

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 17 October 1972.

Words struck out by the Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule.

Hon. Mr Gordon

TRANSPORT AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Transport Act 1962

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

No. 88—2

1. Short Title and commencement—(1) This Act may be cited as the Transport Amendment Act 1972, and shall be read together with and deemed part of the Transport Act 1962* (hereinafter referred to as the principal Act).

*Reprinted, 1970, Vol. 3, p. 2383
Amendments: 1971, Nos. 57, 68

(2) Section 4 of this Act shall come into force on the date of the commencement of section 26 of the principal Act (as substituted by section 3 of the Transport Amendment Act 1971). 5

(3) Section 5 of this Act shall come into force on the 1st day of December 1972.

(4) Sections 22 to 24 of this Act shall come into force on a date to be fixed by the Governor-General, by Order in Council. 10

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

PART I

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MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT

2. Interpretation—(1) The principal Act is hereby amended by repealing section 2, and substituting the following section:

“2. (1) In this Act, unless the context otherwise requires,—
“ ‘Accident compensation levy’ means the levy payable in respect of motor vehicles pursuant to section 93 of the Accident Compensation Act 1972: 20

“ ‘Adjoining’ means contiguous, or contiguous except for a separation by a river, stream, drain, canal, or other watercourse, or by a road, motorway, or railway: 25

“ ‘Agricultural operation’ means any operation concerned directly with the management of a farm; and includes the transport on a road of the product of a farm, farm implements, stock or other requisites of any kind whatsoever for a farm where, and only where, they are transported— 30

“ (a) From one part of the farm to another part of the same farm, or from one farm to another adjoining farm which is owned or managed by the same person; or 35

“ (b) From one farm to another farm owned or managed by the same person where the motor vehicle carrying the goods is not taken during any one trip along more than 13 miles of road in going from the owner’s farm or other place of garage and in returning thereto: 40

“‘Ambulance’ means any motor vehicle designed and used principally for the carriage of sick or injured persons:

5 “‘Articulated vehicle’ means any motor vehicle with a trailer attached so that part of the trailer is superimposed upon the motor vehicle and a substantial part of the weight of the trailer and of its load is borne by the motor vehicle. Such a trailer shall be called a semi-trailer:

10 “‘Axle’ means 1 or more shafts, spindles, or bearings in the same vertical transverse plane by means of which, in conjunction with wheels mounted on those shafts, spindles, or bearings, a portion of the weight of the vehicle is transmitted to the roadway:

15 “Provided that where 2 or more wheels of a motor vehicle are substantially in the same line transversely and some or all of them have separate axles, the axles of all those wheels shall for the purposes of this Act and of any regulations under this Act be deemed to be 1 axle:

20 “Provided also that for the purposes of this Act and of any regulations under this Act, where the longitudinal centre line of any axle of a motor vehicle is less than 3 feet 4 inches distant from the longitudinal centre line of another axle, the 2 axles shall be deemed to be one (in this definition referred to as a dual axle). For the purposes of measuring the distance of any dual axle from any other axle, the measurement shall be taken from the longitudinal centre line of that one of the 2 axles comprising the dual axle which is nearer to the axle from which the distance is to be measured:

25 “‘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:

35 “‘Carriage’ includes haulage:

40 “‘Charges Appeal Authority’ means the Transport Charges Appeal Authority appointed under this Act:

45 “‘Container ship’ means a ship designed or modified ex-

clusively or principally for the carriage of cargo in international cargo containers in 1 or more cellular holds:

- “‘Continuous licence’ means a transport licence in respect of a service to be carried on throughout the year (whether daily or on specified days of every week or otherwise) or a transport licence in respect of special events recurring at intervals during the year: 5
- “‘Contract’, in relation to the carriage of passengers or goods or the letting of motor vehicles on hire by any transport service, means a contract in writing signed by the parties thereto for the carriage of any passenger or goods or the letting of a motor vehicle on hire (otherwise than under a hire-purchase agreement) on a specified occasion or on specified occasions or during a specified period; and includes a contract for the carriage of passengers for hire by means of taxi-cab, whether or not the contract is in writing; but does not include a contract which is evidenced by the issue of a ticket: 10 15 20
- “‘Contract vehicle’ means a motor vehicle carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole:
- “‘Dealer’ means a person who is carrying on business as a manufacturer of motor vehicles or as a dealer in motor vehicles: 25
- “‘Department’ means the Ministry of Transport established by the Ministry of Transport Act 1968:
- “‘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: 30
- “‘Design’, in relation to a motor vehicle, refers to the construction of the motor vehicle, and not its use or intended use; and ‘designed’ has a corresponding meaning: 35
- “‘District’ means a transport district, a goods-service district, a rental-service district, or a harbour-ferry service district, as the case may require:
- “‘Driver’, in relation to any vehicle, includes the rider of a motor cycle or power cycle or bicycle; and ‘drive’ has a corresponding meaning: 40
- “‘Enforcement authority’, in relation to a speeding infringement or an overloading infringement, means—
- “(a) The Secretary, in the case of an alleged 45

speeding infringement or overloading infringement detected by a traffic officer who is an officer of the Department:

