



## ANALYSIS

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1971, No. 57

**An Act to amend the Transport Act 1962**

[19 November 1971]

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 and commencement—**(1) This Act may be cited as the Transport Amendment Act 1971, and shall be read together with and deemed part of the Transport Act 1962 (hereinafter referred to as the principal Act).

(2) Section 14 of this Act shall be deemed to have come into force on the 1st day of February 1971.

(3) Part I of this Act and the Schedule to this Act shall come into force on a date to be fixed by the Governor-General, by Order in Council.

(4) Except as provided in subsections (2) and (3) of this section, this Act shall come into force on the date of its passing.

**2. Interpretation—**(1) Section 2 of the principal Act is hereby amended by inserting in subsection (1), in their appropriate alphabetical order, the following definitions:

“‘Cargo container’ means an article of transport equipment of a type approved for the purposes of this Act by the Minister by notice in the *Gazette*, being a lift van, movable tank, or other similar structure; and includes the normal accessories and equipment of the container, when attached to and used exclusively with it; but does not include any vehicle, or any ordinary packing case, crate, box, or other similar article used for packing:

“‘Container ship’ means a ship designed or modified exclusively or principally for the carriage of cargo in international cargo containers in 1 or more cellular holds:

“‘Department of State’ means a department of the Public Service as defined in the State Services Act 1962; and includes the New Zealand Government Railways Department and the Post Office:

“‘International cargo container’ means a cargo container designed for carriage in a cellular hold of a container ship engaged in international trade:

“‘Issuing authority’, in relation to any motor driver’s licence means—

“(a) The Secretary, in any case where the licence was issued by the Secretary or the Secretary has become the issuing authority pursuant to subsection (2) of section 27 of this Act:

“(b) The local authority which issued the licence, in any other case:

“‘Licensing year’, in relation to a motor driver’s licence, means a period of 12 months commencing on the last day of the month in which the anniversary of the date of birth of the holder of the licence occurs:

“‘Motor driver’s licence’ or ‘driver’s licence’ means a licence to drive a motor vehicle issued under Part III of this Act; and includes any interim or probationary motor driver’s licence issued under any regulations made pursuant to section 29 of this Act; and also includes a provisional motor driver’s licence authorising the holder to drive a motor cycle only; but does not include any other provisional motor driver’s licence:

“‘Trade licence’ means a licence to use a motor vehicle on a road issued under section 22 of this Act:

“‘Trade plates’ means 1 or more sets of special registration plates issued under section 22 of this Act.”

(2) Section 2 of the principal Act is hereby further amended by omitting from subsection (2) the words “a station wagon”.

## PART I

### LICENSING OF DRIVERS OF MOTOR VEHICLES

**3. Part III of principal Act substituted**—The principal Act is hereby amended by repealing Part III, and substituting the following Part:

## “PART III

### “LICENSING OF DRIVERS OF MOTOR VEHICLES

**“25. Unlicensed persons not to drive motor vehicles—**

(1) No person shall—

“(a) Drive a motor vehicle on any road, unless he is the holder of a motor driver’s licence for the time being in force which authorises him to drive such a motor vehicle; or

“(b) Employ or permit any other person to drive a motor vehicle on any road, unless that other person is the holder of a motor driver’s licence for the time being in force which authorises him to drive such a motor vehicle.

“(2) Where any person (hereinafter referred to as the learner) is while driving a motor vehicle undergoing a test for the issue or an extension of a motor driver’s licence under the direction of an approved testing authority for motor drivers or is accompanied by a person seated alongside him who is the holder of a motor driver’s licence for the time being in force which authorises him to drive such a motor vehicle and is engaged in teaching the learner to drive,—

“(a) The learner shall be deemed not to act in contravention of paragraph (a) of subsection (1) of this section; and

“(b) The testing officer or any person employing or permitting the learner to drive the motor vehicle shall be deemed not to act in contravention of paragraph (b) of that subsection:

“Provided that nothing in this subsection shall apply where the learner has not attained the age that qualifies him to obtain a motor driver’s licence to drive the motor vehicle that he is driving or is subject to an order which disqualifies him from driving that vehicle.

**“26. Issue of drivers’ licences and extensions of licences—**

(1) Any issuing authority, on receipt of a fee of 50c for each licensing year for which the licence is issued, may issue a motor driver’s licence to any person who satisfies the issuing authority that he is qualified in accordance with this Act and with any regulations under this Act to be the holder of a motor driver’s licence to drive the class or classes of motor vehicles specified in the licence.

“(2) Any issuing authority may grant an extension of any motor driver’s licence, where the holder of that licence satisfies the issuing authority that he is qualified in accordance with this Act and with any regulations under this Act to be the holder of a motor driver’s licence to drive the class or classes of motor vehicles in respect of which the extension is applied for.

“(3) The holder of a motor driver’s licence shall not apply for or obtain another motor driver’s licence while the licence held by him is in force.

