plates or unauthorised licence**

*[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*Registers of motor vehicles*  
*[Repealed]*

**16 Registers of motor vehicles**

*[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**17 Details of registers to be supplied to applicants**

*[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**18 Notification of change of ownership of motor vehicle***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**18A Offences relating to registration, annual licensing, and change of ownership of motor vehicle***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**19 Cancellation of registration on destruction or permanent removal of motor vehicle***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**20 Cancellation of registration for not renewing licence for motor vehicle***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**21 No licence for deregistered vehicle until reregistered***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

*Special provisions as to dealers in motor  
vehicles*

*[Repealed]***22 Trade plates and licences***[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**23 Application of fees and charges**

*[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**24 Regulations as to registration and licensing**

*[Repealed]*

Part 2 (comprising sections 8 to 24), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**Part 3**

**Licensing of drivers of motor vehicles**

*[Repealed]*

Part 3 (comprising sections 25 to 29F), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**25 Unlicensed persons not to drive motor vehicles**

*[Repealed]*

Part 3 (comprising sections 25 to 29F), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**26 Issue of drivers' licences and extensions of licences**

*[Repealed]*

Part 3 (comprising sections 25 to 29F), was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**26A Issue of drivers' licences by Secretary for Transport**

*[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**27 Inspection of drivers' licences***[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**28 Secretary may appoint local authority or other person as agent***[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**28A**

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6). This section was repealed without ever having come into force.

**28B Professional driving instructors***[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**29 Licences issued by local authorities deemed to have been issued by Secretary***[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**29A Details of licences issued by issuing authorities to be forwarded to Secretary***[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).



**29B Issue of drivers' licences and extensions of licences**

*[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**29C National register of driver's licences**

*[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**29D Licences of mentally disordered persons to be suspended**

*[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**29E Professional driving instructors**

*[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**29F Regulations as to motor drivers' licences and driving instructors**

*[Repealed]*

Part 3, comprising sections 25 to 29F, was repealed, as from 30 April 1986, by section 58(1) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**Part 4**

**Penalties for offences, and disqualification  
of drivers**

Part 4, comprising sections 30 to 51, was substituted, as from 1 February 1971 (excepting sections 42 and 43 which came into force on 1 July 1971), by section 2 Transport Amendment Act 1970 (1970 No 136). The title of this Part was previously "DISQUALIFICATION OF DRIVERS AND ENDORSEMENT OF DRIVERS' LICENCES"

**30 General penalties**

- (1) Every person who commits an offence against this Act or against any regulations made under this Act for which no penalty is provided elsewhere than in this subsection is liable to a fine not exceeding \$1,000, and, if in the opinion of the Court the offence relates to road safety, the Court may order the person to be disqualified from holding or obtaining a driver's licence for such period as the Court thinks fit.
- (2) *[Repealed]*
- (3) On conviction of any person for an offence against or in respect of—
- (a) any regulations made under section 243 of the Public Works Act 1981 (which relates to motorways); or
  - (b) *[Repealed]*
  - (c) any bylaws made under section 72,—
- the Court may, if in its opinion the offence relates to road safety, order the person to be disqualified from holding or obtaining a driver licence for such period as the Court thinks fit, whether or not the Court imposes any other penalty for the offence.

Section 30 was amended, as from 4 December 1964, by section 9(2) Transport Amendment Act 1964 (1964 No 126) by omitting the words “from the date of the conviction”.

Part 4, comprising sections 30 to 51, was substituted, as from 1 February 1971 (excepting sections 42 and 43 which came into force on 1 July 1971), by section 2 Transport Amendment Act 1970 (1970 No 136).

Section 30 was substituted, as from 11 December 1988, by section 3 Transport Amendment Act (No 2) 1988 (1988 No 170).

Subsection (1) was amended, as from 22 June 2005, by section 92 Land Transport Amendment Act 2005 (2005 No 77) by substituting the expression “\$1,000” for the expression “\$500”. See sections 96 to 100 of that Act as to the transitional and savings provisions.

Subsection (2) was repealed, as from 1 November 1989, by section 3 Transport Amendment Act 1989 (1989 No 77).

Subsection (3) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting paragraph (b), by inserting the words “or in respect of”, and by substituting the words “driver licence” for the words “driver's licence”.

Subsection (3)(b) was repealed, as from 20 July 2005, by section 103(3) Railways Act 2005 (2005 No 37). See sections 105 to 111 of that Act as to the transitional provisions.

**30AA Specific penalties**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**30AB Penalties for alcohol and drug related traffic offences**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**30AC Community-based sentence may be substituted for disqualification directed under this Part in certain circumstances**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**30AD Further penalty in certain cases where person driving vehicle used in transport service**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**30A Court orders relating to persons convicted twice or more of alcohol or drug related traffic offences**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**30B Assessment Centre fee**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**30C Removal of disqualification by Director**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**30D Appeal against refusal of Director to remove disqualification***[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**31 Application of disqualification provisions where offender already disqualified***[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**32 Disqualification on application by local authority or insurance company or Commissioner of Police or Director***[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**33 Effect of disqualification***[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**34 Disqualified person not to apply for or obtain driver's licence while disqualified***[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**35 Driving while disqualified or contrary to the terms of a limited licence***[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**36 Commencement of period of disqualification***[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**37 Retention and custody of licence of disqualified driver**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**38 Issue of limited licence to disqualified person**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**39 Removal of disqualification**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**39A Approval of traffic improvement schools and defensive driving courses**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**40 Particulars of disqualification orders and of removal of disqualifications and of order authorising limited licences to be sent to Director and to local authority**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**41 Appeals against disqualification order or order refusing a limited licence or refusing removal of disqualification**

*[Repealed]*

Sections 30AA to 41 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

*Owner liability*

**41A Owner liability for stationary vehicle offences**

(1) In this section,—

**stationary vehicle offence** means—

- (a) parking in any portion of a road in breach of any Act or regulation, or of any bylaw made under the authority of section 72:
- (b) an offence against any of the following enactments:
  - (i) *[Repealed]*
  - (ii) *[Repealed]*
  - (iii) *[Repealed]*
  - (iv) *[Repealed]*
  - (v) section 5 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (which relates to using or permitting to be used on a road a vehicle that is not licensed and registered) or section 242 of the Land Transport Act 1998 (which provides that motor vehicles must be registered and licensed):
  - (vi) section 17 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (which relates to using or permitting to be used on a road a motor vehicle that has unauthorised, deceptive, or obscured registration plates or an unauthorised licence) or any regulations made under Part 17 of the Land Transport Act 1998 that specify an offence that relates to—
    - (A) using or permitting to be used on a road a motor vehicle that has unauthorised, deceptive, or obscured registration plates or an unauthorised licence; or
    - (B) failing to display the appropriate registration plate or licence:
  - (vii) section 34(1)(b) of the Land Transport Act 1998 (which relates to operating a vehicle without current evidence of vehicle inspection or a certificate of loading):
- (c) Any offence against any regulations made under this Act or the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or Part 17 of the Land Transport Act 1998 that is declared by such regulations to be

a stationary vehicle offence for the purposes of this definition

Subsection (1) stationary vehicle offence: paragraph (b)(i) to (iv) were repealed, as from 1 September 1997, by section 3(1) Transport Amendment Act 1997 (1997 No 3). *See* clause 2 Transport Amendment Act 1997 Commencement Order 1997 (SR 1997/142).

Subsection (1) stationary vehicle offence: paragraph (b)(vii) was inserted, as from 22 June 2005, by section 91(10) Land Transport Amendment Act 2005 (2005 No 77). *See* sections 96 to 100 of that Act as to the transitional and savings provisions.

Subsection (1) stationary vehicle offence: paragraph (c) was inserted, as from 1 September 1997, by section 3(2) Transport Amendment Act 1997 (1997 No 3). *See* clause 2 Transport Amendment Act 1997 Commencement Order 1997 (SR 1997/142).

**proceedings** means proceedings under the Summary Proceedings Act 1957, and includes the issue of an infringement notice under section 42A of this Act.

- (2) Proceedings for a stationary vehicle offence may be taken against any one or more of the following persons:
- (a) the person who allegedly committed the offence:
  - (b) the person who, at the time of the alleged offence, was registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence (or, if the offence is alleged to have been committed before the commencement of section 242 of that Act, a person who, at the time of the alleged offence, was registered as the owner, or 1 of the owners, of that vehicle in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986):
  - (c) any person who, at the time of the alleged offence, was lawfully entitled to possession of the vehicle involved in the offence (whether jointly with any other person or not)—
- whether or not (in the case of a person referred to in paragraph (b) or paragraph (c)) the person is an individual or was the driver, person in charge, or user of the vehicle at the time the alleged offence was committed.
- (3) Subject to subsection (5), in any proceedings taken against a person pursuant to paragraph (b) or paragraph (c) of subsection (2) it shall be conclusively presumed that—

- (a) the person was the driver, person in charge, and user of the vehicle at the time of the alleged offence (whether or not the person is an individual); and accordingly
  - (b) the acts or omissions of the driver, person in charge, or user of the vehicle at that time were the acts or omissions of the first-mentioned person.
- (4) It shall be a defence to proceedings taken against a person for a stationary vehicle offence if the person proves that another person has, by virtue of an order under the Summary Proceedings Act 1957, become liable to pay a fine or costs, or both, in respect of the offence.
- (5) It shall be a defence to proceedings taken against a person pursuant to paragraph (b) or paragraph (c) of subsection (2) if—
- (a) the person proves that, at the time the alleged offence was committed—
    - (i) he or she was not lawfully entitled to possession of the vehicle (either jointly with any other person or severally); or
    - (ii) another person was unlawfully in charge of the vehicle; and
  - (b) forthwith after becoming aware of the alleged offence he or she advised the enforcement authority in writing that, at the time the offence was committed, he or she was not lawfully entitled to possession of the vehicle or another person unlawfully had charge of the vehicle, as the case may be; and
  - (c) he or she has done everything reasonably possible on his or her part to comply with all requests of the enforcement authority to supply to the authority enforcement information regarding the person lawfully entitled to possession, or who was in charge, of the vehicle at the time of the alleged offence.
- (6) In the case of any stationary vehicle offence, any defence available under subsection (4) or subsection (5) is in addition to and not in substitution for any defences available under the enactment creating the offence.
- (7) This section shall have effect notwithstanding anything to the contrary in any Act or rule of law.



Part 4, comprising sections 30 to 51, was substituted, as from 1 February 1971 (excepting sections 42 and 43 which came into force on 1 July 1971), by section 2 Transport Amendment Act 1970 (1970 No 136).

Sections 41A and 41B were inserted, as from 1 April 1993, by section 8 Transport Amendment Act (No 3) 1992 (1992 No 108).

Section 41A(1) **stationary vehicle offence** paragraph (b)(v): amended, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

Section 41A(1) **stationary vehicle offence** paragraph (b)(vi): substituted, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

Section 41A(1) **stationary vehicle offence** paragraph (c): amended, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

Section 41A(2)(b): substituted, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

Subsection (5)(c) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by inserting the word “enforcement”.

#### **41B Owner liability for moving vehicle offences**

*[Repealed]*

Sections 41B and 42 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

#### **42 Evidential provisions relating to approved vehicle surveillance equipment**

*[Repealed]*

Sections 41B and 42 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

#### *Infringement offences*

##### **42A Infringement offences**

- (1) In this Act, the term **infringement offence** means a stationary vehicle offence.
- (2) For the purposes of any proceedings in respect of an infringement offence that is an offence against a bylaw made under paragraph (e) or paragraph (g) of section 9(1) of the Airport Authorities Act 1966, the expression **officer** includes officers appointed by an airport authority.
- (2A) For the purposes of any proceedings in respect of an infringement offence that is an offence against the Transport Services

Licensing Act 1989 specified in Part 6 of Schedule 2 to this Act, the expressions **traffic officer** and **officer** include **enforcement officers** within the meaning of that Act.

- (3) Where a constable or traffic officer has reason to believe that the user of a vehicle has committed an infringement offence,—
  - (a) the user of the vehicle may be proceeded against for the alleged offence under the Summary Proceedings Act 1957 (except where the offence is an overloading offence); or
  - (b) the constable or traffic officer may issue an **infringement notice** in respect of the alleged offence.
- (4) Where a parking warden has reason to believe that the user of a vehicle has committed an infringement offence that may be enforced by a parking warden under section 68BA,—
  - (a) the user of the vehicle may be proceeded against for the alleged offence under the Summary Proceedings Act 1957; or
  - (b) the parking warden may issue an infringement notice in respect of the alleged offence.
- (5) Any sworn or non-sworn member of the Police or any officer (not necessarily the constable, traffic officer, parking warden, or officer who issued the infringement notice) may do any one or more of the following things:
  - (a) attach an infringement notice, or a copy thereof, to the vehicle to which the notice relates:
  - (b) deliver an infringement notice, or a copy thereof, personally to a person:
  - (c) send an infringement notice, or a copy thereof, to a person by post addressed to the person at the person's last known place of residence or business.
- (6) For the purposes of the Summary Proceedings Act 1957—
  - (a) where an infringement notice, or a copy thereof, is attached to the vehicle to which the notice relates pursuant to subsection (5)(a), the notice or copy shall be deemed to have been served on every person liable in respect of the alleged offence and to have been served when the notice or copy was attached to the vehicle:
  - (b) where an infringement notice, or a copy thereof, is sent to a person by post addressed to the person at the per-

- son's last known place of residence or business pursuant to subsection (5)(c), the notice or copy shall be deemed to have been served on the person when it was so posted.
- (7) An infringement notice may be in the same form as an infringement notice under section 139(4) of the Land Transport Act 1998, so long as the associated reminder notice contains the details set out in section 140 of that Act; and those sections 139 and 140 apply with any necessary modifications for the purposes of this subsection.
- (8) Different forms of infringement notices may be prescribed in respect of different kinds of infringement offences.
- (8A) The infringement fee payable for a stationary vehicle offence is the infringement fee specified in Schedule 2 for the offence that constitutes the stationary vehicle offence.
- (9) Where an infringement fee is paid to an enforcement authority that is a local authority or an airport authority, the authority shall send to the Commissioner such particulars of the infringement and of the payment as the Commissioner requires.
- (10) Where the infringement fee for an infringement offence for which an infringement notice has been issued is paid to the enforcement authority at the address for payment specified in the notice before or within 28 days after service of a reminder notice in respect of the offence pursuant to section 21 of the Summary Proceedings Act 1957, sections 44 to 51 of this Act shall apply as if—
- (a) the date on which the infringement notice was issued is the date on which the offence was committed; and
  - (b) a summary conviction in respect of the offence had been entered against the offender on the date of the payment of the infringement fee.
- (11) In any proceedings against any person for an offence in connection with the driving of a motor vehicle, a certificate purporting to be signed by an employee of the Authority or a member of the Police to the effect that the employee or member has checked the information stored in relation to driver history on such computer system as is for the time being maintained by any Government agency, (being the Police or the

Authority or the Department for Courts) for the purposes of storing law enforcement information, and—

- (a) has found a record to the effect that an infringement fee has been paid by that person in respect of an infringement offence; or
- (b) has found a record to the effect that a Court has made an order in respect of an infringement offence or a minor offence—

shall, in the absence of evidence to the contrary and if a print-out of the record is annexed to the certificate, be sufficient evidence of the matters contained in the certificate.

Part 4, comprising sections 30 to 51, was substituted, as from 1 February 1971 (excepting sections 42 and 43 which came into force on 1 July 1971), by section 2 Transport Amendment Act 1970 (1970 No 136).

Section 42A was inserted, as from 29 October 1974, by section 10 Transport Amendment Act 1974 (1974 No 61)

Section 42A was substituted, as from 1 November 1987, by section 6 Transport Amendment Act 1987 (1987 No 96).

Section 42A was substituted, as from 1 November 1987, by section 17 Summary Proceedings Amendment Act 1987 (1987 No 165).

The previous subsection (1) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by inserting the words “, a stationary vehicle offence, and a moving vehicle offence”.

Subsection (1) was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

Subsection (2) was amended, as from 1 July 1992, by section 4(1)(a) Transport Amendment Act (No 2) 1992 (1992 No 67) by substituting the words “expression **officer** includes officers” for the words “expressions **traffic officer** and **officer** includes traffic officers respectively”.

Subsection (2A) was inserted, as from 1 October 1989, by section 6 Transport Amendment Act 1989 (1989 No 77).

Subsection (3) was amended, as from 1 July 1992, by section 4(1)(b) Transport Amendment Act (No 2) 1992 (1992 No 67) by inserting the words “constable or” before the words “traffic officer” in both places where they occur.

Subsection (5) was amended, as from 1 July 1992, by section 4(1)(c) Transport Amendment Act (No 2) 1992 (1992 No 67) by inserting the words “sworn or non-sworn member of the Police or any” before the word “officer” where it first occurs.

Subsection (5) was amended, as from 1 July 1992, by section 4(1)(d) Transport Amendment Act (No 2) 1992 (1992 No 67) by inserting the word “constable” before the words “traffic officer”.

Paragraph (h) of the previous subsection (7) was substituted, as from 1 April 1993, by section 9 Transport Amendment Act (No 3) 1992 (1992 No 108).

Subsection (7) was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

Subsection (8A) was inserted, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Subsection (8A) was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

Subsection (9) was amended, as from 1 July 1992, by section 4(2)(a) Transport Amendment Act (No 2) 1992 (1992 No 67) by substituting the words “that is a local authority or an airport authority” for the words “other than the Department”.

Subsection (10) was substituted, as from 1 April 1993, by section 9 Transport Amendment Act (No 3) 1992 (1992 No 108).

Subsection (11) was inserted, as from 1 April 1993, by section 9 Transport Amendment Act (No 3) 1992 (1992 No 108).

Subsection (11) was amended, as from 1 July 1993, by section 129(1) Privacy Act 1993 (1993 No 28) by substituting the words “such computer system as is for the time being maintained by any Government agency, (being the Police or the Department or the Department of Justice) for the purposes of storing law enforcement information” for the words “the Wanganui computer system”.

Subsection (11) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words “the Police or the Authority” for the words “the Police or the Department”.

Subsection (11) was amended, as from 1 July 1995, by section 10(1) Department of Justice (Restructuring) Act 1995 (1995 No 39) by substituting the words “Department for Courts” for the words “Department of Justice”.

Subsection (11) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110), by substituting the words “employee of the Authority” and “employee” for the words “officer of the Authority” and “officer” respectively.