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“(b) The local authority, in the case of an alleged speeding infringement or overloading infringement detected by a traffic officer who is an officer of a local authority:

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“‘Explosive’ means any substance or mixture or combinations of substances which in its normal state is capable either of decomposition at such rapid rate as to result in an explosion or of producing a pyrotechnic effect; and, without limiting the foregoing provisions of this definition, includes—

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“(a) Gunpowder, nitroglycerine, dynamite, gun-cotton, blasting powder, fulminate of mercury or of other metals, coloured fires, fog signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, and ammunition of all descriptions:

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“(b) Any device, contrivance, or article which utilises an explosive as an integral part of it for the purposes of producing an explosive, ballistic, or pyrotechnic effect:

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“(c) Any preparation or adaptation of an explosive as hereinbefore defined;—

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but does not include an explosive substance or explosive mixture or combination of substances that has been effectively rendered inert by a suitable form of treatment, whether by way of solution, dilution, admixture with other materials, or any other effective method, nor an explosive substance or mixture or combination of substances that pursuant to the explosives Act 1957 has been declared not to be an explosive by the Minister of Internal Affairs by notice published in the *Gazette*:

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“‘Fares’ includes sums payable in respect of a contract vehicle or a season ticket and any other charge of any nature for the carriage of passengers or for or in connection with the hire of the vehicle:

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“‘Farmer’ means a dairy or cattle farmer, pig farmer, sheep farmer, market gardener, orchardist, apiarist, nurseryman, poultry or egg producer, or grower of hops, peas, potatoes, tobacco, or other crops; and ‘farm’ has a corresponding meaning:

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“‘Goods’ means all kinds of movable personal property, including animals and mails:

- “‘Goods service’ means the carriage of goods for hire or reward by means of a motor vehicle; and includes the letting on hire of a motor vehicle by a person who himself drives the vehicle or provides a driver therefor if during the hiring the vehicle is used for the carriage of goods; but, subject to the provisions of sections 109 and 114 of this Act, does not include the carriage of goods by the owner thereof (whether for hire or reward or not) by means of a motor vehicle: 5
- “‘Goods-service vehicle’ means a motor vehicle designed exclusively or principally for the carriage of goods: 10
- “‘Gross weight’ in relation to any vehicle or combination of vehicles, means the weight of the vehicle or of the vehicles comprising the combination, together with the load that the vehicle or, as the case may be, the vehicles are for the time being carrying, including any equipment and accessories: 15
- “Provided that for the purposes of this Act and of any regulations under this Act, and without limiting the methods by which the gross weight of a vehicle may be determined, the gross weight of a vehicle may be determined by adding the weight on its axles or groups of axles: 20
- “‘Harbour’ means a harbour as defined in section 2 of the Harbours Act 1950 which is for the time being within the jurisdiction of a Harbour Board, or within the jurisdiction of a local authority or of the Governor-General in any case where the powers and duties of a Harbour Board are vested in any such authority or are exercisable by the Governor-General; and includes all tidal waters distant not more than 30 miles from the limits of any such harbour, not being waters outside the inner limits of the territorial sea of New Zealand: 30
- “‘Harbour ferry’ means a vessel or hovercraft that engages within the limits of any harbour in the carriage for hire or reward of passengers or of goods: 35
- “‘Harbour-ferry service’ means a service for the carriage for hire or reward of passengers or of goods by means of a harbour ferry: 40
- “‘Heavy motor vehicle’ means a motor vehicle (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward) the gross weight of which exceeds 4,500 pounds: 45

“ ‘Heavy traffic’ means—

“ (a) The use of any heavy motor vehicle; or

5 “ (b) Any other traffic declared to be heavy traffic by the Governor-General by Order in Council under subsection (3) of this section:

“ ‘Hovercraft’ means a contrivance propelled by mechanical power which is designed to be supported by and to move on a cushion of air created by downward thrust from its motor:

10 “ ‘Inflammable liquid’ includes motor spirits; and also includes any other liquid the container or outer package of which is required, pursuant to regulations made under the Dangerous Goods Act 1957, to be labelled with a label indicating that the liquid is highly inflammable:

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

20 “ ‘Invalid carriage’ means a vehicle drawn or propelled by mechanical power and specially designed and constructed, and not merely adapted, for the use of persons suffering from a physical defect or disability and, except when being used for the purposes of servicing or repair, used exclusively by such persons; and includes any vehicle used exclusively by a person suffering from a physical defect or disability which has been declared by the Secretary to be an invalid carriage:

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

30 “ (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:

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

“ ‘Licensing Appeal Authority’ means the Transport Licensing Appeal Authority appointed under this **Act:**

