



ANALYSIS

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1961, No. 105

An Act to amend the Transport Act 1949

[1 December 1961]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Transport Amendment Act 1961, and shall be read together with and deemed part of the Transport Act 1949* (hereinafter referred to as the principal Act).

2. Refund of duty on motor spirits—(1) Section 62 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) The refunds authorised by this section shall be computed as follows:

“(a) In respect of any such motor spirits used as fuel for any vessel engaged exclusively in the fishing industry for commercial purposes, or as fuel for any aircraft, a refund at the rate of one shilling and threepence a gallon shall be made:

*1957 Reprint, Vol. 16, p. 1

Amendments: 1958 Nos 34, 53; 1959, No. 105; 1960, No. 92

“(b) In respect of any such motor spirits used in any other case to which this section applies, a refund at the rate of one shilling and one penny a gallon shall be made.”

(2) Section 62A of the principal Act (as inserted by subsection (1) of section 3 of the Transport Amendment Act 1958) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to the provisions of sections 63 and 63A of this Act, this section applies to motor spirits used for any purpose, otherwise than as fuel for—

“(a) Any motor vehicle (not being a passenger-service vehicle) for which an annual licence fee is payable under section 20 of this Act; or

“(b) Any motor vehicle that may be used with dealers' plates in accordance with subsection (6) of section 28 of this Act:

“Provided that the Governor-General may from time to time, by Order in Council, declare that this section shall apply to motor spirits used as fuel for any specified kind of motor vehicle for which an annual licence fee is payable under section 20 of this Act.”

(3) Section 11 of the Finance Act (No. 2) 1953 is hereby consequentially repealed.

(4) Notwithstanding anything in subsection (1) or subsection (2) of this section, the provisions of subsection (3) of section 62 and subsection (1) of section 62A of the principal Act shall continue to apply with respect to all motor spirits purchased by the consumer before the commencement of this section as if this section had not been passed.

(5) This section shall come into force on the first day of January, nineteen hundred and sixty-two.

3. Deputy of Licensing Appeal Authority or Charges Appeal Authority—The principal Act is hereby further amended by inserting, after section 136, the following section:

“136A. (1) Where the Licensing Appeal Authority or the Charges Appeal Authority becomes for any cause incapable of acting, or where he considers it not proper or desirable that he should adjudicate on any appeal pending before him, the Governor-General may appoint a suitable person to be the Deputy Transport Licensing Appeal Authority or the Deputy Transport Charges Appeal Authority, as the case may be.

“(2) The person so appointed shall, subject to any conditions or limitations and for the period of his appointment,

have all the powers, duties, and functions of the Licensing Appeal Authority or of the Charges Appeal Authority, as the case may be.

“(3) The fact that any person is acting as the Deputy Transport Licensing Appeal Authority or Deputy Transport Charges Appeal Authority shall be conclusive evidence of his authority so to do, and no person shall be concerned to inquire whether the occasion for his appointment had arisen or ceased.

“(4) No person shall be appointed the Deputy Transport Licensing Appeal Authority or Deputy Transport Charges Appeal Authority unless he is eligible for appointment as Licensing Appeal Authority or Charges Appeal Authority, as the case may be.”

4. Evidence of testing and accuracy of weighing or speed measuring devices—The principal Act is hereby further amended by inserting, after section 165, the following section:

“165A. (1) In any proceedings for an offence against this Act or any regulations made thereunder, the production of a certificate purporting to be signed by an officer of the Department authorised by the Commissioner as to the testing and accuracy of any weighing or speed measuring device referred to in the certificate shall be admissible as evidence that the device has been tested and is accurate.

“(2) Every officer signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorised to sign it.”

This Act is administered in the Transport Department.
