ANALYSIS

1965, No. 127

An Act to amend the Transport Act 1962

[*29 October 1965*

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

1. Short Title and commencement—(1) This Act may be cited as the Transport Amendment Act 1965, and shall be read together with and deemed part of the Transport Act 1962 (hereinafter referred to as the principal Act).

(2) Section 6 of this Act shall come into force on the first day of November, nineteen hundred and sixty-five.

(3) Section 13 of this Act and the Schedule to this Act shall come into force on the date of the commencement of Part II of the Decimal Currency Act 1964.

(4) Except as otherwise provided in subsections (2) and (3) of this section, this Act shall come into force on the date of its passing.

2. Meaning of "motor vehicle"—Section 2 of the principal Act is hereby amended by inserting in the definition of the expression "motor vehicle" in subsection (1), after paragraph (c), the following paragraph:

"(cc) A trailer running on one wheel and designed exclusively as a speed-measuring device or for testing the wear of vehicle tyres; or".

3. Refund of annual licence fees—Section 19 of the principal Act is hereby amended—

(a) By omitting from subsection (2) the words "by reason of accident":

(b) By omitting from subsection (2) the words "date of the accident", and substituting the words "date of destruction of the motor vehicle or of its becoming wholly unfit for further use".

4. Probationary drivers' licences—Section 29 of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

"(bb) Providing for the granting of probationary drivers' licences, and prescribing the period or periods of probation and the conditions upon or subject to which those licences may be issued; and applying to those licences, with such modifications as may be considered necessary, any of the provisions of this Act and any regulations made pursuant to any other provisions of this section; and providing for the revocation or suspension of a probationary licence upon the conviction of the holder for an offence in connection with the driving of a motor vehicle:".

5. Bylaws as to standing of vehicles—(1) Section 72 of the principal Act is hereby amended by inserting in paragraph (k) of subsection (1), after the word "stopping", the word "standing".

(2) All bylaws made before the passing of this Act in purported exercise of the powers conferred by paragraph (k) of subsection (1) of section 72 of the principal Act or the corresponding provisions of any former enactment, and all regulations made before the passing of this Act in purported exercise of the powers conferred by paragraph (o) of subsection (1) of section 77 of the principal Act, which would have been valid if this section had been in force when the bylaws or regulations were made are hereby validated and declared to have been lawfully made:

Provided that nothing in this subsection shall affect the rights of the parties under any judgment given in any Court before the passing of this Act, or under any judgment given on appeal from any such judgment, whether the appeal is commenced before or after the passing of this Act.

6. Local authorities may arrange for enforcement of traffic laws by Transport Department—The principal Act is hereby further amended by repealing section 75, and substituting the following section:

"75. (1) The Council of any city or borough or county or of any town district not forming part of a county may from time to time arrange with the Commissioner for the enforcement within its district by officers of the Transport Department of the provisions of any Acts, regulations, or bylaws for the time being in force in the district in so far as they relate to any traffic on any road.

"(2) Except as provided in subsection (3) of this section, the whole of the cost of enforcement shall be payable by the Crown.

"(3) Where under any such arrangement the Department is required to enforce any provisions relating to parking meters or parking buildings or other parking areas for which a fee is charged, the Council shall pay to the Department such sum as is agreed upon between the Council and the Commissioner."

7. Temporary closure of non-essential roads—The principal Act is hereby further amended by inserting, after section 76, the following section:

"76A. (1) Where it appears to the Council of any county that owing to climatic conditions the continued use of any road in the county other than a State highway or a Government road, not being a road generally used by motor vehicles for business or commercial purposes or for the purpose of any public work, may cause damage to the road, the Council may, by resolution, prohibit either conditionally or absolutely the use of that road by motor vehicles or by any specified class of motor vehicle for such period as the Council considers that the climatic conditions may be expected to necessitate the prohibition of the use of the road by motor vehicles or by the specified class of motor vehicle.