- “‘Licensing Authority’ means a Transport Licensing Authority constituted under this Act:
- “‘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: 5
- “‘Local authority’ means a City Council, a Borough Council, a County Council, or the Town Council in a town district not forming part of a county: 10
- “‘Minister’ means the Minister of Transport:
- “‘Motorcar’ means a motor vehicle (other than a motor cycle or power cycle) designed exclusively or principally for the carriage of persons not exceeding 9 in number inclusive of the driver; and includes a motor vehicle which is designed principally for the carriage of passengers but which has rear doors and collapsible rear seats: 15
- “‘Motor cycle’ means a motor vehicle running on 2 wheels, or not more than 3 wheels when fitted with a side car; and includes any vehicle with motor cycle controls declared by the Secretary for Transport to be a motor cycle; but does not include a power cycle: 20
- “‘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: 25 30
- “‘Motor vehicle’ means a vehicle drawn or propelled by mechanical power; and includes a trailer, but does not include— 35
- “‘(a) A vehicle running on rails; or
- “‘(b) An invalid carriage; or
- “‘(c) A trailer (not being a trailer designed solely for the carriage of goods) that is designed and used exclusively as part of the armament of any of Her Majesty’s Forces; or 40
- “‘(d) A trailer running on 1 wheel and designed exclusively as a speed-measuring device or for testing the wear of vehicle tyres; or 45

“(e) A vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does not have access with motor vehicles; or

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“(f) A pedestrian-controlled machine:

“‘Overloading infringement’ means the use on any road of any heavy motor vehicle in breach of any provisions of this Act or of any regulations made under this Act—

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“(a) By or pursuant to which maximum gross weight limits for motor vehicles are fixed; or

“(b) By or pursuant to which maximum weight limits for axles or groups of axles of motor vehicles are fixed;—

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and for the purposes of sections 69B and 69c of this Act an overloading infringement shall be deemed to have been committed in respect of every axle and of every axle of a group of axles the weight on which exceeds the maximum so fixed:

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“Provided that for the purposes of this definition the Transport Licensing Regulations 1963 and the Motor Vehicle Taxation Regulations 1966 and any regulations made in amendment thereof or in substitution therefor shall be deemed not to be regulations by or pursuant to which maximum gross weight limits for motor vehicles or maximum weight limits for axles or groups of axles of motor vehicles are fixed:

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“‘Overloading-infringement fee’ means an overloading-infringement fee prescribed pursuant to subsection (3) of section 69B of this Act:

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“‘Overloading-infringement notice’ means a notice under section 69B of this Act containing the particulars specified in subsection (6) of that section:

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“‘Owner’, in relation to a motor vehicle, means the person lawfully entitled to possession thereof, except where—

“(a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or

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“(b) The motor vehicle is let on hire pursuant to the terms of a rental-service licence—

in which case ‘owner’ means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and ‘owned’ and ‘ownership’ have corresponding meanings:

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“‘Parking’ means—

“(a) In relation to any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road for any period exceeding 5 minutes: 5

“(b) In relation to any other portion of a road, where the parking is prohibited for a period in excess of a period fixed by a bylaw of a local authority, the stopping or standing of a vehicle on that portion of the road: 10

“‘Parking infringement’ means—

“(a) Parking in breach of a bylaw of the local authority in any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of the local authority: 15

“(b) Parking in any other portion of a road in breach of a bylaw of the local authority prohibiting parking for a period in excess of the period fixed by the bylaw: 20

“‘Parking-infringement notice’ means a notice under section 194A of this Act containing the particulars specified in subsection (6) of that section: 25

“‘Passenger-service’ means the carriage of passengers for hire or reward by means of a motor vehicle; and includes the letting on hire of a motor vehicle by a person who himself drives the vehicle or provides a driver therefor if during the hiring the vehicle is used for the carriage of passengers, with or without goods: 30

“‘Passenger-service vehicle’ means a motor vehicle used for the carriage of passengers for hire or reward, with or without goods: 35

“‘Pedestrian-controlled machine’ means a vehicle (not designed for the carriage of persons or goods) controlled by a pedestrian and designed exclusively to perform some mechanical operation by means of machinery either forming an integral part of, or permanently attached to, the vehicle: 40

“‘Power cycle’ means—

“(a) A motor vehicle running on 2 wheels and fitted with a motor the total piston displacement of which does not exceed 60 cubic centimetres; or

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“(b) A pedal tricycle that for alternative propulsion is fitted with a motor (whether detachable or not) the total piston displacement of which does not exceed 60 cubic centimetres:

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“‘Public body’, for the purposes of Part VII of this Act, means a City Council, a Borough Council, a County Council, a Town Council, or a Hospital Board; and includes the Auckland Regional Authority, the Christchurch Transport Board, and any other incorporated body declared by the Governor-General, by Order in Council gazetted, to be a public body for the purposes of Part VII of this Act:

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“‘Quarter’ means a period of 3 months ending with the last day of March, June, September, or December in any year:

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“‘Quarter day’ means the 1st day of March, June, September, or December in any year:

“‘Railway line’ means a Government railway line, whether open for traffic or not, or a railway line to which the District Railways Act 1908 or the Local Railways Act 1914 applies; but does not include a tramway to which the Tramways Act 1908 applies:

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“‘Registrar’ and ‘Deputy Registrar’ mean respectively the Registrar of Motor Vehicles and Deputy Registrar of Motor Vehicles appointed under this Act:

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“‘Registration plate’ means a registration plate for a motor vehicle issued under section 10 of this Act; and includes a trade plate issued under section 22 of this Act:

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“‘Rental car’ means a motorcar used in a rental service:

