

## Traffic Amendment Regulations 2000

Pursuant to sections 167 and 218 of the Land Transport Act 1998, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### Part 8A

#### School crossing points

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### **1 Title**

- (1) These regulations are the Traffic Amendment Regulations 2000.
- (2) In these regulations, the Traffic Regulations 1976<sup>1</sup> are called “the principal regulations”.

### **2 Commencement**

- (1) Regulations 14 and 15 come into force on 1 March 2001.
- (2) The rest of these regulations come into force on 25 January 2001.

### **3 Interpretation**

Section 2 of the principal regulations is amended by inserting, after the definition of school bus, the following definition:

“**school crossing point** means a school crossing point established in accordance with Part 8A”.

### **4 Railway crossings**

Regulation 11 of the principal regulations is amended by revoking subclause (3), and substituting the following sub-clauses:

- “(3) This regulation does not apply—
  - “(a) to any railway crossing if traffic is for the time being controlled by an enforcement officer; or
  - “(b) to any railway level crossing at which a warning device in the form of barrier arms is for the time being erected.

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<sup>1</sup> SR 1976/227

“(3A) The Authority may, by notice in the *Gazette*, exempt from the requirements of this regulation any railway line or portion of a railway line, or any road or portion of a road, or any railway level crossing or class of railway level crossing, specified in the notice.”

**5 New regulation 13 substituted**

The principal regulations are amended by revoking regulation 13, and substituting the following regulation:

**“13 Crossing where school patrol operating**

When approaching a pedestrian crossing or a school crossing point at which a school patrol sign is extended in accordance with regulation 98, every driver must stop before reaching the pedestrian crossing or school crossing point and remain stopped while the sign is extended.”

**6 New regulation 52 substituted**

The principal regulations are amended by repealing regulation 52, and substituting the following regulation:

**“52 Using crossings**

Except as provided by regulation 53, no pedestrian may cross a roadway otherwise than on a pedestrian crossing or a school crossing point when a pedestrian crossing or school crossing point is reasonably available to the pedestrian for that purpose within a distance of 20 m.”

**7 Crossing roadway**

Regulation 53 of the principal regulations is amended by inserting, after the words “pedestrian crossing”, the words “or school crossing point”.

**8 Loitering on crossings or in roadway**

Regulation 55(1) of the principal regulations is amended by inserting, after the words “pedestrian crossing”, the words “or school crossing point”.

**9 New Part 8A inserted**

The principal regulations are amended by inserting, after Part 8, the following Part:

**“Part8A****“School crossing points****“96A Marking school crossing points**

- “(1) A controlling authority may mark a school crossing point across any roadway under its control that is subject to a speed limit of not more than 50 kilometres an hour.
- “(2) Despite subsection (1), no controlling authority may mark a school crossing point in an area controlled by traffic signals.
- “(3) However, a controlling authority may, with the written consent of the Authority, mark a school crossing point across any roadway under its control where the speed limit exceeds 50 kilometres an hour, provided any additional warning devices or markings required by the Authority are provided and maintained in good condition.
- “(4) Every school crossing point must be marked with lines that—
  - “(a) are in reflectorised white; and
  - “(b) are in accordance with the specifications in the diagram in Schedule 6.
- “(5) Every school crossing point must be located so that, at a distance of 30 m from the school crossing point, none of its length is obstructed by any permanent growth, construction, or physical feature from the view of a driver who is approaching the school crossing point over the roadway in which the school crossing point is situated in any of the directions in which vehicular traffic is permitted to move over the school crossing point.
- “(6) Every area of roadway for the time being marked substantially in the way described in this regulation, despite non-compliance with the requirements of this Part, is a school crossing point within the meaning of these regulations.

**“96B Other indicators of presence of school crossing point**

- “(1) The controlling authority must cause the presence and position of every school crossing point to be indicated by erecting and

maintaining, in accordance with the specifications in the diagram in Schedule 6,—

- “(a) a permanent white support post or pole that is not less than 1.8 m high at each end of the crossing; and
  - “(b) a permanent P2 sign and a permanent P2(a) sign on each side of the road facing oncoming traffic; and
  - “(c) while the school crossing point is in use,—
    - “(i) a P2 flag sign adjacent to each vehicle hold line facing the oncoming traffic; and
    - “(ii) an R29 school patrol sign at each end of the crossing.
- “(2) A school patrol using the R29 school patrol sign must be present while the school crossing point is in use.
- “(3) The controlling authority may, with the written approval of the Authority, mark or provide any additional indicators of the presence and position of the school crossing point.

