



Land Transport (Offences and Penalties) Amendment Regulations 2015

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 25th day of May 2015

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 167 of the Land Transport Act 1998, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Schedule
Items inserted in Schedule 1 of principal regulations

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Regulations

1 Title

These regulations are the Land Transport (Offences and Penalties) Amendment Regulations 2015.

2 Commencement

These regulations come into force on 8 July 2015.

3 Principal regulations

These regulations amend the Land Transport (Offences and Penalties) Regulations 1999 (the **principal regulations**).

4 Regulation 3 amended (Offences and penalties)

In regulation 3(4), replace “Part 3 of Schedule 1B” with “Schedule 1A”.

5 Regulation 4 amended (Infringement offences)

In regulation 4(6), replace “consists of” with “is”.

6 New regulation 4B inserted (Penalties in respect of overloading offences that are also breaches of permit conditions)

After regulation 4A, insert:

4B Penalties in respect of overloading offences that are also breaches of permit conditions

If a condition of a permit issued under section 5 of Land Transport Rule: Vehicle Dimensions and Mass 2002 is breached because of overloading, the applicable penalties are—

- (a) the penalty in Schedule 1 for breach of clause 5.1(3), 5.2(6A), 8.1, 8.2, 8.3, or 8.4 of Land Transport Rule: Vehicle Dimensions and Mass 2002, as applicable; and
- (b) the penalty for overloading specified in the scale in the applicable table in Schedule 1A or Part 3 of Schedule 1B, as applicable.

7 Schedule 1 amended

- (1) In Schedule 1, item relating to Land Transport Rule: Vehicle Dimensions and Mass 2002, delete “†”.

- (2) In Schedule 1, item relating to Land Transport Rule Vehicle Dimensions and Mass 2002, before the item relating to clause 8.1, insert the items set out in the Schedule of these regulations.
- (3) In Schedule 1, item relating to Land Transport Rule: Vehicle Dimensions and Mass 2002, item relating to clause 8.1, after “8.1” insert “(except where the offence is a breach of a critical condition of a permit under clause 5.1(3) or 5.2(6A))”.
- (4) In Schedule 1, revoke the footnote relating to Land Transport Rule: Vehicle Dimensions and Mass 2002.

8 Schedule 1A amended

- (1) In Schedule 1A replace table 1 and table 2 with:

Individual axles (table 1)

Offence	Penalty for that axle (\$)
If the axle weight recorded or calculated, reduced by the appropriate amount specified in clause 5 of this schedule (if applicable), exceeds the maximum permitted weight on the axle by—	
– not more than 500 kg	350
– more than 500 kg but not more than 1 000 kg	600
– more than 1 000 kg but not more than 1 500 kg	900
– more than 1 500 kg but not more than 2 000 kg	1,250
– more than 2 000 kg but not more than 2 500 kg	1,650
– more than 2 500 kg but not more than 3 000 kg	2,100
– more than 3 000 kg but not more than 3 500 kg	2,600
– more than 3 500 kg but not more than 4 000 kg	3,250
– more than 4 000 kg but not more than 4 500 kg	4,050
– more than 4 500 kg but not more than 5 000 kg	5,000
– more than 5 000 kg but not more than 5 500 kg	6,000
– more than 5 500 kg but not more than 6 000 kg	7,150
– more than 6 000 kg but not more than 6 500 kg	8,500
– more than 6 500 kg	10,000

Groups of 2 or more consecutive axles and all axles of vehicle or combination of vehicles (table 2)

Offence	Penalty for sum of axle weights (\$)
If the total of the recorded or calculated weights on the axles, reduced by the appropriate amount specified in clause 5 of this schedule (if applicable), exceeds the maximum permitted weight by—	
– not more than 1 000 kg	350