### **43 Entitlement to infringement fees**

- (1) Subject to subsection (3), all infringement fees received under section 42A by an enforcement authority or recovered under the Summary Proceedings Act 1957 shall be paid into the Crown Bank Account; except that the enforcement authority may retain such portion of the fees so received as the Minister of Finance from time to time approves as being the expenses incidental to their collection.
- (2) *[Repealed]*
- (3) A local authority that is an enforcement authority shall be entitled to retain—
  - (a) all infringement fees received by it in respect of offences involving—

- (i) parking in breach of a bylaw of the local authority in any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of the local authority; or
    - (ii) parking in any other portion of a road in breach of a bylaw of the local authority prohibiting parking for a period in excess of the period fixed by the bylaw where the infringement notice in respect of the offence was issued by an officer or other person appointed by that authority; and
  - (b) all towage fees received by it; and
  - (c) such portion of all other infringement fees received by it as the Minister of Finance from time to time approves.
- (4) The Commissioner shall from time to time, out of money appropriated by Parliament for the purpose, pay to a local authority such portion as the Minister of Finance from time to time approves, of the infringement fees (other than towage fees) received by the Commissioner in respect of other offences that involve breaches of the local authority's bylaws (not being offences that are also offences against an Act or regulation).
- (5) For the purposes of subsections (3)(c) and (4), the Minister of Finance may approve different portions for different local authorities or enforcement authorities and different categories of infringement offences.
- (6) For the purposes of this section the expression **local authority** includes an airport authority.

Part 4, comprising sections 30 to 51, was substituted, as from 1 February 1971 (excepting sections 42 and 43 which came into force on 1 July 1971), by section 2 Transport Amendment Act 1970 (1970 No 136).

Subsection (1) proviso was substituted, as from 13 December 1979, section 2 Transport Amendment Act (No 2) 1979 (1979 No 120).

Section 43 was substituted, as from 17 December 1980, by section 7 Transport Amendment Act 1980 (1980 No 96).

Section 43 was substituted, as from 1 November 1987, by section 6 Transport Amendment Act 1987 (1987 No 96).

Subsection (1) was substituted, as from 1 October 1989, by 7 Transport Amendment Act 1989 (1989 No 77).

Subsection (1) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110), by omitting the words "or section 69C of this Act".

Subsection (2) was repealed, as from 1 October 1989 by section 7(1) Transport Amendment Act 1989 (1989 No 77).

Subsection 3(a) was repealed, as from 3 April 1985, by section 13 Transport Amendment Act (No 2) 1985.

Subsection (4) was amended, as from 1 July 1992, by section 5 Transport Amendment Act (No 2) 1992 (1992 No 67) by substituting the word “Commissioner” for the word “Department”.

Subsection (5) was amended, as from 1 October 1989, by section 7 Transport Amendment Act 1989 (1989 No 77) by omitting the expression “(2)”.

#### **43A Towage fees where parking offences prosecuted**

- (1) Where, in proceedings in respect of a parking offence,—
- (a) the defendant is found guilty of, or pleads guilty to, the offence; and
  - (b) the Court is satisfied that expenses have been incurred by an enforcement authority in respect of the movement or proposed movement under section 68B(1)(c) or section 68BA(2)(b) of the vehicle involved in the offence (whether or not the vehicle was in fact moved),
- the Court shall order the defendant to pay, in addition to the fine (if any) and the costs (if any) ordered by the Court, the amount of the appropriate towage fee.
- (2) Where, in proceedings in respect of a parking offence (including proceedings commenced by the filing of a copy of a reminder notice under section 21(5) of the Summary Proceedings Act 1957 or the provision of particulars of a reminder notice under section 21 of that Act), the defendant is ordered to pay an amount in respect of a towage fee, the amount of the fee recovered shall be paid to the enforcement authority that incurred the towage expenses.

Part 4, comprising sections 30 to 51, was substituted, as from 1 February 1971 (excepting sections 42 and 43 which came into force on 1 July 1971), by section 2 Transport Amendment Act 1970 (1970 No 136).

Section 43A was inserted, as from 1 November 1987, by section 17 Summary Proceedings Amendment Act 1987 (1987 No 165).

Subsection (2) was amended, as from 1 March 2007, by section 38 Summary Proceedings Amendment Act 2006 (2006 No 13) by inserting “or the provision of particulars of a reminder notice under section 21 of that Act” after “filing of a copy of a reminder notice under section 21(5) of the Summary Proceedings Act 1957”.

*Demerit points system***44 Recording of demerit points***[Repealed]*

Sections 44 to 51 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**45 Appeal against conviction***[Repealed]*

Sections 44 to 51 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**46 Cancellation of points***[Repealed]*

Sections 44 to 51 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**47 Notice of points***[Repealed]*

Sections 44 to 51 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**48 Disqualification under points system***[Repealed]*

Sections 44 to 51 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**49 Issue of limited licence***[Repealed]*

Sections 44 to 51 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**50 Disqualified person not to apply for or obtain driver's licence***[Repealed]*

Sections 44 to 51 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).



**51 Regulations as to demerit points**

*[Repealed]*

Sections 44 to 51 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**Part 5  
Road traffic**

**52 Speed limits**

*[Repealed]*

Section 52 was repealed, as from 27 February 2005, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order 2004 (SR 2004/452).

**52A Saving of existing speed limits**

1 All speed limits fixed by any Act, regulation, bylaw, or notice in the *Gazette* before the date on which section 4 of the Transport Amendment Act 1997 comes into force continue to have effect in relation to any road or locality to which they applied before that date until superseded in respect of that road or locality by a speed limit fixed on or after that date by—

- (a) a controlling authority in accordance with any ordinary rule or emergency rule made under Part 2 of the Land Transport Act 1993; or
- (b) the Agency under any such rule; or
- (c) a Minister of the Crown by bylaw made under section 72(1)(j).

Section 52A was inserted, as from 1 October 1989, by section 9(1) Transport Amendment Act 1989 (1989 No 77).

Sections 52 and 52A were substituted, as from 5 April 2004, by section 4 Transport Amendment Act 1997 (1997 No 3). *See* clause 2 Transport Amendment Act 1997 Commencement Order 2004 (SR 2004/39).

Section 52A(1)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

**53 Exemption from speed limits of Police, traffic officers, and ambulance and fire-brigade drivers**

*[Repealed]*

Section 53 was repealed, as from 22 June 2005, by section 91(11) Land Transport Amendment Act 2005 (2005 No 77). See sections 96 to 100 of that Act as to the transitional and savings provisions.

**54 Compliance with speed limit not a defence to other charges**

*[Repealed]*

Sections 54, 55, 56, and 57 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**55 Causing bodily injury or death through reckless or dangerous driving or driving while under the influence of drink or drugs**

*[Repealed]*

Sections 54, 55, 56, and 57 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**56 Causing bodily injury or death through careless use of motor vehicle**

*[Repealed]*

Sections 54, 55, 56, and 57 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**57 Reckless or dangerous driving**

*[Repealed]*

Sections 54, 55, 56, and 57 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

*Breath-alcohol and blood-alcohol offences*

The heading “Breath-alcohol and blood-alcohol offences” were substituted, as from 11 December 1988, by section 7 Transport Amendment Act (No 2) 1988 (1988 No 170).

**57A Interpretation**

*[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58 Driving with excessive breath-alcohol or blood-alcohol concentration or while under influence of drink or drugs**

*[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58A Breath screening tests**

*[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58B Evidential breath tests**

*[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58C Blood tests**

*[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58D Hospital blood tests**

*[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58E Refusal to supply blood specimen**

*[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58F Procedure for dealing with blood specimens**

*[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58G Certificates and presumptions in blood-alcohol proceedings***[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58H Circumstances in which certificate not admissible in proceedings***[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58I Reasonable compliance***[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**58J Taking of blood specimens for statistical or research purposes***[Repealed]*

Sections 57A to 58J were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**59 Being in charge of motor vehicle while under influence of drink or drugs***[Repealed]*

Sections 59 to 63 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**59A Driving or attempting to drive with excessive blood-alcohol concentration***[Repealed]*

Sections 59A to 59F were repealed, as from 1 February 1971, by section 6(1)(a) Transport Amendment Act 1970 (1970 No 136).

**59B Breath tests***[Repealed]*

Sections 59A to 59F were repealed, as from 1 February 1971, by section 6(1)(a) Transport Amendment Act 1970 (1970 No 136).

**59C Blood tests**

*[Repealed]*

Sections 59A to 59F were repealed, as from 1 February 1971, by section 6(1)(a) Transport Amendment Act 1970 (1970 No 136).

**59D Proceedings for offence committed while under the influence of a drug or a drug associated with drink**

*[Repealed]*

Sections 59A to 59F were repealed, as from 1 February 1971, by section 6(1)(a) Transport Amendment Act 1970 (1970 No 136).

**59E Refusal to supply specimen of blood**

*[Repealed]*

Sections 59A to 59F were repealed, as from 1 February 1971, by section 6(1)(a) Transport Amendment Act 1970 (1970 No 136).

**59F Special provisions as to persons under medical treatment**

*[Repealed]*

Sections 59A to 59F were repealed, as from 1 February 1971, by section 6(1)(a) Transport Amendment Act 1970 (1970 No 136).

**60 Careless or inconsiderate use of motor vehicle**

*[Repealed]*

Sections 59 to 63 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

*Miscellaneous provisions with respect to motor driving*

**61 Names of drivers under influence of drink or drugs not to be suppressed**

*[Repealed]*

Sections 59 to 63 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**62 Arrest of drivers under influence of drink or drugs**

*[Repealed]*

Sections 59 to 63 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**62A Traffic officer may arrest for assault on traffic officer***[Repealed]*

Sections 59 to 63 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**62B Arrested person to be delivered into police custody***[Repealed]*

Sections 59 to 63 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**63 Constable or traffic officer may prohibit or prevent driving***[Repealed]*

Sections 59 to 63 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**64 Compulsory stopping of certain vehicles at railway crossings***[Repealed]*

Section 64 was repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**65 Duties of motor drivers in cases of accidents***[Repealed]*

Section 65 was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**66 User of vehicle to stop when required and give name and address, etc***[Repealed]*

Section 66 was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**66A Entry on premises for purpose of exercising powers in relation to breath-alcohol offences***[Repealed]*

Section 66A was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**67 Owner or hirer to give information as to identity of driver or passenger**

- (1) On being informed of any offence alleged to have been committed by a driver of a motor vehicle while in charge thereof (whether the offence is an offence against this Act or any other enactment or any bylaw), and on being requested so to do by a constable or traffic officer or parking warden, whether orally or in writing, the owner of that vehicle, and also in the case of a vehicle let on hire, the person to whom it is let on hire, shall, within 14 days after the receipt of the request, give all information in his possession or obtainable by him which may lead to the identification and apprehension of the driver.
- (2) On being informed of any offence alleged to have been committed by a passenger in or through the use of a motor vehicle where that use relates to the commission of the offence or the aiding of the commission of the offence or the assisting of that passenger to avoid arrest in connection with or conviction for that offence (whether the offence is one against this Act or any other enactment or bylaw), and on being requested so to do by a constable or traffic officer or parking warden, whether orally or in writing, the owner and the driver of that vehicle, and also in the case of a vehicle let on hire, the person to whom it is let on hire, shall, within 14 days after the receipt of the request, give all information in his possession or obtainable by him which may lead to the identification and apprehension of the passenger.
- (3) Every person commits an offence who—
  - (a) fails to comply with subsection (1) or subsection (2); or
  - (b) gives any information in response to a request made under either of these subsections knowing that the information is false or misleading.
- (4) Every person who commits an offence against subsection (3) is liable on conviction to a fine not exceeding \$2,000.

Subsection 67 was substituted, as from 19 November 1971, by section 11(1) Transport Amendment Act 1971 (1971 No 57). Subsection (1) still follows substantially the original section 67. The time limit of 14 days was introduced in 1970.

Subsections (1) and (2) amended, as from 1 August 1987, by section 18 Transport Amendment Act 1987 (1987 No 96) by inserting the words “or parking warden”.

Subsection (3) was inserted, as from 11 December 1988, by section 11 Transport Amendment Act (No 2) 1988 (1988 No 170).

Subsection (4) was inserted, as from 1 April 1993, by section 26 Transport Amendment Act (No 3) 1992 (1992 No 108).

**68 Power of Court to order attendance at traffic improvement or defensive driving course**

*[Repealed]*

Sections 68 and 68A were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**68A Court may order driving test**

*[Repealed]*

Sections 68 and 68A were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**68B Powers of constables and traffic officers**

*[Repealed]*

Section 68B was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**68BA Powers of parking wardens**

- (1) Any parking warden in uniform or in possession of any warrant or other evidence of authority as a parking warden is hereby authorised to enforce the provisions and offences specified or referred to in Schedule 2A.
- (2) Any parking warden in uniform or in possession of any warrant or other evidence of authority as a parking warden may—
  - (a) direct any person on any road, and apparently in charge of or in any vehicle, to furnish the person's name and address and give any other particulars required as to the person's identity, and give such information as is within the person's knowledge and as may lead to the identification of the driver or person in charge of any vehicle:
  - (b) if the parking warden believes on reasonable grounds that a vehicle on a road causes an obstruction in the road or to any vehicle entrance to any property, or that the removal of the vehicle is desirable in the interests of



- road safety or for the convenience or in the interests of the public,—
- (i) enter, or authorise another person to enter, the vehicle for the purpose of moving it or preparing it for movement; and
  - (ii) move, or authorise another person to move, the vehicle to any place where it does not constitute a traffic hazard:
- (c) direct the driver or person in charge of any vehicle on any road to remove the vehicle from the road or any specified part of any road, if the parking warden believes on reasonable grounds that it causes an obstruction in the road or to any vehicle entrance to any property, or that its removal is desirable in the interests of road safety or for the convenience or in the interests of the public.
- (3) Every person commits an offence who fails to comply with any direction given under subsection (2)(a) or who gives in response to a direction under that provision any information that the person knows to be false.
- (4) Every person to whom any direction is given under the authority of this section shall comply with that direction, and no person shall do any act that is for the time being forbidden by any direction given under the authority of this section.
- (5) Any person who is authorised by a parking warden to—
- (a) enter a vehicle for the purpose of moving it or preparing it for movement; or
  - (b) move a vehicle to a place where it does not constitute a traffic hazard—
- may do so, but shall do everything reasonably necessary to ensure that the vehicle is not damaged in the course thereof.
- (6) Any person who—
- (a) has possession of a vehicle as a result of its being moved under subsection (1)(b); and
  - (b) when requested at any reasonable time to do so by a person who produces satisfactory evidence to the effect that the person was lawfully entitled to possession of the vehicle immediately before it was moved, fails to deliver possession of the vehicle to that person forthwith—

commits an offence against this Act, and is liable to a fine not exceeding \$1,000.

Section 68BA was inserted, as from 1 August 1987, by section 21(1) Transport Amendment Act 1987 (1987 No 96).

Subsection (1) was amended, as from 15 November 2000, by section 3 Transport Amendment Act 2000 (2000 No 85) by inserting the words “and offences” after the word “provisions”.

### **68C Drivers and pedestrians to comply with traffic directions**

*[Repealed]*

Section 68C was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

### **68D Jurisdiction of traffic officers**

*[Repealed]*

Section 68D was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

### **68E Search warrants relating to road user charges offences**

- (1) A search warrant issued under section 198(1) of the Summary Proceedings Act 1957 in relation to any offence that involves road user charges matters may be directed—
  - (a) to any traffic officer by name, being a traffic officer authorised by the Commissioner to execute search warrants; or
  - (b) generally to every such traffic officer; or
  - (c) in the manner provided by section 198(2) of the Summary Proceedings Act 1957.
- (2) Where any search warrant to which this section relates is directed to any traffic officer by name or generally to every traffic officer authorised to execute search warrants, the Summary Proceedings Act 1957 shall apply in all respects as if every reference therein to a constable included a traffic officer.
- (3) Any traffic officer executing any search warrant shall, when reasonably requested to do so, produce evidence of the traffic officer’s authority from the Commissioner to execute such warrants.

Section 68E was inserted, as from 1 October 1989, by section 11 Transport Amendment Act 1989 (1989 No 77).

Subsections (1)(a) and (3) were amended, as from 1 July 1992, by section 16 Transport Amendment Act (No 2) 1992 (1992 No 67) by substituting the word “Commissioner” for the word “Secretary”.

### *Heavy traffic*

#### **69 Limitation of weight of motor vehicles for use on road**

*[Repealed]*

Section 69 was repealed, as from 1 January 1970, by section 11 Transport Amendment Act (No 2) 1969 (1969 No 137).

#### **69A Powers of traffic officers in respect of heavy motor vehicles**

*[Repealed]*

Section 69A was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

#### **69B Overloading offences**

*[Repealed]*

Section 69B was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

#### **69C Overloading of Crown vehicles**

*[Repealed]*

Section 69C was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

#### **69D Removal and retention of hubodometers by authorised officers**

- (1) Any constable, traffic officer who is a non-sworn member of the Police, or officer of the Department authorised by the Secretary to exercise any powers under this section (in this section each referred to as an ‘authorised officer’) may remove or require the removal from any motor vehicle on any road of any hubodometer for the purpose of inspection to determine whether the hubodometer has been modified or tampered with.
- (2) Any authorised officer may seize and retain for the purposes of any criminal proceedings, or any proceedings under section 18A of the Road User Charges Act 1977, any hubodometer on any motor vehicle on any road, or any hubodometer removed

from any such vehicle pursuant to subsection (1), where the authorised officer believes on reasonable grounds that the hubodometer has been modified or tampered with (otherwise than in accordance with section 22A of the Road User Charges Act 1977), or bears a serial number common to any other hubodometer of the same make.

- (3) Any authorised officer may seize and retain for the purposes of any criminal proceedings, or any proceedings under section 18A of the Road User Charges Act 1977, any licence carried or displayed in or on any motor vehicle on any road, or produced to the authorised officer by any person, where the authorised officer believes on reasonable grounds that the licence has been altered or is expired, invalid, or a forgery.
- (4) Where any hubodometer or licence is retained by an authorised officer under this section the operator of the vehicle from which the hubodometer is removed or to which the licence relates may cause the vehicle to be moved for such distance, not exceeding 100 kilometres, as may be necessary for the purpose of obtaining a replacement hubodometer or licence, or both; and the vehicle shall be deemed for the purposes of the Road User Charges Act 1977 to be fitted with a proper hubodometer or to have a valid licence displayed, or both, as the case may require, while it is being moved as permitted by this section.
- (5) Every person commits an offence and is liable on conviction to a fine not exceeding \$5,000 who fails to comply with or does any act in contravention of any direction given under this section.