“(4) A motor driver’s licence shall not be issued to any person who is under the age of 15 years, and any motor driver’s licence issued to a person under that age shall be of no effect.

“(5) Except as may be otherwise provided by this Part of this Act or by regulations under this Act, a motor driver’s licence shall be operative throughout New Zealand, and shall remain in force until the end of the licensing year in which it takes effect or, at the option of the holder, the end of the first or second or third or fourth licensing year after the licensing year in which the motor driver’s licence takes effect, and shall then expire.

“(6) Nothing in this section shall be deemed to authorise the issue to any person of a motor driver’s licence having effect in any licensing year after the year in which it is issued, if pursuant to regulations under this Act an application by that person for a motor driver’s licence for that licensing year would require to be accompanied by a medical certificate.

“(7) Where during the currency of a motor driver’s licence the holder is granted an extension thereof authorising him to drive the class or classes of motor vehicle specified in the extension, and the application for the extension is pursuant to regulations under this Act required to be accompanied by a medical certificate, the motor driver’s licence so extended shall expire at the end of the licensing year in which the extension was granted.

“(8) The driver of any motor vehicle shall produce his motor driver’s licence for inspection whenever required to do so by any constable or traffic officer. The driver shall be deemed to have complied with this subsection if, within 7 days after having been so required to produce his motor driver’s licence, he produces it at a place specified by the constable or traffic officer.

“(9) Unless otherwise provided by regulations under this Act, where any applicant for a motor driver’s licence or an extension of a motor driver’s licence is required to undergo any practical driving test on the ground that he has not previously or within a prescribed period been the holder of a motor driver’s licence granted in New Zealand of the class applied for, there shall be payable by the applicant, in addition to the fee prescribed by subsection (1) of this section, a testing fee of \$1.75, and that testing fee shall be payable whether or not a motor driver’s licence or extension is granted to him.

“(10) The testing fee shall be paid to the issuing authority to which the application for the motor driver’s licence or extension is made, and, where the issuing authority is not the

Secretary and the driving test is carried out by an employee of the Crown, shall, when so paid, constitute a debt due to the Crown by the issuing authority.

**“27. Central register of drivers’ licences—**(1) The issuing authority shall keep a register of all motor drivers’ licences issued by it under this Act, showing with respect to each motor driver’s licence the following particulars:

“(a) The full name, address, and date of birth of the holder of the motor driver’s licence:

“(b) The number of the motor driver’s licence:

“(c) The date of issue of the motor driver’s licence:

“(d) The date of expiry of the motor driver’s licence:

“(e) Particulars of any order of disqualification made against the holder of the motor driver’s licence pursuant to section 30 or section 32 of this Act:

“(f) Particulars of any order made under section 38 of this Act whereby a limited licence is issued to a person who has been disqualified by an order made under Part IV of this Act from holding or obtaining a motor driver’s licence:

“(g) Particulars of any order made under section 39 of this Act whereby the disqualification of a motor driver is removed.

“(2) Where the issuing authority is not the Secretary, the issuing authority may, on a date to be agreed with the Secretary, forward to the Secretary the register kept by the issuing authority pursuant to this section. On and from that date the Secretary shall become the issuing authority in respect of all licences previously under the control of that issuing authority and in respect of all new licences issued to persons residing in that issuing authority’s area.

“(3) Where the issuing authority is a local authority, all fees payable under this Part of this Act in respect of motor drivers’ licences shall be payable to the local authority and, subject to the provisions of subsection (10) of section 26 of this Act, shall form part of the general funds of that local authority.

“(4) Where the Secretary is the issuing authority, all fees payable under this Part of this Act shall be received by the Secretary and paid into the Consolidated Revenue Account. There shall be payable from that Account to every local authority in whose area the holder of a motor driver’s licence issued by the Secretary resides at the time of the issue, renewal,

or extension of the licence such amount in respect of each such licence as may from time to time be determined by the Minister of Finance.

**“28. Validity of existing motor drivers’ licences—**(1) Every motor driver’s licence that is in force on the date of the commencement of this Part of this Act and which is due to expire with the next succeeding 30th day of June or with the 30th day of June in any subsequent year shall, unless that 30th day of June is the anniversary of the date of birth of the holder of the licence, be deemed not to have expired with that 30th day of June, but shall expire with the last day of the month in which the next succeeding anniversary of the date of birth of the holder of the licence occurs.

“(2) The holder of any motor driver’s licence so extended shall, at the time he applies for the renewal of the licence, pay to the issuing authority, in addition to the fee prescribed for each licensing year, an additional fee calculated at the rate of one-twelfth of the fee for a licensing year for each complete month for which his licence was extended in accordance with the provisions of this section.

