

Reprint
as at 10 May 2011

Transport Amendment Act 1990

Public Act 1990 No 135
Date of assent 21 December 1990

Transport Amendment Act 1990: repealed, on 10 May 2011, pursuant to section 98 of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

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**An Act to amend the Transport Act 1962, and to declare the
Transport (Breath Tests) Notice (No 2) 1989 to be valid**

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

This Act is administered in the Ministry of Transport.

BE IT ENACTED by the Parliament of New Zealand as follows:**1 Short Title and commencement**

- (1) This Act may be cited as the Transport Amendment Act 1990, and shall be read together with and deemed part of the Transport Act 1962 (hereinafter referred to as the principal Act).
- (2) This Act shall come into force on the date on which it receives the Royal assent.

2 Interpretation

Section 57A of the principal Act (as substituted by section 7 of the Transport Amendment Act (No 2) 1988) is hereby amended by adding the following subsections:

- “(5) No notice given by the Minister in the *Gazette* for the purposes of subsection (1) of this section shall be invalid because it does any of the following:
 - “(a) Defines an approved breath screening device or an approved evidential breath-testing device as a device that bears or is associated by its manufacturer with such trade name or number or other expression, or any combination thereof, as may be specified in the notice:
 - “(b) Provides for a breath screening test or an evidential breath test, or any part of any such test, to be carried out in accordance with instructions displayed or printed on or by the device.
- “(6) In the absence of evidence to the contrary, a breath screening device or an evidential breath-testing device is deemed to bear or be associated with a particular trade name or number or other expression if that name or number or other expression—
 - “(a) Appears on the device, whether on a label or otherwise, or is shown on a display panel on the device; or
 - “(b) Is printed out by the device on a card or on paper; or
 - “(c) Appears on any printed matter that accompanies the device and is issued by or on behalf of the manufacturer of the device.”

3 Transport (Breath Tests) Notice (No 2) 1989

For the avoidance of doubt, but subject to section 4 of this Act,—

- (a) The Transport (Breath Tests) Notice (No 2) 1989 (SR 1989/389), being the notice that is dated the 11th day of December 1989 and came into force on the 15th day of December 1989, is hereby declared to be and always to have been valid:
- (b) The publication that purported to be the Transport (Breath Tests) Notice (No 2) 1989 (SR 1989/389), being the publication that purported to be dated the 11th day of December 1989 and purported to come into force on the 8th day of December 1989, is hereby declared to be and always to have been of no force or effect.

4 Savings

- (1) Nothing in this Act affects any order or determination made by any Court before the date on which this Act comes into force.
 - (2) Where any proceedings in respect of an offence committed before the date on which this Act comes into force—
 - (a) Were commenced but not finally determined before that date; or
 - (b) Are commenced on or after that date,—
those proceedings shall be dealt with and finally determined as if this Act had not been passed.
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Notes**1 General**

This is an eprint of the Transport Amendment Act 1990. The eprint incorporates all the amendments to the Act as at 10 May 2011. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

**3 List of amendments incorporated in this eprint
(most recent first)**

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 98
