

TRANSPORT (VEHICLE AND DRIVER REGISTRATION AND LICENSING) BILL

EXPLANATORY NOTE

THIS Bill re-enacts, with some changes, the provisions of Parts II and III of the Transport Act 1962 as a separate enactment.

There are a number of changes in respect of both vehicle registration and licensing and driver licensing.

Vehicle licensing

Provision is made for the staggering of vehicle licensing throughout the year instead of all vehicles having a common licensing year as at present. There is also provision for personalised registration plates to be issued.

Driver licensing

There are changes to enable "lifetime" licences to be issued. These licences will have to be renewed only when the licence holder attains an age at which further testing is required.

The principal changes are:

(References in brackets to sections are references to the corresponding sections in the Transport Act 1962)

PART I

REGISTRATION AND LICENSING OF MOTOR VEHICLES

Clause 5 (section 7): The maximum fine for using an unregistered or unlicensed vehicle is increased from \$40 to \$100 per day.

Clause 6 (section 13): The Minister is given power to waive the requirement to pay registration fees or licensing fees in respect of any particular vehicle.

The various statutory exemptions from registration, licensing, and payment of various fees at present set out in sections 7 and 13 of the Transport Act are grouped together in the First Schedule to this Bill.

Clause 7 (section 9): An application for registration of a motor vehicle in the name of a natural person must include the person's date of birth, and the Registrar may require further details if reasonable in the circumstances.

Clause 9: This clause is new and provides for the issue of personalised registration plates.

Personalised plates or the right to them may be sold to an individual at an agreed price depending on the market value of the plate, sold by auction or tender, or sold or disposed of in any other way.

Personalised plates can have any combination of between 2 and 6 numbers and letters that is not offensive.

Plates will only be issued where they can be attached to a vehicle, but it will be possible to acquire and transfer the right to particular personalised plates.

Personalised plates will be able to be transferred from one vehicle to another, upon notification of the transfer to the Post Office.

If the Registrar receives a complaint and considers any plates to be offensive, the Registrar may require their surrender.

This scheme commences on 1 December 1986.

Clauses 10 and 11 (section 12): When considered together, these provisions establish a system of motor vehicle licensing spread throughout the year.

At present, motor vehicle licensing takes place during May and June for licensing years commencing in July. At present, it is possible for licences to be issued for less than 1 year only where application for the licence is made during the licensing year, but in all other cases licensing must be for a full year.

There are 2 principal features of the new system:

- (a) To introduce the spread licensing system, vehicles registered for the period beginning 1 July 1986 will be registered for between 3 months and 15 months at the discretion of the Registrar:
- (b) Thereafter, licensing will be for 6 month or 12 month periods with limited rights to license for other periods up to 12 months so as to standardise licensing dates for fleet vehicles. To discourage consecutive 6-month licensing the fee in such cases is increased by 20 percent plus a surcharge of \$5. Individuals (but not other owners) may have any licence in excess of 12 months reduced to 12 months.

Clause 14 where a duplicate personalised registration plate is sought, it will only be issued if the plate it is to replace is surrendered to the Registrar. There will be no duplicate personalised registration plate issued if the original is lost, stolen, or totally destroyed.

Clause 18 (section 17): The power of the Attorney-General to prohibit disclosure of the particulars of the owner of any vehicle is extended from matters relating to security, defence, international relations, and the investigation and detention of offences to include the right to a fair trial and the privacy or personal safety of any person. Such information will even be able to be excluded from police and traffic officers in appropriate cases. The right of appeal against the Attorney-General's decision is not continued.

The Registrar may decline to give a certificate or information for up to 28 days where the Registrar believes the Attorney-General may wish to exercise those powers.

Clauses 19 and 21 (section 18): A natural person acquiring ownership of a motor vehicle must give to the former owner the natural person's date of birth, and that must be included in the notice of change of ownership.

Clause 23 (section 18): The Registrar may waive payment of the change of ownership fee if the Registrar thinks fit where the notification of change of ownership is made by the person acquiring the vehicle rather than the person disposing of it.

Section 24 of the Transport Act 1962 (which empowered the making of regulations relating to vehicle registration and licensing) is not carried forward.

All references to the indemnity surcharge under Part VIA of the Transport Act (which has not been levied since 1980) have been omitted.

PART II

LICENSING OF DRIVERS OF MOTOR VEHICLES

Clause 36 (section 25) which prohibits unlicensed driving is extended to apply to driving in breach of the conditions of a licence.

Clause 40 (section 27): Under section 27 (3) of the Transport Act 1962 a person who produces a driver's licence for inspection must, if so required by the person to whom the licence is produced, sign his name with his ordinary signature or establish his identity by some other means.

This is changed to provide that the driver shall, if so required by the constable or traffic officer, disclose the driver's date and place of birth, or if so required by the constable or traffic officer establish the driver's identity by some other means.

Clause 47 (section 29F) has been amended in minor respects so as to permit the issue of long term driver's licences that will not require annual renewal, and to remove references to extensions of licences as these will cease. Where a person obtains a licence to drive additional classes of vehicles, that person will be issued with a new licence.

Clause 47 (r) is new and provides that regulations may require the surrender of licences for replacement and declare that licences not surrendered are no longer valid.

Additional new powers in *clause 47 (s)* permit the requiring of date of birth and physical characteristics (e.g., eye colour) from applicants for licences. *Clause 47 (q)* permits the making of regulations specifying the details to be shown on licences.

The question of graduated licences for young new drivers is currently being considered by the Road Safety Select Committee, and this clause and *clause 36* may require amendment following the report of the Select Committee.

PART III

MISCELLANEOUS

Clause 48 deems certain regulations and notices to have been made under this Bill.

Clauses 49 and 50 repeat similar provisions in the Transport Act 1962 relating to the limitation period for proceedings and means by which evidence may be given.

Clauses 51 and 52 and 54 to 56 make consequential amendments to other Acts.

Clause 53 substitutes a new provision in the Transport Act 1982 that vests the money and investments in the Motor Vehicles (Third-party Risks) Indemnity Fund in the Accident Compensation Corporation, to be applied by the Corporation as if derived from motor vehicle levies. Liabilities and charges affecting the money and investments and claims against the Fund are to be met out of motor vehicle levies.

The Transport Act at present provides only that the balance of the Fund is to be paid to the Corporation once all claims have been paid. There is a potential for claims to be made on the Fund up to 1996 or possibly 2000.

Hon. Richard Prebble

TRANSPORT (VEHICLE AND DRIVER REGISTRATION AND LICENSING)

ANALYSIS

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PART III

MISCELLANEOUS PROVISIONS

48. Regulations and notice deemed to have been made pursuant to this Act

A BILL INTITULED

An Act to consolidate and amend the law relating to the registration and licensing of motor vehicles, the licensing of drivers, and related matters, and to replace Parts II and III of the Transport Act 1962

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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 (Vehicle and Driver Registration and Licensing) Act 1986. 10

(2) Except as provided in section 9 (12) of this Act, this Act shall come into force on the day on which it receives the Governor-General's assent.

2. Interpretation—In this Act, unless the context otherwise requires,— 15

“Articulated vehicle” means any motor vehicle with a semi-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: 20

“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: 25

- 5 “Disabled person’s vehicle” means a vehicle drawn or propelled by mechanical power and specially designed and constructed, and not merely adapted, for the use of disabled persons 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 disabled person which has been declared by the Secretary to be a disabled person’s vehicle:
- 10 “Driver”, in relation to any vehicle, includes the rider of a motor cycle or moped; and “drive” has a corresponding meaning:
- 15 “Goods-service vehicle” means a motor vehicle designed exclusively or principally for the carriage of goods (including animals and mails) but does not include a tractor:
- 20 “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 2,000 kilograms:
- “Minister” means the Minister of Transport:
- 25 “Moped” means a motor vehicle running on 2 or 3 wheels that is fitted with a motor having a power output not exceeding 2 kilowatts and is designed to be ridden at a speed not exceeding 50 kilometres per hour under normal conditions of use:
- 30 “Motorcar” means a motor vehicle (other than a motor cycle or moped) 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:
- 35 “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 to be a motor cycle; but does not include a moped:
- 40 “Motor vehicle” means a vehicle drawn or propelled by mechanical power; and includes a trailer, but does not include—
- (a) A vehicle running on rails; or
 - (b) A disabled person’s vehicle; or

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(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

(d) A trailer running on 1 wheel and designed 5 exclusively as a speed measuring device or for testing the wear of vehicle tyres; or

(e) A vehicle designed for amusement purposes and used exclusively within a place of recreation, amusement, or entertainment to which the public does 10 not have access with motor vehicles; or

(f) A pedestrian-controlled machine designed to perform some mechanical operation and not designed for the carriage of persons or goods; or

(g) A pedestrian-controlled forklift: 15

“Owner”, in relation to a motor vehicle, means the person lawfully entitled to possession of the motor vehicle, except where—

(a) The motor vehicle is subject to a bailment that is for a period not exceeding 28 days; or 20

(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: 25

“Registrar” means the Registrar of Motor Vehicles holding office under **section 4 (1)** of this Act; and includes any person employed in or by the Post Office for the time being authorised by the Registrar, pursuant to a delegation under this Act, to exercise or perform any 30 of the powers, duties, or functions of the Registrar:

“Registration plate” means any registration plate issued under the Transport Act 1962 or this Act:

“Road” includes a street; and also includes any place to which the public have access, whether as of right or 35 not; and also includes all bridges, culverts, ferries, and fords forming part of any road, street, or place to which the public have access:

“Sale”, in relation to any motor vehicle, includes disposition by way of hire-purchase; and “sell”, 40 “seller”, and “purchaser” have corresponding meanings:

- 5 “Secretary” means the Secretary for Transport appointed under the Ministry of Transport Act 1968; and includes any officer of the Ministry of Transport 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:
- 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 “Traction engine” means a motor vehicle that is—
(a) Propelled by steam power; and
(b) Designed for use on roads; and
(c) Not designed for the carriage of goods or persons other than the driver:
- 20 “Tractor” means a motor vehicle (not being a traction engine) designed principally for traction at speeds not exceeding 50 kilometres an hour:
- “Trade plate” means a trade plate issued under **section 22** of the Transport Act 1962 or **section 33** of this Act:
- 25 “Traffic officer” means a traffic officer who is an officer of the Ministry or of a local authority; and includes any other person whose appointment as a traffic officer is approved by the Minister:
- 30 “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:
- 35 “Trolley omnibus” means an electrically propelled passenger-service vehicle that normally derives its power from an external source:
- 40 “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:

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“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: 5
- (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: 10
- (e) A pedestrian-controlled lawnmower:
- (f) A pedestrian-controlled agricultural machinery not propelled by mechanical power:
- (g) An article of furniture:
- (h) A wheel-chair not propelled by mechanical power. 15

(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-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. Act to bind the Crown—This Act shall bind the Crown.

