Version
as at 1 October 2026

Government Roading Powers Act 1989

Public Act	1989 No 75
Date of assent	28 September 1989
Commencement	see section 1(2)

Act name: replaced, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

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The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

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This Act is administered by the Ministry for Cities, Environment, Regions, and Transport.

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Title *[Repealed]*

Title: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

1 Short Title and commencement

(1) This Act may be cited as the Government Roading Powers Act 1989.

(2) This Act shall come into force on 1 October 1989.

Section 1(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

Agency means the New Zealand Transport Agency established under section 93 of the Land Transport Management Act 2003

Auckland Harbour Bridge means the bridge structure across the Waitemata Harbour, Auckland, between Birkenhead and Westhaven, that carries the road between the State Highway route positions 01N-0414/09.02 and 01N-0414/10.82, and includes all associated road approaches and on-ramps and off-ramps, but does not include—

(a) any land or water over which the bridge passes on a structure where there is air space between the land or water and the structure:

(b) any building, structure, or other work not forming part of the bridge (which includes any building, structure, or work exclusively used for purposes other than the carriage of motor vehicles) or not forming part of such road approaches, on-ramps, or off-ramps

Commissioner means the Commissioner of Police

council-controlled organisation means a council-controlled organisation within the meaning of the Local Government Act 2002

Crown Bank Account has the same meaning as in the Public Finance Act 1989

excise duty means excise duty payable on motor spirits, compressed natural gas, and liquefied petroleum gas under the Customs and Excise Act 2018

financial year, in relation to the Agency, means the period of 12 months commencing on 1 July in any year and ending with the close of 30 June in the next year

land transport has the same meaning as in section 5 of the Land Transport Management Act 2003

local authority means a local authority within the meaning of the Local Government Act 2002

local road means any road (other than a State highway) in the district of a territorial authority

Minister means the Minister of Transport

Ministry means the Ministry of Transport

motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

motorway—

(a) means a motorway declared as such by the Governor-General in Council under section 138 of the Public Works Act 1981 or under section 71 of this Act; and

(b) includes all bridges, drains, culverts, or other structures or works forming part of any motorway so declared; but

(c) does not include any local road, access way, or service lane (or the supports of any such road, way, or lane) that crosses over or under a motorway on a different level

regional council means a regional council within the meaning of the Local Government Act 2002

regional land transport committee means a regional land transport committee established under section 178 of the Land Transport Act 1998

road means, subject to sections 43(1), 51(1), 54(1), and 55, any road as defined in section 315(1) of the Local Government Act 1974; and **roading** has a corresponding meaning

Secretary means the Secretary for Transport

State highway has the same meaning as in section 5 of the Land Transport Management Act 2003

territorial authority means a territorial authority within the meaning of the Local Government Act 2002

traffic officer means an enforcement officer under the Land Transport Act 1998

year means the financial year of the Board.

(2) *[Repealed]*

(3) *[Repealed]*

(4) Every reference in this Act to a road or a State highway shall, unless the context otherwise requires, include the land on which the road or State highway exists, and shall also include all bridges, culverts, ferries, fords, signs, signals, barriers, or other structures forming or intended by the territorial authority or the Agency to form part of the road, State highway, or land.

(5) For the purposes of exercising any function or performing any power in relation to the construction, maintenance, financial assistance, or control under

this Act, the Agency may from time to time determine, either generally or in relation to any specified road or to any portion or side of any specified road, what part of a road is a carriageway, footway, water table, drain, dividing strip, traffic island, safety zone, plantation, verge, shoulder, parking space, curb, channel, or other thing, and every such determination of the Agency is final but may at any time be amended or revoked by the Agency.

(6) A determination by the Agency for the purposes of subsection (5) in relation to any road or portion of a road may be made by express resolution of the Agency or by way of approval of a plan that delineates the several parts of the road or portion of the road.

(7) All references to a main highway in any other Act or the Land Transport Management Act 2003, or in any regulation, rule, bylaw, order, or other enactment, or in any contract, agreement, deed, instrument, application, licence, notice, declaration, or other document whatsoever shall, unless inconsistent with the context or with the provisions of this Act, be read as references to a State highway.

Compare: 1953 No 118 s 2

Section 2(1): replaced, on 1 July 1996, by section 13(1) of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 2(1) **administration**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **Agency**: inserted, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **approved**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **approved safety (administration) programme**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **Auckland Harbour Bridge**: inserted, on 3 June 2017, by section 4(1) of the Statutes Repeal Act 2017 (2017 No 23).

Section 2(1) **Authority**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **Board**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **capital project**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **competitive pricing procedure**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **council-controlled organisation**: inserted, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **Director of Land Transport**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **Director of Land Transport Safety**: repealed, on 1 December 2004, by section 19(1) of the Land Transport Management Amendment Act 2004 (2004 No 97).

Section 2(1) **district roading programme**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **employee of the Board**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **excise duty**: replaced, on 1 October 1996, by section 289(1) of the Customs and Excise Act 1996 (1996 No 27).

Section 2(1) **excise duty**: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 2(1) **fees and charges**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **financial year**: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **land transport**: replaced, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **Land Transport Authority**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **Land Transport Safety Authority**: repealed, on 1 December 2004, by section 19(1) of the Land Transport Management Amendment Act 2004 (2004 No 97).

Section 2(1) **local authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **local authority trading enterprise**: repealed, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **motor vehicle**: inserted, on 3 June 2017, by section 4(1) of the Statutes Repeal Act 2017 (2017 No 23).

Section 2(1) **national land transport strategy** or **strategy**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **national roading programme**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **National Roads Account** or **Account**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **outputs**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **passenger service**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **passenger transport company**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **passenger transport operation**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **performance agreement**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **planning, design, and supervision**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **regional council**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **regional land transport committee**: amended, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 2(1) **regional land transport strategy**: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **regional programme**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **registered service**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **safety (administration)**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **safety (administration) programme**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **State highway**: replaced, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(1) **State Highways Account**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **State highways programme**: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(1) **territorial authority**: replaced, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 2(1) **traffic officer**: replaced, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 2(2): repealed, on 1 July 1996, by section 13(2) of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 2(3): repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 2(4): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(5): replaced, on 1 July 1996, by section 13(4) of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 2(5): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(6): replaced, on 1 July 1996, by section 13(4) of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 2(6): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 2(7): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

3 Act to bind the Crown

This Act shall bind the Crown.

3A Act is land transport Act

(1) This Act is a land transport Act under section 2(1) of the Land Transport Act 1998.

(2) This has the effect that—

(a) transport instruments may be made for the purposes of this Act under section 168G of that Act; and

(b) enforceable undertakings may be given for the purposes of this Act in accordance with section 112A of that Act; and

(c) a land transport record may be required to be created for the purposes of this Act in accordance with section 200B of that Act.

(3) This section is intended as a guide only and is not an exhaustive statement as to the effects of this Act being a land transport Act under that Act.

Section 3A: inserted, on 1 April 2021, by section 56(2) of the Regulatory Systems (Transport) Amendment Act 2021 (2021 No 9).

Part 1A
Transfund New Zealand

[Repealed]

Part 1A: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3A Constitution of Transfund New Zealand

[Repealed]

Section 3A: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3B Principal objective of Board

[Repealed]

Section 3B: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3C Functions and powers of Board

[Repealed]

Section 3C: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3D Functions and powers of Board in relation to alternative forms of transport

[Repealed]

Section 3D: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3E Board to have powers of natural person

[Repealed]

Section 3E: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3F Board to comply with policy directions

[Repealed]

Section 3F: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3G Use of words Transfund New Zealand

[Repealed]

Section 3G: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3H Board to consider delegating or contracting out functions and powers

[Repealed]

Section 3H: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3I Delegation of Board's functions or powers to employees of Board

[Repealed]

Section 3I: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

3J Delegation of Board's functions or powers to persons outside Board

[Repealed]

Section 3J: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Part 1
Transfund and Transit

[Repealed]

Part 1: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Overview

[Repealed]

Heading: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

4 Overview

[Repealed]

Section 4: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Governance

[Repealed]

Heading: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

5 Transfund

[Repealed]

Section 5: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

6 Transit

[Repealed]

Section 6: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

7 Functions, duties, and powers

[Repealed]

Section 7: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

7A Authority to have powers of natural person

[Repealed]

Section 7A: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

7B Completion of performance agreements by Board and Authority

[Repealed]

Section 7B: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

7C Authority to consider delegating or contracting out functions and powers

[Repealed]

Section 7C: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

7D Delegation of Authority's functions or powers to employees of Authority

[Repealed]

Section 7D: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

7E Delegation of Authority's functions or powers to persons outside Authority

[Repealed]

Section 7E: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Land transport funding

[Repealed]

Heading: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

8 Funding system

[Repealed]

Section 8: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Part 2
Funding of capital projects and outputs

[Repealed]

Part 2: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Land transport funding

[Repealed]

Heading: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

9 Payment of roading revenue to Crown Bank Account

[Repealed]

Section 9: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

10 Crown's authority to incur certain land transport expenditure

[Repealed]

Section 10: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

11 Payment of roading revenue into Crown Bank Account

[Repealed]

Section 11: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

12 Payment of roading revenue from Crown Bank Account

[Repealed]

Section 12: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

National Roads Account

[Repealed]

Heading: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

13 Board to operate National Roads Account

[Repealed]

Section 13: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

14 Management and investment of National Roads Account

[Repealed]

Section 14: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

15 Payments from National Roads Account

[Repealed]

Section 15: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

16 Payments by Board

[Repealed]

Section 16: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

17 Board may approve outputs and capital projects

[Repealed]

Section 17: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

18 Approved projects to form part of national roading programme

[Repealed]

Section 18: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Payments from National Roads Account to Authority

[Repealed]

Heading: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

19 Payments to Authority

[Repealed]

Section 19: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

20 Authority to operate State Highways Account

[Repealed]

Section 20: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

20A Special provisions relating to minor and ancillary road works, and in-house professional services

[Repealed]

Section 20A: repealed, on 1 July 1996, by section 18(1) of the Transit New Zealand Amendment Act 1995 (1995 No 42).

21 Management and investment of State Highways Account

[Repealed]

Section 21: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

21A Recovery of incorrect payments

[Repealed]

Section 21A: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

22 Payments from State Highways Account

[Repealed]

Section 22: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Payments from National Roads Account to local authorities

[Repealed]

Heading: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

23 Payments to local authorities

[Repealed]

Section 23: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

24 Local authorities to operate Land Transport Disbursement Accounts

[Repealed]

Section 24: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Restrictions on payments from State Highways Account and Land Transport Disbursement Accounts

[Repealed]

Heading: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

25 Interpretation

[Repealed]

Section 25: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

26 Competitive pricing procedure

[Repealed]

Section 26: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

27 Expenditure subject to competitive pricing procedure

[Repealed]

Section 27: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

27A Regional land transport committees

[Repealed]

Section 27A: repealed, on 1 July 1996, by section 18(1) of the Transit New Zealand Amendment Act 1995 (1995 No 42).

28 Special provisions relating to in-house professional services

[Repealed]

Section 28: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

29 Special provisions relating to minor and ancillary works during 1997 and 1998

[Repealed]

Section 29: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

30 Certain payments for minor and ancillary works deemed to comply with section 27

[Repealed]

Section 30: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

31 Information to be provided by local authority in respect of certain payments

[Repealed]

Section 31: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

32 Determinations by Minister

[Repealed]

Section 32: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

33 Board may reduce payments in certain cases

[Repealed]

Section 33: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

34 Board may require certain information from Authority and local authorities

[Repealed]

Section 34: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

35 Payments may be conditional on projects being carried out to satisfactory standard

[Repealed]

Section 35: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

36 Certain payments prohibited

[Repealed]

Section 36: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Part 3
Safety (administration) and roading programmes

[Repealed]

Part 3: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Safety (administration) programme

[Repealed]

Heading: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

37 Safety (administration) programme

[Repealed]

Section 37: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

38 Approval of safety (administration) programme

[Repealed]

Section 38: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

39 Agencies to adhere to safety (administration) programme

[Repealed]

Section 39: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

40 Secretary to make safety (administration) programme available to public

[Repealed]

Section 40: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

41 Secretary may submit supplementary safety (administration) programme

[Repealed]

Section 41: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42 Minister may approve supplementary safety (administration) programme

[Repealed]

Section 42: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

National roading programme

[Repealed]

Heading: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42A National roading programme

[Repealed]

Section 42A: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42B Agencies to adhere to national roading programme

[Repealed]

Section 42B: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42C Board to make national roading programme available to public

[Repealed]

Section 42C: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

State highways, regional, and district roading programmes

[Repealed]

Heading: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42D State highways programme

[Repealed]

Section 42D: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42E Consultation concerning State highways programme

[Repealed]

Section 42E: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42F Regional programmes

[Repealed]

Section 42F: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42G Consultation concerning regional programmes

[Repealed]

Section 42G: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42H District roading programmes

[Repealed]

Section 42H: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42I Consultation concerning district roading programmes

[Repealed]

Section 42I: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42J Provision of information

[Repealed]

Section 42J: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42K Needs of transport disadvantaged to be considered

[Repealed]

Section 42K: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42L Maori interests to be considered

[Repealed]

Section 42L: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Miscellaneous provisions

[Repealed]

Heading: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42M Agreements regarding passenger transport operations

[Repealed]

Section 42M: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

42N Reports on projects and programmes

[Repealed]