“‘Rental service’ means a service for the letting of a motor vehicle on hire (otherwise than under a hire-purchase agreement or under a bailment that is for a period exceeding 6 months) for the carriage of passengers (including the driver) or of goods or both to a person who himself drives the vehicle or provides a driver therefor:

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- “ ‘Rental vehicle’ means a vehicle used in a rental service:
- “ ‘Road’ includes a street; and also includes any place to which the public have access, whether as of right or not; and also includes all bridges, culverts, ferries, and fords forming part of any road, street, or place as aforesaid; but does not include a motorway within the meaning of the Public Works Amendment Act 1947: 5
- “ ‘Sale’, in relation to any motor vehicle, includes disposition by way of hire-purchase; and also includes a conditional sale; and ‘sell’, ‘seller’, and ‘purchaser’ have corresponding meanings: 10
- “ ‘Seasonal licence’ means a transport licence in respect of a service to be carried on only during a period or periods of the year specified in the licence: 15
- “ ‘Secretary’ means the Secretary for Transport, appointed under the Ministry of Transport Act 1968; and includes any officer of the Department for the time being authorised by the Secretary, pursuant to a delegation under that Act, to exercise or perform any of the powers, duties, or functions of the Secretary: 20
- “ ‘Service’ or ‘transport service’ means a passenger service, goods service, rental service, or harbour-ferry service to which this Act applies, whether by virtue of this Act or by virtue of any Order in Council or declaration by the Minister made pursuant thereto: 25
- “ ‘Speeding infringement’ means a speeding offence which—
- “(a) Where a speed limit of 55 miles an hour or over has been fixed, consists of exceeding that limit by not more than 20 miles an hour: 30
- “(b) Where any other speed limit has been fixed, consists of exceeding that limit by not more than 15 miles an hour: 35
- “ ‘Speeding-infringement fee’ means a speeding-infringement fee prescribed pursuant to subsection (3) of section 42 of this Act:
- “ ‘Speeding-infringement notice’ means a notice under section 42 of this Act containing the particulars specified in subsection (6) of that section: 40

- 5 “‘Speeding offence’ means an offence which consists solely of exceeding any limit of speed fixed by this Act or by any regulations made under this Act or by any bylaw made under the authority of section 72 of this Act or by regulations made under section 12 of the Public Works Amendment Act 1947 (which relates to motorways):
- 10 “‘Taxicab’ means a motor vehicle—
 “(a) Designed principally for the carriage of persons not exceeding 8 in number, inclusive of the driver; and
 “(b) Used for hire or reward for the carriage of passengers otherwise than on defined routes; and
 “(c) Available for hire to any member of the public:
- 15 “‘Taxicab service’ means a passenger service carried on by means of a taxicab or taxicabs used as such:
- 20 “‘Temporary licence’ means a transport licence for a service to be carried on for a specified period of not more than 14 days:
- “‘Traction engine’ means a motor vehicle propelled by steam power and designed for use on roads and not for the carriage thereon of goods or of passengers other than the driver:
- 25 “‘Tractor’ means a motor vehicle (not being a traction engine) designed principally for the purposes of traction; but does not include the tractive unit of an articulated vehicle:
- 30 “‘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:
- 35 “‘Traffic officer’ means a traffic officer who is an officer of the Department or of a local authority; and includes any other person whose appointment as a traffic officer is approved by the Minister:
- 40 “‘Trailer’ means a vehicle without motive power that is capable of being drawn or propelled by a motor vehicle from which it is readily detachable; but does not include—
 “(a) A sidecar attached to a motor cycle; or

- “(b) A vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power:
- “‘Transport licence’ means a passenger-service licence, a taxicab-service licence, a goods-service licence, a rental-service licence, or a harbour-ferry service licence, as the case may require: 5
- “‘Trolley omnibus’ means an electrically propelled passenger-service vehicle that normally derives its power from an external source: 10
- “‘Unladen weight’ or ‘tare weight’, in relation to a vehicle, means the weight of the vehicle together with the fuel in its fuel system (if any) and the equipment and accessories thereon that are necessary for its operation for the purpose for which it was designed: 15
- “‘Use’, in relation to a vehicle, includes driving, drawing, or propelling by means of another vehicle, and permitting to be on any road; and ‘to use’ and ‘user’ have corresponding meanings: 20
- “‘Vehicle’ means a contrivance equipped with wheels, tracks, or revolving runners upon which it moves or is moved; but does not include—
- “(a) A perambulator or pushchair:
- “(b) A shopping or sporting trundler not propelled by mechanical power: 25
- “(c) A wheelbarrow or hand-trolley:
- “(d) A child’s toy, including a tricycle and a bicycle, provided, in either case, no road wheel (including any tyre) has a diameter exceeding 14 inches: 30
- “(e) A pedestrian-controlled lawnmower:
- “(f) Any pedestrian-controlled agricultural machinery not propelled by mechanical power: 35
- “(g) Any article of furniture:
- “(h) Any invalid wheel-chairs not propelled by mechanical power:
- “(i) Any other contrivance specified by the Minister by notice in the *Gazette*:
- “‘Waybill’ has the meaning assigned to that term by subsection (2) of section 109A of this Act: 40

“‘Weight’—

5 “(a) In relation to a wheel, an axle, a group of axles, or a vehicle, means the weight, or, as the case may be, the sum of the weights, recorded on a weighing device of a type approved for the purpose by the Minister, by notice in the *Gazette*, and used in a manner prescribed by the Minister, by notice in the *Gazette*:

10 “(b) In relation to the load on a vehicle, means the gross weight of the vehicle less its unladen (or tare) weight.