PART I

REGISTRATION AND LICENSING OF MOTOR VEHICLES 25

4. Registrar of Motor Vehicles—(1) There shall be a Registrar of Motor Vehicles who shall be the Director-General of the Post Office or a member of the Post Office designated by the Director-General of the Post Office.

(2) The Registrar may from time to time, in writing, delegate to any person employed in or by the Post Office all or any of the functions, duties, and powers exercisable by the Registrar under this Act, except this power of delegation. 30

(3) Subject to any general or special directions given or conditions attached by the Registrar, any person to whom any functions, duties, or powers are delegated under this section shall perform and may exercise those functions, duties, and powers in the same manner and with the same effect as if they had been conferred on that person directly by this section and not by delegation. 35 40

(4) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

5 (5) Any delegation under this section may be made to a specified employee or to employees of a specified class, or may be made to the holder or holders for the time being of a specified office or class of offices.

10 (6) Every delegation under this section shall be revocable in writing at will, and no such delegation shall prevent the exercise of any function, duty, or power by the Registrar.

(7) Every delegation under this section shall, until revoked, continue in force according to its tenor notwithstanding that the Registrar by whom it was made has ceased to hold office.

15 Cf. 1962, No. 135, s. 8

5. Motor vehicles to be registered and licensed—

(1) Except as otherwise provided in this Act, no person shall use any motor vehicle on any road unless—

20 (a) The motor vehicle is registered in accordance with this Part of this Act; and

(b) The registration plates and a current licence issued for that vehicle are affixed and displayed on the vehicle in the manner prescribed in any notice made under **section 13** of this Act; and

25 (c) The full amount of the accident compensation levy payable in respect of the period for which the licence is issued has been paid.

(2) Every person who uses any motor vehicle or permits any motor vehicle to be used in contravention of **subsection (1)** of this section commits an offence and is liable on summary conviction to a fine not exceeding \$100 for every day on which the motor vehicle is so used.

35 (3) Where any person is charged with an offence of using or permitting a motor vehicle to be used in contravention of **subsection (1) (b)** of this section that relates to a licence, it shall be a defence if the defendant satisfies the Court that—

(a) At the time of the alleged offence a licence for the motor vehicle that expired not more than 7 days previously was affixed and displayed in the prescribed manner; and

40 (b) Before the expiry of that licence an application for a licence for the motor vehicle for a period including the day of the alleged offence together with the appropriate fee and accident compensation levy had been forwarded to the Registrar; and

45 (c) The licence had not been received from the Registrar.

(4) The fact that any motor vehicle is used on any road without having registration plates or a current licence issued for that vehicle, or both, affixed and displayed in the prescribed manner shall, in the absence of evidence to the contrary, be sufficient evidence that the vehicle is not registered or is not licensed, or both, as the case may be, in accordance with this Part of this Act. 5

Cf. 1962, No. 135, s. 7 (1), (2), (5), (6); 1972, No. 129, s. 23; 1973, No. 35, s. 8 (1); 1980, No. 96, s. 3 (1)

6. Exemptions from registration and licensing and related fees—(1) The vehicles described in the **First Schedule** to this Act are hereby exempted from the requirements of **section 5** of this Act and the requirements to pay registration fees and licence fees, to the extent specified in that Schedule. 10

(2) The Minister may, subject to such conditions as the Minister thinks fit, waive the requirement to pay registration fees or licence fees in respect of any specified vehicle. 15

Cf. 1962, No. 135, s. 13; 1985, No. 76, s. 3 (1)

7. Applications for registration—(1) Every application for the registration of any motor vehicle shall be made by or on behalf of the owner to the Registrar, on a form provided by the Registrar, and shall specify— 20

(a) The name of the owner:

(b) The address of the owner's place of residence or place of business within New Zealand: 25

(c) The owner's postal address within New Zealand, if that address differs from the address given under **paragraph (b)** of this subsection:

(d) Where the owner is a natural person, that person's date of birth: 30

(e) Such particulars relating to the vehicle as may be required by the Registrar as indicated on the form.

(2) The Registrar may require the person making the application for registration under **subsection (1)** of this section to produce all or any of the following as may be reasonable in the circumstances: 35

(a) Evidence of the identity of the person to be registered as the owner of the vehicle:

(b) Evidence of the origin or previous ownership of the vehicle: 40

(c) A statutory declaration by the person to be registered as the owner of the vehicle that the person is the owner of the vehicle:

(d) Other information or documents to satisfy the Registrar that the application is in order. 45

(3) Every application under this section shall be accompanied by the appropriate registration fee prescribed in **Part I** of the **Second Schedule** to this Act.

(4) Every application for the registration of a motor vehicle shall be accompanied by or combined with an application for a licence for the motor vehicle.

(5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who makes an application for the registration of a motor vehicle that has been registered under this Part of this Act or the corresponding provisions of any former Act if that registration is still in force.

Cf. 1965, No. 135, s. 9; 1967, No. 153, s. 2 (1); 1985, No. 50, s. 2 (1)

8. Issue of registration plates and certificates of registration—(1) On receipt of an application for the registration of any motor vehicle under this Part of this Act, the Registrar, if satisfied that the application is in order, shall assign a number or distinguishing mark to be shown on the registration plate or plates to be affixed to the motor vehicle, and shall issue to the applicant registration plate or plates for the motor vehicle and a certificate of registration of the motor vehicle.

(2) Unless the registration is cancelled in accordance with this Part of this Act, the registration of any motor vehicle shall continue in force without renewal, but a new number or distinguishing mark may be assigned to the motor vehicle whenever new registration plates are issued for it.

Cf. 1962, No. 135, s. 10

9. Personalised registration plates—(1) If the Registrar considers it appropriate, the Registrar may allocate any personalised registration plates for disposition.

(2) Any person who has an appropriate contract with the Secretary may dispose of personalised registration plates allocated by the Registrar—

(a) On payment of an agreed price:

(b) By auction or tender:

(c) By any other means of sale or disposition.

(3) Nothing in this section shall authorise the delivery of any personalised registration plates to any person unless the plates are to be affixed immediately to a motor vehicle.

(4) Any person to whom personalised registration plates are sold and who is not about to affix the plates to a motor vehicle shall not be entitled to receive the plates until that person is about to affix the plates to a motor vehicle; but that person may—

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- (a) Have the plates held on that person's behalf for a period agreed with the Registrar and on payment of a holding fee determined by the Registrar:
- (b) Transfer the right to take delivery of those plates to any other person; in which case the person transferring that right shall notify the Registrar of the transfer on a form provided by the Registrar. 5
- (5) Where any person wishes to have personalised registration plates transferred from one vehicle to another, the owner or owners of the vehicles concerned shall jointly notify the Registrar on a form provided by the Registrar of the details of the transfer, including the intended date of the transfer and the registration plates that will be displayed on each vehicle. Where necessary, application shall be made for the issue of ordinary or other personalised number plates for any vehicle concerned by the owner of that vehicle. 10 15
- (6) The Registrar shall reject any application under this section for—
- (a) Plates bearing less than 2 or more than 6 numbers or letters in total: 20
- (b) Plates bearing the same combination of numbers or letters that has been allocated to or are held on behalf of any other person:
- (c) Plates that would bear numbers or letters that the Registrar considers likely to be offensive to any person. 25
- (7) The Registrar may require the surrender of any personalised registration plate in respect of which the Registrar has received any complaint and which the Registrar considers likely to be offensive to any person. 30
- (8) Any person may at any time surrender the personalised registration plates of any vehicle owned by that person and, on payment of the fee for the issue of ordinary registration plates, shall be entitled to receive ordinary registration plates for the vehicle. 35
- (9) Where any personalised registration plates are delivered to any person, the person shall surrender any existing registration plates for that vehicle to the Registrar.
- (10) The Registrar may require the surrender of any personalised registration plate that the Registrar is satisfied is not affixed to any vehicle or is affixed to any vehicle other than the vehicle to which it may lawfully be affixed. 40

(11) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who fails to surrender any registration plate when required to do so by this section or by the Registrar acting under this section.

5 (12) This section shall come into force on the 1st day of December 1986.

Licences for Motor Vehicles

10. Application for licence for motor vehicle—(1) Every application for a licence for any motor vehicle shall be made
10 by or on behalf of the owner to the Registrar, on a form provided by the Registrar, and shall specify—

(a) The name of the owner:

(b) The address of the owner's place of residence or place of business within New Zealand:

15 (c) The owner's postal address within New Zealand, if that address differs from the address given under **paragraph (b)** of this subsection:

(d) Such particulars relating to the vehicle as may be required by the Registrar as indicated on the form.

20 (2) There shall be paid by the owner of the motor vehicle, on making application for a licence for the vehicle, the appropriate fee prescribed in **Part II** of the **Second** Schedule to this Act, any fees payable in respect of certificates of fitness inspections and transport licensing fees, and the appropriate
25 accident compensation levy.

(3) In the case of a licence issued for a period less than a year, the fees referred to in **subsection (2)** of this section and the accident compensation levy shall be reduced by one three hundred and sixty-fifth for each day by which the period of
30 issue is less than 1 year.

(4) Where 2 consecutive applications for a licence for the same motor vehicle are made by or on behalf of the same owner in respect of periods that commence in the same calendar year and each application is for a licence of 6 months,
35 the owner shall pay in respect of the second licence, in addition to the usual licence fee, an additional fee of 20 percent of the appropriate licence fee for that motor vehicle as prescribed by this section and an administrative surcharge of \$5.

(5) Nothing in **subsection (4)** of this section shall apply in any
40 case where the first 6-month licence was issued under **section 11 (2)** of this Act.

(6) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who uses any motor vehicle for which a licence fee has been paid which is lower than the licence fee payable for motor vehicles of that class.

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Cf. 1962, No. 135, s. 12; 1967, No. 1, s. 2 (2); 1972, No. 129, s. 23; 1973, No. 35, s. 8 (1); 1980, No. 96, s. 3 (1); 1985, No. 76, s. 3

11. Duration of licences—(1) Subject to **subsections (2) and (3)** of this section, a licence for a motor vehicle shall be issued and remain in force (unless previously cancelled) for a period of 12 months (or, if the owner of the motor vehicle so requests, for a period of 6 months) and shall come into force—

(a) In the case of a licence issued before or not more than 1 month after any previous licence issued for that motor vehicle expires, on the day following the expiry of that previous licence:

(b) In any other case, on the day the licence is issued.

