

[AS REPORTED FROM THE STATUTES REVISION COMMISSION]
House of Representatives, 12 November 1964

Words struck out by the Statutes Revision Committee are shown in italics within bold round brackets, or with black rule at the beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

Hon. Mr McAlpine

TRANSPORT AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Transport Act 1962

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

1. **Short Title and commencement**—(1) This Act may be cited as the Transport Amendment Act 1964, and shall be read together with and deemed part of the Transport Act 1962* (hereinafter referred to as the principal Act).
- 10 (2) Sections 4 and 13 of this Act shall come into force on the (*first day of November, nineteen hundred and sixty-four.*) the first day of February, nineteen hundred and sixty-five.

*1962, No. 135
Amendments: 1963, Nos. 62, 119

No. 56—2

Price 1s.

(3) Section 17 of this Act shall be deemed to have come into force on the first day of April, nineteen hundred and sixty-four.

(4) Section 18 of this Act shall come into force on the (first day of October, nineteen hundred and sixty-four.) 5
first day of January, nineteen hundred and sixty-five.

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

New

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1A. Meaning of "sale"—Section 2 of the principal Act is hereby amended by inserting in subsection (1), after the definition of the term "road", the following definition:

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"Sale', in relation to any motor vehicle, includes disposition by way of hire-purchase; and also includes a conditional sale; and 'sell', 'seller', and 'purchaser' have corresponding meanings:"

2. Annual licences—Section 11 of the principal Act is hereby amended by adding to subsection (1) the following proviso: 20

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"Provided that, notwithstanding anything in paragraph (b) of section 15 of this Act, where a licence has been issued in respect of a motor vehicle for any licensing year a licence issued in respect of that vehicle for the next ensuing licensing year may be affixed to that vehicle during the last month of the first-mentioned licensing year, and the affixing of the licence for that next ensuing licensing year shall be deemed to be sufficient compliance with the provisions of this subsection and of paragraph (b) of subsection (1) of section 7 of this Act." 30

3. Learner drivers—Section 25 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

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"(2) Where any person (hereinafter referred to as the learner) is while driving a motor vehicle undergoing a test for the issue or an extension of a driver's licence under the direction of an approved testing officer for motor drivers or is accompanied by a person seated alongside him who is the holder of a licence for the time being in force which authorises him to drive such a motor vehicle and is engaged in teaching 40
the learner to drive,—

"(a) The learner shall be deemed not to act in contravention of paragraph (a) of subsection (1) of this section; and

“(b) The testing officer or any person employing or permitting the learner to drive the motor vehicle shall be deemed not to act in contravention of paragraph (b) of that subsection:

5 “Provided that nothing in this subsection shall apply where the learner has not attained the age that qualifies him to obtain a licence to drive the motor vehicle that he is driving, or is subject to an order which disqualifies him from driving that vehicle.”

10 **4. Fee for driving test**—Section 26 of the principal Act is hereby amended—

(a) By inserting in subsection (9), before the words “Where any applicant”, the words “Unless otherwise provided by regulations under this Act”:

15 (b) By omitting from subsection (9) the words “five shillings”, and substituting the words “ten shillings”.

5. Issue of drivers’ licences by Commissioner—The principal Act is hereby further amended by inserting, after section 26, the following section:

20 “26A. (1) Any local authority may from time to time arrange for the issue in its district of drivers’ licences by the Commissioner, and in that case, so long as the arrangement continues in force, drivers’ licences shall be issued in that district by the Commissioner and not by the local authority.

25 “(2) Where any such arrangement has been made, there shall be paid to the local authority such proportion (if any) of the licence fees received by the Commissioner as is agreed upon between the local authority and the Commissioner, and the provisions of section 27 of this Act shall apply with
30 respect to the proportion so paid to the local authority.

“(3) Where pursuant to any such arrangement drivers’ licences are issued by the Commissioner, the provisions of this Part of this Act (except section 27) and of Part IV of this Act, as far as they are applicable and with any necessary
35 modifications, shall apply as if every reference to a local authority or to the local authority which issued a licence were a reference to the Commissioner.”

6. Partial exemption from disqualification—Section 35 of the principal Act is hereby amended by adding the following
40 subsection:

“(8) Where any person in respect of whom the Court has made an order under this section is convicted of any offence specified in the Third Schedule to this Act and upon that conviction the Court makes an order disqualifying him from holding or obtaining a driver’s licence (whether the subsequent order of disqualification takes effect on the date thereof or is to take effect on a later date), the order made under this section shall thereupon be deemed to be revoked and any driver’s licence issued to him pursuant to that order shall thereupon be deemed to be cancelled.” 5 10

7. Partial exemption from disqualification order on ground of undue hardship—(1) The principal Act is hereby further amended by inserting, after section 35, the following section:

“35A. (1) This section applies with respect to any person who is disqualified by an order made under this Part of this Act (whether before or after the commencement of this section) from holding or obtaining a driver’s licence or was so disqualified by an order made before the commencement of this Act under the provisions of any former Act. 15