Section 69D was inserted, as from 1 April 1969, by section 23 Transport Amendment Act 1968 (1968 No 148), and repealed, as from 1 November 1987, by section 6, 1987 No 96.

The current section 69D was inserted, as from 1 October 1989, by section 13(1) Transport Amendment Act 1989 (1989 No 77).

Section 69D(1): substituted, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1) was amended, as from 1 July 1992, by section 19(1) Transport Amendment Act (No 2) 1992 (1992 No 67) by substituting the words “a non-sworn member of the Police” for the words “an officer of the Department”.

Subsection (5) was substituted, as from 29 July 1995, by section 4 Transport Amendment Act 1995 (1995 No 44). *See* section 14 of that Act as to the transitional provisions.

**70 Strict liability for offences involving insecure loads and loads falling from heavy vehicles**

*[Repealed]*

Section 70 was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**70A Constable or traffic officer to order stopping of heavy motor vehicle until load is secured**

*[Repealed]*

Section 70A was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**70AA Restriction of heavy traffic on roads**

- (1) The Minister in the case of a Government road, the Agency in the case of a State highway the control of which has not been delegated to a territorial authority under Part 4 of the Government Roading Powers Act 1989, and the territorial authority in the case of any road under its control, may from time to time, by public notice, direct that any heavy traffic, or any specified kind of heavy traffic defined in the notice, shall not proceed between any 2 places by way of any road or roads specified in the notice.
- (2) A copy of every notice under this section shall be displayed in at least 1 prominent position on every road to which the notice applies.
- (3) Every person commits an offence who contravenes the requirements of any notice under this section unless the person proves that there was no other way reasonably available for the traffic concerned.

Section 70AA was inserted, as from 1 October 1989, by section 14(1) Transport Amendment Act 1989 (1989 No 77).

Section 70AA(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

*Driving hours and logbooks*

Heading: repealed, on 1 October 2007, pursuant to section 93 of the Land Transport Amendment Act 2005 (2005 No 77).

**70B Driving hours***[Repealed]*

Section 70B: repealed, on 1 October 2007, by section 93 of the Land Transport Amendment Act 2005 (2005 No 77).

**70C Driver logbooks***[Repealed]*

Section 70C: repealed, on 1 October 2007, by section 93 of the Land Transport Amendment Act 2005 (2005 No 77).

**70D Offences and proceedings concerning logbooks and driving hours***[Repealed]*

Section 70D: repealed, on 1 October 2007, by section 93 of the Land Transport Amendment Act 2005 (2005 No 77).

*Hazardous substances***70E Definition of hazardous substance, etc***[Repealed]*

Sections 70E to 70K were repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**70F Duties of operators of vehicles transporting hazardous substances***[Repealed]*

Sections 70E to 70K were repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**70G Consignors to advise of presence of hazardous substances***[Repealed]*

Sections 70E to 70K were repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**70H Drivers to have licence with hazardous substances endorsement**

*[Repealed]*

Sections 70E to 70K were repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**70I Power to stop vehicles for breach of hazardous substances provision**

*[Repealed]*

Sections 70E to 70K were repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**70IA Power to inspect rail service vehicles**

*[Repealed]*

Sections 70E to 70K were repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**70IB Power to inspect premises used for loading**

*[Repealed]*

Sections 70E to 70K were repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**70J Heavy motor vehicles of or over 3,500 kg to comply with hazardous substances requirements**

*[Repealed]*

Sections 70E to 70K were repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**70K Director and Commissioner of Police may appoint hazardous substance enforcement officers**

*[Repealed]*

Sections 70E to 70K were repealed, as from 3 May 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order (No 2) 1999 (SR 1999/97).

**71 Restriction of heavy traffic on roads***[Repealed]*

Section 71 was repealed, as from 1 October 1989, by section 14 Transport Amendment Act 1989 (1989 No 77).

*Hovercraft***71A Use of hovercraft on or over any roads***[Repealed]*

Section 71A was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

*Bylaws***72 Bylaws as to the use of roads**

- (1) Subject to the provisions of this Act or of any other enactment in respect of any of the matters referred to in this subsection, any Minister of the Crown in respect of any roads under his control, or any local authority in respect of any roads under its control, may from time to time make bylaws for any of the following purposes:
- (a) providing for the weighing or measurement of loads of vehicles, or for the computation of the weight or measurement of loads from the cubical or superficial measurements thereof; prescribing what quantity of any material shall for the purpose of such computation be conclusively deemed to be a specified weight or measurement; and providing for the drivers of vehicles giving such information as to the loads thereof and as to the quantity, weight, size, or measurement of the loads, or doing such things for the purpose of enabling the same to be ascertained, as may be requested by any person authorised in that behalf:
  - (b) regulating the weights of vehicles or loads that may pass over bridges or culverts:
  - (c) prohibiting, either absolutely or conditionally, the crossing of any bridge or culvert by horses, cattle, sheep, pigs, or other animals, and regulating the times at which or the manner in which any vehicles, horses, cattle, sheep, pigs, or other animals may cross or be taken over any bridge or culvert:



- (d) prescribing the routes by which and the times at which horses, cattle, sheep, pigs, or other animals, or specified classes of vehicles may pass over any such roads; and prohibiting the driving of loose horses, cattle, sheep, pigs, or other animals along any such road, otherwise than at the times and by the routes so prescribed, except with the permission of the said Minister or of the local authority, as the case may be, and on such conditions as the said Minister or the local authority, as the case may be, thinks fit:
- (dd) prohibiting, either absolutely or conditionally, the driving of horses, cattle, sheep, or pigs along any road, and requiring that no horses, cattle, sheep, or pigs shall be taken upon or enter any road unless they are confined within a motor vehicle:
- (e) providing for the giving and taking of security by or from any person that no special damage will occur to any road, bridge, culvert, ferry, or ford by reason of any heavy traffic thereon:
- (f) prohibiting any specified class of heavy traffic that has caused or is likely to cause serious damage to any road unless the cost of reinstating or strengthening the road, as estimated by the said Minister or the local authority, as the case may be, is previously paid:
- (g) providing for the annual or other payment of any reasonable sum by any person concerned in any heavy traffic by way of compensation for any damage likely to occur therefrom to any road, bridge, culvert, ferry, or ford:
- (h) providing for the establishment, in accordance with section 361 of the Local Government Act 1974, of a toll to be levied on any class of heavy traffic:
- (i) prohibiting or restricting absolutely or conditionally any specified class of traffic (whether heavy traffic or not), or any specified motor vehicle or class of motor vehicle which by reason of its size or nature or the nature of the goods carried is unsuitable for use on any road or roads specified in the bylaw:

- (ia) providing that, subject to the erection of the prescribed signs, vehicles on roads designated in the bylaw shall travel in one specified direction only:
- (j) in the case of Ministers of the Crown only, fixing, for the safety of the public or for the better preservation of the road, the maximum speed of vehicles or of specified classes of vehicles on any road:
- (k) prohibiting or restricting, subject to the erection of the prescribed signs, the stopping, standing, or parking of vehicles on any road; limiting the stopping, standing, or parking of vehicles on any road to vehicles of any specified class or description; limiting the period of time that vehicles may park on any part of the road where parking is limited to such vehicles; and providing that a vehicle used for the time being for any specified purpose shall be deemed for the purposes of the bylaw to be of such class or description as is specified in the bylaw, notwithstanding that the vehicle may belong to any other class or description for any other purpose:
- (ka) prohibiting, subject to the erection of the prescribed signs, vehicles on a roadway turning from facing or travelling in one direction to facing or travelling in the opposite direction, or prohibiting vehicles on a roadway, other than vehicles of a class specified in the bylaw, from turning to the right or to the left:
- (kb) prescribing, subject to the marking of lanes on the roadway, that on any road any traffic lane specified in the bylaw may be used or any turning movement may be made only by omnibuses, taxis, or vehicles of other specified classes or vehicles carrying specified classes of loads or not less than a specified number of occupants:
- (kc) prohibiting or restricting, subject to the erection of the prescribed signs, the parking of heavy motor vehicles, or any specified class or description of heavy motor vehicles, on any specified road during such hours or exceeding such period as may be specified:
- (l) prescribing fines, not exceeding \$500, for the breach of any bylaw made under this section.

- (2) Any bylaws made under this section may apply generally to all roads under the care, control, or management of the Minister or local authority making the bylaws, or to any specified road, or to any specified part or parts thereof, and may apply to all vehicles or traffic or to any parts thereof, and may apply to all vehicles or traffic or to any specified class or classes of vehicles or traffic, and may operate at any time or at any specified time or times.
- (3) All charges, fees, and tolls received by any local authority under this section in respect of any road shall, without any deduction except for the cost of collection, be expended on the maintenance of that road.
- (4) A copy of every bylaw made under this section by a local authority shall within one week after the making thereof be sent by the local authority to the Minister of Transport, who may at any time disallow the bylaw or any part thereof under section 74.
- (5) Nothing in this section shall apply to any authorised railway or tramway on, over, or across any road, or shall limit any powers of regulating traffic on roads otherwise possessed by the Governor-General, any Minister of the Crown, or any local authority.
- (6) The power to make bylaws regulating, controlling, or prohibiting vehicular traffic shall be subject to the provisions of this Act or any other enactment dealing with any specified class or classes of traffic or vehicles.
- (6A) Every person who—
  - (a) parks in breach of a bylaw of a local authority in any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of the local authority; or
  - (b) parks in any other portion of a road in breach of a bylaw of a local authority prohibiting parking for a period in excess of the period fixed by the bylaw—commits an offence, and (where no penalty is prescribed in respect thereof in the bylaws of the local authority) is liable to a fine not exceeding \$20).

(7) In this section and in sections 73 and 74 the expression **local authority** includes the Agency.

Subsection (1) was amended, as from 1 October 1989, by section 116(4) Transit New Zealand Act 1989 (1989 No 75) by omitting the words “to section 13 of the National Roads Act 1953, and”.

Subsection (1)(dd) was inserted, as from 2 December 1970, by section 11(1) Transport Amendment Act 1970 (1970 No 136).

Subsection (1)(f) was amended, as from 1 August 1987, by section 25(1) Transport Amendment Act 1987 (1987 No 96) by inserting the words “or strengthening”.

Subsection (1)(h) was substituted, as from 1 April 1980, by section 8(3) Local Government Amendment Act 1979 (1979 No 59).

Subsection (1)(i) was substituted, as from 29 October 1974, by section 21(1) Transport Amendment Act 1974 (1974 No 61).

Subsection (1)(ia) was inserted, as from 20 October 1972, by section 10(1) Transport Amendment Act 1972 (1972 No 129).

Subsection (1)(j) was amended, as from 5 April 2004, by section 11 Transport Amendment Act 1997 (1997 No 3) by substituting the words “In the case of Ministers of the Crown only, fixing” for the word “Fixing”. See clause 2 Transport Amendment Act 1997 Commencement Order 2004 (SR 2004/39).

Subsection (1)(k) was substituted, as from 20 October 1972, by section 10(2) Transport Amendment Act 1972 (1972 No 129).

Subsection (1)(kk) was inserted, as from 2 December 1970, by section 11(2) Transport Amendment Act 1970 (1970 No 136).

Subsection (1)(kk) was repealed, as from 29 October 1974, by section 22(2) Transport Amendment Act 1974 (1974 No 61).

Subsections (1)(ka) and (kb) were inserted, as from 29 October 1974, by section 22(2) Transport Amendment Act 1974 (1974 No 61).

Subsection (1)(kb) was amended, as from 3 April 1985, by section 16 Transport Amendment Act (No 2) 1985 by inserting the words “or not less than a specified number of occupants”.

Subsection (1)(kc) was inserted, as from 11 December 1988, by section 13 Transport Amendment Act 1988 (1988 No 170).

Subsection (1)(l) was amended, as from 2 December 1970, by section 3(1) Transport Amendment Act 1970 (1970 No 136) by substituting the expression “not exceeding \$200” for the expression “not exceeding one hundred dollars”.

Subsection (1)(l) was amended, as from 1 August 1987, by section 25(2) Transport Amendment Act 1987 (1987 No 96) by substituting the expression “not exceeding \$500” for the expression “not exceeding \$200”.

Subsection (6A) was inserted, as from 1 April 1981, by section 8(8) Transport Amendment Act 1980 (1980 No 96).

Section 72(7): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (7) was amended, as from 1 October 1989, by section 116(4) Transit New Zealand Act 1989 (1989 No 75) by substituting the words “Transit New Zealand” for the words “the National Roads Board”.

**73 Publication and proof of bylaws**

- (1) Where any bylaw made under section 72 has special reference to any bridge, a copy of the bylaw or a statement of its effect shall be conspicuously displayed and maintained in a clearly legible condition at each end of that bridge.
- (2) Printed copies of all bylaws made under section 72 and having reference to traffic on any road or roads shall be on sale to every person applying for them, at a reasonable charge, at the Government Printing Office in Wellington, in the case of Government roads, and, in the case of other roads, at the principal office of the local authority having control of the roads.

**74 Power of Minister to disallow local bylaws relating to traffic**

- (1) The Minister may at any time, by notice published in the *Gazette*, disallow, either wholly or in part, any bylaw made by any local authority, whether before or after the commencement of this Act, and relating to any traffic on any road or roads, if in his opinion the subject-matter of the bylaw should not be dealt with otherwise than by this Part or by regulations of general application made under this Act, or if in his opinion the bylaw, in so far as it relates to or may affect any traffic, is unreasonable or undesirable.
- (2) On any disallowance under this section the bylaw shall, to the extent to which it is disallowed, be deemed to have been revoked.
- (3) Any disallowance under this section shall take effect either on the day of the publication of the notice of disallowance in the *Gazette* or on such later date as may be specified in that behalf in the notice.

*General provisions***74A Minister may ensure roading safety**

If at any time the Minister has cause to believe that any road is not in a safe condition the Minister may inquire into the circumstances, and if in the Minister's opinion the Agency or the territorial authority in control of the road has not carried out work which the Minister reasonably considers necessary and justified in the interests of public safety,—

- (a) the Minister may in writing advise the Agency or the territorial authority of the need for such work; and
- (b) the Agency, or the territorial authority as the case may be, shall upon being so advised exercise its powers under that Act to remove the cause of danger to public safety.

Section 74A was inserted, as from 1 October 1989, by section 17 Transport Amendment Act 1989 (1989 No 77).

Section 74A: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 74A(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 74A(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

**75 Local authorities may arrange for enforcement of traffic laws by Transport Department**

*[Repealed]*

Section 75 was repealed, as from 1 July 1992, by section 23(1) Transport Amendment Act 1992 (1992 No 67).

76

Section 76 was repealed, by section 4(1) Local Government Amendment Act 1978 (1978 No 43).

**76A Temporary closure of non-essential roads**

*[Repealed]*

Section 76A was repealed, as from 1 April 1979, by section 4(1) Local Government Amendment Act 1978 (1978 No 43).

**76B Notification of road hazards**

*[Repealed]*

Sections 76B and 76C were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**76C Traffic surveys**

*[Repealed]*

Sections 76B and 76C were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**77 Regulations**

- (1) Without limiting the general power to make regulations conferred by section 199, regulations may be made under that section for all or any of the following purposes, namely:
- (a) providing for minimising the noise and the issue of smoke or fumes from the working of any vehicles:
  - (b) restricting or prohibiting the use of vehicles that, owing to defects of construction or to disrepair, are unsuitable for safe use:
  - (c) prescribing the affixing of efficient brakes to vehicles:
  - (d) prescribing the kinds of lamps that may be carried on vehicles, requiring the carrying of such lamps, and prescribing how and when they are to be used:
  - (da) requiring the wearing or use of safety equipment by riders and passengers on vehicles:
  - (e) regulating the attaching and use of bells, alarms, reflectors, direction indicators, and other instruments for giving notice of the approach, position, or course of vehicles, or for assisting in their control; prescribing the kinds thereof to be used on different classes of vehicles; and prohibiting the use on any class of vehicle of any bell, alarm, reflector, direction indicator, or other instrument as aforesaid of a kind that is not prescribed for use on that class of vehicle or of a kind that is prescribed for use on any other class of vehicle:
  - (ee) prescribing for the safety of the public or of any person matters in relation to the design and construction of motor vehicles manufactured, assembled, or modified in New Zealand and intended to be used on roads,

or of any specified classes of such motor vehicles, or of such motor vehicles manufactured, assembled, or modified by any specified classes of persons, or in relation to any components or equipment manufactured in New Zealand for use in motor vehicles:

- (ef) prescribing or authorising the Agency to prescribe or approve matters in relation to the design, construction, equipment, condition, and inspection of vehicles that may be used in connection with transport services or any class of transport services; providing for and regulating the issue, duration, conditions, and revocation of certificates of fitness and permits for such vehicles; and generally prescribing the conditions upon or subject to which they may be used and regulating the use thereof:
- (f) prescribing the maximum weight and the maximum dimensions of any vehicle, and any load thereon, that may be used on any road, the maximum weight that may be transmitted to the road surface by the wheel or wheels on any one axle of a vehicle, and the maximum air pressure of the tyres of any heavy motor vehicle or specified kind of heavy motor vehicle:
- (fa) providing that the local authority or other body or person having the control over any road may declare the road or part thereof to be a construction zone for the purposes of the regulations, prescribing the signs to be erected in such construction zones, and providing for the exemption from the provisions of any regulations made under this Act of specified classes of motor vehicles while used within such construction zones:
- (fb) prescribing requirements as to devices, fittings, or equipment to be incorporated in the construction of, fitted to, or carried on motor vehicles or any specified class of motor vehicles, or to be used by the driver of or any person in or on a motor vehicle or any specified class of motor vehicles; and any such regulations may—
  - (i) prescribe, or authorise the Agency to prescribe, standards, specifications, or codes of practice for any such device, fitting, or equipment, or class



thereof (whether such standards, specifications, or codes of practice are prescribed in relation to the device, fitting, or equipment as such or in relation to the function of that device, fitting, or equipment):

- (ii) require the approval of the Agency to be obtained, in such way as may be prescribed, for any such device, fitting, or equipment, or class thereof, to be incorporated in, fitted to, or carried on a motor vehicle, or used by the driver of or any person in or on a motor vehicle:
- (fc) empowering the Agency to order any—
- (i) manufacturer of a vehicle or agent of the manufacturer; or
  - (ii) importer of a vehicle; or
  - (iii) person or organisation responsible for certifying that a vehicle complies with any requirement as to devices, fittings, or equipment that is prescribed under this Act; or
  - (iv) any other person responsible for the presence of a vehicle on a road—

to recall a specified vehicle or component or vehicles or components of a specified class where the vehicle or component or class of vehicles or components does not comply with any requirement as to devices, fittings, or equipment that is prescribed for vehicles or components of the same class by regulations made under this Act; and empowering the Agency to impose requirements for the purpose of ensuring that such vehicles and components comply with the relevant prescribed requirements:

- (fd) requiring vehicle identification numbers to be assigned to motor vehicles being operated in New Zealand; and—
- (i) prescribing requirements relating to vehicle identification numbers or requiring compliance with any standard specified in the regulations, or both; and providing for the manner in which such numbers are to be assigned:

- (ii) empowering the Agency to prescribe, by notice in the *Gazette*, a standard with which vehicle identification numbers must comply, including (but not limited to) the manner in which such numbers are to be affixed to vehicles:
- (iii) requiring importers and manufacturers of motor vehicles to furnish to the Agency such information relating to vehicle identification numbers as may be prescribed:
- (iv) empowering the Agency to authorise persons to carry out inspections of motor vehicles for the purpose of ensuring that vehicles comply with regulations made under this paragraph:
- (v) exempting or empowering the Agency to exempt, upon and subject to such conditions as may be prescribed in the regulations, vehicles of any class from any requirements imposed by or under regulations made under this paragraph:
- (fe) prescribing offences relating to—
  - (i) the removal, erasure, alteration, defacing, obscuring, destruction, or obliteration of vehicle identification numbers, engine numbers, or chassis numbers:
  - (ii) the affixing to any motor vehicle of a vehicle identification number, engine number, or chassis number that has been assigned to another vehicle or not lawfully assigned:
  - (iii) the selling or offering for sale of any motor vehicle without a vehicle identification number, engine number, or chassis number, or any motor vehicle on which that number has been unlawfully erased, altered, defaced, obscured, destroyed, or obliterated:
- (ff) requiring specified vehicle characteristics to be recorded by any person carrying out an inspection for the issue of a warrant of fitness or certificate of fitness; and requiring such information to be transmitted to the Agency:

- (fg) *[Repealed]*
- (g) providing for the periodical or other examination of motor vehicles and the issue of warrants of fitness, certificates of fitness, certificates of loading, and permits by the Agency, local authorities, or persons approved by the Agency; prescribing fees or maximum fees or authorising the charging of reasonable fees in respect of such examinations (and different fees may be prescribed or provided for in respect of different circumstances and different testing authorities); providing for the electronic transmission of information relating to such examinations; prescribing the persons to whom any fees are to be paid; providing for the refund or waiver of any fee payable under this Act in respect of an approval that authorises a person to issue warrants of fitness or certificates of fitness, in whole or in part, in any specified case or class of cases; and exempting specified motor vehicles or classes of motor vehicles from the provisions of the regulations:
- (ga) providing for or requiring any person or organisation approved for the purpose by the Agency to issue in respect of any vehicle a certificate as to its vehicle identification number, chassis number, other identifiers, and details of any warrant of fitness, certificate of fitness, or any permit or authority issued in respect of the vehicle by that person or organisation; and providing for the revocation of any such approval; and prescribing or authorising the Agency to prescribe the form of any such certificate:
- (h) requiring any person who sells a motor vehicle intended to be used on the road, or any specified kind of any such motor vehicle, to deliver to the purchaser at the time of the sale a current certificate of fitness or warrant of fitness issued within a specified time before the sale and certifying that the vehicle has been inspected in accordance with the regulations made under this Act and complies with the requirements of the regulations concerning construction, equipment, and condition of motor vehicles:

- (i) limiting the hours during which and regulating the conditions upon or subject to which any person may drive a vehicle not specially designed for the carriage of persons while it is in use for commercial purposes:
- (j) providing for the classification of heavy motor vehicles according to their design, weight, and carrying capacity:
- (ja) prescribing standards, specifications, or codes of practice for building, altering, or maintaining any road, or related property, in the interests of safety:
- (k) providing for the classification of roads with reference to their suitability for use by different classes of heavy motor vehicles:
  - (l) *[Repealed]*
  - (m) *[Repealed]*
  - (n) authorising any local authority or other body or person exercising control over any road to prohibit the use thereon of heavy motor vehicles, or of any class thereof, during any specified period or periods:
- (o) for any purpose for which bylaws may be made under section 72:
- (p) fixing, for the safety of the public or the better preservation of roads or the better regulation of traffic on roads, the maximum speeds of vehicles or of specified classes of vehicles on any specified road or in any locality or throughout New Zealand, or the maximum speeds or minimum speeds or both of vehicles on specified classes of roads; and—
  - (i) *[Repealed]*
  - (ii) *[Repealed]*
  - (iii) authorising the Agency to grant exemptions relating to speed limits for specified heavy vehicles or classes of heavy vehicles and to impose conditions relating to such exemptions:
- (q) providing for the imposition by local authorities or by other bodies or persons having the control of roads of temporary maximum speed limits for motor vehicles (not exceeding the maximum in that regard for the time being fixed by any Act or regulation) where the local authority or other body or person concerned considers that

a temporary risk of danger to the public or of damage to any road exists or is likely to arise, and prescribing the duration of and power to revoke any such temporary speed limit, the procedure for the imposition and notice to the public thereof, the erection of traffic signs in relation thereto, the fines to be imposed (not exceeding \$1,000) for the breach of any such speed limit, and such other matters as the Governor-General thinks necessary for the imposition and enforcement of every such temporary speed limit:

- (r) providing for the erection and maintenance of uniform signs, lights, and notices, and the making and maintenance of road markings, for the guidance and direction of persons using roads; prescribing the size, colour, and design of such signs, lights, notices, and road markings, the materials of which they are to be made, and the manner in which and the persons by whom they are to be erected or made and maintained; and requiring local authorities or other persons to erect and maintain such signs, lights, and notices and to make and maintain such road markings or any class thereof; and providing for the phased replacement of uniform signs, lights, and notices:
- (rr) prohibiting or restricting the use of reflective material on signs, hoardings, and similar structures used or intended to be used for the purposes of advertising in such a position that they are likely to reflect the lights of motor vehicles on any road:
- (s) Prescribing the duties and regulating the conduct of persons using roads for any purpose, and, in particular, of persons in charge of or riding in vehicles on roads and of persons in charge of or driving or leading animals on roads:
- (t) providing for the protection of pedestrians on roads:
- (u) providing for the closing by the local authority or other body or person exercising control thereof of roads to ordinary vehicular traffic on the occasion of the holding thereon of vehicle races or trials, or of processions, carnivals, celebrations, sporting events, or other special

events, and for the suspension in respect of any road so closed of any provision of this Part or of any regulation or bylaw under this Act relating to vehicular traffic on roads:

provided that no regulation made under this paragraph shall authorise the closing of any road for more than 12 hours in any period of 24 hours, and no road shall be closed under any such regulation unless at least 28 days' public notice is given by the authority controlling the road of its intention to close the road to ordinary vehicular traffic and calling upon persons affected to lodge objections thereto, and unless reasonable provision is made for vehicular traffic which would otherwise use the road; but nothing in this proviso shall apply with respect to the closing of any road for a period not exceeding 2 hours on the occasion of the holding thereon of any event not amounting to a vehicle race or trial:

provided further that no road shall be closed pursuant to any regulation made under this paragraph, unless the local authority or other body or person having control of the road 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, and that, in the case of any vehicle race or trial, the only motor vehicles participating are vehicles in respect of which the accident compensation levy and the indemnity surcharge under Part 6A have been paid for the licensing year then current:

provided also that no regulation under this paragraph shall in any way restrict the power of the police to maintain public order on roads, or authorise the holding on any road without the appropriate permit therefor of any

- vehicle race or trial, or procession, carnival, celebration, sporting event, or other special event for which a permit is required under any Act, regulation, or bylaw:
- (v) generally regulating traffic of all classes, whether vehicular, pedestrian, animal, or otherwise, and prohibiting traffic or any class of traffic, either absolutely or conditionally, on any specified road or any specified class of road:
  - (w) generally regulating the use of vehicles and prescribing the conditions upon or subject to which they may be used:
  - (x) *[Repealed]*
  - (y) *[Repealed]*
  - (z) prohibiting or regulating the driving of loose horses, cattle, sheep, pigs, or other animals along any road at night, being the period commencing half an hour after sunset and ending half an hour before sunrise on the following morning:
  - (za) providing for the exemption of any person or vehicle or class of persons or vehicles, from any regulations made for any purpose specified in this subsection, either wholly or partially and either unconditionally or upon or subject to such conditions as may be prescribed by or in accordance with the regulations; and delegating to the Agency or in the case of regulations made under the authority of paragraph (f) or paragraph (fa) delegating to the Agency, the local authority, or the person having control over the road, the power to grant any such exemption.
- (2) Without limiting the general power to make regulations conferred by section 199, regulations may be made under that section for the purpose of regulating the fitting, inspection, or repair of alternative fuel systems, or components thereof, in vehicles, and the use of vehicles fitted with such systems, and, without limiting the generality of the foregoing provisions, for all or any of the following purposes:
- (a) prohibiting the fitting in any vehicle, or in any vehicle of a specified class, of an alternative fuel system, or a component thereof, that has not been approved for

that purpose by the regulations or the Agency (either specifically or as a system or component of a class of systems or components so approved):

- (b) prohibiting the fitting in any vehicle, or in any vehicle of a specified class, of an alternative fuel system, or a component thereof, or the inspection or repair of such a system or component, by a person who has not been authorised for that purpose by the regulations or the Agency (either personally or as a member of a class of persons so authorised):
- (c) requiring the inspection, at specified times, of alternative fuel systems fitted in vehicles, or vehicles of a specified class; providing for the issue by specified persons of certificates to the effect that an alternative fuel system is in a safe and efficient working condition; and prohibiting the use of a vehicle where such an inspection has not been made or such a certificate has not been issued:
- (d) approving, or empowering the Agency to approve (by notice in the *Gazette*), on such terms and conditions as are specified in the regulations or as the Agency thinks fit, alternative fuel systems, and components thereof, and classes of such systems and components, for the purposes of fitting in vehicles:
- (e) authorising, or empowering the Agency to authorise (by notice in the *Gazette*), on such terms and conditions as are specified in the regulations or as the Agency thinks fit, persons or classes of persons, to fit, inspect, or repair alternative fuel systems or components thereof:
- (f) exempting, or empowering the Agency to exempt (by notice in the *Gazette*), on such terms and conditions as are specified in the regulations or as the Agency thinks fit, any person or vehicle, or class of persons or vehicles, from any of the provisions of regulations made for the purposes specified in this subsection:
- (g) empowering the Agency to revoke or vary (by notice in the *Gazette*), in whole or in part, any approval, authorisation, or exemption given by the Agency pursuant to



regulations made for the purposes specified in this subsection, or the terms and conditions relating thereto.

- (3) Any regulations made under paragraph (fb) or paragraph (fd) of subsection (1) may incorporate by reference any standard, specification, or code of practice published by or on behalf of a standards authority in New Zealand or in any other country, and the following provisions shall apply in relation to such standards, specifications, and codes of practice:
- (a) the provisions of any standard, specification, or code of practice incorporated by reference in such regulations shall be deemed to form part of the regulations; and unless otherwise provided in the regulations, every amendment to any such standard, specification, or code of practice shall be deemed to be part of that standard, specification, or code of practice, as the case may be:
  - (b) the Agency shall make available for inspection free of charge or purchase at a reasonable price at the head office of the Agency, copies of standards, specifications, and codes of practice, and any amendments thereto:
  - (c) no amendment to any such standard, code of practice, or specification shall have effect until it is made available for inspection or purchase in accordance with paragraph (b).

Subsection (1)(da) was inserted, as from 1 August 1987, by section 26(1) Transport Amendment Act 1987 (1987 No 96).

Subsection (1)(ee) was inserted, as from 24 November 1967, by section 11 Transport Amendment Act (No 2) 1967 (1967 No 153).

Subsection (1)(ef) was inserted, as from 1 October 1989, by section 19 Transport Amendment Act 1989 (1989 No 77).

Section 77(1)(ef): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(fa) was inserted, as from 19 November 1971, by section 13 Transport Amendment Act 1971 (1971 No 57).

Subsection (1)(fb) was inserted, as from 20 October 1972, by section 11 Transport Amendment Act 1972 (1972 No 129). It was substituted, as from 1 August 1987, by section 26(2) Transport Amendment Act 1987 (1987 No 96).

Subsection (1)(fb) was amended, as from 11 December 1988, by section 14(1) Transport Amendment Act (No 2) 1988 (1988 No 170) by inserting the words “, specifications, or codes of practice” in two places.

Subsection (1)(fb) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Authority” for the word “Minister”.

Section 77(1)(fb)(i): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(1)(fb)(ii): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(fc) to (fg) were inserted, as from 14 December 1992, by section 35 Transport Amendment Act (No 3) 1992 (1992 No 108).

Section 77(1)(fc): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(1)(fd)(ii): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(1)(fd)(iii): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(1)(fd)(iv): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(fd)(iv) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by omitting the words “, and to recover costs incurred in respect of such inspections”.

Section 77(1)(fd)(v): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(ff) was substituted, as from 29 July 1995, by section 7(1) Transport Amendment Act 1995 (1995 No 44). *See* section 14 of that Act as to the transitional provisions.

Section 77(1)(ff): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(fg) was inserted, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Subsection (1)(fg)(iii) was amended, as from 29 July 1995, by section 7(2) Transport Amendment Act 1995 (1995 No 44) by omitting the words “paragraph (ff) of”. *See* section 14 of that Act as to the transitional provisions.

Subsection (1)(fg) was repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

Subsection (1)(g) was substituted, as from 30 July 1988, by section 2 Transport Amendment Act 1988 (1988 No 139).

Subsection (1)(g) was substituted, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Section 77(1)(g): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(ga) was inserted, as from 29 July 1995, by section 7(3) Transport Amendment Act 1995 (1995 No 44). *See* section 14 of that Act as to the transitional provisions.

Section 77(1)(ga): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(ja) was inserted, as from 1 October 1989, by section 19 Transport Amendment Act 1989 (1989 No 77).

Subsection (1)(p) was substituted, as from 20 October 1966, by section 18 Transport Amendment Act 1966 (1966 No 107).

Subsection (1)(p)(i), (ii) and (iii) was inserted, as from 1 August 1987, by section 26(4) Transport Amendment Act 1987 (1987 No 96).

Section 77(1)(p)(iii): substituted, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(p)(iii) was amended, as from 1 July 1996, by section 29 Transit New Zealand Amendment Act 1995 (1995 No 42) by substituting the words “Transit New Zealand” for the words “the National Roads Board”.

Subsection (1)(p)(i) and (ii) was repealed, as from 5 April 2004, by section 12 Transport Amendment Act 1997 (1997 No 3). *See* clause 2 Transport Amendment Act 1997 Commencement Order 2004 (SR 2004/39).

Subsection (1)(q) was amended, as from 19 December 2001, by section 14(2) Land Transport (Road Safety Enforcement) Amendment Act 2001 (2001 No 104) by substituting the expression “\$1,000” for the expression “\$100”. *See* also section 13 of that Act for the avoidance of doubt.

Subsection (1)(r) was amended, as from 11 December 1988, by section 14(2) Transport Amendment Act (No 2) 1988 (1988 No 170) by inserting the words “; and providing for the phased replacement of uniform signs, lights, and notices:”.

Subsection (1)(rr) was inserted, as from 4 December 1964, by section 13 Transport Amendment Act 1964 (1964 No 126).

The first proviso to subsection (1)(u) was amended, as from 1 February 1965, by section 14(1) Transport Amendment Act 1964 (1964 No 126) by substituting the words “twenty-eight” for the word “fourteen”.

The second proviso to subsection (1)(u) was substituted, as from 1 February 1965, by section 14(2) Transport Amendment Act 1964 (1964 No 126).

The second proviso to subsection (1)(u) was amended, as from 1 April 1974, by section 3(1) Transport Amendment Act 1973 (1973 No 35) by inserting the words “and that, in the case of any vehicle race or trial, the only motor vehicles participating are vehicles in respect of which the accident compensation levy and the indemnity surcharge under Part 6A of this Act have been paid for the licensing year then current.”.

Subsection (1)(v) was amended, as from 16 December 1983, by section 16(4) Public Works Amendment Act 1983 (1983 No 150) by inserting the words “or any specified class of road”.

Subsection (1)(x) was inserted, as from 1 January 1969, by section 17 Transport Amendment Act 1968 (1968 No 148) and repealed, as from 1 July 1992, by section 25(1) Transport Amendment Act (No 2) 1992 (1992 No 67).

Paragraphs (l) and (m) were repealed, as from 1 March 1978, by section 26(1) Road User Charges Act 1977 (1977 No 124).

Paragraph (x) was inserted, as from 1 January 1969, by section 17 Transport Amendment Act 1968 (1968 No 148) and repealed, as from 1 July 1992, by section 25(1) Transport Amendment Act (No 2) 1992 (1992 No 67).

Paragraph (y) was repealed, as from 1 December 1983, by section 25(2) Transport Amendment Act (No 3) 1983 (1983 No 35).

Subsection (1)(z) was inserted, as from 27 November 1971, by section 7 Transport Amendment Act (No 2) 1971 (1971 No 68). It was later substituted, as from 29 October 1974, by section 23(2) Transport Amendment Act 1974 (1974 No 61).

Subsection (1)(za) was inserted, as from by section 3(1) Transport Amendment Act 1976 (1976 No 126).

Section 77(1)(za): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1)(za) was amended, as from 1 August 1987, by section 26(5)(a) and (b) Transport Amendment Act 1987 (1987 No 96) as follows: (a) by omitting the words “or paragraphs (l) to (n) of section 186 of this Act”; (b) by inserting the words “or in the case of regulations made under the authority of paragraph (f) or paragraph (fa) of this subsection delegating to the Secretary, the local authority, or the person having control over the road, the”.

Subsection (1)(za) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by omitting the expression “paragraphs (a) to (fb) of”.

Subsection (2) was repealed, as from 1 March 1978, by section 26(1)(b) Road User Charges Act 1977 (1977 No 124). The current subsection (2) was inserted, as from 17 December 1980, by section 12 Transport Amendment Act 1980 (1980 No 96).

Section 77(2)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(2)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(2)(d): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(2)(e): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(2)(f): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(2)(g): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (3) was inserted, as from 14 December 1992, by section 35(2) Transport Amendment Act (No 3) 1992 (1992 No 108).

Section 77(3)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (3)(b) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words “the head office of the Authority” for the words “offices of the Ministry”.