“(2) Except in proceedings for an offence against this Act or any regulations under this Act, if any question arises whether any vehicle is designed as a motorcar, a goods-
15 service vehicle, or any other type of motor vehicle for the purposes of this Act or of any regulations under this Act, that question shall be determined by the Secretary.

20 “(3) The Governor-General may from time to time, by Order in Council, declare any traffic to be heavy traffic for the purposes of this Act, and may in like manner vary or revoke any such Order in Council.”

(2) The following provisions of the principal Act are hereby repealed:

25 (a) Subsection (1) of section 42 (as substituted by section 2 of the Transport Amendment Act 1970):

(b) Subsection (4) of section 64:

(c) Subsection (1) of section 69B (as substituted by section 9 (1) of the Transport Amendment Act 1970):

30 (d) Subsection (1) of section 194A (as inserted by section 27 (1) of the Transport Amendment Act 1968).

(3) The principal Act is hereby further amended by repealing section 126, and substituting the following section:

35 “126. **Classification of licences**—Every transport licence shall be a continuous licence, a seasonal licence, or a temporary licence.”

(4) The enactments specified in the First Schedule to this Act are hereby repealed.

“(6B) Where the person by whom the container containing the specimen of blood was handed to a constable or traffic officer pursuant to subsection (5) of this section is not the person by whom the specimen of blood was taken, then, in any proceedings for an offence against this Part of this Act, a certificate purporting to be signed by **(him)** the first-mentioned person and certifying— 5

“(a) As to the matters specified in subparagraphs (i) to (v) of paragraph (a) of subsection (5) of section 58B of this Act; and 10

“(b) That he handed the container containing the specimen of blood to the Medical Superintendent of the hospital or to a person nominated by the Medical Superintendent for the purposes of subsection (5) of this section, or that he placed it in a place of safety in the hospital designated by the Superintendent,— 15

shall be sufficient evidence, until the contrary is proved, of such of those matters as are so certified and of the qualifications of the person by whom the specimen of blood was taken. 20

“(6c) In any proceedings for an offence against this Part of this Act, where—

“(a) A certificate under subsection (6B) of this section names a person having the same name, address, and occupation as the defendant as the person from whom the specimen of blood was taken; and 25

“(b) A certificate by the person by whom the container containing a specimen of blood was handed to a constable or traffic officer pursuant to subsection (5) of this section states that when he received it from the person giving the certificate under subsection (6B) of this section, or, as the case may be, when he took it from a place of safety in the hospital designated by the Superintendent, there was endorsed on or attached to the container a label indicating that the specimen of blood had been taken from a person having the same name, address, and occupation as the defendant,— 30 35

it shall be presumed, until the contrary is proved, that the specimen was taken from the defendant.” 40

(3) The said section 58B of the principal Act is hereby further amended by repealing subsection (8), and substituting the following subsections:

“(8) Any person specified in subsection (3) of this section may, with the general or special approval of the Hospital 45

Board by which he is employed, take for research or statistical purposes or both, whether in the hospital at which he is employed or otherwise, a specimen of blood from—

5 “(a) Any person from whom a specimen of blood may be taken pursuant to subsection (2) of this section:

“(b) Notwithstanding anything in any other Act or in any rule of law, from any other person who is or appears to be over the age of 15 years who is received in the hospital at which the person taking the specimen is employed, that other person having been received for examination or treatment as a result of an accident involving any motor vehicle, whether or not he was the driver of that motor vehicle.

15 “(8A) A specimen of blood taken pursuant to subsection (8) of this section shall be labelled that it was taken for research or statistical purposes, and evidence as to the proportion of alcohol found in that specimen shall not be admissible in any civil or criminal proceedings in any Court or in any proceedings before any person acting judicially (as defined in section 2 of the Evidence Act 1908).”

9. Powers of constables and traffic officers—(1) Section 68B of the principal Act (as inserted by section 8 (1) of the Transport Amendment Act (No. 2) 1967) is hereby amended by inserting, after subsection (1), the following subsection:

25 “(1A) In paragraphs (c) and (d) of subsection (1) of this section, the term ‘road’ includes any land vested in or under the control of the Crown or any local authority.”

(2) Section 68B of the principal Act (as so inserted) is hereby further amended by inserting, after subsection (2), the following subsections:

30 “(2A) Any such constable or traffic officer, if he believes on reasonable grounds that any vehicle on any road is not in a safe condition to use the road, may give to the driver or owner of the vehicle a notice in a form prescribed by the Minister by notice in the *Gazette* directing that the vehicle shall be removed from the road and shall not be used on any road until—

35 “(a) It has been inspected by an officer of the Department authorised by the Secretary; and

40 “(b) The officer is satisfied that the vehicle is in a safe condition for use on the road; and

“(c) A new certificate of fitness or permit or a new warrant of fitness, as the case may require, has been issued for the vehicle by an officer of the Department and is displayed on that vehicle:

“Provided that any such notice may be subject to a condition to the effect that the vehicle may continue to be used on a road to reach any specified place for repair.