Section 42N: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Part 4
Roading

43 Interpretation

(1) In this Part,—

Crown land means all land included within that term in the Land Act 1948, except lands held or occupied by any person under the Crown on deferred payment, occupation with right of purchase, perpetual lease, lease in perpetuity, renewable lease, or under any other kind of lease or licence, or for any other estate or interest

drain means a passage, channel, or pipe on, over, or under the ground for the reception and discharge of stormwater or pollutants, whether continuously or intermittently

Environment Court means the Environment Court continued under the Planning Act 2026

Government work means a work or an intended work that is to be constructed, undertaken, established, managed, operated, or maintained by or under the control of the Crown or any Minister of the Crown for any public purpose

land includes any estate or interest in land

notice means a statement conveying the general effect of a matter or thing done or intended to be done

public work and **work** mean every Government work or local work that the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain, and every use of land for any Government work or local work which the Crown or any local authority is authorised to construct, undertake, establish, manage, operate, or maintain by or under this or any other Act; and include anything required directly or indirectly for any such Government work or local work or use

road means a public highway, whether carriageway, bridle path, or footpath; and includes the soil of—

(a) Crown land over which a road is laid out and marked on the record maps:

(b) land over which right of way has in any manner been granted or dedicated to the public by any person entitled to make such grant or dedication:

(c) land taken for road under the provisions of this Act, the Public Works Act 1981, or any other Act or Provincial Ordinance formerly in force:

(d) land over which a road has been or is in use by the public which has been formed or improved out of the public funds, or out of the funds of any former province, or out of the ordinary funds of any local authority, for the width formed, used, agreed upon, or fenced, and a sufficient plan

of which, approved by the Surveyor-General, has been or is hereafter registered by the District Land Registrar against the properties affected by it; and the Registrar is hereby authorised and required to register any such plans accordingly, anything in any other Act notwithstanding, when the plans are presented for registration by or on behalf of the Minister:

(e) land over which any road, notwithstanding any legal or technical informality in its taking or construction, has been taken, constructed, or used under the authority of the Government of any former province, or of any local authority, and a sufficient plan of which is registered in the manner provided for in paragraph (d),—

and, unless repugnant to the context, includes all roads which have been or may hereafter be set apart, defined, proclaimed, or declared roads under any law or authority for the time being in force, and all bridges, culverts, drains, ferries, fords, gates, buildings, and other things thereto belonging, upon the line and within the limits of the road

stopping, in relation to a road, includes diverting

Surveyor-General means the Surveyor-General appointed under section 5 of the Cadastral Survey Act 2002

urban area means any area within the boundaries of any district within the meaning of the Local Government Act 2002 that immediately before 1 November 1989 was or formed part of any borough, town district, or community as those terms were then defined in that Act

working day means any day of the week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(ab) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and

(b) any day in the period commencing with 25 December in any year and ending with 15 January in the following year.

(2) Where land is taken or acquired under the Public Works Act 1981 for the functioning indirectly of any road, the land so taken or acquired shall not constitute a road for the purposes of frontage to any land; and no person shall have any right of access to, on, under, over, or through the land so taken or acquired without the consent of the authority taking or acquiring the land.

Compare: 1981 No 35 s 121

Section 43(1) **Chief Surveyor**: repealed, on 30 November 2022, by section 60(1) of the Statutes Amendment Act 2022 (2022 No 75).

Section 43(1) **District Land Registrar**: repealed, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 43(1) **Environment Court**: replaced, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 43(1) **Environment Court**: amended, on 1 October 2026, by section 343(1) of the Planning Act 2026 (2026 No 70).

Section 43(1) **Planning Tribunal**: repealed, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 43(1) **road** paragraph (c): amended, on 31 August 1990, by section 4 of the Transit New Zealand Amendment Act 1990 (1990 No 122).

Section 43(1) **road** paragraph (d): amended, on 30 November 2022, by section 60(2) of the Statutes Amendment Act 2022 (2022 No 75).

Section 43(1) **Surveyor-General**: inserted, on 30 November 2022, by section 60(3) of the Statutes Amendment Act 2022 (2022 No 75).

Section 43(1) **urban area**: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

Section 43(1) **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

Section 43(1) **working day** paragraph (ab): inserted, on 1 January 2014, by section 8 of the Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19).

Roads

44 Certain roads vested in Crown

All Government roads declared as such under this Act, the Public Works Act 1981, or any former Public Works Act and, subject to section 316 of the Local Government Act 1974, all roads outside urban areas declared as State highways under the National Roads Act 1953, all roads outside urban areas declared as State highways under this Act, and all roads outside urban areas declared as State highways under the Land Transport Management Act 2003, and the soil thereof, are hereby declared to be vested in the Crown, together with all materials and things of which such roads are composed, or which are capable of being used for the purposes thereof, and which are constructed, placed, or laid upon any such road.

Compare: 1981 No 35 s 122

Section 44: amended, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

45 Provisions relating to construction of motorways to apply to roads constructed pursuant to middle line

[Repealed]

Section 45: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

46 Minister may make roads and declare Government or district roads

(1) The Minister may construct or repair any road within any part of New Zealand, but such road shall not by reason only of such construction or repair become a Government road.

(2) The Minister may, by notice in the *Gazette*, declare that any road shall be a Government road, and that road shall become a Government road accordingly.

(3) The Minister may in the same manner declare that any road constructed or controlled by the Minister within the district of a territorial authority shall be under the control and management of that territorial authority, and thereupon that road shall be deemed to be a road within the meaning of section 315 of the Local Government Act 1974.

(4) The powers conferred on the Minister under this section may be exercised from time to time, and any notice made under this section may at any time be revoked in whole or in part or amended.

(5) The Minister shall have the full power of control of all Government roads.

Compare: 1981 No 35 s 124

Section 46(3): amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

47 Roads in areas where no territorial authority exists, etc

(1) All roads in any area or district for which the Minister of Local Government is the territorial authority and which are not State highways shall be deemed to be Government roads under the control of the Minister.

(2) Nothing in subsection (1) shall apply to any road under the control of a Harbour Board.

Compare: 1981 No 35 s 125

48 Powers of Minister over roads under Minister's control

(1) All rights and powers vested in any local authority under sections 331, 332, 334, 335, 337 to 341, and 353 of the Local Government Act 1974, and all rights and powers vested in any local authority in relation to roads under any other Act, may, in respect of any Government road, be exercised by the Minister.

(2) The Minister may from time to time make bylaws with respect to any Government road on the subject matters referred to in section 22AB(1) of the Land Transport Act 1998.

(2A) Bylaws under subsection (2) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(3) The Minister shall have power to do all things necessary to construct and maintain in good repair any road under the Minister's control, and in particular, but without limiting any power conferred on the Minister elsewhere in this Act, to do the following things:

(a) to alter the line of any road, but a new line of road shall not be laid out by the Minister without the written consent of those persons whose written consent would be required under section 114(2) of the Public Works Act 1981 if the land were to be declared to be a road:

(b) to increase or diminish the width of any road:

(c) to determine what part of a road shall be a carriageway and what part a cycle track or footpath only:

(d) to construct, erect, dig, or grow on any road or remove from it, such barriers, dividing strips, guide or sign posts, pillars, or other markers, trees, hedges, lawns, gardens, and other devices, as may in the opinion of the Minister be necessary or desirable:

(e) to place or construct temporarily or permanently on any carriageway any reasonable device or thing for the purpose of controlling vehicle speeds, if it is desirable for the safety of road workers, or users of the road or members of the public, or to protect any part of the road:

(f) to place or construct, or allow to be placed or constructed, on any road clear of the carriageway any road-making or maintenance materials, plant and equipment, traffic weigh stations, traffic control aids, and stations, facilities, and amenities for road users:

(g) to alter the level of any road:

(h) to stop, divert, or otherwise control the traffic upon any road temporarily while any work or investigation is being undertaken or for the structural protection of any part of the road:

(i) to close to traffic any road, or any part of a road, for such period as the Minister considers necessary to execute repairs or to remove any obstruction:

(j) to enter on any land and make such ditches, drains, and conduits as may be required to drain water from any road, and to keep such ditches, drains, and conduits open at all times for the flow of water; and to erect floodgates therein and to open or close them as the Minister thinks fit, doing as little damage as possible:

(k) to exercise the powers given by section 74 as if the road were a motorway:

(l) to enter on any land so as to gain access to other land for the purposes of this subsection:

(m) to enter on any land and to remove from any culvert, river, stream, lake, or other water, any material which may be lodged in its bed or against its banks or against any bridge, dam, ford, or weir, and which may impede the free flow of water in its natural channel whereby any part of a road under the Minister's control may be damaged.

(3A) Before exercising any power under subsection (3) that will or is likely to interfere with any pipe, line, or other work associated with wastewater or the supply of water, electricity, gas, or telecommunications, the Minister (or an officer of the Agency acting on the Minister's behalf) must give not less than 10 working days' notice in writing of the proposed interference to the owner of the pipe, line, or other work, except in the case of any emergency or danger.

(4) Entry shall not be made under subsection (3) without the consent of the owner or occupier, if the land is within the curtilage of a dwelling or other building, or is within a stockyard, orchard, vineyard, plant nursery, shelter belt, airstrip, garden, or shrubbery.

(5) Before entering on any land pursuant to any power conferred by subsection (3), the Minister or an officer of the Agency acting on the Minister's behalf shall (except in the case of any emergency or danger) give to the owner and to the occupier of the land not less than 10 working days' notice in writing of the intention to enter, and shall state in that notice—

(a) a description of the land affected; and

(b) the nature of any work to be carried out; and

(c) the type of any material required; and

(d) the approximate quantity of any material required; and

(e) the use proposed to be made of any material to be removed; and

(f) how and when entry is to be made; and

(g) a statement of the owner's or occupier's rights under subsection (6); and

(h) the estimated amount of compensation to which the owner or occupier would be entitled under this or any other Act.

(6) The owner or occupier may, within 10 working days after receiving such a notice and after giving notice to the Minister or officer of the owner's intention to do so, apply to the court, and the court may thereupon summon the Minister or officer to appear before the court at a time and place to be named in the summons.

(6A) The application must be made to—

(a) the District Court, unless paragraph (b) applies:

(b) the Maori Land Court, if the application relates only to Maori land (as defined by section 4 of Te Ture Whenua Maori Act 1993).

(7) If it appears to the court that the use proposed to be made of the land is unreasonable or unnecessary, the court may—

(a) order that the land in question shall not be occupied or used, or shall not be occupied or used in the manner proposed; or

(b) direct that the land be occupied and used or material taken from it in such manner and subject to such limitations and restrictions as it thinks fit—

and all persons concerned shall be bound by any such order.

(7A) The court to which an application is made may refer any proceedings resulting from the application, or any question in those proceedings, to the other court referred to in subsection (6A) if it considers that the proceedings or question would be more appropriately dealt with by the other court.

(7B) The court may refer the proceedings or question on its own initiative or on application by a party to the proceedings.

(7C) Any appeal from an order or a direction made under subsection (7) must be made to the High Court (even for an order or a direction of the Maori Land Court).

(8) Nothing in this section (other than any provision of this section that is relied on in an emergency) shall derogate from the provisions of the Resource Management Act 1991.

Compare: 1981 No 35 s 126

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable	LA19 s 115

This note is not part of the Act.

Section 48(2): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 48(2): amended, on 17 December 2016, by section 52 of the Statutes Amendment Act 2016 (2016 No 104).

Section 48(2A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 48(3A): inserted, on 6 August 2010, by section 22 of the Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99).

Section 48(5): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 48(6): amended, on 6 February 2021, by section 88(1) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 48(6A): inserted, on 6 February 2021, by section 88(2) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 48(7A): inserted, on 6 February 2021, by section 88(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 48(7B): inserted, on 6 February 2021, by section 88(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 48(7C): inserted, on 6 February 2021, by section 88(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 48(8): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

49 Powers of Minister in regard to swing gates and cattle stops on roads

For the purpose of erecting or removing any swing gate or cattle stop across any Government road, the provisions of section 344 of the Local Government Act 1974 shall apply as if references in that section to the council were references to the Minister.

Compare: 1981 No 35 s 127

50 Owner or occupier of land not to cause damage to bridge by removal of stone, etc

(1) The Agency (in the case of a bridge or culvert under its control) and the Minister (in the case of a bridge or culvert under the Minister's control) may give to the owner or to the occupier of any land situated within 200 metres of any such bridge or culvert and abutting upon any river or stream, notice in writing not to remove or permit to be removed any stone, earth, or other material from any part of his or her land in such manner as may be likely to cause damage to the bridge or culvert.

(2) Nothing in subsection (1) shall apply in respect of any mining operations carried out pursuant to a mining permit within the meaning of the Crown Minerals Act 1991.

(3) Any person dissatisfied with the requirements of any such notice may, within 10 working days after receiving it, appeal against the requirements to the court.

(3A) The appeal must be made to—

(a) the District Court, unless paragraph (b) applies:

(b) the Maori Land Court, if the appeal relates only to Maori land (as defined by section 4 of Te Ture Whenua Maori Act 1993).

(4) Every person so appealing, and the Agency or Minister, either personally or by their counsel, shall be entitled to be present and to be heard at the hearing of the appeal.

(5) On hearing the appeal the court may confirm, cancel, or vary the notice as it thinks fit.

(5A) The court to which an appeal is made may refer any proceedings resulting from the appeal, or any question in those proceedings, to the other court referred to in subsection (3A) if it considers that the proceedings or question would be more appropriately dealt with by the other court.

(5B) The court may refer the proceedings or question on its own initiative or on application by a party to the proceedings.