(2) Any licence that comes into force on the 1st day of July 1986 shall be issued for such period as the Registrar determines, being a period of not less than 93 days nor more than 457 days and the fees payable shall be adjusted accordingly.

(3) Where the period determined under **subsection (2)** of this section in respect of any licence is more than one year and the owner of the motor vehicle is a natural person, the licence shall be issued for one year if the owner so requests.

(4) Where any licence is issued in accordance with a request under **subsection (3)** of this section, the next licence issued in respect of that vehicle shall be issued for the remainder of the period determined by the Registrar under **subsection (2)** of this section.

(5) The Registrar shall, if the owner of any motor vehicle so requests, issue a licence for any motor vehicle for a period which ends on the expiry date of any current licence issued for any other motor vehicle owned by that person.

(6) A licence for a motor vehicle issued in accordance with this Part of this Act shall be affixed to the motor vehicle in the manner prescribed in a notice made under **section 13** of this Act and may be affixed to the vehicle at any time within the month before the date on which it comes into force.

(7) Where any licence is affixed to a motor vehicle in the prescribed manner at any time within the month before the date on which it comes into force, and a current licence is in force in respect of the vehicle, the display of the new licence shall be sufficient evidence that the vehicle is licensed.

(8) No licence shall be issued for any motor vehicle that is not for the time being registered under this Part of this Act.

(9) No licence shall be issued for any motor vehicle for which the appropriate accident compensation levy in respect of the
5 period for which the licence is to be in force has not been paid.

Cf. 1962, No. 135, s. 11; 1964, No. 126, s. 3; 1973, No. 35, s. 8 (2); 1980, No. 96, s. 3 (1)

12. Issue of licences for motor vehicles—On receipt of
10 an application for a licence for any motor vehicle and of the prescribed fee (if any) and of the accident compensation levy (if any) in respect of the vehicle the Registrar, if satisfied that the application is in order, shall issue the appropriate licence
15 for the motor vehicle, and shall ensure that the expiry date of the licence is shown on the copy of the application for the licence that is returned to the applicant.

Cf. 1962, No. 135, s. 14

13. Form of registration plates and licences—(1) The Minister may from time to time, by notice in the *Gazette*,—

20 (a) Prescribe the form and colour of registration plates and licences, the size, shape, and character of the letters, numbers, or distinguishing marks to be shown on them, and the means to be adopted to make the plates and licences easily visible:

25 (b) Prescribe the number of registration plates to be displayed and the position or positions in which registration plates and licences are to be displayed.

(2) The Minister may, under **subsection (1)** of this section, prescribe specific types of or distinguishing marks for
30 registration plates and licences to be issued for use on vehicles operated or regularly used by persons holding specified offices or having specified status, immunities, or privileges, and specific types of or distinguishing marks for plates and licences to be issued for use on vehicles of specified classes.

35 (3) The Minister may from time to time, by notice in the *Gazette*, prescribe various fees payable in respect of the issue of registration plates and licences to cover the cost of production and issue of the plates and licences; and may if the costs so warrant it, prescribe higher fees in respect of the
40 production and issue of personalised registration plates.

Cf. 1962, No. 135, s. 14A; 1985, No. 76, s. 4 (1)

14. Replacement certificates of registration, registration plates, and licences—(1) If the Registrar is satisfied that the certificate of registration, registration plate or plates, or licence for any vehicle has been lost, damaged, or destroyed, the Registrar shall issue a duplicate certificate of registration, a substitute registration plate or plates, a duplicate personalised registration plate or plates or a substitute licence, as the case may require. 5

(2) The Registrar may require the surrender to the Registrar of any damaged certificate of registration, registration plate, or licence or the undamaged part of any set of plates before issuing any duplicate certificate or substitute plate or licence under **subsection (1)** of this section. 10

(3) Where an application is made for the issue of a duplicate personalised registration plate, the application shall not be granted unless the plate for which a duplicate is sought is surrendered to the Registrar. 15

(4) Every application for the issue of any duplicate certificate of registration, substitute registration plate or plates, duplicate personalised registration plate or plates, or substitute licence shall be made by or on behalf of the owner to the Registrar, on a form provided by the Registrar, and shall specify— 20

(a) The name of the owner:

(b) The address of the owner's place of residence or place of business within New Zealand: 25

(c) The owner's postal address within New Zealand, if that address differs from the address given under **paragraph (b)** of this subsection:

(d) Such particulars relating to the vehicle as may be required by the Registrar as indicated on the form— 30
and shall be accompanied by the fee prescribed under **subsection (6)** of this section for the issue of the duplicate certificate of registration or under **section 13 (3)** of this Act for the issue of registration plates or a licence, as the case may require. 35

(5) The Registrar may require the person making the application under **subsection (4)** of this section to produce a statutory declaration by the person claiming to be the owner of the vehicle that the person is the owner of the vehicle and a statutory declaration by an appropriate person explaining the circumstances in which the certificate, plate, or licence was lost, damaged or destroyed. 40

(6) The Minister may from time to time, by notice in the *Gazette*, prescribe a fee payable in respect of the issue of a duplicate certificate of registration to cover the cost of production and issue of the certificate. 45

15. Change of use of motor vehicle—(1) Where a motor vehicle is used for a purpose different from that indicated by the licence, the owner of the vehicle shall forthwith apply for an appropriate new licence.

5. (2) The Registrar may require production of the certificate of registration of the vehicle for amendment if necessary, and may require the surrender or destruction of the present licence before issuing a new licence.

(3) Where the motor vehicle was previously exempt from the
10 payment of registration fees and that exemption does not apply to the purpose the motor vehicle is or will be used for, the owner shall pay the appropriate registration fee prescribed in **Part I** of the **Second Schedule** to this Act.

Cf. 1962, No. 135, s. 14C; 1985, No. 76, s. 4 (1)

15 **16. Unauthorised, deceptive, or obscured registration plates or unauthorised licence**—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who—

(a) Uses any motor vehicle on which the appropriate
20 registration plate or plates or licence is not displayed in the manner prescribed by the Minister under **section 13** of this Act; or

(b) Uses any vehicle on which is displayed any object or
25 design that is intended to cause, or reasonably likely to cause, any person to believe that there is displayed on the vehicle the appropriate registration plate or plates or licence prescribed by the Minister under **section 13** of this Act; or

(c) Affixes or causes to be affixed to any motor vehicle any
30 licence not being a current licence issued for the motor vehicle, or a licence issued for that vehicle that is to come into force within the next month; or

(d) Uses any motor vehicle while any registration plate or
35 licence affixed to the motor vehicle in accordance with this Part of this Act is in any way obscured, or is rendered or allowed to become not easily distinguishable, whether by night or by day; or

(e) Uses any motor vehicle which has affixed to it any
40 registration plate or licence which is not authorised by or under this Act to be affixed to that vehicle or any other item which in either case is likely to be mistaken for any authorised registration plate or licence; or

- (f) Uses any motor vehicle which has affixed to it any licence not being a current licence issued for that motor vehicle or a licence issued for that vehicle that is to come into force within the next month.

Cf. 1962, No. 135, s. 15; 1974, No. 61, s. 3; 1985, No. 76, s. 5

Registers of Motor Vehicles

17. Registers of motor vehicles—(1) The Registrar shall keep a general register of all motor vehicles, registration plates, and licences for motor vehicles and such other registers as may be prescribed or as the Registrar considers necessary. 10

(2) Any of the contents of any such register may in any proceedings (whether under this Act or any other Act) be proved by the production of a certificate as to those contents purporting to be signed by the Registrar or any person purporting to act under any delegation from the Registrar and to be impressed with the person's official stamp. 15

Cf. 1962, No. 135, s. 16

18. Details of registers to be supplied to applicants—(1) Any person shall, on making application to the Registrar and on payment of the appropriate prescribed fee (if any), be entitled to a certificate containing the particulars of all persons recorded in any register kept pursuant to **section 17** of this Act as being or having been the registered owner of any specified motor vehicle. 20 25

(2) Subject to **subsection (3)** of this section, any person shall, on making oral or written application to the Registrar, be entitled to a certificate containing the name and address of the current registered owner of a specified motor vehicle or, if the person so wishes, shall be entitled to that information given orally or by other means. 30

(3) No person shall be entitled to a certificate or to be given information under **subsection (2)** of this section unless the person has paid the appropriate prescribed fee (if any), or the Registrar is satisfied that adequate arrangements have been made for the later payment of that fee. 35

(4) The Registrar may decline to issue any certificate or give any information under this section for a period of 28 days in any case where the Registrar believes the Attorney-General may wish to exercise the Attorney-General's powers under **subsection (5)** of this section. 40

(5) Where the Attorney-General certifies that the supply of any particulars under this section in respect of any specified motor vehicle would be likely to prejudice the security or defence of New Zealand, the international relations of the
5 Government of New Zealand, the maintenance of the law, including the prevention, investigation, or detection of offences, the right to a fair trial, or the privacy or personal safety of any person, the particulars specified in **subsections (1) and (2)** of this section shall not be supplied to any person unless the
10 Attorney-General approves the supplying of the particulars to that person, or that person is one of a class of persons to whom the Attorney-General has approved the supplying of the particulars.

(6) Regulations made under **section 47** of this Act may
15 prescribe different fees for the giving of certificates or information under this section according to the class of person to whom the certificate or information is given, the purpose for which the certificate or information is required or the manner in which the certificate is given; and may provide that
20 certificates or information may be given free of charge in specified circumstances.

Cf. 1962, No. 135, s. 17; 1966, No. 107, s. 4; 1980, No. 96, s. 4 (a); 1983, No. 35, s. 23 (1)

19. Notification of change of ownership of motor vehicle—Within 7 days after the sale or other disposition of
25 any registered motor vehicle, the person selling or otherwise disposing of it shall, on a form provided by the Registrar, give to the Registrar—

- (a) Notice of the fact and date of the sale or other disposition:
- 30 (b) The name of the registered owner of the vehicle;
- (c) The name and address of the person selling or otherwise disposing of the vehicle;
- (d) The distance recorded on the distance recorder (if any)
of the vehicle at the time of the sale or other
35 disposition:
- (e) The name, occupation, addresses, and date of birth (if any) of the new owner as given under **section 21** of this Act:
- 40 (f) Such other particulars relating to the vehicle as may be required by the Registrar as indicated on the form.