**“28A. Licences of mentally disordered persons to be suspended—**(1) Where any person becomes a committed patient or a special patient within the meaning of the Mental Health Act 1969 and is at the date he becomes a committed patient or a special patient the holder of a motor driver’s licence, that licence shall be deemed to be suspended on and from that date until such time as he is neither a committed patient nor a special patient under that Act.

“(2) A motor driver’s licence which is suspended under subsection (1) of this section shall be held in the custody of the Medical Superintendent of the hospital in which the holder of the motor driver’s licence is received or detained as a committed patient or special patient. Every person having possession of any such motor driver’s licence shall deliver it to the Medical Superintendent upon demand.

“(3) Where a person to whom this section applies ceases to be a committed patient, or, as the case may be, ceases to be a special patient without becoming a committed patient, under the Mental Health Act 1969 but the Medical Superintendent considers him to be unfit to hold a motor driver’s licence, the Medical Superintendent shall forward to the Secretary a certificate to that effect together

with that person's motor driver's licence, which shall thereupon be deemed to be revoked. If the Secretary is not the issuing authority he shall give notice of the revocation to the issuing authority which issued the licence.

“(4) Where—

“(a) Any person to whom subsection (1) of this section applies is under section 66 of the Mental Health Act 1969 permitted to be absent on leave from a hospital under that Act; and

“(b) The Medical Superintendent of the hospital certifies in writing that in his opinion that person is fit to hold a motor driver's licence—

the provisions of subsection (1) of this section shall not apply to that person while he is absent on leave from the hospital, and, if his motor driver's licence is held in the custody of the Medical Superintendent pursuant to subsection (2) of this section, the Medical Superintendent shall return it to him.

“**28B. Professional driving instructors**—No person shall engage for reward in the teaching of motor vehicle driving, unless he is the holder of a certificate of approval for the time being in force issued by the Secretary under the authority of regulations made pursuant to section 29 of this Act.

“**29. Regulations as to motor drivers' licences**—Without limiting the general power to make regulations conferred by section 199 of this Act, regulations may be made under that section for all or any of the following purposes:

“(a) Providing, either generally or with respect to any particular locality or localities, or with respect to any particular class or classes of motor vehicles, for the examination and testing of applicants for motor drivers' licences or extensions of motor drivers' licences or of any class of such applicants; and prescribing the persons or classes of persons by whom the examinations and tests are to be conducted, and the conditions upon or subject to which licences or extensions may be granted:

“(b) Providing for the granting of different classes of motor drivers' licences, and prescribing the effect of motor drivers' licences of each class:

- “(c) Providing that in the case of a renewal, an extension, or any other alteration to any motor driver’s licence, the renewal, extension, or alteration may be made by the issue of a new motor driver’s licence or by endorsement on the existing licence, as the case may be; and providing for the issue of interim licences pending the issue of such new licences:
- “(d) Providing for granting of probationary motor drivers’ licences, and prescribing the period or periods of probation and the conditions upon or subject to which those licences may be issued; and applying to those licences with such modifications as may be considered necessary, any of the provisions of this Act and any regulations made pursuant to any other provisions of this section; and providing for the revocation or suspension of a probationary motor driver’s licence upon the conviction of the holder for an offence in connection with the driving of a motor vehicle:
- “(e) Providing, notwithstanding anything in this Act, for the issue by an issuing authority at a prescribed fee for the period prescribed of provisional motor drivers’ licences authorising the holder to drive a motor cycle only, and applying to those motor drivers’ licences, with such modifications as may be considered necessary, any of the provisions of this Part of this Act and of any regulations made pursuant to any other provision of this section:
- “(f) Providing for the issue of provisional motor drivers’ licences authorising the holder to drive a motor vehicle other than a motor cycle; and prescribing the terms and conditions upon or subject to which those licences may be issued; and prescribing the fees for those licences; and prescribing that such a provisional licence may not be issued until the applicant has demonstrated by written and oral examination that he has a knowledge of traffic law; and prescribing that the holder of such a provisional licence may not drive a motor vehicle, unless he is accompanied by a person who holds a motor driver’s licence for that class of vehicle and is engaged in teaching the holder of the provisional licence to drive; and prescribing that a person may

not drive any motor vehicle on any road as a learner driver, unless he is in possession of such a provisional motor driver's licence:

“(g) Providing for the granting of extensions of motor drivers' licences:

“(h) Providing for the special examination and testing of the holders of motor drivers' licences in any case where it is considered by the Secretary to be necessary in the interest of public safety, and for the revocation of their motor drivers' licences if the holders refuse or neglect to submit to the examination or testing, or if they are found, whether as a result of examination or testing or otherwise, to be for any reason unfit to continue to hold their motor drivers' licences, subject to right of appeal against the revocation to a Magistrate, whose decision shall be final; and prescribing the time and manner which appeals may be made:

“(i) Providing for the exemption, either unconditionally or upon or subject to such conditions as may be prescribed by or in accordance with the regulations, of any person who is a visitor to New Zealand from overseas from any of the requirements of this Act with respect to a licence to drive a motor vehicle, and delegating to the Minister power to grant any such exemption or to appoint any person to grant such exemption:

“(j) Prescribing, or authorising the Secretary to prescribe, forms of drivers' licences, forms of applications for drivers' licences, and other forms that may be required for the purposes of this Part of this Act or of any regulations made under this Act:

“(k) Prescribing, or authorising the Secretary to prescribe, the documentary evidence of identity and date of birth which must be submitted with any application for a motor driver's licence or for any extension or renewal of a motor driver's licence:

“(l) Providing for the issue by the Secretary of certificates of approval to persons engaged for reward in teaching motor-vehicle driving, and prescribing the conditions (including conditions as to the competency and character of applicants for or holders of such certificates) upon or subject to

which those certificates may be issued or revoked, subject to right of appeal to a Magistrate, whose decision shall be final, against any decision of the Secretary refusing to issue such a certificate or revoking such a certificate:

- “(m) Providing that where a person applies for a motor driver’s licence or a probationary motor driver’s licence, and that person has not previously been the holder of a motor driver’s licence granted in New Zealand, the applicant may be required to demonstrate a knowledge of traffic law and of the principles of safe and efficient operation of motor vehicles, as set out in publications published by the Government Printer and available in New Zealand, either by way of free issue or by way of sale.”

**4. Consequential amendments and repeals**—(1) The principal Act is hereby further amended in the manner indicated in the Schedule to this Act.

(2) The following enactments are hereby consequentially repealed:

- (a) Sections 4 to 6 of the Transport Amendment Act 1964:
- (b) Section 4 of the Transport Amendment Act 1965:
- (c) Sections 5 to 8 of the Transport Amendment Act 1966.

## PART II

### MISCELLANEOUS AMENDMENTS OF THE PRINCIPAL ACT

**5. Trade plates and licences**—(1) The principal Act is hereby further amended by repealing section 22, and substituting the following section:

“22. (1) Any person to whom this section applies may make application to a Deputy Registrar for 1 or more sets of special registration plates (in this section referred to as trade plates), for use in accordance with this section. Every such application shall be accompanied by the appropriate fee (if any) for the time being prescribed by Part I of the First Schedule to this Act.

“(2) Any person to whom trade plates have been issued may make application for a special licence (in this section referred to as a trade licence) in respect of any such set

of trade plates for use in a specified licensing year in accordance with this section. Every such application shall be accompanied by the appropriate fee prescribed by Part II of the First Schedule to this Act.

“(3) Every trade plate or trade licence shall be in such form as may be prescribed.

“(4) On receipt of an application under this section and of the prescribed fee (if any), the Deputy Registrar, if satisfied that the applicant is a person entitled by virtue of this section to the issue of trade plates or trade licences, as the case may be, and that the application is in order, and subject to the provisions of section 81 of this Act, shall issue to the applicant the trade plates or trade licences applied for.

“(5) Any person to whom this section applies may in any licensing year use on any road the type of motor vehicle in respect of which he is entitled to use trade plates, notwithstanding that the motor vehicle is not registered under this Part of this Act and that it does not have affixed thereto registration plates or a licence issued for that motor vehicle, if at all times while the motor vehicle is in use there is affixed to it in the prescribed manner trade plates for motor vehicles of the class to which that motor vehicle belongs and a trade licence in respect of those plates issued to that person under this section for that licensing year.

“(6) This section shall apply to the following persons and no others:

“(a) Any dealer, or any person authorised by a dealer in that behalf in writing, in respect of a motor vehicle held by the dealer for the purposes of sale or for the purposes of his business as a dealer or for the purpose of being serviced or repaired, whether or not it is at any time used for any other purpose:

“(b) Any person who is the bona fide proprietor of a transport museum, in respect of motor vehicles owned by that person, and used solely for exhibition purposes, while those vehicles are being used on a road to travel to or from an exhibition or for the purpose of a demonstration:

“(c) Any department of State which is required to manufacture, assemble, or modify motor vehicles, in respect of any motor vehicles so manufactured, assembled, or modified:

- “(d) Any department of State which is required to collect, distribute, or dispose of motor vehicles, in respect of those motor vehicles during the period of collection, distribution, or disposal:
- “(e) The Ministry of Defence as established by the Defence Act 1964, in respect of vehicles held for use by any of Her Majesty’s Forces and not generally used on a road except during the period of annual training, or held for general mobilisation:
- “(f) Any person, not being a dealer, who is engaged in ferrying motor vehicles from a manufacturer’s premises to the railway, or to a ship or from the railway, or from a ship to a manufacturer’s premises, or from a manufacturer’s premises to an authorised retail outlet:
- “(g) Any person engaged in business as a bona fide repairer of motor vehicles, in respect of motor vehicles held by him for repair which are not required to be registered and licensed by the owner of that motor vehicle or which cannot be registered or licensed by the owner of the motor vehicle until the repairs are complete:
- “(h) Any person who is bona fide engaged in the business of a car wrecker, in respect of motor vehicles being removed from the point at which he purchases the motor vehicle to the point at which it is to be demolished.”