**“96C Unauthorised school crossing points**

- “(1) No person other than the controlling authority of the road may in any part of a road mark out or maintain, or cause or permit or suffer to be marked out or maintained, any area so as substantially to appear to be a school crossing point.
- “(2) No controlling authority may in any road mark out or maintain, or cause or permit or suffer to be marked out or maintained, any area so as substantially to appear to be a school crossing point unless the area when so marked out becomes a school crossing point within the meaning of these regulations.

**“96D Removal of school crossing points and their indicators**

- “(1) The Authority may at any time, by notice in writing to a controlling authority, require the controlling authority—
- “(a) to abolish any school crossing point; or
  - “(b) to abolish or refrain from providing any additional indication of the presence or position of a school crossing point, whether or not approved under regulation 96B.
- “(2) On receipt of a notice under subsection (1), the controlling authority must immediately remove from the area of the school crossing point all markings, indicators, and other indications

by which the area is likely to appear to be a school crossing point or, as the case may require, immediately remove and not at any later time provide or permit to be provided the additional indications referred to in the notice.

**“96E Prohibition of school crossing points**

The Authority may at any time, by notice in writing to a controlling authority, forbid the creation of a school crossing point in any specified area, and no controlling authority may, until the notice is by further notice in writing withdrawn, create a school crossing point within that specified area.

**“96F Other requirements for school crossing points**

- “(1) A school crossing point may only be operated by a school patrol in accordance with Part IX.
- “(2) All P2 flag signs and R29 school patrol signs must be removed when a school crossing point is not operating.
- “(3) A school crossing point may not exceed 10 m in width.

**“96G Variation of requirements for school crossing points**

Despite anything in this Part, all the requirements for school crossing points may be varied with written approval from the Authority.”

**10 Appointment of school patrols**

- (1) Regulation 97(1) of the principal regulations is amended by inserting, after the words “pedestrian crossings”, the words “or school crossing points”.
- (2) Regulation 97(2) and (3) of the principal regulations are amended by omitting the word “crossing”, and substituting the words “pedestrian crossing or school crossing point”.
- (3) Regulation 97(4) and (6) of the principal regulations are amended by inserting, after the words “pedestrian crossing”, the words “or school crossing point”.

**11 Duties of school patrols**

Regulation 98 of the principal regulations is amended by omitting the words “the crossing” wherever they appear, and

substituting the words “the pedestrian crossing or the school crossing point”.

## **12 Penalties**

Regulation 137 of the principal regulations is amended by revoking subclause (2), and substituting the following subclause:

- “(2) Subject to subclause (1), every person who commits any offence specified in regulation 136 is liable to—
- “(a) a fine not exceeding \$1,000; and
  - “(b) if, in the opinion of the court, the offence relates to road safety, disqualification under section 80 of the Land Transport Act 1998.”

## **13 New Schedule 6 added**

The principal regulations are amended by adding the Schedule 6 set out in the Schedule.

## **14 New regulation 28 substituted**

The principal regulations are amended by revoking regulation 28, and substituting the following regulation:

### **“28 Emissions of smoke or vapour**

- “(1) No person may operate a motor vehicle other than a traction engine that, for 10 or more seconds, emits a continuous stream of smoke or vapour that is visible to a person with normal vision.
- “(2) This regulation does not apply if smoke or vapour is visible solely because of the condensation of water vapour.
- “(3) It is a defence to proceedings for an offence against subclause (1) if the defendant produces documentation that proves that, at the time of the alleged offence, all reasonably practicable steps had been taken within the preceding 6 months to ensure that the motor vehicle could be operated without breaching subclause (1).”

**15 Revocation**

Regulation 6 of the Traffic Regulations 1976, Amendment No 4 (SR 1980/31) is consequentially revoked.