(5C) Any further appeal from the court's decision must be made to the High Court (even for a decision of the Maori Land Court).

(6) Any person who fails to comply with the requirements of a notice given under this section commits an offence and is liable on conviction to a fine not exceeding $500.

Compare: 1981 No 35 s 128

Section 50(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 50(2): replaced, on 1 October 1991, by section 121 of the Crown Minerals Act 1991 (1991 No 70).

Section 50(3): amended, on 6 February 2021, by section 89(1) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 50(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 50(3A): inserted, on 6 February 2021, by section 89(2) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 50(4): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 50(5A): inserted, on 6 February 2021, by section 89(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 50(5B): inserted, on 6 February 2021, by section 89(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 50(5C): inserted, on 6 February 2021, by section 89(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 50(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

51 Penalties for damage to roads, bridges, etc

(1) In this section the expression **road** means a State highway or a road under the control of the Minister; and includes any work or thing in, on, over, or under a road.

(2) Every person commits an offence who, without the written permission of the Agency (in the case of a State highway) or of the Minister (in the case of a road under the Minister's control),—

(a) encroaches on a road by making or erecting any building, fence, pole, ditch, or other obstacle or work of any kind upon, over, or under the road, or by planting any tree or shrub on it; or

(b) places or leaves on a road any machinery, timber, stones, earth, or other material; or

(c) digs up, removes, or alters in any way the soil or surface of a road; or

(d) damages, removes, or alters any gate or cattle stop lawfully erected across any road; or

(e) causes or allows any water, tailings, or sludge, or any offensive matter, to flow from any vehicle, building, or land under the person's control or in the person's occupation on to a road, or into any ditch or drain associated with the road, whether or not on the road; or

(f) causes or allows any material or thing to fall on to a road from any vehicle to the danger of lawful road users; or

(g) paints, marks, gouges, or otherwise disfigures any part of a road; or

(h) wilfully or negligently causes or allows any substance harmful to sealed or paved road surfaces, or likely to create a danger to vehicles on such surfaces, to escape onto any road having a sealed or paved surface; or

(i) causes or permits any material (whether or not part of a vehicle), not being wholly raised above the ground on wheels, to be dragged on a road; or

(j) fills up, alters, or obstructs any ditch, drain, pipe, culvert, or soakpit, whether on or under the road or elsewhere, made by or under the authority of the controlling authority of the road; or

(k) digs up or removes any stone, gravel, sand, or other material from a riverbed within 50 metres of a bridge, dam, ford, or weir forming part of a road; or

(l) causes or negligently allows any foundation, retaining structure, wall, or fence erected on any land, or any earth batter or slope, or any building, erection, material or thing, to give way or fall so as to damage or obstruct a road; or

(m) does or causes or permits to be done any act whatever by which any damage or obstruction is caused to a road,—

and is liable on conviction to a fine not exceeding $1,000 and to a further fine not exceeding $50 for each day or part of a day during which the offence is continued.

(3) Every person who commits an offence against this section may, in addition to any penalty for the offence, be ordered by the court to pay the cost incurred by the Agency or the Minister in removing any such encroachment, obstruction, hazard, disfigurement, or matter, or in repairing any such damage.

(4) A fine shall not be imposed, and an order for payment of costs incurred shall not be made, under this section unless the charging document is filed—

(a) by authority of the Agency or of the Minister or of the Commissioner; or

(b) by an officer of the Agency or an employee of the Ministry or a traffic officer or a constable.

(5) Any permission under this section may be given subject to such conditions and payment of rent as the Agency or Minister thinks fit, and unless otherwise agreed may be revoked without compensation on not less than 3 months' notice in writing.

Compare: 1981 No 35 s 129

Section 51(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 51(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 51(2): amended, on 29 July 1995, by section 6(1) of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 51(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 51(4): replaced, on 29 July 1995, by section 6(2) of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 51(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 51(4)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 51(4)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 51(5): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

52 Notice to be given of local authority works

(1) Any local authority or other person having lawful power to execute or maintain works on, under, or over any road shall not commence any works or maintenance—

(a) on any State highway, without the consent of the Agency; or

(b) on any Government road, without the consent of the Minister; or

(c) on any road (including any State highway) under the control of a local authority, without the consent of the local authority.

(2) Any consent under subsection (1) may be given subject to such conditions as the Agency or the Minister or the local authority thinks fit for the protection and safety of the public or of the State highway, Government road, or road.

(2A) The Agency and the Minister must each publish, on a publicly available Internet site, the criteria that the Agency and the Minister respectively will apply when considering whether to give consent under this section, and must apply those criteria when considering whether to give consent.

(3) Nothing in this section shall apply to—

(a) the maintenance of any work on any part of the road other than the carriageway; or

(b) the immediate repair to or reconstruction of any work if that repair or reconstruction is required as a result of an earthquake, flood, landslide, or other emergency.

(4) This section does not prevail over any provision in the Electricity Act 1992, the Gas Act 1992, or the Telecommunications Act 2001 that relates to works or maintenance on, under, or over a road.

Compare: 1981 No 35 s 130

Section 52(1)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 52(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 52(2A): inserted, on 6 August 2010, by section 23(1) of the Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99).

Section 52(4): inserted, on 6 August 2010, by section 23(2) of the Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99).

53 Poles, etc, on roads to be adjacent to boundaries

(1) Notwithstanding anything to the contrary in any Act or rule of law but subject to paragraph (d), a pole or tower (other than a lighting standard required solely for effective road illumination or a support for a traffic sign or signal) shall not be erected or re-erected on any road outside the urban area of a district of a territorial authority otherwise than adjacent to the frontage line of the land adjoining the road, or as near thereto as is practicable, having regard to—

(a) the desirability of any cross-arms and wires not encroaching over the adjoining land:

(b) the necessity of ensuring that any telecommunications line or electricity transmission line is not susceptible to instability or to damage by, or interference from, natural causes, or trees or structures or other lines or transmission lines:

(c) the necessity of ensuring that any such line or transmission line is reasonably accessible for repair and maintenance:

(d) the necessity of complying with any other enactment by which express provision is made as to the distance of any pole or tower from any other thing, or as to the distance between poles or towers that support different lines or transmission lines.

(2) Subsection (1) shall not apply in any case—

(a) when the Agency determines (after consultation with the authority having control of the road and the authority proposing to erect or re-erect a pole or tower) that the proposed position of any pole or tower, although not complying with that subsection, is such that the pole or tower will not be dangerous to vehicles and persons in them using any road; or

(b) if, in the public interest, it is essential that any pole or tower be re-erected without delay; or

(c) if, because of technical difficulties or disproportionate costs, it is not practicable to re-erect a pole or tower otherwise than in its previous position.

Compare: 1981 No 35 s 131

Section 53(2)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

54 Removal of roadside structures

(1) In this section, unless the context otherwise requires,—

controlling authority, in relation to any road, means the authority in which is vested the control of the road; and includes the Minister or the Agency, as the case may be, where the control of the road is vested in the Minister or the Agency

road includes any motorway or service lane

structure means any tower, pole, or post lawfully upon or in or over a road or any pipes, cables, chambers, drains, or other services lawfully under a road; and includes any equipment that must be removed with the structure if the structure is removed; but does not include—

(a) any part of a bridge or culvert:

(b) any fence, gate, or cattle stop erected in accordance with this Act or the Local Government Act 1974:

(c) anything provided for the assistance or control of traffic:

(d) any structure that was erected when the land was not a road

utility authority, in relation to any structure, means the Crown, or any Minister of the Crown, local authority, company, or person lawfully authorised to construct, maintain, utilise, or use the structure.

(2) Where any structure has been erected upon, in, over, or under any road by any utility authority, either before or after the commencement of this Act, and the controlling authority has by notice in writing to the utility authority or to a responsible officer of it required the removal of the structure because—

(a) it is, or is likely to become, dangerous to vehicles and persons in them using the road; or

(b) it is in the way of any work undertaken or proposed for the improvement of the road; or

(c) the controlling authority desires its removal from under the road for the purposes of any work undertaken or proposed for the improvement of the road,—

the utility authority shall remove the structure within such period as may be specified in the notice.

(3) Where any structure that has been erected upon, in, over, or under any road by any utility authority, either before or after the commencement of this Act, is unsafe or is likely to become unsafe because of any work undertaken or proposed to be undertaken for the improvement of the road as a public highway, the utility authority, after giving at least 5 working days' notice in writing to the controlling authority of its intention to do so, may remove the structure.

(4) Subject to any agreement to the contrary, the reasonable costs incurred by a utility authority in so removing any structure and (where reasonably necessary) in re-erecting the structure (or an equivalent structure provided by the utility authority at its expense), including compensation payable to the owners and occupiers of the alternative site and a reasonable sum for proper overhead charges, shall, subject to subsection (5), be borne by the controlling authority and the utility authority in equal shares, and the amount payable to the utility authority may be recovered as a debt.

(5) A controlling authority or a utility authority may apply to the District Court to vary the proportions in which the costs and compensation shall be borne; and, in exceptional circumstances where it is reasonable to do so, the District Court may, after hearing the parties, vary those proportions, and the decision of the District Court shall be final and binding on all parties.

(6) Any dispute as to—

(a) the length of the period within which any structure is required to be so removed; or

(b) whether any structure is or is likely to become dangerous to vehicles and persons in them using a road; or

(c) whether any structure is unsafe or likely to become unsafe because of any work undertaken or proposed to be undertaken for the improvement of the road; or

(d) where a structure removed under this section (or any equivalent structure) may be re-erected or placed in relation to the road—

shall be heard and determined by the District Court on application made to it in that behalf; and the decision of the District Court shall be final and binding on all parties. The costs and expenses of determining any dispute under this subsection shall be borne as the District Court may direct.

(7) Notwithstanding anything to the contrary in subsection (6), the period within which any structure is required to be so removed may from time to time be extended by agreement between the parties or by the District Court on application made to it in that behalf.

(8) If the utility authority, after receiving notice under subsection (2), fails within the period so determined to remove the structure that is the subject of the notice, the controlling authority, after giving 10 working days' further notice of its intention to do so, may apply to the District Court for an order requiring the utility authority to remove the structure within such period as may be specified

in the order; and in any such case, if the District Court orders the removal of the structure, the whole cost of carrying out the removal and re-erection of the structure shall be borne by the utility authority and shall be recoverable from it by the controlling authority as a debt.

(9) Nothing in the Limitation Act 2010 or in any other Act or any rule of law shall cause or be deemed to have caused the right or title of the controlling authority of the road or of the authority in which the road is vested to be extinguished by reason of the road being occupied by any structure, and nothing in this or in any other Act or any rule of law shall entitle any utility authority to compensation otherwise than under this section for the removal of any structure from any road or in respect of the re-erection of any such structure (or equivalent structure), or in respect of any alteration of any road that necessitates any such removal or re-erection.

Compare: 1981 No 35 s 132

Section 54(1) **controlling authority**: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 54(5): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 54(6): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 54(7): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 54(8): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 54(9): amended, on 1 January 2011, by section 58 of the Limitation Act 2010 (2010 No 110).

55 Removal of trees, hedges, etc, that obscure visibility or interfere with public work

(1) In this section and in sections 56 and 57, unless the context otherwise requires,—

cut down, in relation to any tree, hedge, or shrub, includes the total removal of the tree, hedge, or shrub

responsible authority, in relation to a public work, means—

(a) any Minister of the Crown who is responsible for the work, where the work is a Government work:

(b) the local authority which has financial responsibility for the work, where the work is a local work,—

and, in relation to a road, means the authority having control of the road

road includes a motorway, access way, and service lane.

(2) The responsible authority may require the owner or occupier of any land adjoining a road or public work to do any of the following things:

(a) to cut down, lower, or trim any tree, hedge, or shrub that is overhanging or overshadowing a road to such an extent as to damage the road, or to endanger or obstruct the lawful use of the road, or to be detrimental to the maintenance of the road and any associated drainage system:

(b) to cut down, lower, or trim any tree, hedge, or shrub, or remove any debris, if parts of it may be blown on to any road or public work or if it may otherwise interfere with the lawful use of the road or any public work:

(c) to cut down, lower, or trim any tree, hedge, or shrub on any land that is in such a position that it interferes with or is damaging, or is likely to interfere with or damage, any road or public work or the construction, operation, or maintenance of any road or public work:

(d) to cut down or grub up, and remove any tree, hedge, or shrub that is obstructing a road or its drainage system owing to the growth of any vegetation or the spreading of roots upon or under the road up to its middle line:

(e) to cut down, lower, or trim any tree, hedge, or shrub or to lower or remove any wall, fence, or other structure, that in the opinion of the responsible authority wholly or partially obscures visibility at any bend of a road, or at any road or railway crossing, or at any road intersection, or that causes any danger to the traffic on any road:

(f) to remove any structure that encroaches either wholly or partially on to a road or on to any land used for a public work, unless the encroachment has been authorised under section 51 and notice of termination has not been issued.

(3) Within 10 working days after service of a notice under subsection (2), the owner or occupier may apply to the court for an order setting aside the notice.

(3A) The application must be made to—

(a) the District Court, unless paragraph (b) applies:

(b) the Maori Land Court, if the application relates only to Maori land (as defined by section 4 of Te Ture Whenua Maori Act 1993).

(4) A copy of any such application shall be served on the responsible authority either before or immediately after it is lodged with the court.

(5) The Registrar of the court shall give notice of the time and place fixed for the hearing of the application to the applicant and the responsible authority, and they shall be entitled to be present and to be heard, either personally or by their counsel or by an officer of the responsible authority.