Offence	Penalty for sum of axle weights (\$)
– more than 1 000 kg but not more than 2 000 kg	600
– more than 2 000 kg but not more than 3 000 kg	900
– more than 3 000 kg but not more than 4 000 kg	1,250
– more than 4 000 kg but not more than 5 000 kg	1,650
– more than 5 000 kg but not more than 6 000 kg	2,100
– more than 6 000 kg but not more than 7 000 kg	2,600
– more than 7 000 kg but not more than 8 000 kg	3,250
– more than 8 000 kg but not more than 9 000 kg	4,050
– more than 9 000 kg but not more than 10 000 kg	5,000
– more than 10 000 kg but not more than 11 000 kg	6,000
– more than 11 000 kg but not more than 12 000 kg	7,150
– more than 12 000 kg but not more than 13 000 kg	8,500
– more than 13 000 kg	10,000

- (2) In Schedule 1A, replace clause 5 with:

5 Weighing tolerances

- (1) This clause does not apply to a vehicle to which the weighing tolerance in clause 5.8 of Land Transport Rule: Vehicle Dimensions and Mass 2002 applies.
- (2) The axle weight recorded or calculated or, in the case of an offence referred to in table 2, the total of the recorded or calculated weights on the axles, is to be reduced by the following amounts:
- 0.3 tonnes on any front-steering axles (excluding any axles on a trailer) for which the legal maximum weight does not exceed 11 tonnes:
 - 0.5 tonnes for any weight recorded or calculated where the legal maximum weight does not exceed 11 tonnes, except in a case to which paragraph (a) applies:
 - 1.0 tonne for any weight recorded or calculated where the legal maximum weight exceeds 11 tonnes but does not exceed 33 tonnes:
 - 1.5 tonnes for any weight recorded or calculated where the legal maximum weight exceeds 33 tonnes.

9 Schedule 1B amended

- (1) In Schedule 1B, Part 3, replace tables 1 and 2 with:

Individual axles (table 1)

Offence	Infringement fee for that axle (\$)
If the axle weight recorded or calculated, reduced by the appropriate amount specified in clause 5 of this Part, exceeds the maximum permitted weight on the axle by—	
– not more than 500 kg	350
– more than 500 kg but not more than 1 000 kg	600
– more than 1 000 kg but not more than 1 500 kg	900
– more than 1 500 kg but not more than 2 000 kg	1,250
– more than 2 000 kg but not more than 2 500 kg	1,650
– more than 2 500 kg but not more than 3 000 kg	2,100
– more than 3 000 kg but not more than 3 500 kg	2,600
– more than 3 500 kg but not more than 4 000 kg	3,250
– more than 4 000 kg but not more than 4 500 kg	4,050
– more than 4 500 kg but not more than 5 000 kg	5,000
– more than 5 000 kg but not more than 5 500 kg	6,000
– more than 5 500 kg but not more than 6 000 kg	7,150
– more than 6 000 kg but not more than 6 500 kg	8,500
– more than 6 500 kg	10,000

Groups of 2 or more consecutive axles and all axles of vehicle or combination of vehicles (table 2)

Offence	Infringement fee for sum of axle weights (\$)
If the total of the recorded or calculated weights on the axles, reduced by the appropriate amount specified in clause 5 of this Part, exceeds the maximum permitted weight by—	
– not more than 1 000 kg	350
– more than 1 000 kg but not more than 2 000 kg	600
– more than 2 000 kg but not more than 3 000 kg	900
– more than 3 000 kg but not more than 4 000 kg	1,250
– more than 4 000 kg but not more than 5 000 kg	1,650
– more than 5 000 kg but not more than 6 000 kg	2,100
– more than 6 000 kg but not more than 7 000 kg	2,600
– more than 7 000 kg but not more than 8 000 kg	3,250
– more than 8 000 kg but not more than 9 000 kg	4,050
– more than 9 000 kg but not more than 10 000 kg	5,000
– more than 10 000 kg but not more than 11 000 kg	6,000
– more than 11 000 kg but not more than 12 000 kg	7,150

Offence	Infringement fee for sum of axle weights (\$)
– more than 12 000 kg but not more than 13 000 kg	8,500
– more than 13 000 kg	10,000