(2) Section 2 of the principal Act is hereby further amended by omitting from the definition of the expression “registration plate” in subsection (1) the words “dealer’s plate”, and substituting the words “trade plate”.

(3) Section 143 of the principal Act is hereby amended by omitting from paragraph (d) of subsection (2) the words “dealers’ plates affixed to it pursuant to subsection (6)”, and substituting the words “trade plates affixed to it pursuant to subsection (5)”.

(4) Section 188 of the principal Act (as substituted by section 24 of the Transport Amendment Act (No. 2) 1969) is hereby amended by omitting from paragraph (a) of subsection (2) the words “dealers’ plates”, and substituting the words “trade plates”.

(5) The following enactments are hereby consequentially repealed:

- (a) Subsection (3) of section 2 of the Transport Amendment Act 1967:
- (b) Section 7 of the Transport Amendment Act (No. 2) 1969.

**6. Regulations as to registration and licensing of motor vehicles**—(1) Section 24 of the principal Act is hereby amended by inserting in paragraph (f), after the word “Prescribing” where it first occurs, the words “or authorising the Secretary to prescribe”.

(2) Section 24 of the principal Act is hereby further amended by adding the following paragraph:

- “(h) Providing that trade licences in any licence year shall take the form of new trade plates. In every such case, all trade plates previously issued shall be deemed to have been cancelled, and every new set of trade plates issued in that licensing year shall be deemed to be a trade licence for that year for the purposes of section 22 of this Act.”

**7. Penalty for speeding offences**—Section 42 of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by inserting in subsection (13), after the words “for the amount so ordered”, the words “together with costs”.

**8. Recording of demerit points**—Section 44 of the principal Act (as enacted by section 2 of the Transport Amendment Act 1970) is hereby amended by omitting from subsection (1) the word “Commissioner”, and substituting the word “Secretary”.

**9. Breath tests**—Section 58A of the principal Act (as inserted by section 5 of the Transport Amendment Act 1970) is hereby amended by repealing subsection (3), and substituting the following subsection:

- “(3) Every person commits an offence who—
- “(a) Fails or refuses to accompany a constable or traffic officer to any place or to remain at any place, when required so to do under subsection (2) of this section; or

“(b) Having accompanied a constable or traffic officer to any place pursuant to subsection (2) of this section, fails or refuses to remain at that place until he is required to give a specimen of his breath pursuant to subsection (4) of this section,—  
and a constable or traffic officer may arrest him without warrant.”

**10. Blood tests**—(1) Section 58B of the principal Act (as inserted by section 5 of the Transport Amendment Act 1970) is hereby amended by inserting in paragraph (a) of subsection (4), after the words “it has been supplied by”, the words “or on behalf of”.

(2) Section 58B of the principal Act (as so inserted) is hereby further amended by inserting in subsection (7), after the words “Government Analyst” where they appear for the second time the words “or an officer of the Department of Scientific and Industrial Research on his behalf”.

**11. Owner or hirer to give information as to identity of driver or passenger**—(1) The principal Act is hereby further amended by repealing section 67, and substituting the following section:

“67. (1) On being informed of any offence or of any parking infringement within the meaning of section 194A of this Act alleged to have been committed by a driver of a motor vehicle while in charge thereof (whether in the case of an offence the offence is an offence against this Act or any other enactment or any bylaw), and on being requested so to do by a constable or traffic officer, whether orally or in writing, the owner of that vehicle, and also in the case of a vehicle let on hire, the person to whom it is let on hire, shall, within 14 days after the receipt of the request, give all information in his possession or obtainable by him which may lead to the identification and apprehension of the driver.

“(2) On being informed of any offence alleged to have been committed by a passenger in or through the use of a motor vehicle where that use relates to the commission of the offence or the aiding of the commission of the offence or the assisting of that passenger to avoid arrest in connection with or conviction for that offence (whether the offence is one against this Act or any other enactment or bylaw), and on being requested so to do by a constable or traffic officer, whether orally or in writing, the owner and the driver of that

vehicle, and also in the case of a vehicle let on hire, the person to whom it is let on hire, shall, within 14 days after the receipt of the request, give all information in his possession or obtainable by him which may lead to the identification and apprehension of the passenger.”

(2) The following enactments are hereby consequentially repealed:

(a) Subsection (2) of section 27 of the Transport Amendment Act 1968:

(b) Section 8 of the Transport Amendment Act 1970.

**12. Overloading infringements**—Section 69B of the principal Act (as substituted by section 9 of the Transport Amendment Act 1970) is hereby amended by inserting in subsection (13), after the words “for the amount of the overloading-infringement fee”, the words “together with costs”.