(6) On hearing the application, the court, whose decision shall be final, shall determine whether the notice should or should not be set aside, and in the former case the notice shall be deemed to be void.

(6A) The court to which an application is made may refer any proceedings resulting from the application, or any question in those proceedings, to the other court referred to in subsection (3A) if it considers that the proceedings or question would be more appropriately dealt with by the other court.

(6B) The court may refer the proceedings or question on its own initiative or on application by a party to the proceedings.

(7) Every person on whom a notice has been served under this section commits an offence against this Act if the person fails to comply with the requirement contained in the notice within 1 month after—

(a) the expiry of the time in which application may be made to a court, if the person has not exercised that right; or

(b) the date of the court's order, if an application to set aside the notice has been made and it has not been set aside; or

(c) the date on which any application to the court has been withdrawn by the applicant—

whichever is the later, and shall be liable on conviction to a fine not exceeding $500; and the responsible authority, by its employees or agents, may enter on the land in respect of which the requirement was made, carry out the required work, and recover the cost from the owner.

(8) All costs and expenses incurred by a responsible authority in carrying out any work under subsection (7) may be recovered from the person who failed to comply with the requirement as a debt due to the responsible authority.

(9) The power of entry conferred by subsection (7) may be exercised in addition to or instead of the filing of a charging document for an offence under that subsection.

Compare: 1981 No 35 s 133

Section 55(3): amended, on 6 February 2021, by section 90(1) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 55(3A): inserted, on 6 February 2021, by section 90(2) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 55(6A): inserted, on 6 February 2021, by section 90(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 55(6B): inserted, on 6 February 2021, by section 90(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 55(7): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 55(9): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

56 Service of notice

(1) If, under the provisions of section 55, a requirement is made by a responsible authority, the requirement shall be by notice in writing signed by any person appointed either generally or specially by the responsible authority for the

purpose of giving such notices and shall be served in accordance with section 4 of the Public Works Act 1981.

(2) If the notice is served by being published in a newspaper, the responsible authority shall also affix a copy of the notice upon a conspicuous part of the property in respect of which the notice is issued, or on some public road adjacent to it.

Compare: 1981 No 35 s 134

57 Emergency work on trees, etc

(1) Notwithstanding anything in section 55, if there is imminent danger to life or property, or a likelihood of serious interference with any road or public work, arising from any tree, hedge, plant, or debris, the responsible authority may, on giving such oral notice to the occupier or (if there is no occupier) the owner of the land on which the tree, hedge, plant, or debris is situated as is practicable in the circumstances, enter on the land and do such work as is necessary and sufficient to remove the danger or serious interference for such period as will be sufficient to enable the responsible authority to take action under section 55 in respect of any further work that may be necessary.

(2) If any responsible authority exceeds the powers conferred by this section or causes any unnecessary damage to be done, the work shall be deemed not to have been authorised by this section.

(3) If, under subsection (1), entry is made on any land without notice, advice that entry has been so made shall be given to the owner or occupier of the land as soon thereafter as is practicable, and if the owner or occupier cannot be found, the notice shall be displayed in a prominent place on the land.

(4) All costs and expenses incurred by a responsible authority in lawfully carrying out any work under this section may be recovered as a debt due to the responsible authority from the person who would have been liable to pay if the work had been done under section 55.

Compare: 1981 No 35 s 135

Access ways and service lanes

58 Minister may construct access ways and service lanes

(1) Subject to subsection (2) the Minister may, in accordance with the provisions of Part 21 of the Local Government Act 1974, from time to time lay out and construct proposed access ways and service lanes on land belonging to the Crown, and may in respect of such access ways and service lanes exercise all the powers, rights, duties, and authorities conferred on a council under that Part.

(2) An access way or service lane shall not be laid out or constructed on any land under subsection (1) without the written consent of—

(a) the lessee or licensee, if the land is held under lease or licence:

(b) the Minister of Railways, if the land is held for a railway:

(c) the Minister of Conservation, if the land is a public reserve or part of a public reserve:

(d) the Minister in charge of any department of State that administers the land:

(e) the Minister of Lands, if the land is Crown land.

(3) Where under any Act or other lawful authority the Crown is empowered to—

(a) take, purchase, accept dedication of, or otherwise acquire, any land for a road; or

(b) declare land as a road; or

(c) stop or close a road,—

that authority shall be deemed to include power to take, purchase, accept dedication of, or otherwise acquire, land for an access way or service lane, to declare land as an access way or service lane, or to stop or close an access way or service lane, as the case may be.

Compare: 1981 No 35 s 136

59 Control and management may be vested in territorial authority

The Minister may, by notice in the *Gazette*, declare that any access way or service lane constructed or controlled by the Minister within a district shall be under the control and management of the territorial authority of that district, and such access way or service lane shall thereupon be vested in that territorial authority.

Compare: 1981 No 35 s 137

State highways

60 Authority may declare State highways

[Repealed]

Section 60: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

61 Powers and duties of Agency in relation to State highways

(1) Subject to section 62, the Agency shall have the sole powers of control for all purposes, including construction and maintenance, of all State highways under this Act, and any such powers shall be exercisable only pursuant to this Act.

(2) All rights and powers vested in any local authority under sections 331, 332, 334, 335, 337 to 341, and 353 of the Local Government Act 1974, and all rights and powers vested in any local authority in relation to roads under any other Act, may in respect of any State highway be exercised by the Agency.

(2A) For the purpose of erecting any swing gate or cattle stop across any State highway, the provisions of section 344 of the Local Government Act 1974

shall apply as if references in that section to the council were references to the Agency.

(2B) Any pilot of an overweight or over dimension vehicle for which a permit has been issued by the Agency under regulations or rules made under the Land Transport Act 1998, who is authorised for the purpose by that permit, may stop other vehicles on any State highway under the control of the Agency where such action is necessary for the purposes of safety.

(3) The Agency may from time to time make bylaws with respect to any State highway on the subject matters referred to in section 22AB(1) of the Land Transport Act 1998.

(3A) Bylaws under subsection (3) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(4) The Agency shall have power to do all things necessary to construct and maintain in good repair any State highway, and in particular, but without limiting any power conferred on the Agency elsewhere in this Act, to do the following things:

(a) to alter the line of any State highway, but a new line shall not be laid out by the Agency without the written consent of those persons whose written consent would be required under section 114(2) of the Public Works Act 1981 if the land were to be declared to be a road:

(b) to increase or diminish the width of any State highway:

(c) to determine what part of a State highway shall be a carriageway and what part a cycle track or footpath only:

(d) to construct, erect, dig, or grow on any State highway, or remove from it, such barriers, dividing strips, guide or sign posts, pillars, or other markers, trees, hedges, lawns, gardens, and other devices, as may in the opinion of the Agency be necessary or desirable:

(e) to place or construct temporarily or permanently on any carriageway any reasonable device or thing for the purpose of controlling vehicle speeds, if it is desirable for the safety of road workers or users of the State highway, or members of the public, or to protect any part of the State highway:

(f) to place or construct, or allow to be placed or constructed, on any State highway clear of the carriageway any road-making or maintenance materials, plant and equipment, traffic weigh stations, traffic control aids, and stations, facilities, and amenities for State highway users:

(g) to alter the level of any State highway:

(h) to stop, divert, or otherwise control the traffic upon any State highway temporarily while any work or investigation is being undertaken or for the structural protection of any part of the State highway:

(i) to close to traffic any State highway, or any part of it, for such period as the Agency considers necessary to execute repairs or to remove any obstruction:

(j) subject to this section, to enter on any land and make such ditches, drains, and conduits as may be required to drain water from any State highway, and to keep such ditches, drains, and conduits open at all times for the flow of water; and to erect floodgates therein and to open or close them as the Agency thinks fit, doing as little damage as possible:

(k) to exercise the powers given by section 74 as if the State highway were a motorway:

(l) subject to this section, to enter on any land so as to gain access to other land for the purposes of this subsection:

(m) subject to this section, to enter on any land and to remove from any culvert, river, stream, lake, or other water, any material which may be lodged in its bed or against its banks or against any bridge, dam, ford, or weir, and which may impede the free flow of water in its natural channel whereby any part of a State highway may be damaged.

(5) The Agency or any local authority may, in the construction and maintenance of any State highway, include such works for the preservation of any Maori historical, cultural, or spiritual interests affected or likely to be affected by the construction or maintenance as may be agreed between the Agency or local authority and the iwi or hapu to which those interests relate.

(5A) Before exercising any power under subsection (4) that will or is likely to interfere with any pipe, line, or other work associated with wastewater or the supply of water, electricity, gas, or telecommunications, the Agency (or an officer of the Agency acting on the Agency's behalf) must give not less than 10 working days' notice in writing of the proposed interference to the owner of the pipe, line, or other work, except in the case of any emergency or danger.

(6) Entry shall not be made under subsection (4) without the consent of the owner or occupier, if the land is within the curtilage of a dwelling or other building, or is within a stockyard, orchard, vineyard, plant nursery, shelter belt, airstrip, garden, or shrubbery.

(7) Before entering on any land pursuant to any power conferred by subsection (4), the Agency or an officer of the Agency acting on the Agency's behalf shall (except in the case of any emergency or danger) give to the owner and to the occupier of the land not less than 10 working days' notice in writing of the intention to enter, and shall state in that notice—

(a) a description of the land affected; and

(b) the nature of any work to be carried out; and

(c) the type of any material required; and

(d) the approximate quantity of any material required; and

(e) the use proposed to be made of any material to be removed; and

(f) how and when entry is to be made; and

(g) a statement of the owner's or occupier's rights under subsection (8); and

(h) the estimated amount of compensation to which the owner or occupier would be entitled under this or any other Act.

(8) The owner or occupier may, within 10 working days after receiving such a notice and after giving notice to the Agency or officer of the owner's intention to do so, apply to the court, and the court may thereupon summon the Agency, through any officer, or the officer, to appear before the court at a time and place to be named in the summons.

(8A) The application must be made to—

(a) the District Court, unless paragraph (b) applies:

(b) the Maori Land Court, if the application relates only to Maori land (as defined by section 4 of Te Ture Whenua Maori Act 1993).

(9) If it appears to the court that the use proposed to be made of the land is unreasonable or unnecessary, the court may—

(a) order that the land in question shall not be occupied or used, or shall not be occupied or used in the manner proposed; or

(b) direct that the land be occupied and used or material taken from it in such manner and subject to such limitations and restrictions as it thinks fit.

(9A) The court to which an application is made may refer any proceedings resulting from the application, or any question in those proceedings, to the other court referred to in subsection (8A) if it considers that the proceedings or question would be more appropriately dealt with by the other court.

(9B) The court may refer the proceedings or question on its own initiative or on application by a party to the proceedings.

(9C) Any appeal from an order or a direction made under subsection (9) must be made to the High Court (even for an order or a direction of the Maori Land Court).

(10) Nothing in this section (other than any provision of this section that is relied on in an emergency) shall derogate from the provisions of the Resource Management Act 1991.

(11) Nothing in this section shall divest any territorial authority of the property in any road that may form part of a State highway.

Compare: 1953 No 118 s 13; 1981 No 35 s 126

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in the *Gazette*	LA19 ss 73, 74(1)(a), Sch 1 cl 14

Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable	LA19 ss 115

This note is not part of the Act.

Section 61 heading: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(2A): inserted, on 29 July 1995, by section 7 of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 61(2A): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(2B): inserted, on 29 July 1995, by section 7 of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 61(2B): amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Section 61(2B): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(2B): amended, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 61(3): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 61(3): amended, on 17 December 2016, by section 53 of the Statutes Amendment Act 2016 (2016 No 104).

Section 61(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(3A): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 61(4): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(4)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(4)(d): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(4)(i): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(4)(j): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(5): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(5A): inserted, on 6 August 2010, by section 24 of the Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99).

Section 61(7): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(8): amended, on 6 February 2021, by section 91(1) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 61(8): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 61(8A): inserted, on 6 February 2021, by section 91(2) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 61(9A): inserted, on 6 February 2021, by section 91(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 61(9B): inserted, on 6 February 2021, by section 91(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 61(9C): inserted, on 6 February 2021, by section 91(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 61(10): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

61AA Agency may close State highways

(1) The Agency may—

(a) stop, divert, or otherwise control traffic on a State highway; or

(b) close a State highway (or any part of it) to traffic.

(2) The Agency may only exercise the power under subsection (1) if the Agency considers it appropriate to do so for the protection and safety of the public.

(3) The Agency must notify the New Zealand Police, Fire and Emergency New Zealand, and relevant ambulance services as soon as practicable of any action taken under subsection (1).

Section 61AA: inserted, on 19 May 2026, by section 4 of the Regulatory Systems (Transport) Amendment Act 2026 (2026 No 21).

61A Controlling authority may grant lease, etc, of certain land

(1) If the whole or any part of any Government road or State highway is unformed, the controlling authority of the road or highway may grant a lease or tenancy of the land or a licence to occupy the land on such terms and conditions as the controlling authority thinks fit.

(2) Every lease or tenancy or licence granted under subsection (1) shall be subject to the condition that it may be revoked without compensation if the controlling authority gives the lessee or licensee not less than 6 months' notice of its intention to revoke the lease or licence.

(3) While any lease or tenancy or licence granted under subsection (1) is in force, the status of the land as a road or highway shall be suspended.

(4) All rents and profits derived from land under this section shall—

(a) be paid into a Crown Bank Account or a Departmental Bank Account in accordance with the Public Finance Act 1989; or

(b) be paid into the bank account of the Crown entity (within the meaning of the Public Finance Act 1989) holding or managing the land; or

(c) be paid into the general revenues of the local authority or controlling authority,—

as the case may require.