“(2B) Where any direction is given under subsection (2) of this section, the owner of the vehicle shall not use that vehicle on a road until a new certificate of fitness or permit or a new warrant of fitness, as the case may require, has been obtained for and is displayed on that vehicle.” 5

(3) Section 68B of the principal Act is hereby further amended by inserting in the proviso to subsection (3), after the words “subsection (2)”, the words “or subsection (2A)”. 10

10. Bylaws as to the use of roads—(1) Section 72 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (i), the following new paragraph:

“(ia) Providing that, subject to the erection of the prescribed signs, vehicles on roads designated in the bylaw shall travel in one specified direction only:” 15

(2) Section 72 of the principal Act is hereby further amended by repealing paragraph (k) of subsection (1), and substituting the following paragraph: 20

“(k) Prohibiting or restricting, subject to the erection of the prescribed signs, the stopping, standing, or parking of vehicles on any road; limiting the stopping, standing, or parking of vehicles on any road to vehicles of any specified class or description; limiting the period of time that vehicles may park on any part of the road where parking is limited to such vehicles; and providing that a vehicle used for the time being for any specified purpose shall be deemed for the purposes of the bylaw to be of such class or description as is specified in the bylaw, notwithstanding that the vehicle may belong to any other class or description for any other purpose:” 25 30 35

(3) Bylaws made before the commencement of this section which would have been valid if subsection (1) of this section had been in force when the bylaws were made are hereby validated and declared to have lawfully been made.

11. Regulations—Section 77 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (fa) (as inserted by section 13 of the Transport Amendment Act 1971), the following paragraph: 40

5 “(fb) Prescribing requirements as to equipment which must be incorporated in the construction of, affixed to, or carried on motor vehicles or motor vehicles of any specified class, and prescribing, or authorising the Secretary to prescribe, standards for such equipment, whether such standards are prescribed in relation to the equipment as such or in relation to the function of that equipment:”.

10 **12. Manufacture or sale of devices, fittings, or equipment requiring approval**—The principal Act is hereby further amended by inserting, after section 77, the following section:

15 “77A. No person shall manufacture for the purposes of sale or import for sale or sell or offer or expose for sale or have in his possession for the purposes of sale any device or fitting or equipment which is or purports to be for use on or to be fitted to any motor vehicle or for use by the driver of or any person in or on a motor vehicle, if—

20 “(a) Under any provision of this Act or of any regulations under this Act the device or fitting or equipment is of a kind that requires the approval of the Minister or the Secretary before it is used on or fitted to a motor vehicle or, as the case may be, used by the driver of or any person in or on a motor
25 motor vehicle; and

“ (b) That approval has not been given.”

13. Constitution of transport districts—Section 91 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

30 “(1A) Notwithstanding the issue (whether before or after the commencement of this subsection) of a Proclamation under subsection (2) of section 3 of the Auckland Transport Board Act 1928 extending the boundaries of the Auckland Transport District, the boundaries of that district, as defined
35 in subsection (1) of section 3 of that Act, shall continue to be the boundaries of the district for the purposes of this Act, as if the Proclamation had not been issued.”

14. Certain services declared to be goods services—Section 109 of the principal Act is hereby amended by adding to sub-
40 section (5) the words “and, in relation to the load carried on any goods-service vehicle, means the total weight of the load on the vehicle together with the load on any trailer or trailers drawn thereby”.

15. Waybill to be carried on heavy motor vehicle—Section 109A of the principal Act (as inserted by section 16 of the Transport Amendment Act (No. 2) 1969) is hereby amended by inserting, after subsection (1), the following subsections:

“(1A) Every person commits an offence who— 5

“(a) In any waybill that is carried or is intended to be carried on any heavy motor vehicle pursuant to subsection (1) of this section, makes or causes or procures to be made any false statement with respect to any of the matters that are required 10 to be specified in the waybill by subsection (2) of this section; or

“(b) Being the driver of a heavy motor vehicle, carries on that vehicle any waybill relating or purporting to relate to goods carried on that vehicle knowing that 15 it contains any such false statement.

“(1B) In proceedings for an offence against subsection (1A) of this section, evidence given by a traffic officer as to the contents of the waybill in respect of which the offence is alleged to have been committed as seen and recorded by him 20 at the time when it was produced to him pursuant to subsection (1) of this section shall be conclusive evidence of the contents of that waybill until the contrary is proved by the production to the Court of the original waybill or of a duplicate copy thereof made simultaneously with the original.” 25

16. Exemptions from transport licences—(1) Section 113 of the principal Act is hereby amended by repealing paragraph (nn) of subsection (1) (as inserted by section 11 (1) of the Transport Amendment Act 1965), and substituting the following paragraph: 30

“(nn) A goods service carried on exclusively for the carriage of fresh, pasteurised, or homogenised milk, and fresh or pasteurised cream, and for the carriage of yogurt, fruit juices, and any associated products supplied by the New Zealand 35 Milk Board (constituted under the Milk Act 1967), or by any local authority, milk vendor, or supply association, and delivered by the person carrying on the service to customers by daily or other deliveries at their homes or premises 40 as part of a milk round (as defined in that Act):”.