Cf. 1962, No. 135, s. 18 (1); 1985, No. 50 s. 4 (1)

20. Special provisions in relation to change of ownership of motor vehicle—(1) For the purposes of **section 19** of this Act, the following provisions shall apply:

- (a) Where a motor vehicle which is subject to a hire purchase agreement is repossessed under the terms of that agreement, the vehicle shall by its repossession be deemed to have been sold or otherwise disposed of by the vendor under that agreement: 5
- (b) Where a motor vehicle is sold or otherwise disposed of in enforcing any lien or charge or pursuant to any distress warrant or writ of execution, the vehicle shall by that sale or other disposition be deemed to have been sold or otherwise disposed of by the holder of the lien or charge or by the bailiff or sheriff, as the case may be: 10
- (c) Where any change in the ownership of the motor vehicle takes place by operation of law, the vehicle shall by that change of ownership be deemed to have been sold or otherwise disposed of by the person so acquiring the ownership of that vehicle: 15
- (d) Where a motor vehicle is sold under the provisions of section 356 of the Local Government Act 1974, the vehicle shall be deemed to have been sold by the local authority or, as the case may be, by the National Roads Board. 20 25

(2) In any case to which **paragraph (b)** or **paragraph (c)** or **paragraph (d)** of **subsection (1)** of this section applies, the notice given pursuant to **section 19** of this Act shall be accompanied by a statutory declaration by the person giving the notice setting out in a form provided or approved by the Registrar the circumstances of the change of ownership. 30

Cf. 1962, No. 135, s. 18 (2), (4); 1985, No. 76, s. 6

21. Particulars required to be supplied by person acquiring ownership—Every person who acquires ownership of a motor vehicle (in this section referred to as “the purchaser”) shall give to the person selling or otherwise disposing of it, on the form referred to in **section 19** of this Act,— 35

- (a) The purchaser’s full name and occupation; and
- (b) The address of the purchaser’s place of residence or place of business within New Zealand; and 40
- (c) The purchaser’s postal address within New Zealand, if that address differs from the address given under **paragraph (b)** of this section; and
- (d) Where the purchaser is a natural person, the purchaser’s date of birth. 45

Cf. 1962, No. 135, s. 18 (2A); 1985, No. 50 s. 4 (2)

22. Production of certificate of registration—(1) Every notice given pursuant to **section 19** of this Act shall be accompanied by the certificate of registration of the motor vehicle to which the notice applies; except that in any case to which **section 20** of this Act applies, the Registrar may waive production of the certificate.

(2) Where the Registrar waives production of the certificate of registration under the provisions of this section, the Registrar shall make an entry of the waiver in the appropriate register and endorse the duplicate certificate of registration accordingly.

Cf. 1962, No. 135, s. 18 (3), (5)

23. Endorsement of particulars of change of ownership—(1) Subject to the provisions of this section, the Registrar shall, on receiving a notice under **section 19** of this Act, endorse on the certificate of registration or, in any case where the Registrar has waived production of that certificate, on a duplicate certificate issued for that purpose,—

- (a) The name and address of the new owner; and
- (b) The distance recorded on the distance recorder (if any) of the vehicle as stated in the notice of sale or other disposition of the motor vehicle,—

and on the endorsement of those particulars shall issue the certificate or duplicate certificate to the new owner or the new owner's authorised agent.

(2) No particulars of any change of ownership shall be endorsed on the certificate of registration unless the notice of the change is signed by the person required by this Act to notify the change of ownership and the endorsement fee required by **section 24** of this Act has been paid.

(3) Notwithstanding **subsection (2)** of this section, the Registrar may endorse particulars of a change of ownership on the certificate of registration or on a duplicate certificate issued for the purpose if—

- (a) The appropriate fee has been paid or the Registrar has waived payment of the fee; and
- (b) The Registrar is satisfied that ownership of the vehicle has changed; and
- (c) The Registrar is satisfied that the person selling or otherwise disposing of the vehicle has failed or refused to notify the change of ownership in accordance with **section 19** of this Act; and

- (d) The person seeking the endorsement has made a statutory declaration—
- (i) That the person seeking the endorsement is the new owner of the vehicle; and
 - (ii) Explaining the circumstances under which the person seeking the endorsement became the new owner; and
 - (iii) Detailing any efforts the person seeking the endorsement has made to have the previous owner sign the notice of change of ownership.
- Cf. 1962, No. 135, s. 18 (6), (8) (8A); 1983, No. 35, s. 24; 1985, No. 50, s. 4 (3)

24. Fee payable in relation to change of ownership—

(1) The appropriate fee prescribed in **Part III** of the **Second Schedule** to this Act shall be payable for every endorsement of particulars under **section 23** of this Act, and the fee shall accompany the notice of change of ownership.

(2) The person selling or otherwise disposing of the motor vehicle shall be primarily liable for the payment of the fee.

Cf. 1962, No. 135, s. 18 (7); 1968, No. 148, s. 6 (1); 1982, No. 4, s. 2

25. Offences relating to registration, annual licensing, and change of ownership of motor vehicle—

(1) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who,—

- (a) In or for the purposes of any application under **section 7** of this Act for the registration of a motor vehicle; or
- (b) In or for the purposes of any application or notification under **section 9** of this Act for or relating to personalised registration plates; or
- (c) In or for the purposes of any application under **section 10** of this Act for a licence for any motor vehicle; or
- (d) In or for the purposes of any application under **section 14** of this Act for a duplicate certificate of registration, a substitute registration plate or plates, or a substitute licence for any motor vehicle; or
- (e) In or for the purposes of any notification under **section 19** of this Act of the change of ownership of a motor vehicle; or
- (f) In or for the purposes of giving that person's name or an address under **section 21** of this Act,—

knowingly supplies to the Registrar, or to any person who is to make any application or notification under any of those sections, any false or misleading information.

(2) Every person other than the Registrar commits an offence and is liable on summary conviction to a fine not exceeding \$500 who fails to comply with any of the provisions of **sections 19 to 22** of this Act or does any act in contravention of those provisions.

Cf. 1962, No. 135, ss. 18 (11), 18A; 1985, No. 50, s. 5 (1); 1985, No. 76, s. 7

26. Cancellation of registration on destruction or permanent removal of motor vehicle—(1) If any registered motor vehicle is destroyed, or becomes permanently useless as a motor vehicle, or is removed permanently beyond New Zealand, the owner of the motor vehicle shall forthwith give to the Registrar notice of its destruction, condition, or removal, as the case may be, and shall deliver to the Registrar the certificate of registration of the motor vehicle, and, if practicable, the registration plates issued for the motor vehicle and the current licence (if any) issued for the motor vehicle. The Registrar shall cancel the registration of the motor vehicle.

(2) If the Registrar is satisfied that any motor vehicle has been destroyed or become wholly unfit for further use as such, or that any motor vehicle has been permanently removed from New Zealand, the Registrar may, without further appropriation than this section, refund or cause to be refunded out of the Post Office Account an amount equal to the amount of licence fees paid in respect of any period for which registration is cancelled. Any adjustment as between the Post Office Account and the Consolidated Account that may be necessary by reason of any refund made pursuant to this subsection may be made without further authority than this subsection.

(3) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who gives any notice under **subsection (1)** of this section which that person knows or ought to know is false in any material particular.

Cf. 1962, No. 135, s. 19; 1965, No. 128, s. 3

27. Cancellation of registration where licence for motor vehicle not renewed—(1) If following the expiration of any licence issued for any registered motor vehicle a year elapses without a new licence being issued for that motor vehicle, the Registrar, at any time after the expiration of that year, but before any new licence is issued for the motor vehicle, may cancel the registration of the motor vehicle.

(2) Upon the cancellation under the provisions of this section of the registration of a motor vehicle, any person in possession of the registration plates shall, when required by the Registrar, surrender those plates to the Registrar or to any traffic officer.

(3) Notwithstanding anything in **subsection (1)** of this section, the Registrar shall not cancel the registration of any motor vehicle if the person registered as the owner of that vehicle has informed the Registrar in writing that the vehicle is still in that person's possession and is being repaired, rebuilt, or restored, or in any other manner being prepared for use on a road. 5 10

Cf. 1962, No. 135, s. 20; 1972, No. 129, s. 3

28. Unregistered vehicle not to be licensed—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who applies for a licence for any motor vehicle whose registration has been cancelled unless the vehicle is again registered and the prescribed registration fee has been paid. 15

Cf. 1962, No. 135, s. 21

Trade Plates and Trade Licences 20

29. Applications for trade plates—(1) This section shall apply to the following persons:

- (a) Any dealer (being a person carrying on business as a manufacturer or assembler of motor vehicles or a person who is a motor vehicle dealer within the meaning of the Motor Vehicle Dealers Act 1975), 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 the dealer's 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: 25 30
- (b) Any person who is the 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: 35
- (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: 40

- (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:
- 5 (e) The Ministry of Defence as established by the Defence Act 1971, in respect of vehicles held for use by any of Her Majesty's Forces and not generally used on a road except during any period of annual training, or held for general mobilisation:
- 10 (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:
- 15 (g) Any person engaged in business as a repairer of motor vehicles, in respect of motor vehicles held by that person 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
- 20 the owner of the motor vehicle until the repairs are complete:
- (h) Any person who is engaged in the business of a car wrecker, in respect of any motor vehicle being removed from the point of purchase to the point at
- 25 which it is to be demolished.
- (2) Any person to whom this section applies may apply to the Registrar for one or more sets of special registration plates (in this section referred to as trade plates), for use in accordance with **section 34** of this Act.
- 30 (3) Every application for one or more sets of trade plates shall be accompanied by the appropriate fee (if any) for the time being prescribed in the **Second Schedule** to this Act.

Cf. 1962, No. 135, s. 22 (1), (6); 1971, No. 57, s. 5 (1)

- 30. Applications for trade licences**—(1) Any person to
- 35 whom trade plates have been issued pursuant to an application under **section 29** of this Act may apply 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 accordance with **section 34** of this Act.
- 40 (2) Every application for a trade licence shall be accompanied by the appropriate fee prescribed in the **Second Schedule** to this Act.