**13. Regulations as to construction zones**—Section 77 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (f), the following paragraph:

“(fa) Providing that the local authority or other body or person having the control over any road may declare the road or part thereof to be a construction zone for the purposes of the regulations, prescribing the signs to be erected in such construction zones, and providing for the exemption from the provisions of any regulations made under this Act of specified classes of motor vehicles while used within such construction zones:”.

**14. Companies willing to undertake third-party risks insurance business to notify Registrar**—(1) Section 80 of the principal Act is hereby amended by repealing the proviso to subsection (1), and substituting the following proviso:

“Provided that any such notice delivered to the Registrar on or after the 31st day of March 1971 and before the 1st day of July 1971 shall take effect on the 1st day of July 1972, and any such notice delivered to the Registrar on or after the 28th day of February in any subsequent year and before the 1st day of July in that year shall take effect on the 1st day of July of the next succeeding year.”

(2) Section 80 of the principal Act is hereby further amended—

(a) By omitting from paragraph (a) of subsection (4) (as substituted by section 14 (2) of the Transport Amendment Act 1970) the words “28th day of February in any licensing year”, and substituting the words “31st day of March 1971 or the 28th day of February in any succeeding licensing year”:

(b) By omitting from paragraphs (b), (c), and (d) of the said subsection (4) the words “28th day of February in any such”, and substituting in each case the words “31st day of March 1971 or the 28th day of February in any such succeeding”.

**15. Exemptions from transport licences—**(1) Section 113 of the principal Act is hereby amended by inserting in paragraph (a) of subsection (1) (as substituted by section 15 of the Transport Amendment Act 1970), after the words “that carriage”, the words “or to and from a depot designated by the governing body of the school”.

(2) Section 113 of the principal Act is hereby further amended by repealing paragraph (d) of subsection (1), and substituting the following paragraphs:

“(d) A goods service carried on exclusively—

“(i) In connection with funerals; or

“(ii) In connection with the repair or wreckage of vehicles which have met with mishap:

“(da) A goods service so far as it consists of the carriage of newspapers:”.

(3) Section 113 of the principal Act is hereby further amended by adding to subsection (1) the following paragraph:

“(p) The carriage by road of an international cargo container to a containerbase, when such carriage is authorised in writing by the container operator and by a representative of the New Zealand Government Railways Department duly authorised by that department to give that authority.”

**16. Special provisions relating to Regional Authorities—**The principal Act is hereby further amended by inserting, after section 120, the following section:

“120A. (1) Notwithstanding anything to the contrary in the foregoing provisions of this Part of this Act, all applications which relate to passenger-service licences (not being

taxicab-service licences) which are operated or are intended to be operated within a regional district shall be made and dealt with in accordance with the provisions of this section.

“(2) For the purpose of hearing applications relating to passenger-service licences (other than taxicab-service licences) that are operated or are intended to be operated within a regional district, there shall be a Regional Transport Licensing Authority constituted as follows:

“(a) The Licensing Authority for the transport district in which the licences are operated or are intended to be operated, or, in the case of a Licensing Authority consisting of 3 persons, the Chairman of that Authority. The person who is a member of the Regional Transport Licensing Authority under this paragraph shall be the Chairman of the Authority:

“(b) Two additional members, to be appointed by the Minister, 1 of whom shall be appointed by the Minister on the recommendation of the Regional Authority for the regional district.

“(3) Subject to this section, the provisions of this Part of this Act shall apply with respect to every Regional Transport Licensing Authority and to the members thereof as if it were a Licensing Authority appointed under section 93 of this Act.

“(4) Every application relating to a passenger-service licence (other than a taxicab-service licence) that is operated or is intended to be operated within a regional district shall be in the prescribed form, and shall be forwarded to the Secretary accompanied by the prescribed fee. The Secretary shall forthwith forward the application to the Regional Authority.

“(5) The Regional Authority shall consider the application, and shall within 14 days of receiving it forward it to the Regional Transport Licensing Authority, together with such recommendations as it desires to make in relation to the application.

“(6) If the Regional Authority recommends that the application should be granted, the Regional Transport Licensing Authority shall advertise the application in accordance with the provisions of section 117 of this Act, but, if no objections are received, it may proceed to grant the application without holding a public sitting as required by the said section 117.

“(7) If the Regional Authority advises the Regional Transport Licensing Authority that it does not consent to the grant of the application, the Regional Transport Licensing Authority

shall advertise the application in accordance with the provisions of section 117 of this Act, and shall consider the application at a public sitting held in accordance with the said section 117.

“(8) Any application lodged by a Regional Authority in respect of a passenger-service licence that is operated or is intended to be operated by the Regional Authority shall be dealt with by the Regional Transport Licensing Authority in accordance with the provisions of subsection (6) of this section.

