

1972/166



THE MOTOR DRIVERS REGULATIONS 1964, AMENDMENT
NO. 11

ARTHUR PORRITT, Governor-General
By his Deputy
ALEXANDER TURNER
ORDER IN COUNCIL

At the Government House at Wellington this 7th day of August 1972

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Transport Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Motor Drivers Regulations 1964, Amendment No. 11, and shall be read together with and deemed part of the Motor Drivers Regulations 1964* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the date of their notification in the *Gazette*.

2. Part IA of principal regulations substituted—The principal regulations are hereby amended by revoking Part IA (as inserted by regulation 3 of the Motor Drivers Regulations 1964, Amendment No. 4), and substituting the following Part:

“PART IA

“PROVISIONAL LICENCES TO DRIVE MOTOR CYCLE

“19A. **Provisional licence to drive motor cycle**—(1) Notwithstanding anything in these regulations, the appropriate local authority may, on payment of a fee of 50c, issue a provisional motor driver's licence in form 4 to any person who passes the tests prescribed by regulation 9

*S.R. 1964/214 (Reprinted with Amendments Nos. 1 to 8: S.R. 1969/189)
Amendment No. 9: S.R. 1970/73
Amendment No. 10: S.R. 1971/25

hereof as to eyesight, hearing, traffic law, and the principles of safe and efficient operation of motor vehicles, authorising that person to drive a motor cycle for the purpose of learning to drive a motor cycle.

“(2) Every such provisional licence shall continue in force, unless the holder thereof is sooner disqualified from holding a drivers’ licence, for a period of 8 weeks, but may be extended from time to time by the local authority for further periods of 8 weeks each upon payment of a further fee of 50c for each extension.

“(3) If during the licensing year in which a provisional licence was issued or extended the holder obtains an ordinary licence, no further fee shall be payable in respect of the issue of the ordinary licence other than the prescribed fee for a practical-driving test.

“(4) No provisional licence shall be issued under this regulation except subject to the following special conditions:

“(a) The holder shall not drive any motor cycle on any road at a speed exceeding 30 miles an hour:

“(b) The holder shall not carry any person on any motor cycle he is driving otherwise than in a sidecar:

“(c) The holder shall not drive a motor cycle, unless there is affixed to it in the prescribed manner a learner’s licence label obtained as described in subclause (1) of regulation 19B hereof.

“(5) Every person commits an offence against these regulations who, being the holder of a provisional licence issued under this regulation, drives a motor cycle in breach of any of the conditions specified in subclause (4) of this regulation.

“(6) Subject to the provisions of this regulation, every provisional licence issued under this regulation shall be deemed to be a motor driver’s licence for the purpose of these regulations and of the Act and of any other regulations under the Act.

“(7) Where a provisional licence under this regulation is issued to a person who holds a current motor driver’s licence authorising him to drive some other class or classes of motor vehicle, the provisional licence shall be deemed to be part of and shall be affixed to that current licence, and, subject to this regulation, shall have effect as an extension of that current licence.

“(8) Nothing in paragraph (c) of subclause (4) of this regulation shall apply in the case of a licensee who is driving a motor cycle of any of Her Majesty’s Forces or of the Police Department.

“(9) Nothing in paragraph (c) of subclause (4) of this regulation shall apply in the case of the holder of a provisional licence who—

“(a) Is an apprentice or mechanic in the motor trade and is driving in the course of his employment a motor cycle owned or in the charge of his employer and lawfully fitted with a trade plate, to which on its off side is attached a metal plate displaying to the rear the capital letter L of approximately the same size and colour as the letter D of the trade plate; or

“(b) Is driving, during a course of instruction conducted by a school of instruction approved by the Minister, a motor cycle supplied by that school and having attached to its registration plate on

its off side a metal plate displaying to the rear the capital letter L of approximately the same size and colour as the numerals on the registration plate; or

“(c) Is driving a motor cycle exempted from the payment of annual licence fees pursuant to section 13 of the Act or is declared to be a vehicle of Class B pursuant to section 188 of the Act.

“(10) For the purposes of this regulation, a provisional licence issued under regulation 19K of these regulations (as in force immediately before the commencement of this regulation) shall be deemed to have been issued under this regulation.

“19B. Licence labels in case of provisional licensee drivers of motor cycles—(1) Notwithstanding anything to the contrary in the Motor Vehicles Registration and Licensing Regulations 1965*, the owner of a motor cycle may at any time—

“(a) Apply for and obtain a learner’s licence label for the motor cycle, and, if another licence label which is still current has been issued for the same motor cycle, the application shall be deemed to be an application for a substitute licence label under regulation 14 of the Motor Vehicles Registration and Licensing Regulations 1965*:

“(b) Subject to the provisions of subclause (2) of this regulation, apply for and obtain an ordinary licence label in place of a learner’s licence label, which application shall likewise be deemed to be an application for a substitute licence label.

“(2) The Deputy Registrar shall not supply to any person an ordinary licence label in place of a learner’s licence label, unless at the time of the application the applicant produces to the Deputy Registrar either—

“(a) His motor driver’s licence showing that he is the holder of a licence of Class A; or

“(b) A statutory declaration by the owner (not being the holder of a provisional driver’s licence) to the effect that the learner’s licence label was fitted to the motor cycle to enable some person other than the owner to drive the motor cycle and that that person is either no longer the holder of a provisional driver’s licence or is no longer authorised to drive the motor cycle.

“(3) A learner’s licence label shall be deemed to be a licence label for all the purposes of the Motor Vehicles Registration and Licensing Regulations 1965*.”

3. Forms—The First Schedule to the principal regulations is hereby amended by revoking forms 13 and 14 (as added by regulation 4 of the Motor Drivers Regulations 1964, Amendment No. 4).

*S.R. 1965/82

Amendment No. 1: S.R. 1966/76

Amendment No. 2: S.R. 1968/76

Amendment No. 3: S.R. 1970/75

Amendment No. 4: S.R. 1970/268

4. Endorsements on probationary licences—Every endorsement made on a motor driver's licence pursuant to regulation 19B (2) of the principal regulations (as in force immediately before the commencement of these regulations) showing that the licence is a probationary licence shall be deemed to have been cancelled.

5. Consequential revocations and amendment—(1) The following regulations are hereby revoked:

- (a) Regulations 3, 4, and 6 of the Motor Drivers Regulations 1964, Amendment No. 4, and the Schedule thereto;
- (b) Regulation 5 of the Motor Drivers Regulations 1964, Amendment No. 7;
- (c) Regulations 3 and 4 of the Motor Drivers Regulations 1964, Amendment No. 8.

(2) The Third Schedule to the principal regulations (as substituted by regulation 4 (1) of the Motor Drivers Regulations 1964, Amendment No. 10) is hereby amended by omitting from the second column of the part of that Schedule relating to offences against the principal regulations for which 15 demerit points are to be recorded the expression "19K (4) (a)", and substituting the expression "19A (4) (a)".

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations revoke the provisions of the principal regulations relating to probationary motor drivers' licences, and re-enact the provisions as to provisional licences to drive a motor cycle with such amendments as are necessary on account of the revocation of the provisions as to probationary licences.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 10 August 1972.

These regulations are administered in the Ministry of Transport.