Cf. 1962, No. 135, s. 22 (2); 1971, No. 57, s. 5 (1)

31. Form of trade plates and trade licences—Every trade plate for the purposes of **section 29** of this Act and every trade licence for the purposes of **section 30** of this Act shall be in such form as may be prescribed by the Minister by notice in the *Gazette*. 5

Cf. 1962, No. 135, s. 22 (3); 1971, No. 57, s. 5 (1)

32. Duration of trade licence—Every trade licence for the purposes of **section 29** of this Act shall be issued and remain in force for a period of 12 months or such shorter period as may be necessary to enable the trade licences held by any person to have a common expiry date and shall come into force as follows: 10

- (a) In the case of a trade licence issued before or not more than one month after any previous trade licence issued for that set of trade plates expires, on the day following the expiry of that previous trade licence: 15
- (b) In any other case, on the day the trade licence is issued.

Cf. 1962, No. 135, s. 22

33. Issue of trade plates and trade licences—On receipt of an application under **section 29** or **section 30** of this Act and of the prescribed fee (if any) and the appropriate accident compensation levy (if any), the Registrar, if satisfied that the applicant is a person entitled by virtue of **section 29** of this Act to the issue of trade plates or by virtue of **section 30** of this Act to the issue of trade licences, as the case may be, and that the application is in order, shall issue to the applicant the trade plates or trade licences applied for. 20 25

Cf. 1962, No. 135, s. 22 (4); 1971, No. 57, s. 5 (1); 1972, No. 129, s. 23; 1973, No. 35, s. 8 (1); 1980, No. 96, s. 3 (1)

34. Use of trade plates—Any person to whom **section 29** of this Act applies may use on any road the type of motor vehicle in respect of which that person 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 current licence issued for that motor vehicle if, at all times while the motor vehicle is in use, there are affixed to it in the manner prescribed by the Minister by notice in the *Gazette* trade plates for motor vehicles of the class to which that motor vehicle belongs and a current trade licence in respect of those plates issued to that person under **section 33** of this Act. 30 35 40

Cf. 1962, No. 135, s. 22 (5); 1971, No. 57, s. 5 (1)

Fees and Charges

35. Application of fees and charges—(1) Except as provided in **subsection (2)** of this section, all fees and charges received on behalf of the Crown under this Part of this Act
5 shall be paid into the Public Account to the credit of the Consolidated Account.

(2) There shall be paid into the Post Office Account—

- (a) All money received in respect of charges made for
10 supplying registration plates or licences to denote the registration or licensing of motor vehicles:
- (b) All fees received in respect of applications for certificates as to the particulars recorded in any register kept under this Part of this Act.

Cf. 1962, No. 135, s. 25

15

PART II

LICENSING OF DRIVERS OF MOTOR VEHICLES

36. Unlicensed persons not to drive motor vehicles—
(1) Except as otherwise provided in **section 37** of this Act, no person shall drive a motor vehicle on any road, unless that
20 person is the holder of a driver's licence for the time being in force which authorises that person to drive a motor vehicle of that class on a road and that person is driving in accordance with the conditions of the licence.

(2) Every person commits an offence and is liable on
25 summary conviction to a fine not exceeding \$500 who acts in contravention of **subsection (1)** of this section.

Cf. 1962, No. 132, s. 25 (1), (4); 1983, No. 35, s. 3

37. Learners and persons undergoing tests—(1) Subject to **subsection (2)** of this section, where any person (in this section
30 called "the learner") is driving a motor vehicle and is—

(a) Accompanied by a person seated alongside the learner who is teaching the learner to drive and who is the holder of a driver's licence for the time being in force which authorises that person to drive a motor vehicle
35 of that class on a road; or

(b) Under the direction of a testing officer for the issue or extension of a motor driver's licence,—
the learner, any person permitting the learner to drive the motor vehicle, and the testing officer shall be deemed not to
40 be acting in contravention of **section 36 (1)** of this Act.

(2) Nothing in **subsection (1)** of this section applies in any case where—

- (a) The learner has not attained the age that qualifies the learner to obtain a driver's licence to drive a motor vehicle that the learner is driving; or 5
- (b) The learner is subject to an order that disqualifies the learner from holding or obtaining a driver's licence and is not driving the vehicle in accordance with or while being tested for a limited licence authorised under section 38 of the Transport Act 1962. 10

Cf. 1962, No. 132, s. 25 (3); 1983, No. 35, s. 3; 1985, No. 76, s. 8

38. Evidence in respect of register of drivers' licences—

In any proceedings against any person for acting in contravention of **section 36 (1)** of this Act, a certificate purporting to be signed by an officer of the Ministry of Transport to the effect that that officer has checked the register of drivers' licences kept by the Secretary under **section 44** of this Act, and— 15

- (a) Has found no record that, on or before the date of the alleged offence, the person had ever held a driver's licence; or 20
- (b) Has found a record that the person has held a licence to drive a vehicle of the class referred to in the proceedings, and that, at the date of the alleged offence, the licence had expired; or 25
- (c) Has found a record that, at the date of the alleged offence, the person held a licence to drive a vehicle, but not a vehicle of the class referred to in the proceedings; or
- (d) Has found a record that the person held a licence to drive a vehicle, but not a vehicle of the class referred to in the proceedings, and that, at the date of the alleged offence, the licence had expired— 30

shall, in the absence of proof to the contrary, be sufficient evidence of the matters contained in the certificate. 35

Cf. 1962, No. 135, s. 25 (5); 1983, No. 35, s. 3

39. Prohibitions relating to drivers' licences—(1) A person who holds a driver's licence shall not apply for or obtain another driver's licence while the licence held by that person is in force; and any licence that is so obtained shall be of no effect. 40

(2) No person who is under the age of 15 years shall apply for or obtain a driver's licence; and any licence that is obtained by any such person shall be of no effect.

5 (3) Any driver's licence obtained by any person who is a committed patient or a special patient within the meaning of the Mental Health Act 1969 shall be of no effect.

(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who, being a person to whom **subsection (1) or subsection (2)** of this section
10 applies, applies for or obtains a driver's licence.

Cf. 1962, No. 135, s. 26; 1983, No. 35, s. 3

40. Inspection of drivers' licences—(1) The driver of any motor vehicle shall produce his driver's licence for inspection whenever required to do so by a constable or traffic officer.

15 (2) The driver shall be deemed to have complied with **subsection (1)** of this section if, within 7 days after having been so required to produce his driver's licence, the driver produces it at a place specified by the constable or traffic officer.

(3) Whether or not a driver's licence is produced for
20 inspection under this section, the driver shall, if so required by the constable or traffic officer,—

(a) Disclose the driver's date and place of birth to establish that the driver is the holder of the licence; or

25 (b) If so required by the constable or traffic officer, establish the driver's identity by some other means.

(4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$500 who fails to comply with any requirement made under this section.

Cf. 1962, No. 13, s. 27; 1983, No. 35, s. 3

30 *Issue of Licences*

41. Secretary may appoint local authority or other person as agent—(1) The Secretary may appoint as his agent for the purposes of this Part of this Act—

(a) Any local authority; or

35 (b) Any other person approved for the purpose by the Minister.

(2) Any agent appointed under **subsection (1)** of this section shall have and may exercise, subject to any contract entered into under **subsection (3)** of this section, all the functions, duties,
40 and powers of the Secretary under this Part of this Act.

(3) The Secretary may enter into contracts with any local authority or other person setting out the conditions under which the local authority or other person may act as the agent of the Secretary for the purposes of this Act; including conditions relating to retention by the agents of part of the fees payable for the issue of licences under this Part of this Act or other means of remuneration of agents, maintenance of records by agents, confidentiality, the forwarding to the Secretary of details of licences issued, matters that may result in the termination of agencies by the Secretary, and other conditions relating to the proper and efficient conduct of the agency.

Cf. 1962, No. 135, s. 28; 1983, No. 35, s. 3

42. Licences issued by local authorities deemed to have been issued by Secretary—Every driver's licence issued under the Transport Act 1962 by any local authority is hereby deemed to have been issued by the Secretary.

Cf. 1962, No. 135, s. 29; 1983, No. 35, s. 3

43. Issue of drivers' licences and extensions of licences—

(1) The Secretary shall, on receipt of the prescribed fee (if any) issue a driver's licence to any person who satisfies the Secretary that that person is qualified to be the holder of a driver's licence to drive the class or classes of motor vehicles specified in the licence.

(2) Unless otherwise provided by regulations under this Act, where any applicant for a driver's licence is required to undergo any practical driving test on the ground that the applicant has not previously or within a prescribed period been the holder of a 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 for the purposes of subsection (1) of this section, the prescribed testing fee (if any), and that testing fee shall be payable whether or not a driver's licence is granted to the applicant.

Cf. 1962, No. 135, s. 29B; 1983, No. 35, s. 3

44. National register of drivers' licences—(1) The Secretary shall establish and maintain a national register of all drivers' licences issued or deemed to have been issued by the Secretary under this Act, showing with respect to each driver's licence the following particulars:

- (a) The full name, address, and date of birth of the holder of the licence and the place of birth of the holder if known to the Secretary:
- 5 (b) The number of the licence:
- (c) The date of issue of the licence:
- (d) The date of expiry of the licence:
- (e) The class or classes of vehicles to which the licence applies:
- (f) Any conditions subject to which the licence is issued:
- 10 (g) Particulars of any order of disqualification made against the holder of the licence under section 30, section 30A, or section 32 of the Transport Act 1962:
- (h) Particulars of any order made under section 38 of the Transport Act 1962 whereby a limited licence is issued to a person who has been disqualified by an order made under Part IV of that Act from holding or obtaining a driver's licence:
- 15 (i) Particulars of any order made under section 30c or section 39 of the Transport Act 1962 whereby the disqualification of a motor driver is removed:
- 20 (j) Particulars of any suspension of a licence or disqualification from holding a licence under section 47 or section 48 of the Transport Act 1962:
- (k) Particulars of any order of disqualification made against the holder of a licence under section 83 of the Criminal Justice Act 1985:
- 25 (1) Particulars of any revocation or suspension of the licence under any regulations made under the authority of **section 47** of this Act.
- (2) Any person shall, on written application to the Secretary and on payment of the prescribed fee (if any), be entitled to a certificate containing the following particulars that are contained in the national register in respect of any person named in the written application:
- 30 (a) Any particulars specified in **paragraph (d) or paragraph (e) of subsection (1)** of this section:
- 35 (b) Any particulars specified in **paragraphs (f) to (l) of subsection (1)** of this section that are current at the date of the certificate.
- (3) Every application under **subsection (2)** of this section shall
- 40 describe the person named with sufficient particularity to enable the Secretary to identify the person and the licence concerned.