"(2) Notice of any such prohibition shall be given by a printed or written placard posted and maintained at every entry to the road affected by the notice in such a manner as to give drivers of motor vehicles reasonable notice of the

prohibition, and as soon as practicable notice of the terms of the prohibition shall be given by the publication thereof in a newspaper circulating in the district to which the matter of the notice refers.

"(3) A copy of every resolution made under this section by a Council shall within one week after the making thereof be sent by the Council to the Minister.

"(4) The provisions of section 74 of this Act, as far as they are applicable and with the necessary modifications, shall apply to any resolution made under this section as if the resolution were a bylaw made under section 72 of this Act.

"(5) No person shall use any motor vehicle or permit any motor vehicle to be used on any road where its use has for the time being been prohibited by a resolution made under this section."

8. Meaning of "passenger"—Section 79 of the principal Act is hereby amended by adding the following subsection:

"(6) For the purposes of this Part of this Act, the expression 'person in a motor vehicle' shall be deemed to include a person on a motor vehicle."

9. Insurer where dealers' plates used—Section 82 of the principal Act is hereby amended by adding the following subsection:

"(6) Where at the time of any accident to which this Part of this Act applies a motor vehicle in respect of which a licence for the current licensing year has been issued under section 14 of this Act is being used under the authority of a dealer's licence issued under section 22 of this Act, the insurance company nominated by the holder of the dealer's licence shall be deemed to be the insurer of the vehicle for the purposes of this Part of this Act."

10. Carriage of goods where rail available—Section 110 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

"(2) For the purposes of section 109 of this Act and of any regulations made or continuing and having effect under this Act (being regulations relating to the carriage of goods by road if there is a route available for their carriage that includes not less than a specified length of open Government railway), where a route that includes not less than the specified length of open Government railway is available for the

carriage of goods, then, subject to subsections (2A) and (2B) of this section, any part of the railway portion of that route that is not less than that specified length shall also be deemed to be part of a route available for the carriage of goods, whether or not the stations at the terminal points of that part are the railway stations nearest to the place where the carriage of the goods (whether by rail or by road if the carriage is to be by rail and road combined) actually commences or ends, and whether or not, if the goods were carried by rail, their carriage would normally begin or end at some other railway station.

"(2A) Where a route is available as aforesaid, a length of railway shall be deemed not to be part of that route if the distance by rail between the nearest railway station on that length to the place where the carriage of the goods begins and the nearest railway station on that length to the place where their carriage ends is less than the length so specified.

"(2B) Where pursuant to subsection (2) of this section part of the railway portion of a route is also deemed to be part of a route available for the carriage of goods, the provisions of subsections (1) and (2) of section 109 of this Act and of any such regulations as aforesaid shall not apply where that last-mentioned route is longer by more than one-third than the shortest road route available for the carriage of the goods."

11. Carriage of milk and cream—(1) Section 113 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (n), the following paragraph:

"(nn) A goods service carried on exclusively for the carriage of fresh, pasteurised, or homogenised milk and fresh or pasteurised cream:".

(2) Section 113 of the principal Act is hereby further amended by omitting from paragraph (e) of subsection (1) the words "goods service or" wherever they occur.

(3) Section 109 of the principal Act is hereby consequentially amended by omitting from paragraph (a) of subsection (2) the words "fresh milk, fresh cream".

12. Rental vehicle charges—Section 145 of the principal Act is hereby amended—

(a) By omitting from paragraph (a) of subsection (3) the words "together, in the case of a one-way hiring, with a fixed additional charge":

(b) By repealing subsection (4).

13. Scale of milage tax—(1) The principal Act is hereby further amended by repealing the Second Schedule, and substituting the Second Schedule set out in the Schedule to this Act.

(2) Where the date of the commencement of Part II of the Decimal Currency Act 1964 is not the first day of a quarter, milage tax payable in respect of the miles of public highway over which a motor vehicle was used during the quarter in which that Part comes into force shall be calculated in decimal currency in accordance with the Second Schedule to the principal Act (as substituted by subsection (1) of this section), whether the milage in respect of which the tax is payable, or any part of that milage, was run before or after the commencement of that Part.

