



ANALYSIS

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1997, No. 4

An Act to amend the Land Transport Act 1993

[30 April 1997]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Land Transport Amendment Act 1997, and is part of the Land Transport Act 1993 (“the principal Act”).

(2) Except as provided in section 6 (2), this Act comes into force on the date on which it receives the Royal assent.

2. Interpretation—(1) Section 2 (1) of the principal Act is amended by inserting, after the definition of the term “Authority”, the following definition:

“‘Controlling authority’ has the same meaning as in section 2 (1) of the Transport Act 1962.”.

(2) Section 2 (1) of the principal Act is amended by inserting in the definition of the term “Land Transport Register”, after the words “Transport (Vehicle and Driver Registration and Licensing) Act 1986”, the words “(other than Part I of that Act)”.

3. Power of Minister to make ordinary rules—Section 4 of the principal Act is amended by inserting, at the beginning of subsection (6), the words “Without derogating from the provisions of any other enactment,”.

4. Rules relating to safety and licensing—Section 5 of the principal Act is amended by inserting, after paragraph (c), the following paragraph:

“(ca) Rules authorising controlling authorities to set maximum speeds or minimum speeds of vehicles or of specified classes of vehicles in respect of roads or parts of roads, which rules may—

“(i) Prescribe criteria, requirements, and procedures to be complied with by controlling authorities when setting speed limits:

“(ii) Authorise the Director to change, or modify the application of, any speed limit that does not comply with the prescribed criteria, requirements, or procedures:”.

5. Rules relating to general matters—(1) Section 6 (a) of the principal Act is amended by inserting, after subparagraph (viii), the following subparagraph:

“(viiiia) Controlling authorities:”.

(2) Section 6 (b) of the principal Act is amended by adding the following subparagraph:

“(vii) The specification of the requirements of systems and procedures to be used in the exercise of any power given to any person under any rule:”.

6. Transfer provisions for certain employees of Land Transport Safety Authority—(1) The principal Act is amended by inserting, after section 37, the following section:

“37A. (1) This section applies to any person (referred to in this section as a transferee) who—

“(a) As an employee of the Authority, is or was engaged principally in duties relating to any one or more of the following matters:

“(i) The administration of motor vehicle registration and licensing under Part I of the Transport (Vehicle and Driver Registration and Licensing) Act 1986:

“(ii) The administration or enforcement of road user charges under the Road User Charges Act 1977:

“(iii) The administration of fuel excise duty refunds under Part V of the Transit New Zealand Act 1989:

“(iv) The collection of revenue under the Road User Charges Act 1977, Part I of the Transport

(Vehicle and Driver Registration and Licensing) Act 1986, or Part V of the Transit New Zealand Act 1989; and

“(b) Becomes or is offered the opportunity to become an employee or director of—

“(i) Any Department or other part of the State services (as defined in section 2 of the State Sector Act 1988); or

“(ii) Any company, partnership, or person—
to which the responsibility for any of the matters specified in paragraph (a) of this subsection has been or is transferred (such Department, other part of the State services, company, partnership, or person being referred to in this section as the employer).

“(2) No transferee is entitled to any payment, benefit, or compensation, whether for redundancy or otherwise, by reason only of the transferee ceasing to be employed by the Authority if—

“(a) The transferee has been or is offered terms and conditions of employment that are similar in overall effect to those of the transferee with the Authority; and

“(b) The employer has agreed to treat the transferee’s service with the Authority as if it were service with the employer and as if it were continuous; and

“(c) The duties of the transferee are similar in overall effect to those of the transferee with the Authority or the transferee is willing to accept alternative duties.

“(3) Any transferee who, immediately before transfer, was a contributor to the Government Superannuation Fund under the Government Superannuation Fund Act 1956 is, for the purposes of that Act, deemed to be employed in the Government service so long as that person continues to be employed with, or be a director of, the employer.

“(4) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (3) of this section entitles a transferee to become a contributor to the Government Superannuation Fund after that transferee has ceased to be a contributor.

“(5) For the purpose of applying the Government Superannuation Fund Act 1956 in accordance with subsection (3) of this section, the term ‘controlling authority’, in relation to a transferee, means the employer.”

(2) This section comes into force on a date to be appointed by the Governor-General by Order in Council.

This Act is administered in the Ministry of Transport.
