



ANALYSIS

Title 1. Short Title and commencement	2. Breath tests 3. Blood tests
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1979, No. 17

An Act to amend the Transport Act 1962

[13 September 1979]

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 1979, and shall be read together with and deemed part of the Transport Act 1962 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 19th day of September 1979.

2. Breath tests—(1) Section 58A of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by repealing subsection (3), and substituting the following subsections:

“(3) If—

“(a) It appears to an enforcement officer that a breath screening test undergone by a person pursuant to a requirement under this section indicates that the proportion of alcohol in the person's breath exceeds 400 micrograms of alcohol per litre of breath; or

- “(b) A person, having been required by an enforcement officer pursuant to this section to forthwith undergo a breath screening test, fails or refuses to do so; or
- “(c) An enforcement officer could, pursuant to this section, require a person to undergo forthwith a breath screening test, but a breath screening device is not readily available or for any reason a breath screening test cannot then be carried out—

the enforcement officer may require the person to accompany him to any place where it is likely that the person can undergo either an evidential breath test or a blood test, or both.

“(3A) If it is not practicable for a person to undergo an evidential breath test at a place to which he has accompanied an enforcement officer pursuant to a requirement under subsection (3) of this section, an enforcement officer may, if he thinks fit, require the person to accompany him to any other place where it is likely that the person can undergo either an evidential breath test or a blood test, or both.

“(3B) For the avoidance of doubt, it is hereby declared that an enforcement officer may require a person to accompany him to a place pursuant to subsection (3) or subsection (3A) of this section if—

“(a) It is likely that the person can undergo an evidential breath test at that place, whether or not it is likely that the person can undergo a blood test at that place; or

“(b) It is likely that the person can undergo a blood test at that place, whether or not it is likely that the person can undergo an evidential breath test at that place.”

(2) Section 58A of the principal Act (as so substituted) is hereby further amended—

- (a) By omitting from subsection (4) (b) the words “where it is likely that he can undergo an evidential breath test or a blood test, or both”;
- (b) By inserting in subsection (5) (c), after the words “evidential breath test”, the words “or a blood test pursuant to this Act.”.

3. Blood tests—(1) Section 58B of the principal Act (as substituted by section 7 of the Transport Amendment Act (No. 3) 1978) is hereby amended by inserting in subsection

(1) (d), after the words "section 58A of this Act", the words "(whether or not at the time the requirement was made it was likely that the person could undergo an evidential breath test at that place)".

(2) Section 58B of the principal Act (as so substituted) is hereby further amended by inserting, after subsection (1), the following subsection:

"(1A) If it is not practicable for a blood specimen to be taken from a person by a registered medical practitioner at a place where the person has been required, pursuant to subsection (1) of this section, to permit a registered medical practitioner to take a blood specimen from him, an enforcement officer may require the person to accompany him to any other place where it is likely that a blood specimen can be taken from him by a registered medical practitioner."

(3) Section 58B of the principal Act (as so substituted) is hereby further amended by adding the following subsection:

"(13) Every person commits an offence who—

"(a) Fails or refuses to accompany an enforcement officer to any place, when required to do so pursuant to this section; or

"(b) Having accompanied an enforcement officer to any place pursuant to a requirement under this section, fails or refuses to remain at that place until he is requested by a registered medical practitioner to permit a blood specimen to be taken from him pursuant to this section—

and an enforcement officer may arrest him without warrant."

This Act is administered in the Ministry of Transport.