## **77A Regulations relating to seat belts and child restraints**

- (1) Without limiting the general power to make regulations conferred by section 199, regulations may be made under that section regulating and requiring the fitting and use of seat belts

and child restraints in motor vehicles, and, without limiting the generality of the foregoing provisions, for all or any of the following purposes:

- (a) requiring the owners or operators of motor vehicles or specified classes or types of motor vehicles to ensure that the vehicles are fitted with approved seat belts or specified types of approved seat belts and specifying the sitting positions in vehicles where such seat belts shall be fitted:
  - (b) exempting owners or operators of specified vehicles or specified classes of vehicles or vehicles used solely for specified purposes from all or any of the requirements of regulations made under paragraph (a):
  - (c) requiring the drivers of motor vehicles or specified classes or types of motor vehicles to ensure that the vehicle is fitted with approved seat belts or approved child restraints in specified circumstances when a child or children are being carried in the vehicle:
  - (d) exempting any driver or class of driver from the requirements of any regulations made under paragraph (c) in all circumstances or in circumstances specified in the regulations:
  - (e) requiring persons of, under, or over a specified age or of or over a specified weight in a vehicle for which a seat belt or child restraint appropriate for that person is provided and available for use to be properly restrained by that seat belt or child restraint while the vehicle is in motion; and imposing duties on drivers of motor vehicles to ensure that children are restrained in accordance with regulations made under this paragraph:
  - (f) exempting any person or class of persons from all or any of the requirements of regulations made under paragraph (e) in all circumstances or in circumstances specified in the regulations.
- (2) Any regulations made under subsection (1) shall not apply to or in respect of any owner of, or driver or other person in, any motor vehicle that was first registered before 1 January 1955.

Sections 77A and 77B were inserted, as from 1 December 1983, by section 25 Transport Amendment Act (No 3) 1983 (1983 No 35).

**77B Power of Agency to approve child restraints and seat belts**

The Agency may, by notice in the *Gazette*, approve seat belts and child restraints (including restraints to be used in conjunction with seat belts) for the purposes of regulations made under this Act, whether by reference to specified standards or otherwise, and subject to such conditions as to fitting, dates of manufacture or purchase, use by persons of, under, or over specified ages or weights, periods of use, and use generally, and otherwise as are specified in the notice.

Sections 77A and 77B were inserted, as from 1 December 1983, by section 25 Transport Amendment Act (No 3) 1983 (1983 No 35).

Section 77B heading: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77B: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

**77C Manufacture or sale of devices, fittings, or equipment requiring approval**

- (1) No person shall manufacture for the purposes of sale or import for sale or sell or offer or expose for sale or have in his possession for the purposes of sale any device or fitting or equipment which is or purports to be for use on or to be fitted to any motor vehicle or bicycle or for use by the driver of or any person in or on a motor vehicle or bicycle, if—
  - (a) under any provision of this Act or of any regulations under this Act the device or fitting or equipment is of a kind that requires the approval of the Agency before it is used on or fitted to a motor vehicle or bicycle or, as the case may be, used by the driver of or any person in or on a motor vehicle or bicycle; and
  - (b) that approval has not been given.
- (2) Notwithstanding subsection (1) and notwithstanding that regulations made under this Act may permit the use of seat belts and child restraints that have not been approved by the Agency, no person shall manufacture for the purposes of sale, import for sale, sell, offer or expose for sale, or have in his possession for the purposes of sale any seat belt or child restraint which is or purports to be for use or fitting in any motor vehicle unless that seat belt or child restraint is for the time being approved by the Agency by notice in the *Gazette* pursuant to section 77B.

Section 77C was inserted as “77A”, as from 20 October 1972, by section 12 Transport Amendment Act 1972 (1972 No 129).

Section 77C was renumbered from 77A, as from 1 December 1983, by section 26 Transport Amendment Act (No 3) 1983 (1983 No 35).

Subsection (1) was amended, as from 1 August 1987, by section 27 Transport Amendment Act 1987 (1987 No 96) by inserting the words “or bicycle” after the words “motor vehicle” in each of the 4 places where they occur.

Subsection (1) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Authority” for the word “Minister” wherever it occurred.

Section 77C(1)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (2) was inserted, as from 3 April 1985, by section 18 Transport Amendment Act (No 2) 1985 (1985 No 76).

Section 77C(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

## **78 Experimental traffic control signs, lights, notices, and markings**

- (1) The Agency may, by notice in the *Gazette*, approve or require the erection, marking, and maintenance, subject to conditions imposed by the Agency, of signs, lights, notices, or road markings for experimental purposes (in this section called **experimental signs, lights, notices, and markings**) that are in substitution for uniform signs, lights, notices, or road markings provided for or prescribed in regulations made pursuant to section 77(1)(r) or are considered necessary to evaluate possible changes to traffic laws; and may by notice in the *Gazette* do, in relation to experimental signs, lights, notices, and markings, anything (other than the prescription of offences) that may be done by regulations made pursuant to that section in relation to uniform signs, lights, notices, and road markings.
- (2) Every notice given under subsection (1) shall specify—
  - (a) the locations or localities in which the experimental signs, lights, notices, or markings are to be used;
  - (b) the period within which the experimental signs, lights, notices, or markings are to be used;
  - (c) any conditions relating to the experimental signs, lights, notices, or markings imposed by the Authority:

- (d) any equivalent uniform signs, lights, notices, or markings to the experimental signs, lights, notices, or markings.
- (3) Every experimental sign, light, notice, or marking shall for all purposes (including offences) be of the same effect as any equivalent uniform sign, light, notice, or marking.

Section 78 was repealed, as from 1 March 1978, by section 26(1)(b) Road User Charges Act 1977.

A new section 78 was inserted, as from 1 August 1987, by section 28 Transport Amendment Act 1987 (1987 No 96).

Section 78 was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word "Authority" for the word "Minister".

Section 78(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

#### **78A Piloting fees**

- (1) In any case where the Agency gives written permission under any regulations made under this Part for the use on any road of any motor vehicle which, or the load of which, exceeds any maximum dimension prescribed by the regulations, he may, as a condition of that permission, require that the motor vehicle be used only under the supervision of one or more constables or traffic officers who are non-sworn members of the Police and that the person to whom the permission is given pay to the Commissioner such fee as the Commissioner fixes to cover the costs incurred by the Police in providing that supervision.
- (2) Any fee payable to the Commissioner under subsection (1) shall constitute a debt due to the Crown and may be recovered accordingly in any Court of competent jurisdiction.

Section 78A was inserted, as from 1 January 1969, by section 18 Transport Amendment Act 1968 (1968 No 148).

Section 78A(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (1) was amended, as from 1 July 1992, by section 26(1)(a) Transport Amendment Act (No 2) 1992 (1992 No 67) by substituting the words "constables or traffic officers who are non-sworn members of the Police" for the words "traffic officers of the Department".

Subsection (1) was amended, as from 1 July 1992, by section 26(1)(b) Transport Amendment Act (No 2) 1992 (1992 No 67) by substituting the word "Commissioner" for the word "Secretary" where it secondly and thirdly occurred.



Subsection (1) was amended, as from 1 July 1992, by section 26(1)(c) Transport Amendment Act (No 2) 1992 (1992 No 67) by substituting the word “Commissioner” for the word “Secretary”.

Subsection (2) was amended, as from 1 July 1992, by section 26(2) Transport Amendment Act (No 2) 1992 (1992 No 67) by substituting the word “Commissioner” for the word “Secretary”.

### *Vehicles used in licensed services*

#### **79 Certificates of fitness**

*[Repealed]*

Sections 79, 79A, and 79B were repealed, as from 1 March 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order 1999 (SR 1999/28).

#### **79A Revocation of certificate of fitness**

*[Repealed]*

Sections 79, 79A, and 79B were repealed, as from 1 March 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order 1999 (SR 1999/28).

#### **79B Certificates of loading**

*[Repealed]*

Sections 79, 79A, and 79B were repealed, as from 1 March 1999, by section 214(2) Land Transport Act 1998 (1998 No 110). *See* clause 2 Land Transport (Commencement of Repeals) Order 1999 (SR 1999/28).

#### **80 Inspection of vehicles required to have certificates of fitness or permits**

- (1) Any employee of the Agency authorised by the Agency, or any constable or any traffic officer (being a traffic officer who is a non-sworn member of the Police) authorised by the Commissioner, may, at any reasonable time,—
  - (a) require the owner or person for the time being in charge of any vehicle to which section 79 applies to produce any current certificate of fitness or permit in his possession in respect of that vehicle;
  - (b) stop, enter, and inspect any such vehicle while it is in use on any road;
  - (c) make any reasonable running test of the vehicle at the expense of the owner:

- (d) require the owner or person for the time being in charge of the vehicle to provide reasonable assistance in the conduct of any such inspection or running test.
- (2) Every person commits an offence who—
  - (a) obstructs or hinders, or incites any person to obstruct or hinder, any employee of the Agency or any constable or any traffic officer who is a non-sworn member of the Police in the exercise of his powers under subsection (1):
  - (b) fails to comply with any requirement under subsection (1).

Sections 79 to 82 and the preceding heading were inserted, as from 1 November 1983, by section 2 Transport Amendment Act (No 2) 1983 (1983 No 33).

Section 80 was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary”.

Section 80(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 80 was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Authority” for the word “Department”.

Subsections (1) and (2)(a) were amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “employee of the Authority” for the words “officer of the Authority”.

Subsection (1) was amended, as from 1 July 1992, by section 29(1) Transport Amendment Act (No 2) 1992 (1992 No 67) by inserting the words “, or any constable or any traffic officer (being a traffic officer who is a non-sworn member of the Police) authorised by the Commissioner,”.

Section 80(2)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (2)(a) was amended, as from 1 July 1992, by section 29(2) Transport Amendment Act (No 2) 1992 (1992 No 67) by inserting the words “or any constable or any traffic officer who is a non-sworn member of the Police”.

## **81 Notice of accidents to be given to Director**

*[Repealed]*

Sections 81 and 82 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

## **82 Inquiries into accidents**

*[Repealed]*

Sections 81 and 82 were repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**Part 6**  
**Motor vehicles insurance (third-party risks)**

*[Repealed]*

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

83

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

84

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

85

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

86

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

87

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

88

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

89

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90A

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90B

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90C

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90D

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90E

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90F

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90G

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90H

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

90I

Part 6 (sections 79-90I) of the Act was repealed by section 22(1) Transport Amendment Act 1972 (1972 No 129) which came into force on 1 April 1974 at the same time as the Accident Compensation Scheme commenced.

## **Part 6A**

### **Motor vehicles insurance (third-party risks) indemnity scheme**

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

#### **90J Application of this Part**

This Part shall apply to—

- (a) every insurance company which has undertaken insurance business in terms of Part 6 during the period of 12 months that commenced on 1 July 1973:  
provided that this Part shall not apply to any insurance company to which the Minister has, by notice published in the *Gazette* not later than 31 January 1974, declared that it shall not apply:
- (b) the period of 9 months commencing on 1 July 1973 and ending with 31 March 1974, and every previous period of 12 months commencing on the 1st day of July in any year and ending with the 30th day of June in the following year (every such period being in this Part referred to as a **claims year**) if, at 1 April 1974, any insurance company to which this Part applies has any outstanding liability under a contract of insurance entered into during the period pursuant to Part 6.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

**90K Motor Vehicles (Third-party Risks) Indemnity Fund established**

- (1) There is hereby established a Motor Vehicles (Third-party Risks) Indemnity Fund (in this Part of this Act referred to as **the Fund**), which Fund shall be trust money under Part 7 of the Public Finance Act 1989.
- (2) There shall be credited to the Fund—
  - (a) all money paid into it in accordance with sections 90N and 90P; and
  - (b) all interest on money for the time being to the credit of the Fund.
- (3) There shall be charged to the Fund all amounts required to be paid thereout in accordance with subsections (3) and (4) of section 90P.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

Subsection (1) was amended, as from 1 April 1978, by section 160(1) Public Finance Act 1977 (1977 No 65) by substituting the words “specified in section 42 of the Public Finance Act 1977” for the words “mentioned in paragraph (d) of section 38 of the Public Revenues Act 1953 (as substituted by section 3 of the Public Revenues Amendment Act 1963)”.

Subsection (1) was amended, as from 1 July 1989, by section 86(1) Public Finance Act 1989 (1989 No 44) by substituting the words “be trust money under Part 7 of the Public Finance Act 1989” for the words “form part of the Trust Account specified in section 42 of the Public Finance Act 1977”.

**90L Owners to pay indemnity surcharge with licence fees**

- (1) Every owner of a motor vehicle, on making application for a licence for that vehicle pursuant to Part 2, shall pay, in addition to all other amounts payable under this or any other Act, to the Deputy Registrar the indemnity surcharge (if any) prescribed in respect of that motor vehicle pursuant to the provisions of this Part.
- (2) No licence shall be issued for any period in respect of any motor vehicle unless and until the prescribed indemnity surcharge (if any) has been paid by or on behalf of the owner.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

Subsection (1) was amended, as from 1 April 1980, by section 3(2)(a) Transport Amendment Act 1980 (1980 No 96) by substituting the words “(if any) prescribed in respect of that motor vehicle” for the words “in respect of that motor vehicle prescribed”.

Subsection (2) was amended, as from 1 April 1980, by section 3(2)(b) Transport Amendment Act 1980 (1980 No 96) by inserting the words “(if any)”.

**90M Change of ownership**

Every indemnity surcharge payment made by an owner under this Part in respect of any motor vehicle shall enure in favour of the owner thereof for the time being, notwithstanding any change in the ownership of the motor vehicle.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

**90N Application of money received by way of indemnity surcharge**

- (1) All money received by a Deputy Registrar by way of indemnity surcharge under this Part shall be paid into the Public Account for the credit of the Consolidated Account.
- (2) From the amount of every indemnity surcharge so received there shall be deducted such proportion or amount as may from time to time be prescribed in respect of administration expenses, and the residue shall, without further appropriation than this section, be paid into the Fund.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

Subsection (1) was amended, as from 1 April 1987, by section 32(1) State-Owned Enterprises Act 1986 (1986 No 124) by substituting the words “Public Account for the credit of the Consolidated Account” for the words “Post Office Account”.

**90O Statement to be supplied to Agency by insurance companies**

- (1) On or before 31 August 1974 each insurance company to which this Part applies shall forward to the Agency in respect of each claims year up to and including the claims year ending with 31 March 1974 a statement showing:
  - (a) the details of all claims for which it is or may be liable on 1 April 1974 under a contract of insurance entered into under Part 6 and in respect of which liability for any payment is still outstanding;
  - (b) an estimate of the amount which it may be liable to pay in respect of the claims referred to in paragraph (a):

- (c) the details of all claims for which it was liable on 1 April 1974 under a contract of insurance entered into under Part 6, and in respect of which full payment has subsequently been made by the insurance company pursuant to a final settlement or a final determination by a Court of competent jurisdiction.
- (2) On or before 28 February 1975, and at the end of each period of 6 months thereafter until all claims made pursuant to all contracts of insurance under Part 6 have been settled, or finally determined by a Court of competent jurisdiction, and paid by the insurance company, each insurance company to which this Part applies shall send to the Agency a further statement containing the details set out in subsection (1).
- (3) If in the opinion of the Agency the amount finally paid in respect of any claim reported by an insurance company in accordance with the provisions of this section differs substantially from the estimate given by that insurance company in respect of that claim, the Agency may require the insurance company to explain to his satisfaction the reason for that difference; and, pending such an explanation, payment of any money from the Fund to the insurance company may be withheld to the extent of the amount of that claim, if the Agency thinks fit.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

Section 90O heading: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 90O(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 90O(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 90O(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

This section was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary”.

### **90P Claims against and payments to Fund**

- (1) In this section, unless the context otherwise requires,—



**income**, in respect of any claims year, means the total of the premium income received by an insurance company together with the amount (less tax) of all money earned or saved from the investment or other use of the premium income or (if that amount cannot be ascertained) such amount as may be assessed by the Minister of Finance

**payments**, in respect of any claims year, means the amounts paid out by an insurance company in payment or settlement of claims under any contract of insurance entered into by it under Part 6 for that year, together with an amount (in respect of administrative costs) equal to 5% of the premium income of that insurance company for that claims year

**premium income**, in respect of any claims year, means the amount of the premiums paid to an insurance company by the Deputy Registrar pursuant to section 88.

- (2) When all claims incurred by an insurance company in respect of a claims year have been finally settled, or determined by a Court of competent jurisdiction, and paid by that insurance company, or at such earlier time as the Minister may (by notice in writing to the company) require in relation to a specified claims year, that company shall, as soon as practicable, submit to the Agency an audited statement setting out its income and the payments relating to that year.
- (3) Where a statement is submitted to the Agency by an insurance company in accordance with subsection (2),—
  - (a) if the statement shows an excess of income over payments and the amount of that excess is greater than 2½% of the premium income for the year to which the statement relates, the amount by which that excess is greater than 2½% of the premium income shall forthwith be paid into the Fund by the insurance company:  
provided that any payment which the insurance company is then entitled to receive from the Fund under the following provisions of this subsection may be set off against any payment which the insurance company is required to make into the Fund under this paragraph:
  - (b) if the statement shows an excess of income over payments and the amount of that excess is 2½% or less of the premium income for the year to which the statement

relates, no amount shall be paid out of the Fund to the insurance company:

provided that, if the insurance company, in any other claims year, has made or makes any payments into the Fund pursuant to paragraph (a), an amount not greater than the difference (if any) between the amount of that excess and an amount equal to 2½% of the premium income for the year to which the statement relates shall be paid to the insurance company from any amount derived from those payments and for the time being held in the Fund:

- (c) if the statement discloses an excess of payments over income,—
  - (i) the amount of that excess shall be paid from the Fund to the insurance company; and
  - (ii) if the insurance company, in any other claims year or claims years, has made or makes any payments into the Fund pursuant to paragraph (a), an amount not greater than 2½% of the premium income for the claims year to which the statement relates shall be paid to the insurance company from any amount derived from those payments and for the time being held in the Fund.
- (4) If in any claims year the amount in the Fund is insufficient to meet in full the payments to be made thereout under subsection (3), payment for that year shall be made to each insurance company in the proportion which its claim bears to the total claims made. If subsequently, after meeting the claims in any other year, there is a credit balance in the Fund, that balance shall be applied so far as it is available to meet underpayments in previous claims years in chronological order.
- (4A) Without in any way derogating from the provisions of this section, where all claims incurred by an insurance company in respect of a claims year have not been finally settled, or determined by a Court of competent jurisdiction, but the payments already made in respect of that year by the company exceed the income of the company in respect of that year,—

- (a) the company may submit to the Agency an audited statement setting out its income and the payments already made by it in respect of that year; and
- (b) there shall be paid from the Fund to the company such part (if any) of the excess of payments over income disclosed in the statement as the Agency, in its absolute discretion, determines.