(5) The Minister for the time being responsible for the administration of section 45 of the Public Works Act 1981 or the controlling authority may at any time accept the surrender of any lease, tenancy, or licence to occupy granted under this section.

Section 61A: inserted, on 29 July 1995, by section 8(1) of the Transit New Zealand Amendment Act 1995 (1995 No 42).

62 Delegation of powers and duties to territorial authorities

(1) All or any of the functions, duties, and powers of construction, maintenance, and control conferred on the Agency by this Act with respect to any State highway or portion of a State highway may be delegated by the Agency to the territorial authority in whose district the State highway or portion of it is situated, or, where the boundary between the districts of any territorial authorities runs along any State highway, be delegated by the Agency to such of those territorial authorities as the Agency decides, as if the State highway were wholly in the district of that territorial authority.

(2) Any activity relating to a State highway or part of it that is the subject of a delegation under subsection (1) may be proposed for inclusion in the relevant regional land transport plan by the territorial authority to which a delegation has been made under this section, and included in the plan as if it were a State highway activity.

(3) Any delegation under subsection (1) may be made only with the consent of the territorial authority concerned.

(4) *[Repealed]*

(5) *[Repealed]*

(6) *[Repealed]*

(7) *[Repealed]*

Compare: 1953 No 118 s 13

Section 62(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 62(2): replaced, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 62(2): amended, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

Section 62(4): repealed, on 29 July 1995, by section 9 of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 62(5): repealed, on 29 July 1995, by section 9 of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 62(6): repealed, on 29 July 1995, by section 9 of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 62(7): repealed, on 7 May 2026, by section 23 of the Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15).

63 Delegations

(1) Any delegation by the Agency of its functions, duties, or powers under section 62 shall be effected by a resolution of the Agency, and may be either absolute or subject to such conditions as the Agency may by that or any subsequent resolution determine.

(2) Any such delegation, and any such delegation made by the National Roads Board before the commencement of this Act, may at any time be revoked or varied by resolution of the Agency.

(3) The fact that any territorial authority purports to perform any function or duty or exercise any power pursuant to any delegation by the Agency (or by the National Roads Board before the commencement of this Act) shall, in the absence of proof to the contrary, be sufficient evidence of its authority to do so.

(4) While powers of the Agency are delegated to a territorial authority under this Act—

(a) the territorial authority shall exercise the delegated powers in its own name and shall be liable accordingly; and

(b) neither the Agency nor the Crown shall be answerable for any act or default of the territorial authority in the exercise of any powers so delegated; and

(c) the Agency shall not have power to exercise any of the powers so delegated without first revoking that delegation pursuant to subsection (2).

(5) Any delegation by the National Roads Board to any person or body other than a territorial authority before the commencement of this Act is hereby revoked.

Compare: 1953 No 118 s 14

Section 63(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 63(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 63(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 63(4): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 63(4)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 63(4)(c): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

64 Territorial authority may surrender delegated powers and duties

(1) A territorial authority to which a delegation of functions, duties, or powers has been made pursuant to section 62 may surrender all or any of such delegated

functions, duties, or powers to the Agency by giving notice in writing to that effect not later than 6 months before the end of the financial year of the Agency; and such notice shall take effect on the commencement of the following financial year.

(2) Nothing in subsection (1) shall affect the right of the Agency to delegate, or a territorial authority to request delegation, under section 62.

Section 64(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 64(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

65 Agency may require territorial authority to relinquish property in State highway

Where any delegation is revoked under section 63 or surrendered under section 64 the Agency may require the territorial authority to exercise the power conferred on it by section 316(2) of the Local Government Act 1974 and relinquish the property in any State highway concerned.

Section 65 heading: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 65: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

66 State highway policy to remain with Agency

The Agency shall have full power and control over State highway policy notwithstanding any delegation pursuant to section 62, and every territorial authority to which any delegation is so made shall comply with such policy as is communicated to it by the Agency from time to time.

Section 66 heading: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 66: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

67 Whole cost of construction and maintenance of State highways to be paid out of State Highways Account

[Repealed]

Section 67: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

68 Provision of other facilities

(1) Subject to section 17, the Agency may—

(a) construct any vehicle parking place or parking building on land adjacent to, over, or under any State highway:

(b) construct and operate, or allow to be constructed and operated, on, over, under, or adjacent to any State highway, any building, facility, amenity,

or service that the Agency considers to be desirable for the convenience of State highway users:

(c) construct any facility of benefit or advantage to users of the land transport system or for improving public safety.

(2) Notwithstanding anything to the contrary in this Act, the Agency may lease or let, or grant a licence in respect of, any such parking place, parking building, building, facility, amenity, or service for such period, at such rental, and on such terms and conditions as it thinks fit.

(3) Any land may be acquired for the purposes of this section under Part 2 of the Public Works Act 1981 as for a public work, and any land so acquired shall be held for a public work.

Compare: 1981 No 35 s 149

Section 68(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 68(1)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 68(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

69 Classification of State highways and roads

Whenever any difference of opinion arises as to the class or classes of traffic for which any State highway or road should be available, the question may be submitted by either party to the Agency, and the decision of the Agency shall be final.

Compare: 1953 No 118 s 40

Section 69: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

70 Bylaws

Every bylaw in force in respect of any State highway on the commencement of this Act shall continue in force as if made by the Agency in respect of that State highway, unless and until it is revoked by the Agency or a territorial authority acting pursuant to a delegation under section 62.

Section 70: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Motorways

71 Governor-General may authorise and declare motorways

(1) At the request of the Agency, the Governor-General may from time to time, by Order in Council published in the *Gazette*,—

(a) authorise the construction of any motorway, and in doing so state as nearly as possible the route of the motorway, and its 2 termini:

(b) declare any land, or any part of the airspace above or the subsoil below the surface of any land, or any road, whether then actually constructed as a motorway or not, to be a motorway.

(2) Every Order in Council under this section may in the same manner from time to time be amended or revoked.

(3) No request may be made under subsection (1) that affects or is likely to affect Māori land, land registered in the name of Pootatau Te Wherowhero under section 19 of the Waikato Raupatu Claims Settlement Act 1995, land subject to any other Māori claims settlement Act, or Māori historical, cultural, or spiritual interests, unless the Agency has consulted,—

(a) in the case of land registered in the name of Pootatau Te Wherowhero or interests relating to that land, the land holding trustee (as defined in section 7 of the Waikato Raupatu Claims Settlement Act 1995):

(b) if any other Māori claims settlement Act requires consultation about the request, in accordance with that Act:

(c) in any other case, every iwi or hapū that, in the opinion of the Agency, will or may be affected by the request.

(3A) The Agency must be satisfied after such consultation that the request should be made.

(4) The Minister must cause a copy of every Order in Council made under subsection (1)(b), and of every plan referred to in it, to be deposited in the office of the Registrar-General of Land; and on receipt of it the Registrar-General of Land must record the Order in Council against the relevant record of title.

(5) Where any land affected by any Order in Council made under subsection (1)(b) is Maori land, the Minister shall cause a copy of that order to be deposited in the office of the Registrar of the Maori Land Court who shall record it in the records of the court.

(6) Every motorway declared as such by the Governor-General under section 138 of the Public Works Act 1981 and having that status under that Act immediately before the commencement of this Act is hereby deemed to have been declared to be a motorway under this Act.

Compare: 1981 No 35 s 138

Section 71(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 71(3): replaced, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 71(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 71(3)(c): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 71(3A): inserted, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Section 71(3A): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 71(4): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

72 Middle line procedures

[Repealed]

Section 72: repealed, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

73 Power to construct motorways

Subject to the restrictions specified in this Part and subject to section 17, the Agency may do the following things in respect of any motorway declared under this Act:

(a) construct works of every description and material necessary to the making of the motorway:

(b) take machinery and vehicles of any kind on to and across any land within the area set out in the notice defining the route of the motorway, and use the machinery and vehicles on that land:

(c) make any part of the motorway on and along any part of any road, access way, or service lane:

(d) make the motorway on, across, over, or under any road, motorway, access way, service lane, railway, or tramway along the defined route; and alter the level of any road, access way, motorway, service lane, railway, or tramway for that purpose:

(e) subject to compliance with the Harbours Act 1950 and the Resource Management Act 1991, make the motorway across any arm of the sea or any river, stream, lake, or water (whether navigable or not) by means of a bridge, causeway, or tunnel:

(f) subject to compliance with the Resource Management Act 1991, alter the course or the level of any river that is not navigable, or of any stream, watercourse, ditch, or drain:

(g) remove or alter any drain or sewer or any pipes, wire, cable, or duct, together with any associated equipment, belonging to any person, within or adjacent to the defined limits of the motorway:

(h) make or construct all such buildings, bridges, roads, approaches, and other structures and works in connection with the motorway as the Agency thinks necessary:

(i) construct such roads as the Agency thinks desirable for the purpose of giving access to any motorway:

(j) construct such roads, service lanes, or access ways as the Agency thinks desirable for the purpose of giving access to any land whose access is severed by a motorway:

(k) exercise the powers, rights, duties, and liabilities vested in or imposed on the Minister as if the motorway were a Government road for the purposes of section 48.

Compare: 1981 No 35 s 140

Section 73: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 73(b): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 73(d): amended, on 1 October 1991, by section 362 of the Resource Management Act 1991 (1991 No 69).

Section 73(e): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 73(f): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Section 73(h): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 73(i): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 73(j): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 73(k): amended, on 29 July 1995, by section 10 of the Transit New Zealand Amendment Act 1995 (1995 No 42).

74 Land may be temporarily occupied

(1) Subject to the conditions specified in this section, the Agency may temporarily occupy or use any land for the purpose of constructing, reconstructing, or repairing a motorway, and may do the following things on the land:

(a) deposit any construction materials:

(b) deposit, permanently or temporarily, any material suitable for use in landscaping or restoration of that land or of the motorway:

(c) form and use drains and hard standings:

(d) manufacture or fabricate materials and construct incidental works:

(e) erect workshops, sheds, and other buildings of a temporary nature, and store or use any plant or equipment.

(2) The engineer or other person having the charge of the motorway shall, before so occupying or using any land and, except in the case of accident to the motorway requiring immediate repair, give the owner and the occupier of the land not less than 10 working days' notice in writing, and shall include in the notice—

(a) a description of the land affected; and

(b) a detailed statement of the use proposed to be made of the land; and

(c) when and for how long such use is intended; and

(d) a statement of the owner or occupier's rights under subsection (3); and

(e) the estimated amount of compensation to which the owner or occupier would be entitled under this or any other Act.

(3) The owner or occupier may, within 10 working days after receiving such a notice, and after giving notice to the engineer or other person of his or her intention to do so, apply to the court for the issue of a summons requiring the engineer or other person to appear before the court at a time and place to be named in the summons; and upon any such application the court may issue a summons accordingly.

(3A) The application must be made to—

(a) the District Court, unless paragraph (b) applies:

(b) the Maori Land Court, if the application relates only to Maori land (as defined by section 4 of Te Ture Whenua Maori Act 1993).

(4) If it appears to the court that the use proposed to be made of the land is unreasonable or unnecessary, the court may—

(a) order that the land in question shall not be occupied or used, or shall not be occupied or used in the manner proposed; or

(b) direct that the land be occupied and used in such manner and subject to such limitations and restrictions as it thinks fit,—

and all persons concerned shall be bound by any such order.

(5) The court to which an application is made may refer any proceedings resulting from the application, or any question in those proceedings, to the other court referred to in subsection (3A) if it considers that the proceedings or question would be more appropriately dealt with by the other court.

(6) The court may refer the proceedings or question on its own initiative or on application by a party to the proceedings.

(7) Any appeal from an order or a direction made under subsection (4) must be made to the High Court (even for an order or a direction of the Maori Land Court).

Compare: 1981 No 35 s 141

Section 74(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 74(3): amended, on 6 February 2021, by section 92(1) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 74(3A): inserted, on 6 February 2021, by section 92(2) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 74(5): inserted, on 6 February 2021, by section 92(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 74(6): inserted, on 6 February 2021, by section 92(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 74(7): inserted, on 6 February 2021, by section 92(3) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

75 Compensation where road interfered with or wholly closed

(1) Except as provided in section 63 of the Public Works Act 1981, compensation shall not be payable to any person in respect of—

(a) any road being wholly closed under the powers conferred by section 37 of the Public Works Act 1981; or

(b) the use or occupation of any road for any motorway; or

(c) any inconvenience to the users of any land fronting or adjoining any such road—

if reasonable and sufficient access to the nearest road crossing over or under the motorway is available by some other road, whether it has been provided or constructed by the Agency or not.

(2) If any question arises as to whether other reasonable and sufficient access is so available, it shall be determined in such manner as is agreed upon between the owners and occupiers of the land, the territorial authority having the control of roads in the district, and the Agency.

(3) If no such agreement is reached, all claims for compensation in respect of the matters referred to in subsection (1) shall be determined in the manner provided by the Public Works Act 1981, but no compensation shall be awarded if in the opinion of the Land Valuation Tribunal other reasonable and sufficient access is so available.

Compare: 1981 No 35 s 142

Section 75(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 75(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

76 Access to land cut off from road or separated by motorway

(1) If the making of a motorway has—

(a) cut off all access by road to any land other than Crown land; or

(b) separated one piece of the land of any person from another piece of land of that person—

and the Agency has not provided access to the land so cut off or between the pieces of land so separated, the Agency shall provide access to the land so cut off or between the pieces of land so separated—

(c) by constructing a road, access way, or service lane; or

(d) by constructing a crossing under or over the motorway between the pieces of land that have been separated.