“(9) A Regional Authority may make an application to the Regional Transport Licensing Authority in respect of a passenger-service licence (other than a taxicab-service licence) that is operated within the regional district by an operator other than the Regional Authority. The Regional Authority shall endeavour to obtain the agreement of the operator to the application, and, if his agreement is obtained, the application shall be dealt with in accordance with the provisions of subsection (6) of this section. If no such agreement is obtained the application shall be dealt with in accordance with the provisions of subsection (8) of this section.

“(10) In this section—

“‘Application’ does not include an application relating to charges:

“‘Regional Authority’ means a public body constituted by any Act as the Regional Authority for any area:

“‘Regional district’ means the district of a Regional Authority.”

**17. Matters to be considered before determining applications for goods-service licences**—Section 123 of the principal Act is hereby amended by adding the following subsections:

“(5) Where—

“(a) A proposed goods service relates to the carriage of goods for export or to the carriage of goods which have been imported; and

“(i) The goods are to be conveyed by or have been conveyed in a container ship in international cargo containers to or from a containerbase; or

“(ii) The application relates to the carriage of empty international cargo containers which are being carried solely for the purpose of being packed with goods for export; and

“(b) The applicant seeks exemption from the provisions of any regulations made or continuing and having effect under this Act (being regulations relating to the carriage of goods by road if there is an available route for their carriage that includes not less than a specified length of open Government railway),—

the Licensing Authority, in having regard to the interest of the public generally, shall have regard to—

“(c) The distance between the point at which the carriage originates and the railway, together with the distance between the point at which the carriage terminates and the railway; and

“(d) Whether suitable facilities are available at the point where the goods are required to be transferred to the railway for the transfer of the international cargo container from a goods-service vehicle to a railway wagon, and whether at the point where the international cargo container would normally be delivered from the railway adequate facilities are available for the transfer of the international cargo container from the railway to a goods-service vehicle; and

“(e) When the application relates to the carriage of international cargo containers which are to be carried from a particular point of origin at infrequent intervals and only a small number of international cargo containers is required to be carried, the problems involved as a result of this type of carriage.

“(6) After having regard to the matters specified in subsection (5) of this section, the Licensing Authority shall, before granting the application, take into account the amount by which the total cost of moving the international cargo containers from the point of origin to the point of destination by railway or by combined road and railway transport is greater than by the use of direct road transport.

“(7) Subsections (5) and (6) of this section shall expire on the 1st day of July 1973 or on such later date as may be fixed by the Governor-General, by Order in Council.”

**18. Certificates of fitness or permits—**(1) Section 143 of the principal Act is hereby amended by omitting from subsection (1), the words “which is used in connection with a licensed goods service or”.

(2) Section 143 of the principal Act is hereby further amended by adding the following subsection:

“(4) If the tractive unit and trailing unit of an articulated motor vehicle together weigh more than 2 tons, each shall be deemed to be a heavy motor vehicle for the purposes of this section.”

**19. Principles to be observed by public body or Secretary and Charges Appeal Authority in fixing charges**—Section 151 of the principal Act is hereby amended by adding the following paragraph:

“(g) If the application relates to charges by the holder of a passenger-service licence (other than a taxicab-service licence) which is operated or is intended to be operated within a regional district (as defined in section 120A of this Act), any representations made in relation to the application by the Regional Authority for that district.”

**20. Assessment of mileage tax**—Section 191 of the principal Act (as substituted by section 24 of the Transport Amendment Act (No. 2) 1969) is hereby amended by repealing subsection (3), and substituting the following subsection:

“(3) Where—

“(a) Either—

“(i) The Deputy Registrar is dissatisfied with the correctness of a return under section 190 of this Act in respect of the total number of miles of public highway over which any motor vehicle specified in the return was used; or

“(ii) A person required under the said section 190 to make a return fails to make a return within the prescribed time,—

the Deputy Registrar shall report that fact to the Secretary, who may thereupon determine the total number of miles of public highway over which any motor vehicle specified in the return, or, as the case may be, in respect of which the return should have been made, was used; or

“(b) The Deputy Registrar is dissatisfied with the correctness of any return under the said section 190 in respect of any other matter, he shall report

that fact to the Secretary, who may thereupon make such corrections in the return as he considers proper,—

and the Secretary shall thereupon assess the amount of mileage tax payable pursuant to the determination or, as the case may be, pursuant to the corrected return and any penalty thereon under subsection (5) of the said section 190 (any such penalty being hereinafter included in the expression 'mileage tax'). The Secretary shall give notice of assessment to the person making the return or, as the case may be, to the person failing to make a return."

**21. Evidence of testing and accuracy of weighing devices and speed-measuring devices**—Section 197 of the principal Act (as substituted by section 22 (1) of the Transport Amendment Act 1970) is hereby amended by inserting in subsection (6), after the words "the production of a certificate", the words "(or a document purporting to be a copy of a certificate)".