Any amount paid to the company from the Fund pursuant to paragraph (b) shall be taken into account in any later statement under this section relating to that year.

- (5) This section shall apply to every insurance company to which this Part applies, and to every claims year notwithstanding that any insurance company has paid all amounts for which it is liable in respect of that claims year before 1 April 1974.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

Section 90P(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 90P(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (4A) was inserted, as from 9 December 1976, by section 2 Transport Amendment Act 1976 (1976 No 126).

Section 90P(4A)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 90P(4A)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

This section was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary”.

### **90Q Agency may inspect accounts**

The Agency may from time to time inspect the accounts relating to any claims year of any insurance company to which this Part applies, and the insurance company shall make available to the Agency all accounts and documents required by him for the inspection.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

Section 90Q heading: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 90Q: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

This section was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary”.

**90R Vesting of Motor Vehicles (Third-party Risks) Indemnity Fund in Accident Compensation Corporation**

- (1) All money and investments standing to the credit of the Fund are hereby vested in the Accident Compensation Corporation (constituted under the Accident Compensation Act 1972 and continued under the Accident Compensation Act 1982), subject to all liabilities and charges affecting that money and those investments.
- (2) The money and investments referred to in subsection (1) shall be applied by the Corporation as if derived from levies paid by motor vehicle owners and drivers of motor vehicles pursuant to sections 47 and 49 of the Accident Compensation Act 1982, and the liabilities and charges of and all claims against the Fund shall be met out of levies paid pursuant to those sections.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

This section was substituted, as from 30 April 1986, by section 54 Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

**90S Regulations**

- (1) Without limiting the general power to make regulations conferred by section 199, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
  - (a) prescribing the amount of the indemnity surcharge to be paid in respect of motor vehicles under this Part:
  - (b) prescribing or authorising the Agency to prescribe the forms of notices, accounts, or other forms required in relation to this Part.
- (2) Regulations prescribing indemnity surcharges payable for the purposes of this Part may differentiate between different classes of motor vehicles, and may differentiate between motor vehicles, having regard to the purposes for which they are used or are intended to be used.

Part 6A, comprising sections 90J to 90S, was inserted, as from 16 November 1973, by section 7 Transport Amendment Act 1973 (1973 No 35).

Section 90S(1)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

This section was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary”.

## **Part 7**

### **Road Traffic Safety Research Council**

*[Repealed]*

Part 7, comprising sections 91 to 94, was repealed, as from 29 July 1995, by section 12(2) Transport Amendment Act 1995 (1995 No 44). *See* section 14 of that Act as to the transitional provisions.

#### **91 Road Traffic Safety Research Council**

*[Repealed]*

Part 7, comprising sections 91 to 94, was repealed, as from 29 July 1995, by section 12(2) Transport Amendment Act 1995 (1995 No 44). *See* section 14 of that Act as to the transitional provisions.

#### **92 Functions of Council**

*[Repealed]*

Part 7, comprising sections 91 to 94, was repealed, as from 29 July 1995, by section 12(2) Transport Amendment Act 1995 (1995 No 44). *See* section 14 of that Act as to the transitional provisions.

#### **93 Subcommittees of Council**

*[Repealed]*

Part 7, comprising sections 91 to 94, was repealed, as from 29 July 1995, by section 12(2) Transport Amendment Act 1995 (1995 No 44). *See* section 14 of that Act as to the transitional provisions.

#### **94 Remuneration and travelling expenses**

*[Repealed]*

Part 7, comprising sections 91 to 94, was repealed, as from 29 July 1995, by section 12(2) Transport Amendment Act 1995 (1995 No 44). *See* section 14 of that Act as to the transitional provisions.

**95 Constitution of rental-service districts, and Licensing Authorities therefor**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**96 Constitution of harbour-ferry service districts, and Licensing Authorities therefor**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**97 Certain persons carrying on harbour-ferry service entitled to licence**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**98 Disqualification of appointment as Licensing Authority**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**99 Term of office and vacancies**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**100 Deputies**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**101 Allowances and expense of Licensing Authorities**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**102 Proceedings of Licensing Authorities**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**103 Powers, immunities, and privileges of Licensing Authorities**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**104 Proceedings of Licensing Authority generally to be in public**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**105 Powers in respect of temporary licences**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**106 Annual report of Licensing Authority**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**107 Lincensing Appeal Authority, Charges Appeal Authority, and deputies**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**107A Deputy Licensing Appeal Authority and Deputy Charges Appeal Authority**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**107B Remuneration of Licensing Appeal Authority and Charges Appeal Authority and deputies**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**107C Seal**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**107D Function of Licensing Appeal Authority**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**107E Function and power of Charges Appeal Authority**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**107F Powers and rights of Appeal Authorities and persons involved in proceedings of Appeal Authorities**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**107G Proceedings of Licensing Appeal Authority and Charges Appeal Authority generally to be in public**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**107H Orders as to costs**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).



**108 Passenger services, taxicab services, goods services, rental services, and harbour-ferry services to be licensed**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**109 Restrictions on road carriage of goods where rail available**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**110 Computation of rail distances**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**111 Circumstances in which route for carriage of goods by rail available**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**112 Carriage of goods by road in certain urban areas**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**113 List of exempted goods may be altered by Order in Council**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**113A Waybill to be carried in heavy motor vehicle carrying goods**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**113B Offences and proceedings concerning waybills***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**113C Offences and proceedings concerning initiators of transport goods***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**113D Powers of entry and inspection of goods and documents***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**113E Power to inspect and seal vehicles and goods***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**113F Use of premises to hold or store goods on journeys in breach of rail restriction***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**113G Permit to carry goods free from restrictions of section 109 of this Act***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**114 Minister may declare certain services to be passenger services or goods services or rental services***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**115 Defining proper Licensing Authority to grant or exercise jurisdiction in respect of licenses**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**116 Application for licence**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**117 Application for and determination of application for temporary licence**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**118 Secretary may supply Licensing Authority with information and submissions, and applicant may comment on them**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**119 Determination of application for certain transport licences**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**120 Determination of application for transport licence involving exemption from rail restriction**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**121 Determination of application for taxicab-service licence or passenger-service or harbour-ferry service licence for scheduled service**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**122 Certain evidence and representations relating to taxicab-service licences not to be received**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**123 Grant of licence (other than taxicab-service licence)**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**124 Matters to be considered in determining applications for taxicab-service licences**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**125 Power of Licensing Authority to impose conditions and grant exemptions**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**126 Conditions to apply to existing licences**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**127 Conditions applying to licences (other than taxicab-service licences)**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**128 Compliance with urban transport scheme a condition of certain licences**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**129 Conditions relating to scheduled services**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**130 Conditions applying to passenger-service and harbour-ferry licences to carry on scheduled service**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**131 Condition of taxicab-service licences**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**132 Conditions as to vehicles and harbour ferries**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**133 Conditions as to abandonment or curtailment of service**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**134 Form and effect of transport licence**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**135 Amendment of licences***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**136 Transfer of licence (other than taxicab-service licence) prohibited***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**137 Licences to continue in force until surrendered, cancelled, or revoked***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**138 Surrender and cancellation of licences***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**139 Registers of licences***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**140 Inquiry into operation of licences and breach of conditions***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**141 Public inquiry where licensee convicted of offence against rail restriction or Road User Charges Act 1977***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**142 Inquiry into pricing practices of dominant licensee**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**143 Taxicab organisations**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**144 Review of taxicab services**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**145 Leases of taxicab-service licences**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**146 Licensing Authorities' jurisdiction as to charges**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**147 Charges for taxicab services**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**148 Applications to prescribe charges**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**149 Principles to be observed by Secretary**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**150 Notice of decisions to be given***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**151 Effect of order relating to group of taxicab services***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**152 Taxicab-service charges to conform to those prescribed***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**153 Appeals to Charges Appeal Authority from orders of Secretary***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**154 Appeals to Licensing Appeal Authority from decisions of Licensing Authorities***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**155 Extending time for appeal***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**156 Procedure on appeals***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).



**157 Rights of licensee pending determination of appeal**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**158 Hearing and determination of appeal**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**159 Licensing Appeal Authority or Charges Appeal Authority or Secretary**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**160 Notice of decision on appeal**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**161 Appeal on question of law**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**162 Notice of appeal**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**163 Right to appear and be heard on appeals**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**164 Orders relating to determination of appeals**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**165 Dismissal of appeal***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**166 Appeal in respect of additional point of law***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**167 Extension of time***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**168 Date of hearing***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**169 Further appeal to Court of Appeal on question of law***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**170 Information for offences under this Part***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**171 Evidence and proof***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**172 Admissibility of certain statements***[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**173 Marking and identification of goods**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**174 Privilege of certain witnesses**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**175 Effect of this Part on other Acts and bylaws**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**176 Enforcing orders for costs and expenses**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**177 Application of fees and fines, and expenses of administration**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

**178 Regulations**

*[Repealed]*

This section was repealed, as from 1 November 1989, by section 69(1) Transport Services Licensing Act 1989 (1989 No 74).

179

This section was repealed, as from 1 June 1984, by section 18 Transport Amendment Act (No 2) 1983 (1983 No 33).

180

This section was repealed, as from 1 June 1984, by section 18 Transport Amendment Act (No 2) 1983 (1983 No 33).

181

This section was repealed, as from 1 June 1984, by section 18 Transport Amendment Act (No 2) 1983 (1983 No 33).

182

This section was repealed, as from 1 June 1984, by section 18 Transport Amendment Act (No 2) 1983 (1983 No 33).

183

This section was repealed, as from 1 June 1984, by section 18 Transport Amendment Act (No 2) 1983 (1983 No 33).

184

This section was repealed, as from 1 June 1984, by section 18 Transport Amendment Act (No 2) 1983 (1983 No 33).

185

This section was repealed, as from 1 June 1984, by section 18 Transport Amendment Act (No 2) 1983 (1983 No 33).

186

This section was repealed, as from 1 June 1984, by section 18 Transport Amendment Act (No 2) 1983 (1983 No 33).

## **Part 8**

### **Excise duty**

*[Repealed]*

Part 8 was repealed, as from 1 October 1989, by section 116(1) Transit New Zealand Act 1989 (1989 No 75).

### **187 Interpretation**

*[Repealed]*

Sections 187 to 191 were repealed, as from 1 October 1989, by section 116(1) Transit New Zealand Act 1989 (1989 No 75). *See now Part 5 of that Act.*

### **188 Apportionment of motor spirits duty and sales tax**

*[Repealed]*

Sections 187 to 191 were repealed, as from 1 October 1989, by section 116(1) Transit New Zealand Act 1989 (1989 No 75). *See now Part 5 of that Act.*

**189 Refund of motor spirits duty and sales tax**

*[Repealed]*

Sections 187 to 191 were repealed, as from 1 October 1989, by section 116(1) Transit New Zealand Act 1989 (1989 No 75). *See* now Part 5 of that Act.

**190 Procedure for obtaining refund**

*[Repealed]*

Sections 187 to 191 were repealed, as from 1 October 1989, by section 116(1) Transit New Zealand Act 1989 (1989 No 75). *See* now Part 5 of that Act.

**191 Amount of motor spirits duty and sales tax credited to Consolidated Account, and refunds of such duty and tax, may be altered by Order in Council**

*[Repealed]*

Sections 187 to 191 were repealed, as from 1 October 1989, by section 116(1) Transit New Zealand Act 1989 (1989 No 75). *See* now Part 5 of that Act.

**Part 9**

**Miscellaneous provisions**

**192 Service of notices**

- (1) Any notice required to be given to any person for the purposes of this Act, or any request in writing under section 67, may be given or made by causing it to be delivered to that person, or to be left at his usual or last known place of residence or business or at the address specified by him in any application or other document under this Act, or to be posted in a letter addressed to him at that place of residence or business or address.
- (2) If any such notice or request is sent to any person by registered letter, then, unless the contrary is shown, it shall be deemed to have been delivered to him when it would have been delivered in the ordinary course of post, and in proving the delivery it shall be sufficient to prove that the letter was properly addressed and posted.
- (3) This section shall not apply in respect of an infringement notice or a copy thereof.

Subsection (3) was inserted, as from 1 April 1981, by section 8(9) Transport Amendment Act 1980 (1980 No 96).

This section replaced section 161 of the Transport Act 1949. The words “or any request in writing under section 67 of this Act” in subsection (1) were new in 1962.

### **192A Personation or obstruction of traffic officers**

*[Repealed]*

Section 192A was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

### **192B Offence relating to distance recorder**

*[Repealed]*

Section 192B was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

### **193 General penalty for offences**

(1) Every person commits an offence who fails to comply with any of the provisions of this Act or does any act in contravention thereof.

(1A) *[Repealed]*

(1B) *[Repealed]*

(2) *[Repealed]*

Subsection (1A) was inserted, as from 29 October 1965, by section 12 Transport Amendment Act (No 2) 1965 (1965 No 128), and repealed, as from 1 November 1989 by section 22 Transport Amendment Act 1989 (1989 No 77).

Subsection (1B) was inserted, as from 29 October 1965, by section 12 Transport Amendment Act (No 2) 1965 (1965 No 128), substituted, as from 24 November 1967, by section 16 Transport Amendment Act (No 2) 1967 (1967 No 153), and repealed, as from 1 November 1989 by section 22 Transport Amendment Act 1989 (1989 No 77).

This section replaced section 162(1) Transport Act 1949.

### **194 Offences punishable summarily**

(1) Save where otherwise expressly provided, every offence against this Act or against any regulations or bylaws under this Act shall be punishable on summary conviction.

(2) A District Court presided over by 2 or more Justices of the Peace or 1 or more Community Magistrates shall have jurisdiction in respect of the following offences, not being offences punishable by imprisonment:

- (a) any summary offence under Part 4, Part 5, or Part 9 or under any regulations made under any of those Parts, not being regulations relating to heavy traffic:
- (b) any offence under any bylaw made under section 72.

Subsection (2) was substituted, as from 1 January 1969, by section 26 Transport Amendment Act 1968 (1968 No 148).

Subsection (2) was amended, as from 30 June 1998, by section 7 District Courts Amendment Act 1998 (1998 No 76), by inserting the words “or one or more Community Magistrates”.

Subsection (2)(a) was amended, as from 30 April 1986, by section 53(6) Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6) by omitting the expression “Part 2, Part 3”.

The words “District Court” were substituted for the words “Magistrates’ Court”, as from 1 April 1980, pursuant to section 18(2) District Courts Amendment Act 1979 (1979 No 125).

#### 194A

Section 194A was inserted, as from 1 April 1969, by section 27(1) Transport Amendment Act 1968 (1968 No 148) and repealed, as from 1 April 1981, by section 8(1) Transport Amendment Act 1980 (1980 No 96).

### **195 Time for instituting proceedings**

- (1) In any proceedings for an offence punishable on summary conviction against any Act, regulation, or bylaw relating to the use of motor vehicles, the Court may dismiss the information if it is satisfied that the person charged has been prejudiced in his defence by any unreasonable delay in instituting the proceedings or in notifying him of the time, place, and nature of the offence. If any delay in instituting the proceedings has been caused by a change in the address of the defendant, this shall not be deemed to be unreasonable delay for the purposes of this subsection.
- (2) Section 14 of the Summary Proceedings Act 1957 shall not apply with respect to a prosecution for an offence against—

- (a) *[Repealed]*

Paragraphs (a)–(c) were repealed, as from 30 April 1986, by section 58 Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

- (b) *[Repealed]*

Paragraphs (a)–(c) were repealed, as from 30 April 1986, by section 58 Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

(c) *[Repealed]*

Paragraphs (a)–(c) were repealed, as from 30 April 1986, by section 58 Transport (Vehicle and Driver Registration and Licensing) Act 1986 (1986 No 6).

- (d) section 35 (which relates to driving while disqualified or contrary to the terms of a limited licence):
- (e) sections 70B and 70C and 70D (which relate to driving hours and to the keeping of logbooks by certain drivers):
- (f) regulations made pursuant to this Act relating to the issue of installation certificates and inspection certificates for alternative fuel systems.

This section was substituted, as from 29 October 1974, by section 31(1) Transport Amendment Act 1974 (1974 No 61).

Paragraphs (e) and (f) were inserted, as from 1 August 1987, by section 34 Transport Amendment Act 1987 (1987 No 96).

**196 Evidence in proceedings**

- (1) In all proceedings under this Act, or under any regulation made under this Act, or under any bylaw relating to the use of motor vehicles, for an offence punishable on summary conviction by a fine of an amount not exceeding \$500, and whether by way of hearing in the first instance or by way of appeal or otherwise howsoever, the Court may receive as evidence—
  - (a) any affidavit filed in the Court by or on behalf of the defendant:
 

provided that, except by special direction of the Court, this paragraph shall not apply in any case where it appears to the Court that the deponent's usual place of residence is less than 50 miles by road from the place of hearing:
  - (b) any evidence adduced by or on behalf of the defendant that the Court thinks fit, whether or not it would, apart from this paragraph, be legally admissible evidence.
- (2) A copy of the *Gazette* containing any bylaw, appointment, warrant, order, or other act of authority made under this Act shall be evidence in all Courts of the same having been duly made or performed under the authority of this Act.

Subsection (1) was amended, as from 30 August 1985, by section 3(2) Transport Amendment Act (No 3) 1985 (1985 No 126) by substituting the expression “not exceeding \$500” for the expression “not exceeding \$200”.

This section replaced section 165 Transport Act 1949.



**196A Admissibility of certain statements**

(1) Notwithstanding any enactment or rule of law, any statement that is made to a constable or traffic officer by the driver of any passenger-service vehicle, any heavy motor vehicle, or any goods-service vehicle used for commercial purposes, that relates to—

- (a) the identity of the employer of that driver; or
- (b) any matter that is or ought to be specified in any log-book—

may be given in evidence by that constable or traffic officer and shall be admissible in evidence in any proceedings for an offence against this Act as evidence of the matters referred to in the statement.

(2) Notwithstanding any enactment or rule of law, a statement that—

- (a) is made by the driver of—
  - (i) a passenger service vehicle; or
  - (ii) a heavy motor vehicle; or
  - (iii) a goods service vehicle used for commercial purposes; and
- (b) is made to an employee of the Agency authorised for the purpose in writing by the Agency; and
- (c) relates to any matter that is or ought to be specified in any logbook—

may be given in evidence by that authorised officer, and shall be admissible in any proceedings for an offence against this Act as evidence of the matters referred to in the statement.