(2) Section 113 of the principal Act is hereby further amended by inserting in subsection (1), after paragraph (da), the following paragraph:

“(db) A goods service carried on, otherwise than by means of a heavy motor vehicle, solely for the purpose of collecting goods for servicing or repair or of having any work done thereon, and carried on by a person engaged in the business of doing that servicing, repair, or work, whether the goods are collected directly from the owner or from an agent of the person engaged in that business, and for the subsequent return of the goods to that owner or that agent:”.

(3) Section 11 of the Transport Amendment Act 1965 is hereby consequentially amended by repealing subsection (1).

17. Certificates of fitness or permits—(1) Section 143 of the principal Act is hereby amended by repealing subsection (1) (as substituted by section 20 (1) of the Transport Amendment Act 1966), and substituting the following subsection:

“(1) Subject to the provisions of this section, no person shall use any motor vehicle in connection with a passenger service (whether or not a licence is required under this Part of this Act in respect of the service), or any heavy motor vehicle which is designed principally for the carriage of passengers (other than a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward), or any rental vehicle, or any goods-service vehicle which is a heavy motor vehicle, unless a certificate of fitness or permit in accordance with regulations made under this Act has been issued in respect of the motor vehicle by the Secretary for Transport or by an officer authorised by him in that behalf and is for the time being in force.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 20 of the Transport Amendment Act 1966:

(b) Subsection (1) of section 18 of the Transport Amendment Act 1971.

18. Mileage tax on certain classes of motor vehicles — Section 190 of the principal Act (as substituted by section 24 of the Transport Amendment Act (No. 2) 1969) is hereby amended by adding to subsection (1) the following proviso:

“Provided that nothing in paragraph (b) of clause 6 of the Second Schedule to this Act shall apply with respect to any Class C motor vehicle or any passenger-service vehicle, as defined in subsection (1) of section 188 of this Act.”

19. 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 “Ministry of Transport”, the words “or of the New Zealand Post Office”. 5
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20. 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 repealing that part of Part I that was added by paragraph (c) of section 23 of the Transport Amendment Act (No. 2) 1969, and substituting the following words: 15

“Nothing in clauses 2 to 4 of this Part of this Schedule shall apply with respect to any motor vehicle to which clause 1 or clause 1A of this Part applies.”

(2) The First Schedule to the principal Act (as so substituted) is hereby further amended by repealing that part of Part II that was added by paragraph (e) of section 23 of the Transport Amendment Act (No. 2) 1969, and substituting the following words: 20

“Nothing in clauses 1, 2, 4, and 5 of this Part of this Schedule shall apply with respect to any motor vehicle to which clause 3 or clause 3A of this Part applies.” 25

(3) The following enactments are hereby consequentially repealed:

- (a) Paragraphs (c) and (e) of section 23 of the Transport Amendment Act (No. 2) 1969; 30
- (b) Subsection (5) of section 23 of the Transport Amendment Act 1971.

21. Commencement of Part I of Transport Amendment Act 1971—Section 1 of the Transport Amendment Act 1971 is hereby amended by adding to subsection (3) the words “Different dates may be so fixed in respect of different sections of the principal Act substituted by the said Part I and of different provisions of the Schedule to this Act.” 35

PART II

MOTOR VEHICLE ACCIDENT SCHEME

22. Repeal of provisions as to third-party risks insurance—

(1) Part VI of the principal Act is hereby repealed.

5 (2) The enactments specified in the Second Schedule to this Act are hereby consequentially repealed.

23. Consequential amendments—The principal Act is hereby further amended in the manner indicated in the Third Schedule to this Act.

10 **24. Transitional provisions—**Notwithstanding the repeal by section 22 of this Act of Part VI of the principal Act,—

(a) Nothing in this Part of this Act shall affect any rights, duties, liabilities, obligations, conditions, exceptions, or limitations under the said Part VI existing at the commencement of sections 87 to 91 of the Accident Compensation Act 1972 (except the obligation to insure under the said Part VI in respect of any period after the commencement of those sections), and the said Part VI shall continue to apply thereto as if it had not been repealed; and

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25 (b) The said Part VI shall continue to apply, as if it had not been repealed, with respect to every accident affecting a motor vehicle occurring in New Zealand before the commencement of the said sections 87 to 91 and resulting in the death of or bodily injury to any person, and with respect to every action or claim for damages on account of that death or bodily injury.