“(2) Subject to the provisions of subsections (3) and (4) of this section, on the making of the order of disqualification or at any time thereafter, the Court, on the application of the person in respect of whom the order was made, may, if it is satisfied that the order of disqualification has resulted or will result in undue hardship (whether to the applicant or to any other person), may make an order under this section authorising him to obtain, immediately or after the expiration of such period as the Court may specify, a driver’s licence authorising him to drive such kind of motor vehicle, and no other, for such purpose, and for no other purpose, and to such extent (being the least extent that is necessary to alleviate that hardship) as the Court specifies in the order: 20 25 30

“Provided that no order shall be made under this section authorising the applicant to obtain a driver’s licence authorising him to drive in connection with his occupation or employment, unless the Court is satisfied that such a licence is essential for the purposes of his occupation or employment and that arrangements to obtain the services of another driver cannot (*reasonably*) conveniently be made. 35 40

“(3) Where the order of disqualification was made upon conviction for an offence against section 39 of this Act or a first offence against subsection (2) of section 55 or section 58 of this Act, no application may be made for an order under this section before the expiration of six months after the date of the order of disqualification.

“(4) Where the order of disqualification was made upon conviction for a second or subsequent offence against subsection (2) of section 55 or section 58 of this Act, no application may be made for an order under this section before the expiration of two years from the date of the order of disqualification.

“(5) For the purposes of this section, a conviction for an offence against a corresponding provision of any former Act shall be deemed to be a conviction against subsection (2) of section 55 or against section 58 of this Act, as the case may require.

“(6) If any application under this section is refused, an application in respect of the same order shall not be entertained if made within three months after the date of that refusal, unless the circumstances have changed since that date.

“(7) Where at the time when the Court makes an order under this section the applicant is the holder of a driver’s licence issued pursuant to an order under section 35 of this Act, then, on application by him to a local authority, the local authority shall grant an extension of that licence authorising him to drive in accordance with the terms of the order under this section the kind of motor vehicle specified in the order, and no other.

“(8) The provisions of subsections (3), (5), (6), and (8) of section 35 of this Act shall apply with respect to every application for an order under this section and to every such order.”

(2) Section 35 of the principal Act is hereby further amended by inserting, after subsection (6), the following subsection:

“(6A) Where at the time when the Court makes an order under this section the applicant is the holder of a driver’s licence issued pursuant to an order under section 35A of this Act, then, on application by him to a local authority, the local authority shall grant an extension of that licence authorising him to drive in accordance with the terms of the order under this section the kind of motor vehicle specified in the order, and no other.”

(3) The principal Act is hereby further amended—

(a) By inserting in paragraph (b) of subsection (1) of section 39, after the words “section 35”, the words “or section 35A”:

(b) By inserting in subsection (1) of section 42, after the words “section 35”, the words “or section 35A”:

(c) By inserting in section 43, after the words “section 35”, the words “or section 35A”:

(d) By inserting in section 48, after the words “section 35”, the words “or section 35A”.

8. Commencement of period of disqualification—(1) The principal Act is hereby further amended by repealing section 36, and substituting the following section:

“36. (1) Subject to the provisions of section 33 of this Act, where an order is made under this Part of this Act disqualifying any person from holding or obtaining a driver’s licence, the period of disqualification shall commence on the date of the making of the order:

“Provided that that person shall not be deemed to have committed an offence against section 39 of this Act by reason of the fact that he drove a motor vehicle on any road at any time on that day before the making of the order.

“(2) Notwithstanding anything in subsection (1) of this section, the Court by which an order is made disqualifying a person from holding or obtaining a driver’s licence may direct that the period of disqualification so ordered shall commence on a date later than the date of the order.”

(2) Section 30 of the principal Act is hereby amended by omitting the words “from the date of the conviction”.

Struck Out

9. Causing bodily injury or death through driving while under influence of drink or a drug—Section 55 of the principal Act is hereby amended by adding to subsection (2) the words “whether or not the act or omission is negligent, and whether or not the act or omission is of such a character that it should not have happened if the person in charge of the motor vehicle had not been under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle”.

10. **Suppression of names of drivers under influence of drink or drugs**—Section 61 of the principal Act is hereby amended by inserting, before the words “The power of prohibiting” the words “Unless for special reasons the Court thinks fit to order otherwise”.

New

10A. **Compulsory stopping of school buses at railway crossings**—Section 64 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (a), the following paragraph:
 “(aa) The carriage of school children to or from school, by the Department of Education; or”.

11. **Fees for warrants of fitness**—Section 77 of the principal Act is hereby amended by omitting from paragraph (g) of subsection (1) the words “five shillings”, and substituting the words “seven shillings and sixpence”.

12. **Reflective material on advertising signs**—Section 77 of the principal Act is hereby further amended by inserting in subsection (1), after paragraph (r), the following paragraph:
 “(rr) Prohibiting or restricting the use of reflective material on signs, hoardings, and similar structures used or intended to be used for the purposes of advertising (and visible from any road) in such a position that they are likely to reflect the lights of motor vehicles on any road:”.

13. **Closing of roads**—(1) Section 77 of the principal Act is hereby further amended by omitting from the first proviso to paragraph (u) of subsection (1) the word “fourteen”, and substituting the words “twenty-eight”.