(2) No access need be provided under this section as a consequence of the land having been subdivided after the construction of the motorway.

(3) Where the Agency is satisfied that alternative access has become available to any land that has been granted an access under this section, the Agency may close any access provided under this section on giving not less than 3 months' notice in writing to the owner and occupier of the land affected.

(4) If the owner or occupier of the land to which subsection (1) applies objects to any decision of the Agency under this section, the Agency shall appoint a competent person to confer with the owner and, if possible, to agree with the owner as to the matter in dispute; and if no agreement can be reached between the parties the matter shall be referred to the court, and the decision of the court thereon shall be final.

(5) The matter must be referred to—

(a) the District Court, unless paragraph (b) applies:

(b) the Maori Land Court, if the matter relates only to Maori land (as defined by section 4 of Te Ture Whenua Maori Act 1993).

(6) The court to which a matter is referred may refer any proceedings resulting from the matter, or any question in those proceedings, to the other court referred to in subsection (5) if it considers that the proceedings or question would be more appropriately dealt with by the other court.

(7) The court may refer the proceedings or question on its own initiative or on application by a party to the proceedings.

Compare: 1981 No 35 s 143

Section 76(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 76(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 76(4): amended, on 6 February 2021, by section 93(1) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 76(4): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 76(4): amended, on 1 January 2004, by section 76 of the Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17).

Section 76(5): inserted, on 6 February 2021, by section 93(2) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 76(6): inserted, on 6 February 2021, by section 93(2) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

Section 76(7): inserted, on 6 February 2021, by section 93(2) of Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51).

77 Alterations to roads, drains, etc

(1) Where it is found necessary for the construction of a motorway to alter any road, tramway, watercourse, or drain, or any other public work, or any water

supply pipe or gas supply pipe, or any power supply or telecommunication link, the alterations shall be made in such manner as will—

(a) interfere as little as possible with the work altered; and

(b) so far as practicable, provide the public and every person entitled to use the work altered with the equivalent use and convenience as they had before the alteration.

(2) Before commencing any such alteration, the Agency shall cause a plan of it to be prepared and to be submitted to the local authority having the control of the work proposed to be altered, or to the owner of the water supply pipe or gas supply pipe, power supply, or link, or other work, as the case may be.

(3) If the local authority or owner objects to the proposed alteration, the Agency shall appoint a competent person to confer with the local authority or owner, and, if possible, to agree with the local authority or the owner as to the manner in which the alteration shall be made; and if no agreement can be reached between the parties, the matter shall be referred to the office of the District Court nearest to the work in question, and the decision of the court thereon shall be final.

(4) The Agency may at any time interfere with any such road, public work, pipe, power supply, or link so far as is necessary to effect all necessary repairs on any motorway lawfully constructed thereon, but shall give to such local authority or owner not less than 10 working days' notice of its intention to do so, except in the circumstances set out in subsection (5).

(5) In any emergency or danger the Agency may carry out forthwith all such works as appear to it to be necessary, and shall as soon as possible give notice of doing so to such local authority or owner.

Compare: 1981 No 35 s 144

Section 77(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(3): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 77(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(3): amended, on 1 January 2004, by section 76 of the Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17).

Section 77(4): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 77(5): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

78 Restrictions on poles, etc, on motorways

Neither the Crown nor any local authority nor any other person shall place any wire, cable, pipe, tower, pole, or other structure or thing on, over, or under any motorway or on, over, or under any land that has been taken, purchased, set

apart, or acquired for the purpose of constructing a motorway, without the prior written consent of the Agency.

Compare: 1981 No 35 s 145

Section 78: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

78A Response to requests for access to motorway

(1) If the Agency receives a request in accordance with subsection (2), the Agency must respond, in writing, within 30 working days of receiving it.

(2) The requests to which subsection (1) applies are those from local authorities, or owners of any pipe, line, or other works associated with wastewater or the supply of water, electricity, gas, or telecommunications, for access to a motorway for the purpose of constructing, maintaining, or in any other way altering any such pipe, line, or other works, or any wire, cable, pipe, tower, pole, or other structure or thing on, over, or under the motorway.

Section 78A: inserted, on 6 August 2010, by section 25 of the Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99).

79 Availability for traffic

(1) No part of any motorway shall be opened for public traffic until it has been inspected by some proper person appointed by the Agency for the purpose, and until that person has reported to the Agency that he or she has inspected the whole of that part and that it is in good and efficient repair and may safely and conveniently be used for public traffic.

(2) If, in the opinion of the Agency or of any officer of the Agency, any part of any motorway cannot safely be used for public traffic, the Agency or officer may temporarily close that part for public traffic by such means as are immediately available pending inspection and action by the Agency in accordance with subsection (3).

(3) If any part of any motorway has been inspected by some proper person appointed by the Agency for the purpose, and that person has reported to the Agency that he or she has inspected the part and that it cannot safely and conveniently be used for public traffic, the Agency may fence off and close such part of the motorway as it may consider necessary or expedient, and thereafter the provisions of subsection (1) shall apply as if the part of the motorway so closed had not been opened for public traffic.

(4) The Agency may open for the use of traffic or any specified category of traffic any land held for motorway purposes notwithstanding that it has not been declared to be a motorway under section 71.

(5) While any land is open for the use of any traffic or category of traffic pursuant to subsection (4) the land shall be deemed to be—

(a) a road for the purposes of the Land Transport Act 1998, and of any regulations or rules in force under that Act; and

(b) a motorway for the purposes of any regulations in force under this Act relating to motorways.

Compare: 1981 No 35 s 146

Section 79(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 79(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 79(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 79(4): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 79(5)(a): amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Section 79(5)(a): amended, on 1 March 1999, by section 215(1) of the Land Transport Act 1998 (1998 No 110).

Section 79(5)(b): amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

80 Maintenance and control of motorways

(1) Subject to the provisions of this Part, the Agency shall have the sole powers of control for all purposes, including construction and maintenance, of all motorways, and for that purpose shall have all the powers and rights vested in it by this Act as if every motorway were a State highway.

(2) For the avoidance of doubt it is declared that all the provisions of section 62 shall apply in respect of any motorway that is not a State highway.

Compare: 1981 No 35 s 147

Section 80(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 80(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

81 Cost of motorways

(1) Except as provided in this section, motorways shall, for the purposes of the provisions of this Act relating to the cost of constructing and maintaining State highways, be deemed to be State highways, and no local authority shall be required to contribute to the cost of any motorway.

(2) Any local authority that desires to construct a motorway within its district may include as a project in its land transport programme submitted pursuant to this Act its proposals as to the general route proposed to be followed and for financing the motorway if authorised, and, if the Agency is satisfied that the proposals are reasonable and that the local authority is in a position to carry them into effect, the Agency may request that the motorway be authorised under section 71.

(3) If the motorway is so authorised before any work relating to the construction of the motorway is commenced, the Agency and the local authority or local

authorities concerned shall agree upon the apportionment between them of the costs, powers, functions, duties, and liabilities relating to the construction, maintenance, and control of the motorway.

(4) Every request by a local authority for financial assistance from the Agency in respect of a motorway referred to in subsection (2) shall be included in the local roading part of the land transport programme of the local authority or local authorities proposing such motorway.

(5) Every agreement made under this section shall be subject to the construction of the motorway being deferred or accelerated from time to time by the Agency or the local authority, as the Agency or any local authority that is contributing to the cost of it is able to provide money to pay for the work:

provided that if any question arises as to whether any contributory other than the local authority at whose request the motorway was approved is able to find the whole or any part of its contribution in any year the question shall be determined by the Agency, whose decision shall be final.

Compare: 1953 No 118 s 39

Section 81(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 81(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 81(4): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 81(5): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 81(5) proviso: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

82 Restrictions on use of motorways

(1) Except as provided in this or any other enactment, a person shall not be on a motorway unless the person is—

(a) in or on a vehicle that is entitled to be on the motorway; or

(b) on the motorway as a result of any crash, breakdown, or other emergency; or

(c) on the motorway in connection with any work that is authorised by the Agency or under any enactment to be carried out on the motorway or any work that is being carried out pursuant to a delegation granted by the Agency under section 62; or

(d) on the motorway for the purposes of enforcing any enactment; or

(e) a pedestrian on infrastructure that is—

(i) designed for pedestrian use; and

(ii) located on the motorway.

(2) No person shall cause or permit any animal or thing that is or ought to be under that person's control to be on any motorway unless—

(a) it is a vehicle that is entitled to be on the motorway or is carried in or on such vehicle; or

(b) it is on the motorway for the purposes of assisting at any crash, breakdown, or other emergency; or

(c) it is on the motorway in connection with any work that is—

(i) authorised by the Agency or under any enactment to be carried out on the motorway; or

(ii) being carried out pursuant to a delegation by the Agency under section 62; or

(d) it is expressly authorised by any enactment to be on a motorway.

(3) The owner or person in charge of any animal or thing which is on a motorway in breach of subsection (2) shall be liable for any damage that may result from collision with or attempted avoidance of the animal or thing, unless the owner or person proves that the presence of the animal or thing on the motorway in breach of that subsection was not due to any negligence on his or her part.

Compare: 1981 No 35 s 148

Section 82(1)(c): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 82(1)(e): inserted, on 19 May 2026, by section 5 of the Regulatory Systems (Transport) Amendment Act 2026 (2026 No 21).

Section 82(2)(c)(i): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 82(2)(c)(ii): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

83 Vehicles which may be operated on motorways

A person may operate any vehicle or combination of vehicles on a motorway if—

(a) the vehicle, or each vehicle of the combination, is supported by pneumatic tyres while it is being operated, and—

(i) is registered under Part 17 of the Land Transport Act 1998 or is a vehicle that is exempt from registration under that Part; and

(ii) in the case of a vehicle or combination of vehicles which may not be operated on a motorway without a permit issued under regulations in force under this or any other Act, such a permit is in force; or

(b) the vehicle is a cycle being operated on a part of the motorway where such operation is approved.

Compare: 1981 No 35 s 148A

Section 83(a)(i): replaced, on 1 May 2011, by section 35(4) of the Land Transport Amendment Act 2009 (2009 No 17).

84 Restrictions on access to motorways

(1) A person driving a vehicle shall not enter, cross, or leave any motorway except at a motorway, State highway, or road from which vehicular access to the motorway has been constructed and is authorised by the Agency, and subject to such conditions as may be approved and publicly notified by the Minister on the recommendation of the Agency.

(2) Notwithstanding subsection (1), the Agency may, in writing, subject to such conditions (whether as to payment or otherwise) as it thinks fit, authorise the construction and use of a special access to any property or any part of a property adjoining the motorway to which access is not reasonably available from another road.

Compare: 1981 No 35 s 148B

Section 84(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 84(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

85 Motorway deemed to be road

(1) Except as expressly provided in this Act or in any other enactment, a motorway shall be deemed to be a road for the purposes of every enactment and all civil or criminal proceedings under any enactment.

(2) A motorway shall be deemed not to be a road for the purposes of the exercise of any right involving the subdivision or use of land if that right is conditional upon the land having a frontage or access to a road or is in any other way conditional upon the existence of a road.

Compare: 1981 No 35 s 150

86 Application of Impounding Act 1955

The engineer in charge of the construction or maintenance of any motorway shall be deemed to be the occupier of it for the purposes of the Impounding Act 1955; and any act, matter, or thing permitted or required under that Act to be performed or done by the occupier of land as defined in that Act may be performed or done in respect of any such motorway by that engineer or by any person authorised generally or particularly by that engineer for that purpose.

Compare: 1981 No 35 s 151

87 Offences and penalties

(1) Every person commits an offence who—

(a) acts in contravention of or fails to comply in any respect with any provision of section 82; or

(b) acts in contravention of or fails to comply in any respect with any provision of section 83; or

(c) fails to comply with any condition specified in any authorisation granted under section 84; or

(d) uses or makes any unauthorised crossing place on to a motorway,—

and is liable on conviction to a fine not exceeding $500.

(2) The owner or person in charge of any animal or thing which is on a motorway in breach of section 82(2) shall not be guilty of an offence under subsection (1) if the owner or person proves that the presence of the animal or thing on the motorway in breach of that subsection was not due to any negligence on his or her part.

Section 87(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

87A Auckland Harbour Bridge

The Auckland Harbour Bridge is declared to be a motorway within the meaning of this Act, and the provisions of this Act and of any other Act and of any regulations relating to motorways accordingly apply to the Auckland Harbour Bridge.

Section 87A: inserted, on 3 June 2017, by section 4(1) of the Statutes Repeal Act 2017 (2017 No 23).

87B Auckland Harbour Bridge to be properly lighted

The Agency must at all times ensure that the Auckland Harbour Bridge is adequately lighted so as to provide for the safety of ships and aircraft in the vicinity of the Auckland Harbour Bridge.

Section 87B: inserted, on 3 June 2017, by section 4(1) of the Statutes Repeal Act 2017 (2017 No 23).

87C Installation of services on Auckland Harbour Bridge

(1) No person or body may provide, install, maintain, or repair any water main, gas pipe, or other pipe, or any power or telecommunications line, wire, or cable on the Auckland Harbour Bridge without the consent of the Agency, which may be given subject to such conditions as the Agency considers necessary for the protection and safety of the Auckland Harbour Bridge and of traffic using the Auckland Harbour Bridge.