**22. Regulations**—Section 199 of the principal Act is hereby amended by adding the following subsection:

"(7) Any regulations made under this Act may confer on the Minister the power from time to time, by notice in the *Gazette*, to prescribe any alternative or additional forms for any class or classes of traffic signs prescribed by any regulations made under this Act, and to prescribe any directions as to the placement of such alternative or additional forms of traffic signs and such other matters as may be necessary to give full effect to the regulations. Any regulations made under this Act before the commencement of this subsection, and every notice issued by the Minister pursuant to those regulations, which would have been valid if this subsection had been in force when the regulations were made or the notice was issued are hereby validated and declared to have been lawfully made and issued."

**23. Registration and annual licence fees**—(1) The First Schedule to the principal Act (as substituted by section 2 (4) of the Transport Amendment Act 1967) is hereby amended by inserting in Part I, after clause 7, the following clause:

"8. For the issue of any trade plates ..... No fee".

(2) The First Schedule to the principal Act (as so substituted) is hereby further amended by inserting in Part II, after clause 7, the following clauses:

“8. For any trade licence for use on a motor cycle or power cycle ..... \$6

“9. For any trade licence for use on any other motor vehicle ..... \$10”.

(3) The First Schedule to the principal Act (as so substituted) is hereby further amended by inserting in Part I, after clause 1, the following clause:

“1A. For any motor vehicle manufactured after 31 December 1918 but not later than 40 years before the date of registration ..... \$10”.

(4) The First Schedule to the principal Act (as so substituted) is hereby further amended by inserting in Part II, after clause 3, the following clause:

“3A. For any motor vehicle manufactured after 31 December 1918 but not later than 40 years before the commencement of the licensing year ..... \$5”.

(5) The First Schedule to the principal Act (as so substituted) is hereby further amended—

(a) By inserting in that part of Part I that was added by paragraph (c) of section 23 of the Transport Amendment Act (No. 2) 1969, after the words “clause 1”, the words “or clause 1A”:

(b) By inserting in that part of Part II that was added by paragraph (e) of section 23 of the Transport Amendment Act (No. 2) 1969, after the words “clause 3”, the words “or clause 3A”.

## SCHEDULE

Section 4 (1)

## AMENDMENTS OF PRINCIPAL ACT

Section Amended	Amendment
Section 2 .....	By repealing the definition of the expression "driver's licence" in subsection (1).
Section 32 (as enacted by section 2 of the Transport Amendment Act 1970)	By repealing paragraph (a) of subsection (2), and substituting the following paragraph: " (a) Any local authority, whether or not that local authority is the issuing authority in respect of the licence: "
Section 33 (as enacted by section 2 of the Transport Amendment Act 1970)	By omitting from subsection (3) the words "local authority", and substituting the words "issuing authority".
Section 37 (as enacted by section 2 of the Transport Amendment Act 1970)	By repealing paragraphs (a) and (b) of subsection (2), and substituting the following paragraphs: " (a) In the case of a licence in respect of which a local authority is the issuing authority, retain the licence: " (b) In the case of a licence in respect of which the Secretary is the issuing authority, destroy the licence." By repealing subsection (3), and substituting the following subsection: " (3) The Secretary shall keep a licence retained by him pursuant to paragraph (a) of subsection (2) of this section until the disqualification has been removed and the person entitled to the licence has made a request in writing for its return to him. That request shall be made to the Secretary, who shall return the licence to the person entitled to it, through the issuing authority where at the time of the request the Secretary is not the issuing authority."
Section 38 (as enacted by section 2 of the Transport Amendment Act 1970)	By omitting from subsection (6) the words "any local authority or the Secretary, as the case may require", and substituting the words "the Secretary". By omitting from subsection (7) the words "the local authority or the Secretary, as the case may be", and substituting the words "the Secretary".

SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT—*continued*

Section Amended	Amendment
Section 40 (as enacted by section 2 of the Transport Amendment Act 1970)	By omitting the words “to the local authority by which the licence (if any) of the defendant was issued” and substituting the words “and also, if the Secretary is not the issuing authority, to the issuing authority”.
Section 48 (as enacted by section 2 of the Transport Amendment Act 1970)	By repealing paragraphs (a) and (b) of subsection (3), and substituting the following paragraphs: “(a) Where the Secretary is not the issuing authority, retain the licence: “(b) Where the Secretary is the issuing authority, destroy the licence.”
	By omitting from subsection (4) the words “The local authority, or, in the case of a licence issued by the Secretary”.
Section 68A (as inserted by section 14 of the Transport Amendment Act 1966)	By inserting in subsection (4) after the words “in writing”, the words “to the Secretary”. By repealing subsection (8), and substituting the following subsection: “(8) Where any driver’s licence is suspended under the provisions of this section, particulars of the suspension shall be sent to the Secretary, and, where the Secretary is not the issuing authority, the Secretary shall send those particulars to the issuing authority.”

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This Act is administered in the Ministry of Transport.

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