



ANALYSIS

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1988, No. 45

An Act to amend the National Roads Act 1953

[31 March 1988]

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

1. Short Title and commencement—(1) This Act may be cited as the National Roads Amendment Act 1988, and shall be read together with and deemed part of the National Roads Act 1953 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of April 1988.

2. Interpretation—Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:

“ ‘Minister’ means the Minister of Transport:”.

3. National Roads Board—(1) Section 3 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Board shall consist of—

“(a) The Minister of Transport, who shall be Chairman:

“(b) Two officers of the Ministry of Transport, one of whom shall be an officer competent to advise the Board on administration:

“(c) Two members, to be nominated by the New Zealand Local Government Association Incorporated as representing counties:

“(d) One member, to be nominated by the New Zealand Local Government Association Incorporated as representing those boroughs having a population of 20 000 or more:

“(e) One member, to be nominated by the New Zealand Local Government Association Incorporated as representing those boroughs having a population of less than 20 000 and town districts:

“(f) One member, to represent the interests of persons being owners of commercial motor vehicles:

“(g) One member, to represent the interests of persons being owners of private motor vehicles.”

(2) Section 3 (3A) of the principal Act (as inserted by section 2 (3) of the National Roads Amendment Act 1973) is hereby amended by omitting the words “the Associate Minister of Works and Development”, and substituting the words “an Associate Minister of Transport”.

(3) Section 3 (3C) of the principal Act (as so inserted) is hereby amended by omitting the words “Works and Development”, and substituting the word “Transport”.

(4) Section 3 (3D) of the principal Act (as so inserted) is hereby amended by omitting the words “Works and Development”, and substituting the word “Transport”.

(5) Section 3 (4) of the principal Act is hereby amended by omitting the expression “paragraph (g) of subsection (1)”, and substituting the expression “subsection (1) (f)”.

(6) The following enactments are hereby consequentially repealed:

(a) Section 3 of the National Roads Amendment Act 1959:

(b) Section 3 of the National Roads Amendment Act 1962:

(c) Section 2 (1) of the National Roads Amendment Act 1973.

4. District Roads Councils—(1) Section 7 (3) of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) One officer of the Ministry of Transport appointed by the chief executive of the Ministry of Transport:”.

(2) Section 7 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) The Chairman of the District Roads Council shall be elected by the Council from among its members at its first meeting following each triennial general election of the local authorities whose districts are wholly or partly within the Roads Council district.”

(3) Section 7 (6) of the principal Act (as substituted by section 3 (1) of the National Roads Amendment Act 1957) is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) The Chairman of the Council:”.

(4) Section 7 (9) of the principal Act (as substituted by section 2 of the National Roads Amendment Act 1956) is hereby amended by omitting the words “The deputy of the District Commissioner of Works when so acting, shall be the Chairman of the Council and shall be a member of the executive body of the Council”.

(5) The following enactments are hereby consequentially repealed:

(a) Section 3 (2) of the National Roads Amendment Act 1957:

(b) So much of Part III of the Third Schedule to the Local Government Amendment Act 1979 as relates to section 7 (3) (a) of the principal Act.

5. Powers and duties of Board in relation to State highways—(1) Section 13 (1) of the principal Act is hereby amended by omitting the words “construction, maintenance, and control”, and substituting the words “control for all purposes, including construction and maintenance,”.

(2) Section 13 (2) of the principal Act is hereby amended by omitting the words “Commissioner of Works”, and substituting the words “chief executive of the Ministry of Transport”.

6. Delegation to officers of Ministry of Transport—(1) The principal Act is hereby amended by repealing section 16, and substituting the following section:

“16. The Board may from time to time, by resolution, delegate to any officer of the Ministry of Transport all or any part or parts of—

“(a) The Board’s powers and duties in respect of the design, supervision, construction, or maintenance, or of the administration, of State highways generally or of any specified State highway:

“(b) The Board’s powers, duties, and rights under any contract relating to the matters set out in paragraph (a) of this section:

“(c) The powers conferred on the Board as controlling authority of State highways by the Transport Act 1962 and any regulations in force under that Act.”

(2) The following enactments are hereby consequentially repealed:

- (a) So much of the Second Schedule to the National Roads Amendment Act 1959 as relates to section 16 of the principal Act:
- (b) Section 4 of the National Roads Amendment Act 1964.

7. National Roads Fund—Section 22 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Notwithstanding anything in subsection (2) of this section, there shall be paid to the credit of the appropriate person or fund or account, out of the revenues received from the sources referred to in that subsection, such amount as the Minister of Finance from time to time approves as being the expenses incidental to the collection thereof and the expenses incurred in the administration and enforcement of the Road User Charges Act 1977, and the residue only shall be paid into the Fund.”

8. Cost of construction, maintenance, etc., of State highways—(1) Section 27 (1) (a) of the principal Act is hereby amended by omitting the words “of Works and Development”.

(2) Section 27 (1) (g) of the principal Act is hereby amended by omitting the words “Works and Development”, and substituting the word “Transport”.

This Act is administered in the Ministry of Transport.