Section 196A was inserted, as from 1 August 1987, by section 35 Transport Amendment Act 1987 (1987 No 96)

Section 196A was amended, as from 1 July 1992, by section 31 Transport Amendment Act (No 2) 1992 (1992 No 67) by inserting the words “constable or”.

Subsection (2) was inserted, as from 29 July 1995, by section 10 Transport Amendment Act 1995 (1995 No 44). *See* section 14 of that Act as to the transitional provisions.

Section 196A(2)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (2)(b) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “employee of the Authority” for the words “officer of the Authority”.

**196B Evidence of certain documents**

- (1) In any proceedings for an offence against this Act or the Road User Charges Act 1977, or any regulations made under this Act or that Act, a document purporting to be issued by an employee of the Agency authorised by the Agency for the purpose, and certified by that person to be a true copy of—
- (a) an application for a road user licence; or
  - (b) a road user licence; or
  - (c) a certificate or other document issued under this Act or any regulations made under this Act—
- shall, in the absence of evidence to the contrary, be sufficient evidence of the facts stated in the copy.
- (2) Any employee of the Agency who certifies such a copy as a true copy shall, in the absence of proof to the contrary, be presumed to be authorised to certify it.

Section 196B was inserted by section 37 Transport Amendment Act (No 3) 1992 (1992 No 108).

Section 196B was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Director” for the word “Secretary”.

Section 196B was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the word “Authority” for the word “Director”.

Section 196B(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 196B(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsections (1) and (2) were further amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “employee of the Authority” for the words “officer of the Authority”.

**197 Evidence of testing and accuracy of weighing devices and sites, and speed-measuring devices**

*[Repealed]*

Section 197 was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

**197A**

Section 197A was inserted, as from 24 November 1967, by section 17 Transport Amendment Act (No 2) 1967 (1967 No 153) and repealed, as from 1 January 1970, by section 4(2)(a) Summary Proceedings Amendment Act 1969 (1969 No 43).

**198 Auckland Transport Board Act 1928 to be read subject to this Act**

*[Repealed]*

Section 198 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). See sections 273 to 314 of that Act as to the savings and transitional provisions.

**199 Regulations**

- (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:
  - (a) *[Repealed]*
  - (b) *[Repealed]*
  - (c) providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for the due administration thereof:
  - (d) prescribing fines, not exceeding \$1,000, for the breach of any regulations made under this Act.
- (2) Any regulations made under this Act may be so made that different regulations shall apply with respect to different classes of vehicles or harbour ferries or different classes of licensed services, or with respect to the same class of vehicles or harbour ferries or licensed services in different circumstances.
- (3) Any regulations made under this Act may apply generally throughout New Zealand, or within any specified part or parts thereof, or to any specified route or routes, and may apply to all vehicles or harbour ferries or traffic, and may from time to time be applied by the Minister, by notice in the *Gazette*, to any part of New Zealand or to any route or to any class of vehicles or harbour ferries or traffic.
- (4) The operation of any regulations made under this Act may, if it is so provided therein, be wholly suspended until they are applied by the Minister by notice in the *Gazette*. Any such notice may at any time in like manner be revoked.
- (5) No regulations made under this Act shall be deemed invalid on the ground that any fees imposed thereby are unreasonably high, or on the ground that any conditions therein are unreasonably restrictive.

- (6) So far as the bylaws of any local authority are inconsistent with or repugnant to any regulations under this Act in force in the same locality, the bylaws shall be deemed to be subject to the regulations.
- (7) Any regulations made under this Act may confer on the Minister the power from time to time, by notice in the *Gazette*, to prescribe any alternative or additional forms for any class or classes of traffic signs prescribed by any regulations made under this Act, and to prescribe any directions as to the placement of such alternative or additional forms of traffic signs and such other matters as may be necessary to give full effect to the regulations. Any regulations made under this Act before the commencement of this subsection, and every notice issued by the Minister pursuant to those regulations, which would have been valid if this subsection had been in force when the regulations were made or the notice was issued are hereby validated and declared to have been lawfully made and issued.
- (8) The Minister, before recommending the making of any regulations under this section, shall consult with the Environmental Risk Management Authority established under the Hazardous Substances and New Organisms Act 1996 about the contents of any such regulations which relate to the transportation of hazardous substances or new organisms, and shall take into account any submissions made by that Authority.
- (9) In subsection (8), **hazardous substances** and **new organisms** shall have the same meanings as in section 2 of the Hazardous Substances and New Organisms Act 1996.

Section 199 replaced section 167 Transport Act 1949.

Subsection (1)(a) was amended, as from 1 August 1987, by section 37 Transport Amendment Act 1987 (1987 No 96) by inserting the words “or maximum amount”.

Subsection (1)(b) was amended, as from 25 November 1968, by section 16(2) Ministry of Transport Act 1968 (1968 No 39) by substituting the word “Director” for the word “Commissioner”.

Subsection (1)(a) and (1)(b) were repealed, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

Subsection (1)(d) was amended, as from 30 August 1985, by section 3(3) Transport Amendment Act (No 3) 1985 (1985 No 126) by substituting the expression “not exceeding \$500” for the expression “not exceeding \$200”.

Subsection (1)(d) was amended, as from 19 December 2001, by section 14(2) Land Transport (Road Safety Enforcement) Amendment Act 2001 (2001 No 104) by substituting the expression “\$1,000” for the expression “\$500”.

Subsection (7) was inserted, as from 19 November 1971, by section 22 Transport Amendment Act 1971 (1971 No 57).

Subsections (8) and (9) were inserted, as from 29 July 1998, with application to new organisms, by section 149 Hazardous Substances and New Organisms Act 1996 (1996 No 30). *See* clause 2 Hazardous Substances and New Organisms Act (New Organisms) Commencement Order 1998 (SR 1998/220). *See* Parts 11 to 16 of that Act (comprising sections 151 to 259) as to the transitional provisions. *See* clause 2 Hazardous Substances and New Organisms Act Commencement Order (No 2) 2001 (SR 2001/171) as to that amendment coming fully into force as from 2 July 2001.

### **199A Fees for traffic officer accident reports**

*[Repealed]*

Section 199A was repealed, as from 1 March 1999, by section 214(1) Land Transport Act 1998 (1998 No 110).

### **199B Transfer of functions and powers of Secretary**

- (1) Despite anything in this Act or any other Act, but subject to this section,—
  - (a) the Secretary may, either generally or particularly, after consultation with the Commissioner, transfer to the Commissioner all or any of the functions or powers of the Secretary under this Act or under any regulations made under this Act; and
  - (b) the Agency may in like manner transfer to the Commissioner all or any of the functions or powers of the Agency under this Act or under any regulations made under this Act.
- (2) Every transfer under subsection (1) shall be effected by an instrument in writing signed by the Secretary or the Agency, as the case may be.
- (3) Where a function or power has been transferred under subsection (1), the Commissioner or any sworn or non-sworn member of the Police authorised by the Commissioner for the purpose may carry out the function or exercise the power as if the function or power had been conferred or imposed on him or her directly by this Act and not by transfer.

- (4) After consultation with the Commissioner, the Secretary or the Agency, as the case may be, may at any time, by an instrument in writing, resume on a date specified by the Secretary or the Agency, as the case may be, all or any of the functions or powers transferred under subsection (1); and, in that case, neither the Commissioner nor any sworn or non-sworn member of the Police may carry out functions or exercise powers resumed under this subsection.
- (5) Except as otherwise provided in an instrument under subsection (1), the Secretary or the Agency, as the case may be, shall not carry out any function or exercise any power that has been transferred under that subsection.
- (6) Any such transfer, until it is revoked, shall have effect according to its tenor, notwithstanding that the Secretary or the Agency, as the case may be, by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of the Secretary or the Agency, as the case may be.
- (7) *[Repealed]*

Section 199B was inserted, as from 1 July 1992, by section 34 Transport Amendment Act (No 2) 1992 (1992 No 67).

Section 199B(1): substituted, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

Section 199B(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 199B(4): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 199B(5): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 199B(6): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsections (2), (4), (5), and (6) were amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by inserting the words “or the Director, as the case may be,” after the word “Secretary” wherever it occurs.

Section 199B(7): repealed, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

**199C Schedules referring to offences may be amended by Order in Council**

- (1) The Governor-General may from time to time, by Order in Council, amend Schedule 2 and Schedule 2A—
  - (a) by omitting any reference to a regulation, bylaw, or rule that has been revoked, and, if appropriate, substituting a reference to a corresponding new regulation, bylaw, or rule;
  - (b) by amending any reference to a regulation, bylaw, or rule for the purpose of updating that reference;
  - (c) subject to subsection (2), by adding any new item that relates to a regulation, bylaw, or rule.
- (2) The amount of the infringement fee in respect of an offence that is added to Schedule 2 under subsection (1) may not exceed 50% of the maximum fine to which a person is liable if convicted of the offence.
- (2A) An Order in Council under subsection (1) may substitute or add a reference to a rule even though a breach of that rule is, by virtue of any regulation, an offence against an Act (rather than an offence against the rule itself).
- (3) Any order made under subsection (1) may—
  - (a) omit any Part of the relevant Schedule that relates only to regulations, bylaws, or rules (or any combination of those) and substitute a new Part or Parts; or
  - (b) omit the whole of the relevant Schedule and substitute a new Schedule—

provided that any substantive differences between the new and former Parts or Schedules relate only to regulations, bylaws, or rules (or any combination of those) and are authorised by subsections (1) and (2).

Section 199C was inserted, as from 30 April 1997, by section 13 Transport Amendment Act 1997 (1997 No 3).

Subsection (1)(a) to (c) were substituted, as from 15 November 2000, by section 4(1) Transport Amendment Act 2000 (2000 No 85).

Subsection (2A) was inserted, as from 15 November 2000, by section 4(2) Transport Amendment Act 2000 (2000 No 85).

Subsection (3) was amended, as from 15 November 2000, by section 4(3) Transport Amendment Act 2000 (2000 No 85) by substituting the words “regulations, bylaws, or rules (or any combination of those)” for the words “regulations or bylaws (or both)”.

**200 Act to bind the Crown**

- (1) Except as provided in this section, this Act shall bind the Crown.
- (2) No bylaw made by any local authority under section 72 shall bind the Crown.
- (3) *[Repealed]*

Subsection (3) was repealed, as from 1 April 1974, by section 4 Transport Amendment Act 1973 (1973 No 35).

Section 200 replaced section 168 Transport Act 1949 as amended by section 11 Transport Amendment Act (No 2) 1953.

**201 Repeals, revocations, savings, and consequential amendments**

- (1) The enactments specified in Schedule 4 are hereby repealed.
- (2) The regulations specified in Schedule 5 are hereby revoked.
- (3) Notwithstanding the repeal of any enactment by this section, the provisions of Schedule 1 to the Transport Act 1949 (as substituted by subsection (4) of section 4 of the Transport Amendment Act (No 2) 1953 and subsequently amended) shall continue in force, as if this Act had not been passed, until 1 July 1963.
- (4) Without limiting the provisions of the Acts Interpretation Act 1924, it is hereby declared that—
  - (a) the repeal of section 169 of the Transport Act 1949 shall not affect the amendments made by subsections (5) and (6) of that section:
  - (b) the repeal of section 19 of the Transport Amendment Act 1955 shall not affect the amendment made by subsection (4) of that section.
- (5) Every transport licence under Part 6 of the Transport Act 1949 in force at the date of the commencement of this Act by which the licensee is authorised to carry on a service for the letting of a motor vehicle on hire (otherwise than under a hire-purchase agreement) to a person who himself drives the motor vehicle or provides a driver therefor is hereby declared to be a rental-service licence, and the provisions of this Act shall apply accordingly.
- (6) For the purposes of any provision of this Act relating to the penalty on conviction for any second or subsequent offence



(including any provision relating to disqualification of drivers and endorsement of drivers' licences), any conviction for an offence under any former Act shall be deemed to be a conviction for an offence against the corresponding provisions of this Act.

- (7) Every application to a Metropolitan Licensing Authority for a transport licence or in relation to a transport licence that has not been disposed of at the commencement of this Act shall be deemed to be an application to the proper Licensing Authority, and shall be dealt with by it accordingly.
- (8) Every decision of a Metropolitan Licensing Authority against which an appeal has been made but has not been determined at the commencement of this Act shall for the purpose of this Act be deemed to be a decision of the proper Licensing Authority.
- (9)
- (10) *[Repealed]*

This section replaced section 169 Transport Act 1949.

Subsection (10) was repealed, as from 1 February 1971, by section 6(1)(d) Transport Amendment Act 1970 (1970 No 136).

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**1**

*[Repealed]*

Schedule 1 was repealed, as from 1 August 1987, by section 40(a) Transport Amendment Act 1987 (1987 No 46).

*[Repealed]*

## Schedule 2

s 42A

### Infringement offences and fees

Schedule 2 was substituted, as from 1 October 1989, by section 23(1) Transport Amendment Act 1989 (1989 No 77).

#### Part 1

#### Parking offences

Parts 1, 2, 5, 7, 8, 9, and 10 were substituted, as from 1 March 1999, by section 215(2) Land Transport Act 1998 (1998 No 110).

Offence	Infringement fee
1 Any parking offence involving parking on a road in breach of a local authority bylaw, in excess of a period fixed by a meter or otherwise, where the excess time is—	
Not more than 30 minutes	\$12 or such lesser amount as is fixed by the local authority
More than 30 minutes but not more than 1 hour	\$15 or such lesser amount as is fixed by the local authority
More than 1 hour but not more than 2 hours	\$21 or such lesser amount as is fixed by the local authority
More than 2 hours but not more than 4 hours	\$30 or such lesser amount as is fixed by the local authority
More than 4 hours but not more than 6 hours	\$42 or such lesser amount as is fixed by the local authority
More than 6 hours	\$57 or such lesser amount as is fixed by the local authority
2 (a) Parked on or within 6m of an intersection	\$60
(b) Parked on or near a pedestrian crossing	\$60
(c) Parked on broken yellow lines	\$60
(d) Double parking	\$60
(e) Inconsiderate parking	\$60
(f) Parked on a clearway	\$60
(g) Parked on a bus only lane	\$60
3 All other parking offences	\$40

*Towage Fee:* Where expenses are incurred by an enforcement authority in respect of the movement or proposed movement under section 113(2)(c) of the Land Transport Act 1998 or section 68BA(2)(b) of this Act of the vehicle involved in the offence (whether or not the vehicle is in fact moved), the infringement fee is the total of the amount specified above in respect of the offence and the amount of the appropriate towage fee (including any goods and services tax payable in respect of the towage fee).

## Part 2 Speeding offences

*[Repealed]*

Parts 2 and 3 were omitted, as from 27 February 2005, by clause 3 Transport (Offences) Order 2004 (SR 2004/451).

## Part 3

*[Repealed]*

Parts 2 and 3 were omitted, as from 27 February 2005, by clause 3 Transport (Offences) Order 2004 (SR 2004/451).

## Part 4 Offences against Road User Charges Act 1977

Part 4 was amended, as from 29 July 1995, by section 11(a) Transport Amendment Act 1995 (1995 No 44) by substituting the words “Subject to section 23(3A) of the Road User Charges Act 1977, operating” for the word “Operating”. It was further amended by paragraph (b) of the same section by omitting the words “and disregarding any excess over such multiple that is less than 1,000 kilometres”. See section 14 of that Act as to the transitional provisions.

### *1 Excess Weight Offences*

<b>Excess weight offence</b>	<b>Infringement fee* (\$)</b>
Where the gross weight of the vehicle, reduced by an amount equal to 5% of the maximum gross weight specified in the licence, exceeds the maximum gross weight specified in a distance licence, supplementary licence, or time licence by—	
Not more than 1 000 kg	200
More than 1 000 kg but not more than 2 000 kg	400
More than 2 000 kg but not more than 3 000 kg	600
More than 3 000 kg but not more than 4 000 kg	1,000
More than 4 000 kg but not more than 5 000 kg	1,500
More than 5 000 kg but not more than 6 000 kg	2,000
More than 6 000 kg but not more than 7 000 kg	2,500
More than 7 000 kg but not more than 8 000 kg	3,000
More than 8 000 kg but not more than 9 000 kg	3,500*
More than 9 000 kg but not more than 10 000 kg	4,000*

Part 4—*continued*

<b>Excess weight offence</b>	<b>Infringement fee* (\$)</b>
More than 10 000 kg but not more than 11 000 kg	5,000*
More than 11 000 kg but not more than 12 000 kg	6,500*
More than 12 000 kg but not more than 13 000 kg	8,000*
More than 13 000 kg	10,000*

\*Where the infringement offence notice is issued in respect of an offence against section 23(1)(a) of the Road User Charges Act 1977 (being an offence of operating a vehicle in excess of the maximum weight specified in a distance licence or a supplementary licence or a time licence), the infringement fee shall be \$3,000 or such lesser amount as is specified in this Table.

2 *Distance Recorder Offences*

<b>Distance recorder offence</b>	<b>Infringement fee* (\$)</b>
Subject to section 23(3A) of the Road User Charges Act 1977, operating a motor vehicle, or being owner of a motor vehicle on a road, when the reading of a distance recorder exceeds the maximum reading specified in the licence carried in the vehicle at the time of the offence (being an offence against subsection (1) or subsection (2) of section 23 of the Road User Charges Act 1977)	An amount calculated at 3 times the road user charges payable for the particular vehicle type number as specified in Part 1 of Schedule 3 to the Road User Charges Act 1977. For the purposes of this calculation the road user charges shall be determined on the difference between the reading on the distance recorder and the maximum reading specified in the licence, in integral multiples of 1,000 kilometres*

\*Provided that where the infringement offence notice is issued in respect of an offence against section 23(1)(a) of the Road User Charges Act 1977 (being an offence of operating a vehicle where the reading on the distance recorder exceeds the maximum reading specified in the distance licence), the infringement fee shall not exceed \$3,000.

**Part 5**  
**Offences against Transport Act 1962 (other than speeding and overloading offences)**

Parts 1, 2, 5, 7, 8, 9, and 10 were substituted, as from 1 March 1999, by section 215(2) Land Transport Act 1998 (1998 No 110).

Part 5—*continued*

<b>Section</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
64	Failure in certain cases to stop to ascertain railway line clear	280
68BA(6)	Failure to release vehicle towed away, in certain circumstances	280

**Part 6**  
**Offences against Transport Services**  
**Licensing Act 1989**

The second and fourth items in clause 1 of Part 6 were inserted, as from 1 April 1993, by section 39(2) Transport Amendment Act (No 3) 1992 (1992 No 108).