SCHEDULE

Section 13

NEW SECOND SCHEDULE TO PRINCIPAL ACT

"SECOND SCHEDULE Section 191 (4)

"SCALE OF MILAGE TAX

Type of Vehicle Used	For Every Complete 100 Miles of Public Highway Over Which the Vehicle has Been Used During the Quarter Covered by the Declaration	
	$ c	
"1. Heavy motor vehicles to which section 191 of this Act applies: When the gross laden weight of the vehicle does not exceed—		
2½ tons	0 85	
3 tons	0 89	
3½ tons	1 03	
4 tons	1 14	
4½ tons	1 24	
5 tons	1 28	
5½ tons	1 41	
6 tons	1 52	
6½ tons	1 62	
7 tons	1 67	
7½ tons	1 74	
8 tons	1 83	
8½ tons	1 94	
9 tons	2 04	
9½ tons	2 16	Plus an additional 10 per cent of the prescribed rate for every 10 miles or fraction thereof by which the total distance exceeds 100 miles or a multiple of 100 miles
10 tons	2 31	
11 tons	2 46	
12 tons	2 61	
13 tons	2 76	
14 tons	2 88	
15 tons	2 99	
16 tons	3 09	
17 tons	3 17	
18 tons	3 25	
19 tons	3 31	
20 tons	3 36	
21 tons	3 40	
22 tons	3 44	
23 tons	3 48	
24 tons	3 51	
25 tons	3 54	
26 tons	3 57	
27 tons	3 60	
28 tons	3 63	

SECOND SCHEDULE—*continued*

SCALE OF MILAGE TAX—*continued*

Type of Vehicle Used	For Every Complete 100 Miles of Public Highway Over Which the Vehicle has Been Used During the Quarter Covered by the Declaration	
	$ c	
29 tons	3 66	
30 tons	3 69	
When the gross laden weight of the vehicle exceeds 30 tons	3 69 plus an additional 3c for each ton or part thereof by which the gross laden weight of the vehicle exceeds 30 tons	Plus an additional 10 per cent of the prescribed rate for every 10 miles or fraction thereof by which the total distance exceeds 100 miles or a multiple of 100 miles
"2. Other motor vehicles to which section 191 of this Act applies	0 81	

"3. For the purposes of clause 1 of this Schedule, the term 'gross laden weight' means—

"(a) The manufacturer's gross laden weight, in any case where that weight has been specified by the manufacturer and the vehicle has not subsequently been modified:

"(b) The gross laden weight as determined by the Commissioner in any other case.

"4. Where in any quarter any such vehicle is used over a total of less than 100 miles, the tax payable shall, for each complete mile over which the vehicle is used, be at the rate of one-hundredth part of the appropriate amount for a complete 100 miles.

"5. Notwithstanding anything in the foregoing provisions of this Schedule, the tax payable in the case of motor vehicles of any kind specified by the Governor-General, by Order in Council in that behalf, shall be at the rate specified in that Order in Council. Any such Order in Council may prescribe different rates of tax in respect of the same kind of motor vehicle in different circumstances.

"6. The amount of tax ascertained as aforesaid shall—

"(a) Be reduced by 75 per cent if the motor vehicle uses electricity as its main motive power; and

SECOND SCHEDULE—*continued*

SCALE OF MILAGE TAX—*continued*

"(b) Be reduced or increased, as the case may require, by seven per cent thereof for every 1 cent by which the motor spirits duty imposed on motor spirits under the Motor Spirits Duty Act 1961 is less than or exceeds the rate of 14·8 cents per gallon, or by a corresponding proportion where the amount by which that duty is less than or exceeds the last-mentioned rate is not 1 cent or a multiple of 1 cent."

This Act is administered in the Transport Department.