45. 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 on which that person becomes a committed patient or a special patient, the holder of a driver's licence, that licence shall be deemed to be suspended on and from that date until such time as that person is neither a committed patient nor a special patient under that Act. 5

(2) Any person who has possession of a driver's licence of any person who is a committed patient or a special patient within the meaning of the Mental Health Act 1969 shall, on the request of the Medical Superintendent of the hospital in which the holder of the licence is received or detained, deliver the licence to that Medical Superintendent, who shall retain the licence until the person ceases to be a committed patient or a special patient in that hospital. 15

(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 and the Medical Superintendent considers that person to be unfit to hold a driver's licence, the Medical Superintendent shall forward to the Secretary a certificate to that effect together with that person's driver's licence, which shall thereupon be deemed to be revoked. 20 25

(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 30

(b) The Medical Superintendent of the hospital certifies in writing that in the Medical Superintendent's opinion that person is fit to hold a driver's licence—
the provisions of **subsection (1)** of this section shall not apply to that person while that person is absent on leave from the hospital, and, if that person's driver's licence is held by the Medical Superintendent pursuant to **subsection (2)** of this section, the Medical Superintendent shall return it to that person. 35

Cf. 1962, No. 135, s. 29D; 1983, No. 35, s. 3

46. Professional driving instructors—No person shall engage for financial gain in the teaching of motor vehicle driving unless that person 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 47** of this Act. 45

Cf. 1962, No. 135, s. 29E; 1983, No. 35, s. 3

47. Regulations—(1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

- 5 (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 theoretical and practical examination and testing of applicants for drivers' licences or alterations to or renewals of drivers' licences or of any class of such applicants; prescribing the passing standards for such examinations and tests, or, in the case of applicants for the renewal of licences who have attained an age specified in the regulations, being not less than the age of 70 years, providing that the applicant shall pass the test if the person conducting the test is satisfied that the driving ability of the applicant is such that the applicant is a fit and proper person to hold the licence; prescribing the conditions upon or subject to which licences or alterations to or renewals of licences may be granted; and prescribing or authorising the Minister to prescribe the persons or classes of persons by whom the examinations and tests are to be conducted:
- 10
- 15
- 20
- 25 (b) Providing for the granting of different classes of drivers' licences, and prescribing the effect of drivers' licences of each class:
- (c) Prescribing the matters to be included in any application for a driver's licence, or for the alteration or renewal of a driver's licence:
- 30 (d) Prescribing an age (being not greater than the age of 15 years in the case of a licence to drive a motorcar, motor cycle, or moped) that must have been attained by an applicant for any class of licence, and prescribing circumstances in which the Secretary may allow persons who do not meet the age requirements to apply for any class of licence which, if granted, shall be subject to such conditions as the Secretary thinks fit:
- 35
- 40 (e) Prescribing the circumstances in which medical certificates or tests of eyesight or hearing are required before any driver's licence is issued, altered or renewed; prescribing the standards of eyesight and hearing required of an applicant for a licence of any class or the alteration to or renewal of any licence; and empowering the Secretary to decline to issue, alter or renew any driver's licence in the absence of a medical certificate that the person is a fit person to hold a driver's licence:
- 45

- (f) Authorising the Secretary, where the Secretary has reasonable grounds to do so, to require the medical examination of any applicant for or holder of a driver's licence to be conducted by a registered medical practitioner nominated by the Secretary; 5
empowering the Secretary to decline to grant a licence or revoke a licence if the person refuses or neglects to submit to the examination or if, following the examination, the Secretary is satisfied that on medical grounds the person is unfit to be granted or continue 10
to hold a driver's licence; providing for a right of appeal to a District Court Judge against the refusal to grant the licence or the revocation of the licence; and prescribing the time within which and the manner in which such appeals may be made: 15
- (g) Prescribing or authorising the Minister to prescribe the persons who may grant medical certificates or conduct tests of eyesight or hearing in relation to drivers' licences and applications for such licences:
- (h) Empowering the Secretary, where the Secretary has 20
reasonable grounds to do so, to impose in particular cases conditions on licences relating to the use of aids or the driving of vehicles that are specially adapted or have particular features; providing for a right of appeal to a District Court Judge against the imposition 25
of any such condition; and prescribing the time within which and the manner in which such appeals may be made:
- (i) Prescribing conditions relating to the issue of duplicate and replacement licences: 30
- (j) Providing for or prescribing conditions relating to the issue, alteration and renewal of licences:
- (k) Prescribing the classes of licence authorising the holder to drive vehicles which may carry passengers for reward in respect of which an applicant must produce 35
evidence of the applicant's good character:
- (l) Providing that in the case of an alteration to or renewal of any driver's licence, the alteration or renewal may be made by the issue of a new driver's licence or by endorsement on the existing licence, as the case may 40
be; and providing for the issue of interim licences pending the issue of such new licences:
- (m) Specifying the period within which a licence may be renewed after it has expired and the conditions relating to fees or otherwise subject to which licences 45
may be renewed within or outside that period:

- 5 (n) Providing for the issue of various types of drivers' licences authorising the holders to drive motor vehicles subject to such conditions as to vehicle power and otherwise as are prescribed in the regulations; and prescribing the classes of drivers, whether by reference to age or driving experience or otherwise, to whom such conditions apply:
- 10 (o) Providing for the practical or theoretical examination and testing of the holders of drivers' licences in any case where it is considered by the Secretary to be necessary in the interests of public safety, and for the revocation of drivers' licences if the holders refuse or neglect to submit to the examination or testing, or if they are found as a result of the examination
- 15 or testing to be for any reason unfit to continue to hold their drivers' licences; providing for a right of appeal against the revocation to a District Court Judge; and prescribing the time within which and the manner in which such appeals may be made:
- 20 (p) Authorising the Secretary to decline to issue or revoke any licence that authorises the holder to drive vehicles carrying passengers for reward where the Secretary considers the refusal or revocation to be necessary in the public interest having regard to the conduct
- 25 of that person; providing for a right of appeal to a District Court Judge against the refusal to grant the licence; and prescribing the time within which and the manner in which such appeals may be made:
- 30 (q) Prescribing, or authorising the Secretary to prescribe, forms of drivers' licences and limited licences and the details to be shown on them, 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 relating to drivers' licences made
- 35 under this Act:
- (r) Requiring the surrender of licences for replacement and specifying dates after which licences that have not been surrendered shall be deemed to be no longer current unless the Secretary otherwise directs:
- 40 (s) Prescribing the documentary evidence of identity and date and place of birth and physical characteristics which must be submitted with any application for a driver's licence or for any alteration to or renewal of a driver's licence and empowering the Secretary to grant exemptions from the requirements of any regulations
- 45 made under this paragraph:

- (t) Providing for the issue by the Secretary of certificates of approval to persons engaged for financial gain in teaching motor-vehicle driving, and prescribing the conditions (including conditions as to the character of applicants for or holders of such certificates and the examination and testing of such applicants) upon or subject to which those certificates may be issued, held, suspended, or revoked; and providing for a right of appeal to a District Court Judge against any decision of the Secretary refusing to issue such a certificate or revoking such a certificate: 5
- (u) Providing that any applicant for a driver's licence who satisfies the Secretary that the applicant has held a driver's licence granted outside New Zealand may be exempted by the Secretary from some or all of the practical or theoretical examinations or tests or requirements for medical certificates or tests of eyesight or hearing that would otherwise be required of applicants for that class of licence: 15
- (v) Providing that any licence or permit issued in any other jurisdiction shall, subject to any conditions specified in the regulations and to the extent specified in the regulations, have effect for the purposes of this Act and any regulations made under this Act or such of them as may be specified, as if it were a driver's licence issued in New Zealand: 25
- (w) Providing for the exemption, either unconditionally or upon or subject to such conditions as may be prescribed in the regulations, of persons who are visitors to New Zealand from any of the requirements of this Act or of any regulations relating to drivers' licences made under this Act: 30
- (x) To give effect to any international convention relating to the recognition of drivers' licences and permits issued in other jurisdictions and the recognition of international driving permits: 35
- (y) Prescribing offences relating to—
 - (i) Applications for drivers' licences or renewals or extensions of drivers' licences:
 - (ii) Driving any motor vehicle contrary to the conditions of any driver's licence: 40
 - (iii) The making of alterations to any driver's licence and the use of any licence that has been altered:
 - (iv) The custody and use of drivers' licences:

- (v) The incorrect description by or of any person as the holder of a certificate of approval as a driving instructor, and the employment as a driving instructor of any person who does not hold any such certificate—
5 and prescribing fines not exceeding \$500 for such offences:
- (z) Prescribing matters in respect of which fees are payable under this Part of this Act or under regulations made under this Part of this Act, the amount of the fees, and the persons liable to pay them; and authorising the Secretary to refund or remit those fees:
- (za) Providing for such matters as are contemplated by or necessary for giving full effect to the provisions of this Act and for its due administration.
- 15 (2) The Secretary may from time to time, by notice in the *Gazette*,—
- (a) Approve any defensive driving organisation or traffic improvement school as an organisation that conducts any course that is required to be completed by any applicant for a driver's licence:
- 20 (b) Approve schools of instruction in relation to motorcycle driving for the purpose of regulations made pursuant to this Act relating to drivers' licences.
- 25 Cf. 1962, No. 135, s. 29F; 1983, No. 35, s. 3; 1985, No. 76, s. 10

PART III

MISCELLANEOUS PROVISIONS

- 48. Regulations and notice deemed to have been made pursuant to this Act**—(1) The regulations and notice to which this section applies are hereby deemed to have been made pursuant to this Act, and every reference in any such regulations or notice (except regulation 14 (6) (a) of the Transport (Drivers Licensing) Regulations 1985) to the Transport Act 1962 or any provision of that Act is hereby deemed to be a reference to this Act or the corresponding provisions of this Act.
- 30
- (2) This section applies to—
- (a) The Transport (Fees for Details of Motor Vehicle Register) Regulations 1981 (S.R. 1981/83):
- 40
- (b) The Transport (Drivers Licensing) Regulations 1985 (S.R. 1985/68):

- (c) The Transport (Drivers Licensing) Regulations 1985, Amendment No. 1 (S.R. 1985/260);
- (d) The Transport (Vehicle Registration and Licensing) Notice 1985 (S.R. 1985/99).

49. Section 14 of Summary Proceedings Act 1957 not to apply—Section 14 of the Summary Proceedings Act 1957 shall not apply with respect to a prosecution for any offence against this Act, but the Court may in any case dismiss the information if it is satisfied that the person charged has been prejudiced in his defence by any unreasonable delay in instituting the proceedings or in notifying him of the time, place, and nature of the offence.