25. Apportionment of insurance premiums—Where sections 87 to 91 of the Accident Compensation Act 1972 come into force during, but after the commencement of, a licensing year (as defined by section 6 of the principal Act), then, notwithstanding anything in Part VI of the principal Act, regulations made pursuant to section 89 of the principal Act before the commencement of that licensing year may declare that premiums payable in respect of licences issued for that licensing year, being licences having effect before the commencement of

the said sections 87 to 91, shall, after making the deductions required by subsection (2) of section 88 of the principal Act, be apportioned and dealt with as follows:

(a) Such proportion thereof as is specified in the regulations shall be deemed to be insurance premiums payable under Part VI of the principal Act, and the provisions of that Part shall apply thereto: 5

(b) The balance shall be deemed to be accident compensation levies, and shall, without further appropriation than this section, be paid to the Accident Compensation Commission established by the Accident Compensation Act 1972, and shall be credited by that Commission to the Motor Vehicle Compensation Fund as soon as that Fund is established. 10

SCHEDULES

Section 2 (4)

FIRST SCHEDULE

REPEALS CONSEQUENTIAL ON SUBSTITUTION OF SECTION 2
OF PRINCIPAL ACT

- 1964, No. 126—The Transport Amendment Act 1964: Section 2. (Reprinted 1970, Vol. 3, p. 2593.)
- 1965, No. 11—The Territorial Sea and Fishing Zone Act 1965: So much of the Schedule as relates to the principal Act.
- 1965, No. 127—The Transport Amendment Act 1965: Section 2. (Reprinted 1970, Vol 3, p. 2595.)
- 1965, No. 128—The Transport Amendment Act (No. 2) 1965: Section 2 and subsection (1) of section 3. (Reprinted 1970, Vol. 3, p. 2597.)
- 1967, No. 153—The Transport Amendment Act (No. 2) 1967: Subsection (2) of section 9. (Reprinted 1970, Vol. 3, p. 2601.)
- 1968, No. 39—The Ministry of Transport Act 1968: So much of the Second Schedule as relates to section 2 of the principal Act.
- 1968, No. 148—The Transport Amendment Act 1968: Sections 2 to 5. (Reprinted 1970, Vol. 3, p. 2603.)
- 1969, No. 137—The Transport Amendment Act (No. 2) 1969: Section 2, subsection (1) of section 3, and sections 4 and 5. (Reprinted 1970, Vol. 3, p. 2605.)
- 1970, No. 136—The Transport Amendment Act 1970: Paragraph (a) of section 16. (Reprinted 1970, Vol. 3, p. 2609.)
- 1971, No. 57—The Transport Amendment Act 1971: Section 2.

Section 22 (2)

SECOND SCHEDULE

REPEALS CONSEQUENTIAL ON REPEAL OF PART VI
OF PRINCIPAL ACT

- 1963, No. 62—The Transport Amendment Act 1963. (Reprinted 1970, Vol 3, p. 2592.)
- 1964, No. 126—The Transport Amendment Act 1964: Section 15. (Reprinted, 1970, Vol. 3, p. 2593.)
- 1965, No. 127—The Transport Amendment Act 1965: Sections 8 and 9. (Reprinted, 1970, Vol. 3, p. 2595.)
- 1966, No. 107—The Transport Amendment Act 1966: Section 19. (Reprinted, 1970, Vol. 3, p. 2598.)
- 1968, No. 148—The Transport Amendment Act 1968: Section 19. (Reprinted, 1970, Vol. 3, p. 2603.)
- 1969, No. 137—The Transport Amendment Act (No. 2) 1969: Section 14. (Reprinted, 1970, Vol. 3, p. 2605.)
- 1970, No. 136—The Transport Amendment Act 1970: Section 13 and 14, and so much of the Schedule as relates to sections 84 and 90 of the principal Act. (Reprinted, 1970, Vol. 3, p. 2609.)
- 1971, No. 57—The Transport Amendment Act 1971: Section 14.

Section Amended	Amendment
Section 7	<p>By omitting from subsection (1) (c) the words "insurance premium under Part VI of this Act", and substituting the words "accident compensation levy".</p> <p>By repealing paragraph (b) of subsection (2), and substituting the following paragraph:</p> <p>"(b) Before that time an application for a licence to use that motor vehicle for the current licensing year together with the appropriate fee and accident compensation levy had been forwarded to a Deputy Registrar; and".</p>
Section 11	<p>By adding the following subsection:</p> <p>"(4) No licence shall be issued for any motor vehicle for which the accident compensation levy in respect of the licensing year for which the licence is to be in force has not been paid."</p>
Section 12	<p>By adding to subsection (2) the words "and the appropriate accident compensation levy".</p> <p>By inserting in subsection (3), after the words "this section", the words "and the accident compensation levy".</p>
Section 22 (as substituted by section 5 (1) of the Transport Amendment Act 1971)	<p>By inserting in subsection (4), after the words "prescribed fee (if any)", the words "and the appropriate accident compensation levy".</p> <p>By omitting from subsection (4) the words "and subject to the provisions of section 81 of this Act".</p>
Section 77	<p>By adding to the second proviso to subsection (1) (u) (as substituted by section 14 (2) of the Transport Amendment Act 1964) the words "or that, in the case of any vehicle race or trial, the appropriate accident compensation levy has been paid in respect of each vehicle participating that is a vehicle of any of the classes described in <u>section 87 or section 88 of the Accident Compensation Act 1972</u>".</p>