(2) The person or body responsible for any installation on the Auckland Harbour Bridge must pay to the Agency an annual amount for the use of the Auckland Harbour Bridge as may be agreed upon by the Agency and the person or body.

Section 87C: inserted, on 3 June 2017, by section 4(1) of the Statutes Repeal Act 2017 (2017 No 23).

Limited access roads

88 Creation and revocation of limited access roads

(1) The Agency may from time to time, by notice in the *Gazette* and publicly notified, declare any State highway or part of a State highway to be a limited access road.

(2) At the request of the Agency, any land contiguous with a State highway which is a limited access road may be purchased, set apart, or otherwise acquired for limited access road or may be declared limited access road, in the same manner as land may be purchased, set apart, or otherwise acquired for road or declared road; and such land shall thereupon become road, limited access road, and State highway. The document by which such land is so acquired or declared shall state that the land has become road, limited access road, and State highway.

(3) Every limited access road in existence under section 4(4) of the Public Works Amendment Act 1963 immediately before the commencement of the Public Works Act 1981 shall be deemed to be a road and State highway in addition, and shall be deemed to have been declared a limited access road under this Act.

(4) Every limited access road declared as such by the National Roads Board under section 153 of the Public Works Act 1981 and having that status immediately before the commencement of this Act shall be deemed to have been declared to be a limited access road under this Act.

(5) The Agency may from time to time, by notice in the *Gazette* and publicly notified, revoke the status of limited access road from any State highway or part of it—

(a) which has been created a limited access road under either subsection (1) or subsection (2), but subject to section 96(1); or

(b) which has been created a limited access road under section 4 of the Public Works Act Amendment Act 1963, but subject to section 96(1); or

(c) whose administration has passed to the Agency under section 96(2).

(6) Where any land becomes State highway by virtue of section 238(1)(c) of the Resource Management Act 1991 and section 60, and such State highway is a limited access road, such land shall thereupon become part of the limited access road.

Compare: 1981 No 35 s 153

Section 88(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 88(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 88(5): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 88(5)(c): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 88(6): amended, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

89 Provisions of Acts relating to roads to apply to limited access roads

Subject to the provisions of this Part, the provisions of this Act and of every other enactment relating to roads shall, so far as they are applicable and with the necessary modifications, apply to—

(a) all limited access roads, whether declared under section 88(1), or purchased, set apart, acquired, or declared pursuant to section 88(2), or created as such under section 4 of the Public Works Amendment Act 1963 or section 153 of the Public Works Act 1981, or whose administration has passed to the Agency under section 96(2); and

(b) the purchase and acquisition of land for limited access road, and the setting apart or declaring of land as limited access road.

Compare: 1981 No 35 s 154

Section 89(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

90 Access to and from land

(1) Each parcel of land that adjoins or has legal access to a State highway or part of a State highway which is a limited access road and that does not have reasonably practicable alternative legal access to some other road, shall be entitled to at least 1 crossing place at which vehicles are permitted to proceed to and from the limited access road from and to the parcel of land. The location of each crossing place shall be specified by the Agency from time to time by notice issued to the owner under section 91.

(2) In this section and in section 91, the expression **parcel of land** means a parcel of land that can legally be transferred to a person other than an owner of adjoining land without the dedication of any further land as public road and without the deposit of any further plan, but the Agency may deem 2 or more adjoining parcels of land in the same certificate of title to be a parcel of land for the purposes of this section and of section 91.

Compare: 1981 No 35 s 155

Section 90(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 90(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

91 Authorisation of crossing places

(1) The Agency, in the case of any limited access road under its control, may from time to time—

(a) by notice to the owner of the parcel of land affected,—

(i) authorise, subject to such conditions (if any) as it may impose, any crossing place, whether formed or not, at which vehicles may proceed to and from the limited access road from and to any specified parcel of land:

(ii) specify the location of any crossing place, whether authorised under section 90 or under this section:

(iii) cancel the right to use any crossing place, whether authorised under section 90 or under this section or located by a specification under subparagraph (ii), if the parcel of land has reasonably practicable legal access to some other road or has another authorised crossing place:

(iv) cancel or vary all or any of the conditions imposed under this section, or impose further conditions, or vary the location of any authorised crossing place:

(b) construct any road or service lane that it may be expedient to construct to give access, whether additional or not, to any land adjoining or near the limited access road.

(2) Any notice given by the Agency under this section may be registered by the Agency under the Land Transfer Act 2017 against every record of title affected by the notice by lodging the notice with the Registrar-General of Land.

(3) Each copy of any notice given under this section shall identify the land to which it relates, including the record of title reference for the land affected by the notice.

(4) On receipt of any notice issued under this section and the prescribed fee (if any), the Registrar-General of Land must, if everything is in order, note the notice on every relevant record of title.

(5) The notation by the Registrar-General of Land on a record of title of the particulars of a notice is evidence of the existence of the notice but does not create any estate or interest under the Land Transfer Act 2017.

(6) Any notice recorded by the Registrar-General of Land under subsection (4) may be cancelled or varied upon production by the Agency of a notice of cancellation or notice of variation.

Compare: 1981 No 35 s 156

Section 91(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 91(2): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 91(3): inserted, on 29 July 1995, by section 11 of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 91(3): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 91(4): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 91(5): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 91(6): replaced, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

92 Restricting movement to or from limited access road

Without restricting any provision of any other Act, it is hereby declared that a person shall not drive or move any vehicle or animal, or permit any vehicle or animal to be driven or moved, on to or from any limited access road, except—

(a) at a motorway, road, or service lane from which vehicles might lawfully be driven or moved on to the State highway or part thereof immediately before its creation as a limited access road:

(b) at a motorway, road, or service lane from which vehicular access to the limited access road has been authorised by the Agency and subject to such conditions as it may approve:

(c) at a crossing place authorised and specified by the Agency and subject to such conditions as are for the time being imposed by the Agency in accordance with section 91.

Compare: 1981 No 35 s 157

Section 92(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 92(c): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

93 Limited access road not a road for certain purposes

(1) Where any person wishes to exercise any right involving the subdivision or use of land, and that right is conditional upon the land having a frontage or access to a road, or is in any other way conditional upon the existence of a road, for those purposes a limited access road which is a State highway shall be deemed not to be a road, except for such purpose, to such extent, and on such conditions, as may be notified from time to time to the territorial authority or, as the case may require, to the Registrar-General of Land by the Agency.

(2) Any person aggrieved at—

(a) the refusal of the Agency to issue a notice under subsection (1); or

(b) any condition subject to which any such notice is issued—

may object in writing to the Environment Court within 30 days after being notified of such refusal or conditions.

(3) The provisions of section 24 of the Public Works Act 1981 shall, so far as they are applicable and with the necessary modifications, apply to the hearing of any objection under this section.

Compare: 1981 No 35 s 158

Section 93(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 93(1): amended, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

Section 93(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 93(2): amended, on 2 September 1996, pursuant to section 6(2)(a) of the Resource Management Amendment Act 1996 (1996 No 160).

Section 93(2)(a): replaced, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

94 Requirements relating to declaration of limited access road

The following provisions shall apply in respect of the declaration under section 88(1) of a limited access road:

(a) every such declaration shall refer to a plan showing—

(i) the road or part of a road to which the declaration relates:

(ii) any crossing places to be authorised:

(iii) the boundaries of all road frontages of each parcel of land adjoining the road or part to which the declaration relates:

(iv) the boundaries of all other types (if any) of legal access (whether rights of way, roadlines, private roads, or any other types whatever) connecting the road or part to any other parcel of land:

(v) the title references of every parcel of land to which subparagraph (iii) or subparagraph (iv) applies:

(b) every such declaration shall indicate where the plan is held and may be inspected:

(c) the Agency shall cause to be forwarded to the Registrar-General of Land a copy of the declaration as gazetted, together with a certificate signed by a duly authorised officer of the Agency, setting out by sufficient descriptions and title references every parcel of land that is affected by that limited access road, either by reason of the parcel of land adjoining the limited access road or by reason of the legal access of the parcel of land to any other road being lost or adversely affected as a result of the creation of the limited access road; and the Registrar-General of Land shall record it against the titles to all the parcels of land described in it:

(d) where any land affected by the declaration is Maori land the Agency shall cause to be deposited in the office of the Registrar of the Maori Land Court a copy of the declaration as gazetted, together with a certificate in the form and containing the details specified in paragraph (c), and the Registrar shall record the declaration and the certificate in the records of the court:

(e) the Agency shall cause a copy of the declaration and plan to be sent to every territorial authority in whose district the limited access road or part is situated:

(f) the Agency shall cause a copy of the declaration as published in the *Gazette* to be served on the owners and occupiers of all land which is affected by the declaration, so far as they can be ascertained.

Compare: 1981 No 35 s 159

Section 94(c): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 94(c): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 94(d): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 94(e): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 94(f): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

95 Certificate of land affected to be forwarded to Registrar-General of Land

(1) Where any land is purchased, set apart, or otherwise acquired for, or declared to be, a limited access road under section 88(2), there shall be forwarded to the Registrar-General of Land a certificate by a duly authorised officer of the Agency that the land referred to in it by sufficient descriptions and title references comprises every parcel of land that is affected by that limited access road, either by reason of—

(a) the parcel of land adjoining the limited access road; or

(b) the legal access of the parcel of land to any other road being lost or adversely affected as a result of the creation of the limited access road—

and the Registrar-General of Land shall record the certificate against the titles so specified.

(2) Where any land to which subsection (1) applies is Maori land then the provisions of that subsection shall apply, in addition, as if the Registrar-General of Land were the Registrar of the Maori Land Court, who shall record the certificate in the records of that court.

(3) Where the Agency revokes the status of limited access road from any State highway or part, it shall cause a copy of the *Gazette* notice, together with a certificate signed by a duly authorised officer of the Agency setting out by sufficient descriptions and title references all parcels of land affected by the revocation, to be forwarded to—

(a) the Registrar-General of Land, who shall record the certificate against the titles to all the parcels of land so described; and

(b) the Registrar of the Maori Land Court, if any of the land affected is Maori land, who shall record the certificate in the records of the court; and

(c) every territorial authority in whose district the State highway or part is situated; and

(d) the owner and occupier of each parcel of land so described.

Compare: 1981 No 35 s 160

Section 95 heading: amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 95(1): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 95(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 95(2): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

Section 95(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 95(3)(a): amended, on 12 November 2018, by section 250 of the Land Transfer Act 2017 (2017 No 30).

96 Administration of limited access roads

(1) If any limited access road which is a State highway ceases to be a State highway, it shall thereupon be deemed to be a limited access road created under the Local Government Act 1974; and the administration of that road shall pass to the territorial authority responsible for the control of roads in the district.

(2) If any limited access road which is not a State highway becomes a State highway, it shall thereupon be deemed to be a limited access road created under this Part and the administration of that road shall pass to the Agency.

Compare: 1981 No 35 s 161

Section 96(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

97 Offences

Every person commits an offence who—

(a) acts in contravention of or fails to comply in any respect with any provision of section 92; or

(b) fails to comply with any condition specified in any authorisation granted under section 91 or section 92; or

(c) uses or makes any unauthorised crossing place on to a limited access road,—

and is liable on conviction to a fine not exceeding $500.

Compare: 1981 No 35 s 162

Section 97: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

98 Compensation

Every person having an estate or interest in land which is injuriously affected by the creation of a limited access road under section 88 shall, notwithstanding section 60 of the Public Works Act 1981, be entitled to full compensation from the Crown under Part 5 of that Act.

Compare: 1981 No 35 s 163

Part 5
Excise duty
[Repealed]

Part 5: repealed, on 9 September 2004, by section 44 of the Land Transport Management Act 2003 (2003 No 118).

99 Interpretation

[Repealed]

Section 99: repealed, on 9 September 2004, by section 44 of the Land Transport Management Act 2003 (2003 No 118).

100 Apportionment of excise duty

[Repealed]

Section 100: repealed, on 9 September 2004, by section 44 of the Land Transport Management Act 2003 (2003 No 118).

100A Apportionment of excise duty after 30 June 1992

[Repealed]

Section 100A: repealed, on 3 July 1992, by section 2 of the Transit New Zealand Amendment Act (No 2) 1992 (1992 No 73).

101 Refund of excise duty

[Repealed]

Section 101: repealed, on 9 September 2004, by section 44 of the Land Transport Management Act 2003 (2003 No 118).

102 Procedure for obtaining refund

[Repealed]

Section 102: repealed, on 9 September 2004, by section 44 of the Land Transport Management Act 2003 (2003 No 118).

103 Amount of excise duty and refunds may be altered by Order in Council

[Repealed]

Section 103: repealed, on 16 May 1998, by section 35(1) of the Land Transport Act 1993 (1993 No 88).

Part 6
Miscellaneous provisions

104 Special purpose roads

[Repealed]

Section 104: repealed, on 13 November 2003, by section 91(2) of the Land Transport Management Act 2003 (2003 No 118).

104A Grants from Infrastructure Auckland

[Repealed]

Section 104A: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

105 Public availability of documents

Where the Agency or any local authority is required under this Act to make any document or matter available to the public, it shall—

(a) make sufficient copies of that document or matter available for public inspection, free of charge; and

(b) make sufficient copies of that document or matter available for purchase, at a reasonable price, during normal office hours at the principal office of the Agency or local authority; and

(c) notify that availability by advertisement in a newspaper circulating in the region or district, or regions or districts, to which the document or matter relates.

