



Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005

Pursuant to section 115 of the Land Transport Act 1998, Land Transport New Zealand gives the following notice.

Contents

1	Title	5	Form of notice to driver or owner
2	Commencement	6	New Schedules 1 and 1A substituted
3	New clauses 4 and 4A substituted	7	Schedule 2 amended
4	Form of notice to be affixed to defective vehicle	8	Schedule 3 amended
4A	Form of notice to be given to driver or owner of defective vehicle		
4	Form of notice to be affixed to vehicle		

Schedule
New schedules substituted in principal notice

Notice

1 Title

- (1) This notice is the Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005.
- (2) In this notice, the Land Transport (Ordering a Vehicle off the Road) Notice 1999¹ is called “the principal notice”.

¹ SR 1999/33

2 Commencement

This notice comes into force on 16 January 2006.

3 New clauses 4 and 4A substituted

The principal notice is amended by revoking clause 4, and substituting the following clauses:

- “4 Form of notice to be affixed to defective vehicle**
Every notice directing that a vehicle is not to be driven on the road, which is to be affixed to the vehicle under section 115(1)(a) of the Land Transport Act 1998, must be in the form set out in Schedule 1.
- “4A Form of notice to be given to driver or owner of defective vehicle**
Every notice directing that a vehicle is not to be driven on the road, which is to be given to the driver or owner of the vehicle under section 115(1)(b) of the Land Transport Act 1998, must be in the form set out in Schedule 1A.”
- 4 Form of notice to be affixed to vehicle**
The heading to clause 5 of the principal notice is amended by inserting, after the words “**affixed to**”, the word “**unsafe**”.
- 5 Form of notice to driver or owner**
The heading to clause 6 of the principal notice is amended by adding the words “**of unsafe vehicle**”.
- 6 New Schedules 1 and 1A substituted**
The principal notice is amended by revoking Schedule 1, and substituting the schedules set out in the Schedule of this notice.
- 7 Schedule 2 amended**
Schedule 2 of the principal notice is amended by omitting from clause 5 the words “the Land Transport Authority”, and substituting the words “Land Transport New Zealand”.
- 8 Schedule 3 amended**
The heading to Schedule 3 of the principal notice is amended by inserting, after the words “**owner of**”, the word “**unsafe**”.
-

Schedule cl 6

New schedules substituted in principal notice

Schedule 1 cl 4

Form of notice to be affixed to vehicle

Form
Notice to be affixed to defective vehicle
Section 115(1)(a), Land Transport Act 1998

- 1 The vehicle to which this notice is affixed does not comply with the provisions of the regulations or the rules made under the Land Transport Act 1998. Reasons for that belief, and any conditions relating to the operation of the vehicle, are set out in the notice issued to the owner or driver of the vehicle.
- 2 Under the provisions of section 115(1)(a) of the Land Transport Act 1998 you are directed that this vehicle is to be removed from the road and is not to be driven on a road until—
- (a) the defects have been eliminated:
- *(b) a vehicle inspector, who is an employee of an authorised vehicle inspection agent, has inspected the vehicle, is satisfied that the vehicle is no longer defective, and has issued new evidence of a vehicle inspection, which is displayed on the vehicle.
- *3 In accordance with section 115(2A) of the Land Transport Act 1998, this notice remains in force until the enforcement officer identified in the notice issued to the driver or owner of the vehicle has been notified in writing that the vehicle complies with the regulations and rules or with the particular requirement of the regulations or the rules.
- 4 It is an offence to remove, obscure, or render indistinguishable this notice if it is affixed to the vehicle. It is an offence, unless otherwise stated in the notice issued to the driver or owner of the vehicle, to use the vehicle on any road before the conditions specified in paragraph 2 have been met. You are liable on conviction for either offence to a fine not exceeding \$10,000.

*Delete if inapplicable.

cl 4A

Schedule 1A

Form of notice to driver or owner

Form

Notice to driver or owner of defective vehicle

Section 115(1)(b), Land Transport Act 1998

Full name:

Address:

Date:

Time:

- 1 I believe that the [*make of vehicle*], registration number [*number*], is defective and does not comply with the provision(s) of the regulations or rules made under the Land Transport Act 1998 because of [*reason(s)*].

Note: if the vehicle is ordered off the road under section 96(1B) of that Act, state “a direction under section 96(1B) of that Act” or words to that effect as the reason for non-compliance.

- 2 Under the provisions of section 115(1)(b) of the Land Transport Act 1998 you are directed that this vehicle is to be removed from the road and is not to be driven on a road until—

(a) the defects have been eliminated:

*(b) a vehicle inspector, who is an employee of an authorised vehicle inspection agent, has inspected the vehicle, is satisfied that the vehicle is no longer defective, and has issued new evidence of a vehicle inspection, which is displayed on the vehicle.

- *3 In accordance with section 115(2A) of the Land Transport Act 1998, this notice remains in force until you have notified the enforcement officer identified in this notice that the vehicle complies with the regulations and rules or with the particular requirement of the regulations or the rules.

- *4 You may, however, proceed at a speed of not more than [*number*] km/h via [*route*] to [*place*] for repairs.

- *5 You may, however, continue to drive this vehicle until [*date*] in accordance with the following conditions: [*conditions*].

Schedule 1A—continuedForm—*continued*

- *6 It is an offence to drive this vehicle (other than in the circumstances outlined in paragraph 4 or paragraph 5) before new evidence of a vehicle inspection has been obtained for, and is displayed on, the vehicle. It is also an offence to remove any notice issued under section 115(1)(a) of the Land Transport Act 1998 that is affixed to this vehicle before new evidence of a vehicle inspection for the vehicle has been obtained for, and is displayed on, the vehicle. If section 115(2A) of the Land Transport Act 1998 applies, it is an offence to remove any notice before the enforcement officer has been notified in writing that the vehicle complies with the regulations or the rules. You are liable on conviction for any of these offences to a fine not exceeding \$10,000.
- 7 Further information may be obtained from—
- *(a) the nearest office of Land Transport New Zealand:
 - *(b) the [*name*] police station.

Notice No:

Enforcement officer No:

Enforcement officer stationed at [*place*].

*Delete if inapplicable.

Dated at Wellington this 28th day of October 2005.

J. C. Wright,
Chairperson.

This notice was made by Land Transport New Zealand by a resolution passed at a duly constituted meeting held on the 28th day of October 2005.

Explanatory note

This note is not part of the notice, but is intended to indicate its general effect.

This notice, which comes into force on 16 January 2006, amends the Land Transport (Ordering a Vehicle off the Road) Notice 1999. The amendments set out the non-compliance notice that may be affixed to a defective vehicle and the non-compliance notice that may be given to the driver or owner of the defective vehicle.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 10 November 2005.

This notice is administered in the Ministry of Transport.
