

# Motor Regulation Act 1908

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**AN ACT to consolidate certain Enactments of the General Assembly relating to the Regulation and Registration of Motors.**

**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.**

- (1.) The Short Title of this Act is “The Motor Regulation Act, 1908.”  
*Enactments consolidated.*
- (2.) This Act is a consolidation of the enactments mentioned in the Schedule hereto, and with respect to those enactments the following provisions shall apply:—  
*Savings.*
- (a.) All regulations, by-laws, resolutions, Orders in Council, orders, registers, registrations, records, instruments, and generally all acts of authority which originated under any of the said enactments or any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- (b.) All matters and proceedings commenced under any such enactment, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.
- (3.) This Act is divided into Parts, as follows:—  
PART I.—Regulation of Motors. (Sections 3 to 11.)  
PART II.—Registration of Motors. (Sections 12 to 18.)  
PART III.—General. (Section 19.)

**2 Interpretation.**

*1906, No. 82, sec. 2*

In this Act, if not inconsistent with the context,—

“Motor” means any vehicle propelled by mechanical power if it does not exceed three tons in weight unladen and is not used for the purpose of drawing more than one vehicle (such vehicle with its locomotive not to exceed in weight four tons unladen). In calculating for the purposes of this Act the weight of a vehicle unladen, the weight of any water, fuel, or accumulators used for the purposes of propulsion shall not be included:

“Registering authority” means the Council of any borough having a population of not less than five thousand, and in all other cases means the County Council.

## **Part I**

### **Regulation of Motors**

#### **3 Regulations.**

*Ibid, sec. 3*

The Governor may from time to time, by Order in Council gazetted, make regulations—

- (a.) Providing generally for facilitating the identification of motors, and in particular for determining and regulating the size, shape, and character of the identification-marks to be used, and the mode in which they are to be fixed and to be rendered easily distinguishable, whether by night or by day:
- (b.) Regulating the keeping and use of any inflammable or explosive liquid or fuel used for the purpose of motors; and such regulations shall have effect notwithstanding anything in “The Explosive and Dangerous Goods Act, 1908”:
- (c.) Regulating the use and control of motors so as to insure the safety of the public:
- (d.) Imposing fines not exceeding ten pounds for the breach of any such regulations.

#### **4 Power to make by-laws for regulating and controlling the use of motors.**

*Ibid, sec. 4*

- (1.) In every case where, under the provisions of any Act, the Governor, the Minister of Public Works, the Minister of Railways, or any local authority possesses the power to regulate and control, by by-laws or otherwise, the use of vehicles of any description, such power shall, subject to the provisions of this Act, be deemed to include the power to make by-laws preventing or restricting the use of motors upon any bridge, road, or place where the Governor, the Minister, or the local authority making the by-law is satisfied that such use would be attended with risk of damage to the bridge or danger to the public.

*Copy of local by-laws to be sent to Minister of Internal Affairs.*

- (2.) A copy of every by-law made under this section by a local authority shall, within seven days after the making thereof, be sent by the local authority to the Minister of Internal Affairs, who may at any time thereafter disallow the same or any part thereof.
- (3.) On such disallowance being gazetted the by-law or part thereof shall cease to have effect, but such disallowance shall not affect the validity of anything theretofore done under the by-law or part thereof.

#### **5 Motors to be deemed vehicles.**

*1906, No, 32, sec. 5*

For the purpose of giving full effect to the last preceding section a motor shall be deemed to be a vehicle within the meaning of any such Act as aforesaid and of any by-law made thereunder, and if used as a vehicle of any particular class shall be deemed to be a vehicle of that class, and the provisions of any such Act or by-law relating to vehicles shall apply accordingly.

#### **6 Notice of local by-laws to be placed on road, &c.**

*Ibid, sec. 6*

- (1.) Public notice of any by-law under section four hereof shall be advertised at least three times in some newspaper circulating within the limits to which the by-law refers.

*Sign-posts to be set up at dangerous places*

- (2.) The local authority of any district in which any such by-law is in force shall cause to be set up sign-posts denoting the limit of speed at which motors may be driven on such bridge or road or place which may be deemed to be dangerous by the local authority.

#### **7 Motor to exhibit a light**

*Ibid, sec. 7*

During the period between sunset and one hour before sunrise the person in charge of a motor shall carry attached thereto a lamp so constructed and placed as to exhibit a white light in the direction in which the motor is proceeding, such light being sufficiently clear and strong to afford adequate means of signalling the approach and position of the motor.

#### **8 Bell to be carried.**

*Ibid, sec. 8*

The person in charge of a motor shall carry attached thereto, and shall use when necessary, a bell or other instrument capable of giving audible and sufficient warning of the approach or position of the motor.