Section 105: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 105(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

106 Power of Agency to direct roading work

(1) If at any time the Agency has reasonable cause to believe that any road, State highway, or motorway under the control of the Agency or a territorial authority is not in reasonable or satisfactory condition,—

(a) it may inquire into the circumstances; and

(b) if, in the opinion of the Agency, the territorial authority in control of the road, State highway, or motorway has not carried out work which the Agency considers necessary and justified in the interest of road users, having regard to the money available to the territorial authority, the Agency may by notice require the Agency or the territorial authority to undertake such work as it may specify and within such period as may be stated in the notice.

(2) In the event of the Agency or the territorial authority not undertaking the work as required and within the period specified in the notice under subsection

(1)(b), the Agency itself may arrange for the work to be carried out and may recover the costs of that work from the Agency or the territorial authority, either as a debt due to the Agency or by deducting the amount from payments then due or becoming due to the Agency or the territorial authority from the National Roads Account.

Section 106: replaced, on 1 July 1996, by section 25 of the Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 106 heading: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 106(1): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 106(1)(b): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 106(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

107 Application of Act to Chatham Islands

Except as otherwise expressly provided in this Act, this Act shall apply to the Chatham Islands as if the Chatham Islands Council were a territorial authority that is also a regional council.

Section 107: amended, on 1 July 2003, by section 262 of the Local Government Act 2002 (2002 No 84).

108 Supply of information

The Secretary, the Agency and every local authority shall upon request by any of them supply such information as is requested for the purposes of enabling the Secretary, the Agency or the local authority to perform any of its functions, duties, or powers under this Act.

Section 108: amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

109 Penalty for breach of bylaws

(1) Every person who commits a breach of any bylaw made or deemed to have been made under this Act is liable to a fine not exceeding $1,000.

(2) Where a person commits a continuing breach of any bylaw, then, notwithstanding anything in any other Act, the District Court, on application by the Agency or by a territorial authority where the bylaw was made by the territorial authority acting pursuant to a delegation under section 62, may grant an injunction restraining the further continuance of the breach by that person.

(3) An injunction may be granted under subsection (2),—

(a) notwithstanding that proceedings for the offence constituted by the breach have not been taken; or

(b) where the person is convicted of such an offence, either,—

(i) in the proceedings for the offence, in substitution for or in addition to any penalty awarded for the offence; or

(ii) in subsequent proceedings.

Section 109(1): amended, on 11 August 2017, by section 102(2) of the Land Transport Amendment Act 2017 (2017 No 34).

Section 109(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 109(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

110 Regulations

(1) The Governor-General may from time to time, by Order in Council, make such regulations as are necessary or expedient for giving full effect to this Act and for its due administration.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 110(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

111 Abolition of National Roads Board and Urban Transport Council, etc

(1) The following bodies are hereby abolished:

(a) the National Roads Board:

(b) the Urban Transport Council:

(c) every other body established by or under the National Roads Act 1953 or the Urban Transport Act 1980.

(2) Every member of the bodies abolished by subsection (1) shall vacate office on the commencement of this Act, and shall not be entitled to any compensation in respect of such loss of office.

(3) Subject to sections 113 and 114, on the date of commencement of this Act—

(a) all real and personal property belonging to or vested in the National Roads Board or the Urban Transport Council shall become vested in the Authority, subject to all encumbrances, liens, and other interests to which it is subject on that date:

(b) all money payable to the National Roads Board or the Urban Transport Council shall become payable to the Authority:

(c) all liabilities, contracts, and engagements, and all rights and authorities of any nature whatever, of the National Roads Board or the Urban Transport Council shall become liabilities, contracts, engagements, rights, and authorities of the Authority:

(d) all proceedings pending by or against the National Roads Board or the Urban Transport Council may be carried on, completed, and enforced by or against the Authority.

(4) On and from 1 July 2008, the Agency has all the rights and obligations conferred on the Authority by subsection (3).

Section 111(4): inserted, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

112 Matters pending to lapse

Where, on the commencement of this Act, any matter is pending before the Urban Transport Council, the National Roads Board, or any other body established by or under the National Roads Act 1953 or the Urban Transport Act 1980, the matter shall lapse.

113 Transitional provision in respect of loans by Urban Transport Council or National Roads Board

Notwithstanding the abolition of the Urban Transport Council and the National Roads Board, the Secretary for Transport may, for the purpose of completing all matters relating to any loan made by that Council or that Board before its abolition, exercise or carry out all or any of the rights, authorities, duties, and powers that that Council had under section 35 of the Urban Transport Act 1980 or that Board had under section 38 of the National Roads Act 1953; and may execute all documents, receive repayments, and take proceedings and otherwise realise securities, relating to any such loan.

Compare: 1980 No 156 s 51(3)

114 Transitional financial provisions

[Repealed]

Section 114: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

115 Regional advisory committees

[Repealed]

Section 115: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

116 Repeals, savings, and consequential amendments

(1) The enactments specified in Schedule 3 are hereby repealed.

(2) The Transport (Refunds of Excise Duty) Order 1989 (SR 1989/140) is hereby revoked.

(3) Every reference in any Act, regulation, order, or bylaw, or in any agreement, deed, instrument, application, notice, or document whatsoever to—

(a) the National Roads Board or the Urban Transport Council shall, unless the context otherwise requires, be hereafter read as a reference to the Agency:

(b) the National Roads Fund shall, unless the context otherwise requires, be hereafter read as a reference to the Land Transport Fund or, as appropriate, to the Land Transport Account.

(4) The enactments specified in Schedule 4 are hereby amended in the manner indicated in that schedule.

Compare: 1953 No 118 s 43

Section 116(3)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

117 Confirmation of Order in Council fixing refunds of excise duty

The Transport (Refunds of Excise Duty) Order 1989 (SR 1989/140) (as made pursuant to section 191 of the Transport Act 1962 and revoked by section 116(2)) is hereby confirmed.

Schedule 1A
Provisions relating to Transfund New Zealand

[Repealed]

s 3A(9)

Schedule 1A: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Schedule 1
Provisions relating to Transit New Zealand

[Repealed]

s 4(7)

Schedule 1: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Schedule 1B
Matters to be included in performance agreement

[Repealed]

s 7B(1), (2)

Schedule 1B: repealed, on 13 November 2003, by section 90 of the Land Transport Management Act 2003 (2003 No 118).

Schedule 2

[Repealed]

s 101(7), (8), (9)

Schedule 2: repealed, on 16 May 1998, by section 35(1) of the Land Transport Act 1993 (1993 No 88).

Schedule 3
Enactments repealed

s 116(1)

Conservation Act 1987 (1987 No 65)
Amendment(s) incorporated in the Act(s).

Customs Amendment Act 1988 (1988 No 17)
Amendment(s) incorporated in the Act(s).

Finance Act 1989 (1989 No 13)
Amendment(s) incorporated in the Act(s).

Goods and Services Tax Amendment Act 1986 (1986 No 43)
Amendment(s) incorporated in the Act(s).

Local Authorities Loans Act 1956 (1956 No 63)
Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66) (RS Vol 20, p 1)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 2) 1977 (1977 No 109) (RS Vol 20, p 645)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1979 (1979 No 59) (RS Vol 20, p 664)
Amendment(s) incorporated in the Act(s).

Local Government Amendment Act (No 2) 1982 (1982 No 166)
Amendment(s) incorporated in the Act(s).

National Roads Act 1953 (1953 No 118) (RS Vol 3, p 801)

National Roads Amendment Act 1956 (1956 No 44) (RS Vol 3, p 835)

National Roads Amendment Act 1957 (1957 No 64) (RS Vol 3, p 836)

National Roads Amendment Act 1958 (1958 No 27) (RS Vol 3, p 836)

National Roads Amendment Act 1959 (1959 No 104) (RS Vol 3, p 837)

National Roads Amendment Act 1962 (1962 No 51) (RS Vol 3, p 839)

National Roads Amendment Act 1964 (1964 No 51) (RS Vol 3, p 840)

National Roads Amendment Act 1965 (1965 No 61) (RS Vol 3, p 840)

National Roads Amendment Act 1970 (1970 No 130) (RS Vol 3, p 841)

National Roads Amendment Act 1973 (1973 No 9) (RS Vol 3, p 841)

National Roads Amendment Act 1980 (1980 No 70)

National Roads Amendment Act 1988 (1988 No 45)

National Roads Amendment Act (No 2) 1988 (1988 No 201)

Ombudsmen Act 1975 (1975 No 9) (RS Vol 21, p 657)
Amendment(s) incorporated in the Act(s).

Public Works Act 1981 (1981 No 35)
Amendment(s) incorporated in the Act(s).

Public Works Amendment Act 1982 (1982 No 182)
Amendment(s) incorporated in the Act(s).

Public Works Amendment Act 1983 (1983 No 150)
Amendment(s) incorporated in the Act(s).

Public Works Amendment Act 1988 (1988 No 43)
Amendment(s) incorporated in the Act(s).

Rating Powers Act 1988 (1988 No 97)
Amendment(s) incorporated in the Act(s).

Road User Charges Act 1977 (1977 No 124) (RS Vol 21, p 759)
Amendment(s) incorporated in the Act(s).

State-Owned Enterprises Act 1986 (1986 No 124)
Amendment(s) incorporated in the Act(s).

Transport Act 1962 (1962 No 135) (RS Vol 16, p 659)
Amendment(s) incorporated in the Act(s).

Transport Amendment Act (No 2) 1983 (1983 No 33)
Amendment(s) incorporated in the Act(s).

Transport Amendment Act 1986 (1986 No 49)
Amendment(s) incorporated in the Act(s).

Transport Amendment Act (No 2) 1988 (1988 No 170)
Amendment(s) incorporated in the Act(s).

Urban Transport Act 1980 (1980 No 156)

Urban Transport Amendment Act 1982 (1982 No 177)

Urban Transport Amendment Act 1985 (1985 No 43)

Urban Transport Amendment Act 1988 (1988 No 217)

Schedule 4
Enactments amended

s 116(4)

Christchurch-Lyttelton Road Tunnel Authority Dissolution Act 1978 (1978 No 51)

Amendment(s) incorporated in the Act(s).

Environment Act 1986 (1986 No 127)

Amendment(s) incorporated in the Act(s).

Goods and Services Tax Act 1985 (1985 No 141) (RS Vol 19, p 369)

Amendment(s) incorporated in the Act(s).

Hutt Road Act 1939 (1939 No 18)

Amendment(s) incorporated in the Act(s).

Local Government Act 1974 (1974 No 66) (RS Vol 20, p 1)

Amendment(s) incorporated in the Act(s).

Ministry of Transport Act 1968 (1968 No 39) (RS Vol 18, p 531)

Amendment(s) incorporated in the Act(s).

Ombudsmen Act 1975 (1975 No 9) (RS Vol 21, p 657)

Amendment(s) incorporated in the Act(s).

Petroleum Act 1937 (1937 No 27) (RS Vol 7, p 647)

Amendment(s) incorporated in the Act(s).

Public Works Act 1981 (1981 No 35)

Amendment(s) incorporated in the Act(s).

Town and Country Planning Act 1977 (1977 No 121) (RS Vol 16, p 521)

Amendment(s) incorporated in the Act(s).

Transport Act 1962 (1962 No 135) (RS Vol 16, p 659)

Amendment(s) incorporated in the Act(s).

Wildlife Act 1953 (1953 No 31) (RS Vol 7, p 819)

Amendment(s) incorporated in the Act(s).

Notes

1 General

This is a consolidation of the Government Roading Powers Act 1989 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Planning Act 2026 (2026 No 70): section 343(1), (5)

Regulatory Systems (Transport) Amendment Act 2026 (2026 No 21): Part 1

Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 (2026 No 15): section 23

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Statutes Amendment Act 2022 (2022 No 75): Part 19

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Regulatory Systems (Transport) Amendment Act 2021 (2021 No 9): section 56

Secondary Legislation Act 2021 (2021 No 7): section 3

Te Ture Whenua Maori (Succession, Dispute Resolution, and Related Matters) Amendment Act 2020 (2020 No 51): sections 88–93

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Land Transport Amendment Act 2017 (2017 No 34): section 102

Land Transfer Act 2017 (2017 No 30): section 250

Statutes Repeal Act 2017 (2017 No 23): section 4(1)

Statutes Amendment Act 2016 (2016 No 104): Part 13

District Court Act 2016 (2016 No 49): section 261

Land Transport Management Amendment Act 2013 (2013 No 35): section 72

Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19): section 8

Criminal Procedure Act 2011 (2011 No 81): section 413

Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 100(3)

Limitation Act 2010 (2010 No 110): section 58

Infrastructure (Amendments Relating to Utilities Access) Act 2010 (2010 No 99): sections 22–25

Land Transport Amendment Act 2009 (2009 No 17): section 35(4)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

Land Transport Management Amendment Act 2004 (2004 No 97): section 19(1)

Land Transport Management Act 2003 (2003 No 118): sections 44, 90, 91(2)

Local Government Act 2002 (2002 No 84): section 262

Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17): section 76

Land Transport Act 1998 (1998 No 110): section 215(1)

Resource Management Amendment Act 1996 (1996 No 160): section 6(2)(a)

Customs and Excise Act 1996 (1996 No 27): section 289(1)

Transit New Zealand Amendment Act 1995 (1995 No 42)

Land Transport Act 1993 (1993 No 88): section 35(1)

Transit New Zealand Amendment Act (No 2) 1992 (1992 No 73)

Crown Minerals Act 1991 (1991 No 70): section 121

Resource Management Act 1991 (1991 No 69): section 362

Transit New Zealand Amendment Act 1990 (1990 No 122)

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