(2) Section 77 of the principal Act is hereby further amended by repealing the second proviso to paragraph (u) of subsection (1), and substituting the following proviso:

“Provided further that no road shall be closed pursuant to any regulation made under this paragraph, unless the local authority or other body or person having control of the road is satisfied that the person or organisation promoting the vehicle races or trials, procession, carnival, celebration, sporting event, or other special event, as the case may be, has arranged adequate insurance against his or its liability to pay damages to any person in respect of any claim on account of the death of or bodily injury to any person or damage to property where the death or bodily injury or damage results from the holding of the vehicle races or trials, procession, carnival, celebration, sporting event, or other special event, as the case may be:”.

14. Deputies of members of Nominal Defendant's Advisory Committee—The principal Act is hereby further amended by inserting, after section 90c (as inserted by section 6 of the Transport Amendment Act 1963), the following section:

“90cc. (1) The Minister may from time to time, by notice in the *Gazette*, appoint a person to be the deputy of any appointed member of the Nominal Defendant's Advisory Committee. 5

“(2) The provisions of subsections (2) to (5) of section 90c of this Act shall apply with respect to every such deputy as if references in those subsections to an appointed member were references to the deputy of that member. 10

“(3) The deputy of an appointed member of the Committee shall be entitled to attend any meeting of the Committee in the absence from that meeting of the member whose deputy he is, and shall otherwise be entitled to act in the place of that member, and while so attending or acting shall be deemed to be a member of the Committee. The fact that any such deputy attends any such meeting or so acts shall be conclusive proof of his authority to do so.” 15 20

Struck Out

15. Transfer of part of transport licence—(1) Section 138 of the principal Act is hereby amended by inserting in subsection (1), after the word “transferred” where it first occurs, the words “in whole or in part”. 25

(2) Section 138 of the principal Act is hereby further amended by adding to subsection (1) the following additional proviso:

“Provided further that the provisions of the first proviso to this subsection shall not apply to any taxicab-service licence granted after the commencement of this Act where the grant of the licence is conditional upon an amendment to an existing taxicab-service licence reducing the number of vehicles which may be operated under the existing licence.” 30

New

“15. Transfer of transport licence—Section 138 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection: 35

“(1) Subject to the provisions of this section, any transport licence may be transferred, in whole or in part, to any person: 40

“Provided that where—

“(a) A taxicab-service licence is granted after the commencement of this Act; or

New

“**(b)** An amendment is made after the commencement of this Act to a taxicab-service licence and the amendment authorises the licensee to operate one or more additional vehicles under the licence,—
the licence or, as the case may be, the licence so far as it relates to the additional vehicle or vehicles may not be transferred within a period of three years after the licence or, as the case may be, the amendment was granted, and may be transferred within the next succeeding period of three years only in special circumstances:
“Provided further that the provisions of the first proviso to this subsection shall not apply to any taxicab-service licence granted after the commencement of this Act where the grant of the licence is conditional upon an amendment to a taxicab-service licence granted before the commencement of this Act, being an amendment reducing the number of vehicles which may be operated under the last-mentioned licence.”

16. Regulations as to conduct of passengers—Section 186 of the principal Act is hereby amended by inserting, after paragraph (n), the following paragraph:

“(nn) Prescribing matters in relation to the conduct of passengers carried in vehicles or harbour ferries used in transport services.”

17. Motor spirits tax—(1) Section 187 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) All money received under items 332.100.2, 512.240.4, and 599.991.9 of the Customs Tariff as Customs duties on motor spirits imported into New Zealand, or entered therein for home consumption, and all money received under the Motor Spirits Duty Act 1961 as motor spirits duty shall be deemed to be received as a tax in respect of the use of motor vehicles (hereinafter referred to as motor spirits tax).”

(2) Section 187 of the principal Act is hereby further amended by repealing subsection (3).

(3) Section 191 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsection:

“(7) Subject to the provisions of subsection (4) of section 22 of the National Roads Act 1953, all money paid or recovered under the foregoing provisions of this section shall be paid into the Public Account to the credit of the National Roads Fund.”

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18. Refund of duties on motor spirits—(1) The principal Act is hereby further amended—

(a) By omitting from paragraph (a) of subsection (3) of section 188 the words “one shilling and threepence”, and substituting the words “one shilling and five-pence”:

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(b) By omitting from paragraph (b) of the same subsection the words “one shilling and one penny”, and substituting the words “one shilling and threepence”:

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(c) By repealing section 189:

(d) By omitting from subsection (1) of section 190 the words “or section 189”:

(e) By omitting from the second proviso to paragraph (c) of subsection (4) of section 190 all words following the words “section 13 of this Act”.

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(2) During the period commencing on the first day of April, nineteen hundred and sixty-four, and ending with the (*thirtieth day of September*), thirty-first day of December, nineteen hundred and sixty-four, section 189 of the principal Act shall be deemed to have had effect as if for subsection (4) there had been substituted the following subsection:

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“(4) All refunds under this section shall be paid out of the National Roads Fund without further appropriation than this section.”