**9 Reckless driving.**

*Ibid, sec. 9*

- (1.) Every person commits an offence who drives a motor on a public highway recklessly or negligently, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the highway, and the amount of the traffic which actually is at the time, or which might reasonably be expected to be, on the highway.
- (2.) Any constable may apprehend without warrant the driver of any motor who commits an offence against this section within the view of the constable if he refuses to give his name and address on demand, and the motor does not bear the mark or marks of identification.
- (3.) If the driver of any motor who commits an offence against this section refuses to give his name or address, or gives a false name or address, he commits a further offence; and it shall be the duty of the owner of the motor, if required, to give any information in his power which may lead to the identification and apprehension of the driver, and if the owner fails so to do he also commits an offence.

**10 Duty to stop in case of accident**

*Ibid, sec. 10*

Where, owing to the presence of a motor on any public highway, an accident occurs to any person, or to any horse or vehicle in charge of any person, the driver of the motor shall stop, and, if required, give his name and address, and also the name and address of the owner and the registration mark or number of the motor.

**11 Annual inspection and certificated drivers under Inspection of Machinery Act.**

*Ibid, sec. 11*

- (1.) Every steam motor exceeding one hundred pounds in weight shall be inspected annually under "The Inspection of Machinery Act, 1908"; and the provisions of that Act shall apply to such motor, except that in the case of a motor not used for hire, either to carry passengers or goods, or for haulage, it shall not be necessary to employ a certificated driver.
- (2.) This section does not apply to motor-cycles.

## Part II

### Registration of Motors

**12 When this Part of Act to apply.**

*1906, No. 32, sec. 21*

This Part of this Act shall extend and apply only to districts controlled by registering authorities which by resolution decide to bring this Part of this Act into operation.

**13 How provisions brought into operation.**

*Ibid, sec. 13*

Every registering authority which decides by resolution that this Part of this Act shall be brought into operation in its district shall give public notice of such decision by not less than two advertisements in some newspaper circulating in the district, in each of the four weeks next preceding the date upon which this Part of this Act is first to be brought into operation, and by advertisement in the *Gazette*.

**14 Motors to be registered.**

*Ibid, sec. 14*

Every motor shall be registered with a registering authority, and such registration shall have effect throughout New Zealand.

**15 Form of registration, and fee.**

*Ibid, sec. 15*

Every registration shall be in the form prescribed by regulations, and a fee of ten shillings may be charged by the registering authority upon the registration of any motor having not less than four wheels, and five shillings in the case of a motor having less than four wheels.

**16 No unregistered motor to be used.**

*Ibid. sec. 16*

If a motor is used upon a public road or street without being registered, or if the mark to be fixed in accordance with this Act is not so fixed, or if, being so fixed, it is in any way obscured, or rendered or allowed to become not easily distinguishable, whether by night or by day, the person driving the motor shall be guilty of an offence, unless, in the case of a prosecution for obscuring a mark or rendering or allowing it to become not easily distinguishable, he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable: Provided that—

*Exemptions.*

- (a.) A person shall not be liable under this section if he proves that he has had no reasonable opportunity of registering the motor in accordance with this section, and that the motor is being driven on a road or street for the purpose of being so registered:
- (b.) Any registering authority may assign to any manufacturer of or dealer in motors within New Zealand, on payment of an annual fee not exceeding one pound, a general identification mark which may be used for any motor on trial after completion, or on trial by an intending purchaser; and a person shall not be liable under this section while so using the motor if the mark so assigned is fixed upon the motor in the manner required by the said registering authority in accordance with this Part of this Act:
- (c.) In the case of any motor used for trade purposes, or of any motor plying for hire, it shall not be necessary to affix to such motor the registration-marks aforesaid if in the opinion of the registering authority such motor already carries such distinctive marks of ownership as render a registration-mark unnecessary.

**17 Register to be kept.***Ibid, sec. 17*

Every registering authority shall keep a register of all motors registered by it; and such register shall at all times be open for inspection by the police or by the officers of any other registering authority, or by any person proving that he has reasonable grounds for wishing to inspect the register.

**18 Change of ownership of motor.***1906, No. 32, sec. 18*

If the ownership of any motor is changed, notice of the change shall be given either by the new or the previous owner to the registering authority with which the motor is registered, and an application shall be made either to cancel the registration of the motor or to continue the registration under the new ownership:

Provided that if the new owner elects to continue the registration a fresh registration shall be effected in his name, and he shall pay the usual fee.

## **Part III**

### **General**

#### **19 Fine for offences.**

Every person who commits any offence against this Act is liable to a fine not exceeding ten pounds, and the amount of any such fine may be recovered in a summary manner under “The Justices of the Peace Act, 1908.”

**Schedule**  
**ENACTMENTS CONSOLIDATED**

1906, No. 32.—“The Motor Regulation Act, 1906.”