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**Schedule**

r 13

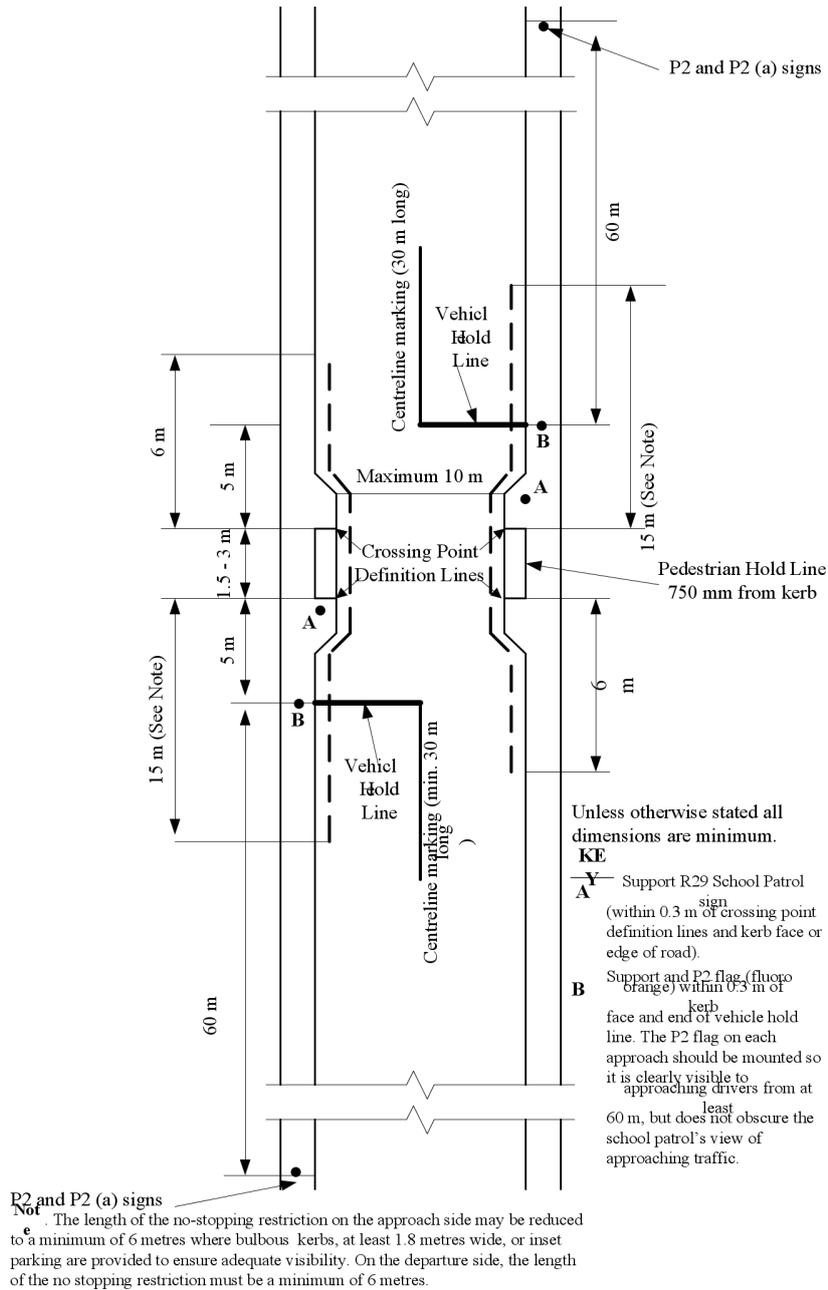
**New Schedule 6 inserted in principal  
regulations**

**Schedule 6**

cls 96A, 96B

**School crossing point**

Schedule 6—continued



Marie Shroff,

Clerk of the Executive Council.

### **Explanatory note**

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

Regulations 14 and 15, which come into force on 1 March 2001, revoke regulation 28 of the Traffic Regulations 1976, and substitute a new regulation 28. New regulation 28 prescribes a new test for determining whether or not a motor vehicle emits smoke or vapour to the extent that it warrants prohibiting the operation of that motor vehicle.

The rest of these regulations, which come into force on 25 January 2001, amend the Traffic Regulations 1976 by—

- providing limited exceptions to the general rule that buses must stop at railway crossings:
- prescribing the rules applicable to school crossing points:
- increasing the maximum penalty for breaching regulation 136 of the Traffic Regulations 1976 from \$500 to \$1,000.

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