(2) In Schedule 1B, replace clause 5 with:

5 Weighing tolerances

- (1) This clause does not apply to a vehicle to which the weighing tolerance in clause 5.8 of Land Transport Rule: Vehicle Dimensions and Mass 2002 applies.
- (2) The axle weight recorded or calculated or, in the case of an offence referred to in table 2, the total of the recorded or calculated weights on the axles, is to be reduced by the following amounts:
 - (a) 0.3 tonnes on any front-steering axles (excluding any axles on a trailer) for which the legal maximum weight does not exceed 11 tonnes:
 - (b) 0.5 tonnes for any weight recorded or calculated where the legal maximum weight does not exceed 11 tonnes, except in a case to which paragraph (a) applies:
 - (c) 1.0 tonne for any weight recorded or calculated where the legal maximum weight exceeds 11 tonnes but does not exceed 33 tonnes:
 - (d) 1.5 tonnes for any weight recorded or calculated where the legal maximum weight exceeds 33 tonnes.

**Schedule
Items inserted in Schedule 1 of principal regulations**

5.1(3)	Breach of critical condition of permit for over-weight vehicles transporting indivisible loads	5,000	5,000	2,000	2,000
5.2(6A)	Breach of critical condition of permit for high-productivity vehicles	5,000	5,000	2,000	2,000

r 7(2)

Michael Webster,
Clerk of the Executive Council.

Explanatory note

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

These regulations, which come into force on 8 July 2015, amend the Land Transport (Offences and Penalties) Regulations 1999 (the **principal regulations**). The regulations make amendments following changes made to Land Transport Rule: Vehicle Dimensions and Mass 2002 that come into force on the same day as these regulations.

Regulation 4 amends regulation 3 of the principal regulations to insert the correct reference to the relevant schedule of penalties.

Regulation 5 amends regulation 4 of the principal regulations to make a minor drafting clarification.

Regulation 6 inserts *new regulation 4B*. This regulation clarifies the position where a condition of a permit issued under clause 5 of Land Transport Rule: Vehicle Dimensions and Mass 2002 is breached because of overloading. In that circumstance, the applicable penalties are the penalty for breach of the condition (in Schedule 1 of the principal regulations) and the penalty for overloading (in Schedule 1A or Part 3 of Schedule 1B of the principal regulations). Amendments are also made to Schedule 1 of the principal regulations (*see regulation 7(4)*) consistent with *new regulation 4B*.

Regulation 7 amends Schedule 1 of the principal regulations to insert 2 new offences. The amendments to Land Transport Rule: Vehicle Dimensions and Mass 2002 provide that a critical condition may be imposed in a permit issued under clause 5 of Land Transport Rule: Vehicle Dimensions and Mass 2002. The new items added to Schedule 1 make it an offence to breach a critical condition.

Regulation 8 amends Schedule 1A of the principal regulations to increase the penalties for overloading offences, and also replaces clause 5 of that schedule. *New clause 5* provides that the tolerances in Schedule 1A do not apply if a vehicle receives the benefit of the weighing tolerance in section 5.8 of Land Transport Rule: Vehicle Dimensions and Mass 2002.

Regulation 9 amends Part 3 of Schedule 1B of the principal regulations to increase the infringement fees for overloading offences, and also replaces clause 5 of Part 3 of that schedule. *New clause 5* provides that the tolerances in Schedule 1B do not apply if the vehicle receives the benefit of the weighing tolerance in clause 5.8 of Land Transport Rule: Vehicle Dimensions and Mass 2002.

The *Schedule* inserts 2 new items into Schedule 1 of the principal regulations (*see regulation 7*).

Regulatory impact statement

The Ministry of Transport produced a regulatory impact statement on 16 July 2014 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://www.transport.govt.nz/assets/Uploads/About/Documents/RIS-VDAM-amendments.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 28 May 2015.

These regulations are administered by the Ministry of Transport.