

Regulations under the Motor-vehicles Act, 1924, as to the Equipment, and Use of Motor-vehicles, as to Notices and Signs, and generally as to Motor Traffic.

(See New Zealand Gazette, 1928, pages 511-20.)

CHARLES FERGUSSON, Governor-General.

ORDER IN COUNCIL.

At the Government Buildings at Wellington, this 24th day of February, 1928.

Present:

THE RIGHT HONOURABLE J. G. COATES, P.C., PRESIDING IN COUNCIL.

In pursuance and exercise of the powers conferred on him by the Motor-vehicles Act, 1924, His Excellency the Governor-General of the Dominion of New Zealand, acting by and with the advice and consent of the Executive Council of the said Dominion, doth hereby make the following regulations.

REGULATIONS.

REGULATION 1.—PRELIMINARY.

(1) These regulations may be cited as the Motor-vehicle Regulations, 1928.

(2) In these regulations, unless the context otherwise requires,—

“The said Act” means the Motor-vehicles Act, 1924, and the amendments thereof:

“Controlling authority” means the Minister of Public Works, the Main Highways Board, the Council of any borough or county, the Board of any road district or town district, or any other person or persons having control over any road:

“Driver” includes the rider of a motor-bicycle; and “drive” has a corresponding meaning:

“Intersection” means the crossing of a road by any other road, or by any railway or tramway, at a level crossing; and includes the meeting of a road with any other road:

“Minister” means the Minister of Public Works:

To “operate” means to use or drive, or cause or permit to be used or driven, or permit to be, on any road whether the person operating is present in person or not:

“Police officer” includes any member, of whatever rank of the Police Force constituted by the Police Force Act, 1913, if in uniform for the time being:

“Road” includes street, and any portion of a road or street:

“Tram” means any vehicle engaged in the public carriage of passengers and running on rails, and “tramway” has a corresponding meaning:

“Traffic Inspector” means any person duly appointed as a Traffic Inspector in terms of these regulations:

“Wheel-track” means the distance between the centres of the off-side and near-side wheels of a pair of wheels, and, when a pair of wheels consists of twin wheels on the off-side and twin wheels on the near-side, means the distance from the centre of the off-side twin wheels to the centre of the near-side twin wheels.

(3) Regulations 4 to 6 hereof (relating to equipment other than lights) shall not apply to the following kinds of vehicle:—

(a) Traction-engines being locomotive engines propelled by steam-power and designed for use on ordinary roads, exclusive of steam-wagons, whether or not used for the purpose of traction:

(b) Mechanically-propelled rollers:

(c) Caterpillar-track cranes and excavators:

(d) Machines used solely in farm or roading operations, whether for traction or otherwise, and not for the carriage of goods or passengers:

(e) Such other types of motor-vehicle as may be exempted from time to time by Order in Council published in the *Gazette*.

(4) It shall be a defence to any person, being the driver of a motor-vehicle charged with an act or omission amounting to a breach of these regulations, if such person proves that such motor-vehicle was at the time of such act or omission actually engaged in the work of cleaning, maintaining, repairing, constructing, or reconstructing any road, and that such act or omission was reasonably necessary for the purposes of such work, and that such person took all reasonable care to prevent the occurrence of any accident, mishap, collision, damage, or any injury to, or interference with any person, animal, property, or object on any road or other place, arising by reason of such act or omission.

(5) It shall be a defence to any person charged with the offence of failing to comply with any of the provisions of

these regulations, such offence being committed prior to the first day of June, 1928, if such person proves that in order to comply with such provision it would have been necessary to effect some alteration of, or make some addition to, the motor-vehicle in connection with which the offence was committed, or of or to some equipment attached or to be attached to such motor-vehicle.

(6) In so far as these regulations are inconsistent with or repugnant to the Motor-lorry Regulations, 1927, or any regulations hereafter made in amendment thereof or in substitution thereof, or to any regulations made under the Motor-omnibus Traffic Act, 1926, such latter regulations shall prevail; but, save as aforesaid, compliance with such latter regulations shall not excuse any person from compliance with the provisions of these regulations.

(7) Nothing in these regulations shall affect any liability of the driver or owner of a vehicle by virtue of any statute or at common law.

(8) Any power, or authority, or duty conferred or imposed on the controlling authority by these regulations in regard to any road, or to the use of any motor-vehicle thereon, shall be exercisable as follows:—

(a) In the case of a county road other than a main highway, by the County Council:

(b) In the case of a district road other than a main highway, by the Road Board:

(c) In the case of a road within a borough or town district other than a main highway, by the Borough Council or Town Board:

(d) In the case of a main highway the general control of which the Main Highways Board has not delegated to any local authority, by the Main Highways Board:

(e) In the case of a main highway the general control of which the Main Highways Board has delegated to any local authority, by the local authority to which such control has been so delegated:

(f) In the case of a Government road which is not a main highway, by the Minister.

(9) Any power or authority which is exercisable by a controlling authority (being a local authority) shall be exercisable by resolution of such controlling authority; and any such power or authority (except the power of appointing Traffic Inspectors) shall be exercisable by any member or officer of a controlling authority empowered in that behalf from time to time, either generally or specially, by resolution thereof, and, unless otherwise provided by resolution thereof, shall be exercisable by any Traffic Inspector appointed by such controlling authority.

REGULATION 2.—ADMINISTRATION.

(1) Every Police Officer and Traffic Inspector is hereby authorized to see that the said Act and these regulations are duly observed; and in all cases not expressly provided for by the said Act or these regulations any Police Officer or Traffic Inspector may in the execution of his duty generally control the traffic of motor-vehicles, and may give such reasonable directions to persons driving or in charge of motor-vehicles upon any public road as may, in his opinion, be necessary for the safe and efficient regulation of the traffic thereon, and every person shall comply with all lawful directions given to him by a Police Officer or Traffic Inspector relating to the driving of a motor-vehicle driven by him or in his charge.

(2) (a) Any controlling authority may by resolution appoint one or more persons to be Traffic Inspectors for the purposes of these regulations, and all such Traffic Inspectors shall wear, while on duty, some distinctive uniform, badge, or cap.

(b) No person shall be appointed a Traffic Inspector unless he is at the time of appointment the holder of a motor-driver's license issued under the said Act.

(c) A Traffic Inspector (appointed by the Main Highways Board) or Police Officer shall be entitled to exercise the powers hereby conferred on him upon any road.

(d) A Traffic Inspector (appointed by any controlling authority, being a local authority) shall be entitled to exercise the powers hereby conferred on him upon any road within the boundaries of the district of such local authority, notwithstanding the fact that such road is a Government road or main highway.

(e) More than one controlling authority may appoint the same person to be a Traffic Inspector.

(f) The production of an instrument of appointment of a Traffic Inspector purporting to be executed under the seal of any controlling authority shall, until the contrary is proved, be sufficient evidence of such appointment and of the regularity thereof, and such instrument of appointment shall be carried at all times by such Traffic Inspector while on duty.

(3) Any Police Officer or Traffic Inspector may at any time—