Cf. 1962, No. 135, s. 195; 1974, No. 61, s. 31 (1)

50. Evidence in proceedings—(1) In any proceedings for an offence against this Act or any regulations made or deemed to have been made under this Act, whether by way of hearing in the first instance or by way of appeal or otherwise, the Court may receive as evidence—

- (a) Any affidavit filed in the Court by or on behalf of the defendant;
- (b) Any evidence adduced by or on behalf of the defendant that the Court thinks fit, whether or not it would, apart from this paragraph, be legally admissible evidence.

(2) Nothing in **subsection (1) (a)** of this section shall apply except by special direction of the Court in any case where it appears to the Court that the deponent's usual place of residence is less than 80 kilometres by road from the place of hearing.

51. Consequential amendment to Summary Proceedings Act 1957—Section 2 (1) of the Summary Proceedings Act 1957 is hereby amended by omitting from the definition of the term “minor traffic offence” (as inserted by section 15 (2) of the Transport Amendment Act 1980) the expression “Parts II to V of the Transport Act 1962 or against any regulation or bylaw made under that Act”, and substituting the expression “Part IV or Part V of the Transport Act 1962 or against any regulation or bylaw made under that Act, the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or any regulation made under that Act”.

52. Consequential amendments to Transport Act 1962—

(1) Section 2 (1) of the Transport Act 1962 is hereby amended by inserting, after the definition of the term “driver”, the following definition:

5 “‘Driver’s licence’ means a driver’s licence issued under any regulations made pursuant to section 29F of this Act or any corresponding former enactment, or any regulations made or deemed to have been made under the Transport (Vehicle and Driver Registration and Licensing) Act **1986**.”

10 (2) Section 68A of the Transport Act 1962 (as inserted by section 14 of the Transport Amendment Act 1966) is hereby amended—

(a) By repealing subsection (8):

15 (b) By omitting from the proviso to subsection (9) the words “subsection (2) of section 25 of this Act, and nothing in the proviso to that subsection shall apply”, and substituting the words “**section 37 (1)** of the Transport (Vehicle and Driver Registration and Licensing) Act **1986**”.

20 (3) Section 68B of the Transport Act 1962 (as inserted by section 8 (1) of the Transport Amendment Act (No. 2) 1967) is hereby amended by inserting in subsection (1), before the words “and in particular may at any time”, the words “, and the **Transport (Vehicle and Driver Registration and Licensing) Act 1986** and any regulations or notices in force under that Act”.

25 (4) Section 178 of the Transport Act 1962 (as substituted by section 18 of the Transport Amendment Act (No. 2) 1983) is hereby amended by omitting the expression “Part II of this Act or of regulations made under section 24 of this Act”, and substituting the expression “**Part I** of the Transport (Vehicle and Driver Registration and Licensing) Act **1986**”.

30 (5) Section 187 of the Transport Act 1962 (as substituted by section 2 (1) of the Transport Amendment Act (No. 2) 1982) is hereby amended by repealing the definition of the term “Exempted vehicle”, and substituting the following definition:

“‘Exempted vehicle’ means—

40 “(a) A motor vehicle that is not required to be registered under section 5 of the Transport (Vehicle and Driver Registration and Licensing) Act **1986**:

45 “(b) A motor vehicle that is exempted from the payment of registration and licensing fees by virtue of **section 6** of the Transport (Vehicle and Driver Registration and Licensing) Act **1986** (other than a vehicle so exempted by virtue of **item 5 of Part I** of the **First Schedule** to that Act):

“(c) A motor vehicle that is of a kind declared by the Governor-General by Order in Council to be an exempted vehicle for the purposes of this Part of this Act—

but does not include any licensed vehicle.” 5

(6) Section 194 (2) (a) of the Transport Act 1962 (as substituted by section 26 of the Transport Amendment Act 1968) is hereby amended by omitting the expression “Part II, Part III,”.

(7) The Second Schedule to the Transport Act 1962 is hereby amended by repealing Part IV, and substituting the Part IV 10 set out in the **Third** Schedule to this Act.

53. Vesting of Motor Vehicles (Third-party Risks) Indemnity Fund in Accident Compensation Corporation—

The Transport Act 1962 is hereby amended by repealing section 90R (as inserted by section 7 of the Transport 15 Amendment Act 1973), and substituting the following section:

“90R. (1) All money and investments standing to the credit of the Fund are hereby vested in the Accident Compensation Corporation (constituted under the Accident Compensation Act 1972 and continued under the Accident Compensation Act 20 1982), subject to all liabilities and charges affecting that money and those investments.

“(2) The money and investments referred to in **subsection (1)** of this section shall be applied by the Corporation as if derived from levies paid by motor vehicle owners and drivers of motor 25 vehicles pursuant to sections 47 and 49 of the Accident Compensation Act 1982, and the liabilities and charges of and all claims against the Fund shall be met out of levies paid pursuant to those sections.”

54. Consequential amendment to Motor Vehicle Dealers 30 Act 1975—

Section 60 (2) of the Motor Vehicle Dealers Act 1975 is hereby amended by omitting the expression “section 18 of the Transport Act 1962”, and substituting the expression “**section 19** of the Transport (Vehicle and Driver Registration and Licensing) Act 1986”. 35

55. Consequential amendments to Road User Charges

Act 1977—(1) Section 2 (1) of the Road User Charges Act 1977 is hereby amended by repealing the definitions of the terms “Registrar” and “registration plate”, and substituting the following definitions: 40

“‘Registrar’ means the Registrar of Motor Vehicles referred to in section 4 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986:

5 “‘Registration plate’ means a registration plate issued under the Transport Act 1962 or the Transport (Vehicle and Driver Registration and Licensing) Act 1986; and includes a trade plate and a personalised registration plate:”.

(2) Section 22A of the Road User Charges Act 1977 (as
10 inserted by section 11 (1) of the Road User Charges Amendment Act 1979) is hereby amended by omitting the words “Part II of the Transport Act 1962”, and substituting the words “Part I of the Transport (Vehicle and Driver Registration and Licensing) Act 1986”.

15 **56. Consequential amendments to Accident Compensation Act 1982**—(1) Section 2 (1) of the Accident Compensation Act 1982 is hereby amended by omitting from the definition of the term “motor vehicle” the words “Transport Act 1962”, and substituting the words “Transport
20 (Vehicle and Driver Registration and Licensing) Act 1986”.

(2) Section 2 (1) of the Accident Compensation Act 1982 is hereby amended by repealing the definition of the term “trade plate”, and substituting the following definition:

25 “‘Trade plate’ means a trade plate issued under section 22 of the Transport Act 1962 or **section 33** of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.”.

(3) Section 47 of the Accident Compensation Act 1982 is hereby amended by repealing paragraphs (a) to (c), and
30 substituting the following paragraphs:

“(a) Any motor vehicle that is required to be registered and licensed under **Part I** of the Transport (Vehicle and Drivers Registration and Licensing) Act 1986, and shall be paid by the owner of the motor vehicle to the Registrar of Motor Vehicles in respect of each
35 licensing period which commences on or after the 1st day of July 1986; the levy shall accompany the application made under **section 10** of the Transport (Vehicle and Drivers Registration and Licensing) Act 1986 for a licence for the motor vehicle:

40 “(b) Any motor vehicle that may be used in accordance with **section 34** of the Transport (Vehicle and Drivers Registration and Licensing) Act 1986, and shall be paid by the person to whom a trade licence under

that section is issued to the Registrar of Motor Vehicles in respect of each such licensing period; the levy shall accompany the application for a trade licence in respect of any set of trade plates for use in a specified licensing period: 5

“(c) Any motor vehicle owned by a visitor to New Zealand that is exempt from registration and licensing pursuant to **section 6** of the Transport (Vehicle and Drivers Registration and Licensing) Act **1986**, and shall be paid by the owner of the motor vehicle to the Registrar of Motor Vehicles in respect of each such licensing period in the course of which the motor vehicle is in New Zealand and is exempt from registration and licensing; the levy shall be paid forthwith upon the arrival of the motor vehicle in New Zealand or before the commencement of each such licensing period as the case may be.” 10 15

(4) Section 48 of the Accident Compensation Act 1982 is hereby amended by repealing subsections (3) to (6), and substituting the following subsections: 20

“(3) Where a levy on a motor vehicle is payable for a period less than 365 days, the levy prescribed pursuant to this section in respect of the vehicle shall be reduced by one three hundred and sixty fifth thereof for each day by which that period is less than 12 months. 25

“(4) Where a levy on a motor vehicle is payable for more than 365 days, the levy prescribed pursuant to this section in respect of the vehicle shall be increased by one three hundred and sixty fifth for each day by which that period is greater than 12 months. 30

“(5) Where, pursuant to **section 26** of the Transport (Vehicle and Driver Registration and Licensing) Act **1986**, the registration of any motor vehicle is cancelled, the Corporation shall on application in writing made to it by the owner of the motor vehicle, and on being satisfied that the registration of the motor vehicle has been cancelled, refund to the owner a sum equal to a one-twelfth part of the amount of the levy in respect of the vehicle prescribed pursuant to this section for every complete month between the date on which the application was received by the Corporation and the end of the licensing period in respect of which the levy is paid. 35 40

“(6) Where a motor vehicle to which section 47 (1) (e) of this Act applies has been or is about to be removed from New Zealand, and the Corporation, on application in writing made to it by the owner of the vehicle, is satisfied, upon such evidence 45

as it requires, that the vehicle has been or is about to be permanently removed from New Zealand and of the date of the removal or intended removal, the Corporation shall refund to the owner a sum equal to a one-twelfth part of the amount
5 of the levy in respect of the vehicle prescribed pursuant to this section for every complete month between the date of the removal or intended removal (as established to the satisfaction of the Corporation) and the end of the current licensing period in respect of which the levy is paid.

10 “(7) Where—

“(a) In the course of a licensing period a motor vehicle is used for a purpose different from that indicated by the current licence issued in respect of the vehicle;
or

15 “(b) A motor vehicle to which section 47 (1) (e) of this Act applies is destroyed or becomes permanently useless as a motor vehicle in New Zealand,—

the Corporation may make an appropriate proportionate adjustment or refund in respect of the levy.”

