

Reprint
as at 19 April 2016



Canterbury Earthquake (Transport Legislation) Amendment Order 2011

(SR 2011/152)

Canterbury Earthquake (Transport Legislation) Amendment Order 2011: revoked (after expiring on the close of 31 October 2011), on 19 April 2016, pursuant to section 146(2) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 23rd day of May 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 71 of the Canterbury Earthquake Recovery Act 2011, His Excellency the Governor-General makes the following order acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister made following the Canterbury Earthquake Recovery Review Panel's review of a draft of the order.

Contents

	Page
1 Title	2
2 Commencement	2

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Transport.

3	Expiry	2
4	Principal order amended	2
5	Exemption with respect to certain persons who operate heavy motor vehicles	2
6	New clauses 9 to 11 substituted	2
9	Exemption with respect to certain persons operating heavy motor vehicles registered in Australia or Canada	3
10	Modification of section 23 of Road User Charges Act 1977	4
11	Exemption in respect of motor vehicle account levies	4

Order

1 Title

This order is the Canterbury Earthquake (Transport Legislation) Amendment Order 2011.

2 Commencement

This order is deemed to have come into force on 26 March 2011.

3 Expiry

This order expires on the close of 31 October 2011.

4 Principal order amended

This order amends the Canterbury Earthquake (Transport Legislation) Order 2011.

5 Exemption with respect to certain persons who operate heavy motor vehicles

- (1) Clause 5(3) is amended by omitting “the Christchurch City Council’s response to the Canterbury earthquake” and substituting “the Christchurch City Council’s Canterbury earthquakes recovery effort”.
- (2) Clause 5(4)(a)(iv) is amended by omitting “the Christchurch City Council’s response to the Canterbury earthquake” and substituting “the Christchurch City Council’s Canterbury earthquakes recovery effort”.
- (3) Clause 5(5)(a)(i) is amended by omitting “the Christchurch City Council’s response to the Canterbury earthquake” and substituting “the Christchurch City Council’s Canterbury earthquakes recovery effort”.

6 New clauses 9 to 11 substituted

Clause 9 is revoked and the following clauses are substituted:

9 Exemption with respect to certain persons operating heavy motor vehicles registered in Australia or Canada

- (1) This clause applies to any person who operates a heavy motor vehicle that—
 - (a) is registered in Australia or Canada; and
 - (b) is imported from Australia or Canada during the period beginning on 26 March 2011 and ending with the close of 31 October 2011; and
 - (c) is operated as part of the Christchurch City Council’s Canterbury earthquakes recovery effort.
- (2) While this order is in force, a person who operates a heavy motor vehicle specified in subclause (1) and who complies with subclause (3) is, in respect of that heavy motor vehicle, exempt from—
 - (a) section 5 of the Road User Charges Act 1977; and
 - (b) section 5 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986; and
 - (c) section 242 of the Land Transport Act 1998.
- (3) To qualify for the exemption, the person must,—
 - (a) in the case of the period beginning on 26 March 2011 and ending with the close of 23 May 2011, apply for and be granted written authorisation in respect of 1 or more heavy motor vehicles specified in subclause (1) by—
 - (i) the chief executive of the New Zealand Transport Agency; or
 - (ii) a person authorised for the purpose by the chief executive of the New Zealand Transport Agency:
 - (b) in the case of the period beginning on 24 May 2011 and ending with the close of 31 October 2011,—
 - (i) apply for and be granted written authorisation in respect of 1 or more heavy motor vehicles specified in subclause (1) by—
 - (A) the chief executive of the New Zealand Transport Agency; or
 - (B) a person authorised for the purpose by the chief executive of the New Zealand Transport Agency; and
 - (ii) carry a copy of the authorisation in the specified heavy motor vehicle; and
 - (iii) produce the copy of the authorisation to an enforcement officer on request by that enforcement officer; and
 - (iv) operate the specified heavy motor vehicle in accordance with any terms and conditions specified in the authorisation.
- (4) Before granting an authorisation under subclause (3)(a), the chief executive of the New Zealand Transport Agency or the person authorised by the chief

executive of the New Zealand Transport Agency for the purpose (as the case may be) must be satisfied that the specified heavy motor vehicle was operated as part of the Christchurch City Council's Canterbury earthquakes recovery effort.

- (5) In granting an authorisation under subclause (3)(b), the chief executive of the New Zealand Transport Agency or the person authorised by the chief executive of the New Zealand Transport Agency for the purpose (as the case may be)—
- (a) must specify that the authorisation only applies to the specified heavy motor vehicle when the specified heavy motor vehicle is operated as part of the Christchurch City Council's Canterbury earthquakes recovery effort; and
 - (b) may specify any other terms and conditions regarding the operation of the specified heavy motor vehicle, including (but not limited to) where and when the specified heavy motor vehicle may be operated under the authorisation.

10 Modification of section 23 of Road User Charges Act 1977

If a person is charged under section 23(1)(a) or (2)(a) of the Road User Charges Act 1977 with operating a heavy motor vehicle in contravention of—

- (a) section 5(1)(b) of that Act in relation to an act or omission that occurred while this order was in force, the court determining the charge must dismiss the charge if the court is satisfied that the person is exempt in respect of that heavy motor vehicle under clause 6:
- (b) section 5 of that Act in relation to an act or omission that occurred while this order was in force, the court determining the charge must dismiss the charge if the court is satisfied that the person is exempt in respect of that heavy motor vehicle under clause 9.

11 Exemption in respect of motor vehicle account levies

If an operator of a heavy motor vehicle is exempt under clause 9, the heavy motor vehicle to which the exemption relates is to be treated as an exempted vehicle for the purpose of the Accident Compensation (Motor Vehicle Account Levies) Regulations 2010.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This Order in Council, which is deemed to have come into force on 26 March 2011 and expires on 31 October 2011, provides an exemption to section 5 of the Road User Charges Act 1977 (the requirement to have a distance licence) for persons who operate heavy motor vehicles that are—

- registered in, and imported from, Australia or Canada; and
- operated as part of the Christchurch City Council's Canterbury earthquakes recovery effort.

A number of heavy motor vehicles have been imported from Australia or Canada to assist with the Christchurch City Council's Canterbury earthquakes recovery effort. The purpose of the amendments is to provide a means to permit the operation of those heavy motor vehicles without the need to comply with the requirements of section 5 of the Road User Charges Act 1977 or the requirements of the Accident Compensation (Motor Vehicle Account Levies) Regulations 2010.

This Order in Council is made under the Canterbury Earthquake Recovery Act 2011 and its effect is temporary.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 26 May 2011.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Transport Legislation) Amendment Order 2011 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 146(2)

Canterbury Earthquake (Transport Legislation) Amendment Order 2011 (SR 2011/152): clause 3