The item relating to Rule 10 in clause 3 of Part 6 was amended, as from 1 April 1993, by section 39(3) Transport Amendment (No 3) Act 1992 (1992 No 108) by substituting the word “towing” for the word “touring”.

*1 Offences against Act generally*

<b>Section</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
5(3)	Acting as agent for unlicensed transport service	350
18A	Driving taxi without area knowledge certificate, etc	500
19(6)	Failure to produce driver identification card on request by enforcement officer	150
22(4E)	Failure to comply with approved operating rules, etc	500
30(4)	Failure to notify change of address	150
30(4)	Failure to notify change of personnel	350
32(2)	Failure to supply particulars of driver	350
34(4)	Failure to obtain or retain certificate of responsibility	75
35(3)	Failure to display particulars of licence holder on goods service vehicle	350
36(6)	Failure to display particulars of licence holder on large passenger service vehicle	350
36(6)	Failure to maintain or make available complaints register	350

Part 6—*continued*

2 *Offences against Small Passenger Service Rules (section 37(3) of Act and Part 1 of Schedule 3)*

<b>Rule</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
1(2)	Failure to produce copy of exemption	75
3	Failure to comply with requirements for signs	350
4	Failure to comply with requirements on advertising	75
5, 6	Failure to display schedule of fares, etc	500
7	Displaying unregistered fares, etc	150
9	Failure to display operator identification	500
11	Failure to maintain or make available complaints register	500
12 (other than subclause (3)(d))	Failure to comply with drivers' duties	150
13(2)	Accepting hire within 20 metres of designated stand	75
14	Failure to observe requirements relating to designated stands	75
15	Obstruction of other vehicles or public way	150
16	Offences relating to meters	500
17	Vehicle not in good and clean repair	75
19	Contravention of multiple hiring rules	150
20	Smoking in vehicle without agreement	75

3 *Offences against Vehicle Recovery Service Rules (section 38(3) of Act and Part 2 of Schedule 3)*

<b>Rule</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
2	Failure to display operator identification	500
4	Failure to comply with requirements on advertising	75
5	Failure to maintain control of passengers	350

Part 6—*continued*

<b>Rule</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
6	Failure to comply with direction of enforcement officer or other authorised person	350
7	Carrying unauthorised animals	75
8	Failure to complete tow authority, etc	500
10	Deviation or delay when towing	150
11	Failure to prevent damage or loss	350
13	Failure to maintain or make available complaints register	500

4 *Offences against Rental Service Rules (section 39(2) of Act and Part 3 of Schedule 3)*

<b>Rule</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
1(2)	Failure to inspect driver's licence, etc	75
2(3)	Failure to give copy of agreement to hirer	75
3(1)	Failure to offer insurance, etc	150

## Part 7

## Offences against Traffic Regulations 1976

Part 7 of this Schedule was amended, as from 29 July 1995, by section 11(c) Transport Amendment Act 1995 (1995 No 44) by omitting so much as related to Part 6 generally of the Traffic Regulations 1976. *See* section 14 of that Act as to the transitional provisions.

Parts 1, 2, 5, 7, 8, 9, and 10 were substituted, as from 1 March 1999, by section 215(2) Land Transport Act 1998 (1998 No 110).

<b>Regulation</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
26		
27		
(Part 2 generally)		
44B		
(Part 3 generally)		
(Part 4 generally)		
48E		



*Part 7—continued*

<b>Regulation</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
50 (Part 5 generally)		
(Part 7 generally)	Offences against Part 7 (which relates to equipment) not otherwise specified in this Part of this Schedule	150
(Part 12 generally)		

Part 7 item 26 was repealed, as from 27 February 2005, by clause 3(1)(a) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 7 item 27 was repealed, as from 27 February 2005, by clause 3(1)(b) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 7 item (Part 2 generally) was repealed, as from 27 February 2005, by clause 3(1)(c) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 7 item 44B was repealed, as from 27 February 2005, by clause 3(1)(d) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 7 item (Part 3 generally) was repealed, as from 27 February 2005, by clause 3(1)(e) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 7 item (Part 4 generally) was repealed, as from 27 February 2005, by clause 3(1)(f) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 7 item 48E was repealed, as from 27 February 2005, by clause 3(1)(g) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 7 item 50 was repealed, as from 27 February 2005, by clause 3(1)(h) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 7 item (Part 5 generally) was repealed, as from 27 February 2005, by clause 3(1)(i) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 7 item (Part 12 generally) was repealed, as from 27 February 2005, by clause 3(1)(j) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

**Part 8**

**Offences against regulation 18(1) of Heavy  
Motor Vehicle Regulations 1974**

Parts 1, 2, 5, 7, 8, 9, and 10 were substituted, as from 1 March 1999, by section 215(2) Land Transport Act 1998 (1998 No 110).

Part 8—*continued*

<b>Regulations to which offence relates</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
5(5)	Unlawful use of Class C road	370
7(5)		
8(1)		
8(3)	Failure to comply with conditions of permit to exceed minimum tyre pressure	150
10	Failure to comply with provisions concerning prohibition on certain heavy traffic	370
11	Failure to comply with provisions concerning protection of bridges	470
13		
14		
16	Unlawful erection of signs, interference with prescribed signs, etc	150
16		
17	Failure to comply with requirements of traffic officer, obstruction, etc	370

Part 8 item 7(5) was repealed, as from 27 February 2005, by clause 3(2)(a) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 8 item 8(1) was repealed, as from 27 February 2005, by clause 3(2)(b) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 8 item 13 was repealed, as from 27 February 2005, by clause 3(2)(c) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 8 item 14 was repealed, as from 1 April 2005, by clause 3(2)(d) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

Part 8 item 16 was repealed, as from 27 February 2005, by clause 3(2)(e) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450).

## Part 9

## Offences against Land Transport Act 1998

<b>Section</b>	<b>Brief Description of Offence</b>	<b>Infringement fee (\$)</b>
31(1)(a)	Driving without appropriate current driver licence	400
31(1)(c)	Failing to produce driver licence	55

Part 9—*continued*

<b>Section</b>	<b>Brief Description of Offence</b>	<b>Infringement fee (\$)</b>
34(1)(b)	Operating vehicle without displaying current evidence of vehicle inspection or certificate of loading, where the vehicle is a heavy motor vehicle or is used in a transport service	600
34(1)(b)	Operating vehicle without displaying current evidence of vehicle inspection or certificate of loading, where the vehicle is not a heavy motor vehicle or is not used in a transport service	200
36A(1)(b)	Without reasonable excuse, intentionally pouring on, placing on, or allowing to spill onto a road any petrol, oil, or diesel fuel, etc	600
42(1)	Failing to secure load	600
44(1)	Making a false or misleading statutory declaration, etc	750
46(1)	Contravening requirements, conditions, or directions about traffic surveys	500
47(1)	Failing to report damage to other vehicles or property	370
50(1)	Failing to release vehicle towed away, in certain circumstances	280
52(1)(a)	Removing, obscuring, or rendering indistinguishable a notice directing that vehicle not be driven on road	600
52(1)(b)	Driving vehicle contrary to notice under section 115	600
52(1)(c) or (d)	Failing to comply with direction or requirement concerning off-loading of heavy motor vehicle or securing of load on heavy motor vehicle	750
52(1)(c)	Failing to comply with direction to stop heavy motor vehicle or to drive heavy motor vehicle to weighing device	1,000
53(1)	Obstruction, etc, in relation to inspection of vehicle required to have evidence of vehicle inspection or certificate of loading	370
79M	Failure to pay passenger service fares	150

Schedule 2 Part 9: amended, on 1 December 2009, by section 39(1) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

Part 9—*continued*

The second item in Part 9, relating to section 17 Transport (Vehicle and Driver Registration and Licensing) Act 1986, was inserted, as from 1 April 1993, by section 39(4) Transport Amendment Act (No 3) 1992 (1992 No 108).

The Infringement Fee in respect of the final item in Part 9 was amended from “50” to “500”, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Parts 1, 2, 5, 7, 8, 9, and 10 were substituted, as from 1 March 1999, by section 215(2) Land Transport Act 1998 (1998 No 110).

The item relating to section 36A(1)(b) was inserted, as from 2 May 2003, by section 11 Land Transport (Unauthorised Street and Drag Racing) Amendment Act 2003 (2003 No 11).

The item relating to section 42(1) was inserted, as from 22 June 2005, by section 94(2) Land Transport Amendment Act 2005 (2005 No 77). *See* sections 96 to 100 of that Act as to the transitional and savings provisions.

Schedule 2 Part 9 item 79M: added, on 1 October 2007, by section 94(1) of the Land Transport Amendment Act 2005 (2005 No 77).

## Part 10

## Other offences

Parts 1, 2, 5, 7, 8, 9, and 10 were substituted, as from 1 March 1999, by section 215(2) Land Transport Act 1998 (1998 No 110).

Part 10 was amended, as from 3 May 1999, by section 2 Transport (Offences) Order 1999 (SR 1999/94) by omitting the item relating to the Transport (Drivers Licensing) Regulations 1987 (SR 1987/94).

Schedule 2 Part 10 Government Roadway Powers Act 1989: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

The item relating to section 87(1)(a) Transit New Zealand Act 1989 was inserted, as from 22 June 2005, by section 94(3) Land Transport Amendment Act 2005 (2005 No 77). *See* sections 96 to 100 of that Act as to the transitional and savings provisions.

<b>Provision</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
Section 87(1)(a), Government Roadway Powers Act 1989	Acts in contravention of or fails to comply in any respect with any provision of section 82 of the Government Roadway Powers Act 1989 (restrictions on use of motorways).	250
Section 5, Transport (Vehicle and Driver Registration and Licensing) Act 1986	Using, etc, unlicensed motor vehicle or motor vehicle that does not have registration plates affixed in the prescribed manner	200

Part 10—*continued*

<b>Provision</b>	<b>Brief description of offence</b>	<b>Infringement fee (\$)</b>
Section 17, Transport (Vehicle and Driver Registration and Licensing) Act 1986	Unauthorised, deceptive, or obscured registration plates or unauthorised licence, etc	200
Regulations 11(1), (2), and (3) and 18, Goods Service Vehicle (Constructional) Regulations 1936	Failure to comply with any provision of the regulations, and related offences	280
Regulation 11(1), Transport (Vehicular Traffic Road Closure) Regulations 1965	Use of closed road otherwise than in terms of permit	280
Regulation 76, Passenger Service Vehicle Construction Regulations 1978	Failure to comply with any provisions of the regulations or any provision or restriction in a certificate of loading, and related offences	280
Any provision of any bylaw involving the use of vehicles, other than a provision—	Failure to comply with appropriate regulation.	750
(a) setting a speed limit; or		(or such lesser amount as may be set by bylaws)
(b) imposing a parking prohibition or restriction; or		
(c) for which any infringement fee is otherwise specified in this schedule		
Failure to comply with appropriate provision		

**Schedule 2A**

s 68BA

**Offences enforceable by parking wardens**

Schedule 2A was substituted, as from 1 August 1987, by section 21(2) Transport Amendment Act 1987 (1987 No 96).

- 1 Any offence involving parking in any portion of a road in breach of any Act or regulation, or of any bylaw made under the authority of section 72 of this Act.
- 2 **Offences Against Land Transport Rules**

<b>Provision</b>	<b>Brief description of offence</b>
section 8.7(2) of Land Transport (Road User) Rule 2004 (61001)	Failure to display red light on parked goods-service vehicle
subsection 2.3(5) of Land Transport Rule: Tyres and Wheels 2001 (32013)	Using tyre with worn, damaged, or visible cords
subsection 2.3(13) to (17) of Land Transport Rule: Tyres and Wheels 2001 (32013)	Using tyre without adequate tread pattern or depth
83A	Operating vehicle without displaying current evidence of inspection or current certificate of loading

Clause 2 was amended, as from 15 November 2000, by section 5(1) Transport Amendment Act 2000 (2000 No 85) by omitting the item relating to reg 85(1) Traffic Regulations 1976 (SR 1976/227).

Clause 2 was amended, as from 24 December 2004, by clause 3 Transport (Offence) Order 2004 (SR 2004/471) by inserting the item relating to reg 83A Traffic Regulations 1976 (SR 1976/227).

Clause 2 was amended, as from 27 February 2005, by clause 4(a) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450) by substituting the words "Land Transport Rules" for the words "Traffic Regulations 1976".

Clause 2 was amended, as from 27 February 2005, by clause 4(b) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450) by substituting, in the heading to the first column of the table, the word "Provision" for the words "Offence against regulation".

Clause 2 was amended, as from 27 February 2005, by clause 4(c) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450) by substituting, in the first column of the table, the words "section 8.7(2) of Land Transport (Road User) Rule 2004 (61001)" for the expression "37(5)".

Clause 2 was amended, as from 27 February 2005, by clause 4(d) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450) by substituting, in the first column of the table, the words "subsection 2.3(5) of Land Transport Rule: Tyres and Wheels 2001 (32013)" for the expression "71(1)".

Clause 2 was amended, as from 27 February 2005, by clause 4(e) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450) by substituting, in the first column of the table, the words “subsection 2.3(13) to (17) of Land Transport Rule: Tyres and Wheels 2001 (32013)” for the expression “71(2)”.

Clause 2 was amended, as from 27 February 2005, by clause 4(f) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450) by substituting, in the second column of the table, the words “Using tyre with worn, damaged, or visible cords” for the words “Using worn or damaged tyre”.

Clause 2 was amended, as from 27 February 2005, by clause 4(g) Transport (Amendments to Schedules of Transport Act 1962) Order 2004 (SR 2004/450) by substituting, in the second column of the table, the words “Using tyre without adequate tread pattern or depth” for the words “Using smooth tyre”.

**3 Offence against—**

- (a) section 5 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (using or permitting to be used on a road an unlicensed motor vehicle or a motor vehicle that does not have registration plates affixed in the prescribed manner); or
- (b) section 242 of the Land Transport Act 1998 (operating on a road a motor vehicle that is not registered and does not display its registration plates as prescribed); or
- (c) any regulations made under Part 17 of the Land Transport Act 1998 that specify an offence that relates to—
  - (i) using or permitting to be used on a road a motor vehicle that has unauthorised, deceptive, or obscured registration plates or an unauthorised licence; or
  - (ii) failing to display the appropriate licence or registration plate.

Schedule 2A clause 3: substituted, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

**4 Offences against section 17 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 (using or permitting to be used on a road a motor vehicle that has unauthorised, deceptive, or obscured registration plates or an unauthorised licence).**

Clause 4 was inserted, as from 1 April 1993, by section 40 Transport Amendment Act (No 3) 1992 (1992 No 108).

**5 The offence of operating a vehicle on a road without displaying current evidence of vehicle inspection, contrary to section 34(1)(b) of the Land Transport Act 1998.**

Clause 5 was inserted, as from 15 November 2000, by section 5(2) Transport Amendment Act 2000 (2000 No 85).

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**3**

*[Repealed]*

Schedule 3 was repealed, as from 1 October 1989, by section 116(1) Transit  
New Zealand Act 1989 (1989 No 75).

*[Repealed]*

**Schedule 4**  
**Enactments repealed**

s 201(1)

**Criminal Justice Act 1954 (1954 No 50) (1957 Reprint Vol 3,  
p 455)***Amendment(s) incorporated in the Act(s).***Criminal Justice Amendment Act 1961 (1961 No 45)***Amendment(s) incorporated in the Act(s).***Customs Acts Amendment Act 1961 (1961 No 57)***Amendment(s) incorporated in the Act(s).***Fees and Travelling Allowances Act 1951 (1951 No 79) (1957  
Reprint, Vol 4, p 863)***Amendment(s) incorporated in the Act(s).***Finance Act (No 2) 1952 (1952 No 81) (1957 Reprint, Vol 16,  
p 139)***Amendment(s) incorporated in the Act(s).***Finance Act (No 2) 1953 (1953 No 115) (1957 Reprint, Vol 16,  
p 141)***Amendment(s) incorporated in the Act(s).***Government Railways Amendment Act 1956 (1956 No 55) (1957  
Reprint, Vol 5, p 793)***Amendment(s) incorporated in the Act(s).***Motor Spirits Duty Act 1961 (1961 No 10)***Amendment(s) incorporated in the Act(s).***National Roads Act 1953 (1953 No 118) (1957 Reprint, Vol 10,  
p 872)***Amendment(s) incorporated in the Act(s).***Public Revenues Amendment Act 1958 (1958 No 88)***Amendment(s) incorporated in the Act(s).*

**Summary Proceedings Act 1957 (1957 No 87) (1957 Reprint,  
Vol 15, p 406)**

*Amendment(s) incorporated in the Act(s).*

**Summary Proceedings Amendment Act 1961 (1961 No 44)**

*Amendment(s) incorporated in the Act(s).*

**Transport Act 1949 (1949 No 7) (1957 Reprint, Vol 16, p 1)**

**Transport Amendment Act 1950 (1950 No 51) (1957 Reprint,  
Vol 16, p 136)**

**Transport Amendment Act 1953 (1953 No 24) (1957 Reprint,  
Vol 16, p 140)**

**Transport Amendment Act (No 2) 1953 (1953 No 116) (1957  
Reprint, Vol 16, p 142)**

**Transport Amendment Act 1954 (1954 No 70) (1957 Reprint,  
Vol 16, p 145)**

**Transport Amendment Act 1955 (1955 No 102) (1957 Reprint,  
Vol 16, p 145)**

**Transport Amendment Act 1958 (1958 No 34)**

**Transport Amendment Act (No 2) 1958 (1958 No 53)**

**Transport Amendment Act 1959 (1959 No 105)**

**Transport Amendment Act 1960 (1960 No 92)**

**Transport Amendment Act 1961 (1961 No 105)**

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**Schedule 5**  
**Regulations revoked**

s 201(2)

**Transport Licensing Regulations 1960 (SR 1960/21)**

*Amendment(s) incorporated in the regulation(s).*

**Transport Licensing Regulations 1960, Amendment No 4 (SR 1961/75)**

*Amendment(s) incorporated in the regulation(s).*

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## **Notes**

### **1 General**

This is an eprint of the Transport Act 1962. The eprint incorporates all the amendments to the Act as at 10 May 2011. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

### **2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

### **3 List of amendments incorporated in this eprint (most recent first)**

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 98

Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36): section 39(1)

Land Transport Amendment Act 2009 (2009 No 17): section 35(4)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

Land Transport Amendment Act 2005 (2005 No 77): sections 91(2)–(6), (8), (9), 93, 94(1)

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