20 (5) Section 49 of the Accident Compensation Act 1982 is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) Impose levies on all or any of the following persons:

25 “(i) Holders of licences issued under **Part II** of the Transport (Vehicle and Drivers Registration and Licensing) Act **1986** or any regulations made or deemed to have been made pursuant to that Act and for the time being in force which authorise them to drive motor vehicles or any class of motor
30 vehicles:

35 “(ii) All or any of the visitors to New Zealand who, pursuant to the Transport (Vehicle and Drivers Registration and Licensing) Act **1986** or any regulations made or deemed to have been made pursuant to that Act, are exempted from any of the requirements of that Act or those regulations relating to drivers’ licences:”.

(6) Section 50 of the Accident Compensation Act 1982 is hereby amended by omitting the words “subsection (2) of
40 section 25 of the Transport Act 1962”, and substituting the words “**section 37** of the Transport (Vehicle and Driver Registration and Licensing) Act **1986**”.

57. Repeals and revocation—(1) The enactments specified in the **Fourth** Schedule to this Act are hereby repealed.

(2) The Transport (Fees for Registration Plates and Licence Labels) Notice 1984 published in the *Gazette* of 1984 at page 575 is hereby revoked. 5

58. Savings—Notwithstanding the passing of this Act, the amendments made by **sections 51, 52, 54, 55, and 56** of this Act, and the repeal or revocation of enactments by **section 57** of this Act—

- (a) The registration of any vehicle before the 1st day of July 10
1986:
 - (b) The licensing of any vehicle in respect of any period
before the 1st day of July 1986:
 - (c) The examination and testing for and the issue, alteration,
extension, or revocation of drivers licences before 15
the 1st day of July 1986:
 - (d) The issue and renewal of any driver's licence in respect
of any period before the 1st day of July 1986:
 - (e) The notification of changes of ownership and other 20
matters to which this Act or the enactments so
amended, repealed, or revoked relate that are
conducted before the 1st day of July 1986—
shall be conducted as if this Act had not been passed, those
amendments had not been made, and those enactments had
not been repealed or revoked. 25
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SCHEDULES

FIRST SCHEDULE

Section 6

PART I

MOTOR VEHICLES EXEMPTED FROM REGISTRATION AND LICENSING (INCLUDING EXEMPTION FROM FEES)

1. Any motor vehicle while being used on a road which is closed to ordinary vehicular traffic under regulations made pursuant to section 77 (1) (u) of the Transport Act 1962.

2. Any vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power.

3. Any trailer designed exclusively for agricultural operations within the meaning of the Transport Act 1962 and used on a road only when proceeding to or from a farm or when being inspected, serviced, or repaired.

4. Any trailer that is attached to or being drawn by any exempted vehicle within the meaning of section 187 of the Transport Act 1962.

5. Any motor vehicle that is registered in a State that is a party to the Convention on Road Traffic signed at Geneva on the 19th day of September 1949 or a State that is a party to the Convention on Road Traffic signed at Vienna on the 8th day of November 1968, while the vehicle remains in the ownership of the person who brought it into New Zealand, and—

- (a) The owner of the vehicle holds a current driving permit recognised as if it were a driver's licence issued in New Zealand; and
- (b) The vehicle remains registered in that State and evidence of that registration is carried on the vehicle; and
- (c) There is displayed on the back of the vehicle a registration number allocated to it by that State or a competent authority of that State, and an appropriate distinguishing sign indicating the place of registration of the motor vehicle; and
- (d) The vehicle has been in New Zealand for less than 18 months.

PART II

MOTOR VEHICLES NOT EXEMPTED FROM REGISTRATION AND LICENSING, BUT EXEMPTED FROM REGISTRATION AND LICENSING FEES

1. Any motor vehicle while being used on any road that is not a public highway.

2. Any motor vehicle that is used on a road that is a public highway only in connection with the inspection, servicing, or repair of the vehicle or for the purpose of allowing any person to sit a practical driving test in that vehicle.

3. Any pedestrian-controlled goods service vehicle.

4. Any motor vehicle propelled and supported solely by self-laying tracks.

5. Any motor vehicle used on roads only in road construction zones in accordance with notices declaring such zones.

6. Any motor vehicle that is used on a road only in crossing or proceeding along a section of the road where it has been authorised to operate by the controlling authority of the road by an authorisation that requires—

- (a) A written agreement by the operator of the vehicle, or the person for whom the vehicle is being operated to construct, reconstruct, maintain, or restore to the satisfaction of the controlling authority all or part of the road used by the vehicle; and

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FIRST SCHEDULE—*continued*

- (b) The erection and maintenance of warning devices, signs, or control devices as required by the controlling authority and the Secretary for Transport; and
- (c) Where the use of the road does not consist solely of the direct crossing of the road, the prior approval of the National Roads Board.

SECOND SCHEDULE

Sections 7 (3), 9, 10 (2), 18 (1), 24

FEEs

PART I

REGISTRATION FEES

	\$
1. (a) For any motor vehicle manufactured before 1 January 1919	47
(b) For any motor vehicle manufactured after 31 December 1918 but not later than 40 years before the date of registration	47
2. For any motorcar—	
(a) Having a motor the total piston displacement of which does not exceed 1 300 cubic centimetres	74
(b) Having a motor the total piston displacement of which exceeds 1 300 but does not exceed 2 600 cubic centimetres	112
(c) Having a motor the total piston displacement of which exceeds 2 600 but does not exceed 4 000 cubic centimetres	139
(d) Having a motor the total piston displacement of which exceeds 4 000 cubic centimetres	232
3. For any goods-service vehicle—	
(a) Being a heavy motor vehicle	232
(b) In every other case	139
4. For any motor cycle having a motor the total piston displacement of which exceeds 60 cubic centimetres, and for any trailer or traction engine	47
5. For any other motor cycle and for any moped	28
6. For any tractor or any self-propelled agricultural machine	10
7. For any other motor vehicle	92

For the purposes of this Part of this Schedule, the term “total piston displacement”, in relation to the motor of any motor vehicle, means—

- (a) The total piston displacement as specified by the manufacturer, in any case where that displacement has been specified by the manufacturer in cubic centimetres and the motor has not subsequently been modified in relation to its piston displacement:

SECOND SCHEDULE—*continued*

- (b) The total piston displacement as specified by the manufacturer multiplied by 16.39, in any case where that displacement has been specified by the manufacturer in cubic inches and the motor has not subsequently been modified in relation to its piston displacement:
- (c) The total piston displacement as determined by the Secretary in any other case.

Nothing in clauses 2, 3, 4, 5, and 7 of this Part of this Schedule shall apply with respect to any motor vehicle to which clause 1 of this Part applies.

PART II

ANNUAL LICENCE FEES

	\$
1. For any motor cycle having a motor the total piston displacement of which exceeds 60 cubic centimetres ..	28
2. For any other motor cycle and for any moped ..	18
3. (a) For any motor vehicle manufactured before 1 January 1919	14
(b) For any motor vehicle manufactured after 31 December 1918 but not later than 40 years before the date of licensing	23
4. For any trailer that with the load it is for the time being carrying does not weigh more than 2 000 kilograms	28
5. For any tractor or any self-propelled agricultural machine ..	37
6. For any traction engine	14
7. For any other motor vehicle	47
8. For any trade licence for use on a motor cycle or moped ..	28
9. For any trade licence for use on any other motor vehicle ..	47

Nothing in clauses 1, 2, 4, 5, and 7 of this Part of this Schedule shall apply with respect to any motor vehicle to which clause 3 of this Part applies.

PART III

CHANGE OF OWNERSHIP FEES

	\$
For endorsement of change of ownership particulars	23

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Section 52 (7)

THIRD SCHEDULE

NEW PART IV SUBSTITUTED IN SECOND SCHEDULE TO TRANSPORT ACT 1962

“PART IV

OTHER OFFENCES

Enactment offended against	Brief description of offence	Infringement fee
Section 5, Transport (Vehicle and Driver Registration and Licensing) Act 1986	Using, or permitting to be used, on a road an unlicensed motor vehicle or a motor vehicle that does not have registration plates affixed in the prescribed manner	\$ 25
Section 36, Transport (Vehicle and Driver Registration and Licensing) Act 1986	Driving without holding a licence of the required class	25
Regulation 3A, Traffic Regulations 1976	Dangerous entry onto motorway, stopping, parking, reversing, or U turn on motorway	25”

FOURTH SCHEDULE

Section 57 (1)

ENACTMENTS REPEALED

- 1962, No. 135—The Transport Act 1962: The definitions of the terms “accident compensation levy”, “agricultural operation”, “issue”, “licensing year”, “motor driver’s licence”, “registration plate”, “traction engine”, “tractor”, “trade licence”, “trade plates” and “trolley omnibus” in section 2 (1); Parts II and III; paragraphs (a), (b), and (c) of section 195 (2). (R.S. Vol. 16, p. 659.)
- 1964, No. 126—The Transport Amendment Act 1964: Section 3. (R.S. Vol. 16, p. 894.)
- 1965, No. 128—The Transport Amendment Act (No. 2) 1965: Sections 4 and 5. (R.S. Vol. 16, p. 897.)
- 1966, No. 107—The Transport Amendment Act 1966: Section 4. (R.S. Vol. 16, p. 898.)
- 1967, No. 1—The Transport Amendment Act 1967: Section 2. (R.S. Vol. 16, p. 899.)
- 1968, No. 148—The Transport Amendment Act 1968: Section 6. (R.S. Vol. 16, p. 902.)
- 1969, No. 137—The Transport Amendment Act (No. 2) 1969: Section 6. (R.S. Vol. 16, p. 903.)
- 1971, No. 57—The Transport Amendment Act 1971: Sections 5 and 6. (R.S. Vol. 16, p. 908.)
- 1972, No. 129—The Transport Amendment Act 1972: Section 3 and the Third Schedule. (R.S. Vol. 16, p. 911.)
- 1973, No. 35—The Transport Amendment Act 1973: Sections 2, 6, and 8. (R.S. Vol. 16, p. 916.)
- 1974, No. 61—The Transport Amendment Act 1974: Sections 2 (3), 3, 4, and 31 (2). (R.S. Vol. 16, p. 917.)
- 1980, No. 96—The Transport Amendment Act 1980: Sections 3 to 6. (R.S. Vol. 16, p. 926.)
- 1983, No. 35—The Transport Amendment Act (No. 3) 1983: Subsections (1), (2), and (3) of section 4, sections 22, 23, and 24. (R.S. Vol. 16, p. 942.)
- 1985, No. 50—The Transport Amendment Act 1985: Sections 2 to 5. (R.S. Vol. 16, p. 946.)
- 1985, No. 76—The Transport Amendment Act (No. 2) 1985: Sections 2 to 10 and 22. (R.S. Vol. 16, p. 947.)