

**Reprint
as at 1 December 2009**



**Land Transport (Ordering a
Vehicle off the Road) Notice 1999**

(SR 1999/33)

Pursuant to section 115 of the Land Transport Act 1998, the Land Transport Safety Authority of New Zealand gives the following notice.

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Note

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

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

This notice is administered by the Ministry of Transport.

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Notice

1 Title and commencement

- (1) This notice may be cited as the Land Transport (Ordering a Vehicle off the Road) Notice 1999.
- (2) This notice comes into force on 1 March 1999.

2 Interpretation

In this notice,—

authorised vehicle inspection agent means a person authorised by the Agency to inspect vehicles and issue evidence of vehicle inspection who does not engage in repairing vehicles in the course of business

vehicle inspector means a person authorised by the Agency to act as a vehicle compliance certifier.

Clause 2 **authorised vehicle inspection agent**: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

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

3 Forms

The forms set out in Schedules 1 to 3, or forms to the same effect, must be used in all appropriate cases.

4 Form of notice to be affixed to defective vehicle

Every notice directing that a vehicle is not to be driven on the road, which is to be affixed to the vehicle under section 115(1)(a) of the Land Transport Act 1998, must be in the form set out in Schedule 1.

Clause 4: substituted, on 16 January 2006, by clause 3 of the Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005 (SR 2005/294).

4A Form of notice to be given to driver or owner of defective vehicle

Every notice directing that a vehicle is not to be driven on the road, which is to be given to the driver or owner of the vehicle under section 115(1)(b) of the Land Transport Act 1998, must be in the form set out in Schedule 1A.

Clause 4A: inserted, on 16 January 2006, by clause 3 of the Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005 (SR 2005/294).

5 Form of notice to be affixed to unsafe vehicle

Every notice to the effect that a vehicle on a road is not in a safe condition to be driven on the road, that is to be affixed to the vehicle under section 115(3)(a) of the Land Transport Act 1998, must be in the form set out in Schedule 2.

Clause 5 heading: amended, on 16 January 2006, by clause 4 of the Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005 (SR 2005/294).

6 Form of notice to driver or owner of unsafe vehicle

Every notice ordering the removal of a vehicle from the road, that is to be given to the driver or owner of the vehicle under section 115(3)(b) of the Land Transport Act 1998, must be in the form set out in Schedule 3.

Clause 6 heading: amended, on 16 January 2006, by clause 5 of the Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005 (SR 2005/294).

7 Revocation

The Transport (Ordering a Vehicle off the Road) Notice 1995 (SR 1995/156) is consequentially revoked.

Schedule 1

cl 4

Form of notice to be affixed to vehicle

Schedule 1: substituted, on 16 January 2006, by clause 6 of the Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005 (SR 2005/294).

Form

Notice to be affixed to defective vehicle

Section 115(1)(a), Land Transport Act 1998

- 1 The vehicle to which this notice is affixed does not comply with the provisions of the regulations or the rules made under the Land Transport Act 1998. Reasons for that belief, and any conditions relating to the operation of the vehicle, are set out in the notice issued to the owner or driver of the vehicle.
- 2 Under the provisions of section 115(1)(a) of the Land Transport Act 1998 you are directed that this vehicle is to be removed from the road and is not to be driven on a road until—
 - (a) the defects have been eliminated:
 - * (b) the vehicle's exhaust system has been tested and certified under the low volume vehicle code as not exceeding the applicable decibel standard:
 - * (c) a vehicle inspector, who is an employee of an authorised vehicle inspection agent, who does not repair vehicles (other than to replace light bulbs and windscreen wiper blades) in the course of business, has inspected the vehicle, is satisfied that the vehicle is no longer defective, and has issued new evidence of a vehicle inspection, which is displayed on the vehicle.
- *3 In accordance with section 115(2A) of the Land Transport Act 1998, this notice remains in force until the enforcement officer identified in the notice issued to the driver or owner of the vehicle has been notified in writing that the vehicle complies with the regulations and rules or with the particular requirement of the regulations or the rules.
- 4 It is an offence to remove, obscure, or render indistinguishable this notice if it is affixed to the vehicle. It is an offence, unless otherwise stated in the notice issued to the driver or owner of the vehicle, to use the vehicle on any road before the conditions

Form —*continued*

specified in paragraph 2 have been met. You are liable on conviction for either offence to a fine not exceeding \$10,000.

*Delete if inapplicable.

Schedule 1 form: amended, on 1 December 2009, by section 40(1) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

Schedule 1A

cl 4A

Form of notice to driver or owner

Schedule 1A: inserted, on 16 January 2006, by clause 6 of the Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005 (SR 2005/294).

Form

Notice to driver or owner of defective vehicle

Section 115(1)(b), Land Transport Act 1998

Full name:

Address:

Date:

Time:

- 1 I believe that the [*make of vehicle*], registration number [*number*], is defective and does not comply with the provision(s) of the regulations or rules made under the Land Transport Act 1998 because of [*reason(s)*].

Note: if the vehicle is ordered off the road under section 96(1B) of that Act, state “a direction under section 96(1B) of that Act” or words to that effect as the reason for non-compliance.

- 2 Under the provisions of section 115(1)(b) of the Land Transport Act 1998 you are directed that this vehicle is to be removed from the road and is not to be driven on a road until—
- (a) the defects have been eliminated:
 - * (b) the vehicle’s exhaust system has been tested and certified under the low volume vehicle code as not exceeding the applicable decibel standard (if the reason listed above includes the vehicle’s alleged non-compliance with the rules regarding the level of exhaust noise emitted by the vehicle):
 - * (c) a vehicle inspector, who is an employee of an authorised vehicle inspection agent, who does not repair vehicles (other than to replace light bulbs and windscreen wiper blades) in the course of business, has inspected the vehicle, is satisfied that the vehicle is no longer defective, and has issued new evidence of a vehicle inspection, which is displayed on the vehicle.

Form —*continued*

- *3 In accordance with section 115(2A) of the Land Transport Act 1998, this notice remains in force until you have notified the enforcement officer identified in this notice that the vehicle complies with the regulations and rules or with the particular requirement of the regulations or the rules.
- *4 You may, however, proceed at a speed of not more than [*number*] km/h via [*route*] to [*place*] for repairs.
- *5 You may, however, continue to drive this vehicle until [*date*] in accordance with the following conditions: [*conditions*].
- *6 It is an offence to drive this vehicle (other than in the circumstances outlined in paragraph 4 or paragraph 5) before new evidence of a vehicle inspection has been obtained for, and is displayed on, the vehicle. It is also an offence to remove any notice issued under section 115(1)(a) of the Land Transport Act 1998 that is affixed to this vehicle before new evidence of a vehicle inspection for the vehicle has been obtained for, and is displayed on, the vehicle. If section 115(2A) of the Land Transport Act 1998 applies, it is an offence to remove any notice before the enforcement officer has been notified in writing that the vehicle complies with the regulations or the rules. You are liable on conviction for any of these offences to a fine not exceeding \$10,000.
- 7 Further information may be obtained from—
- *(a) the nearest office of Land Transport New Zealand:
 - *(b) the [*name*] Police station.

Notice No:

Enforcement officer No:

Enforcement officer stationed at [*place*].

*Delete if inapplicable.

Schedule 1A form: amended, on 1 December 2009, by section 40(1) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

Schedule 2

cl 5

Notice to be affixed to unsafe vehicle*(Pursuant to section 115(3)(a) of the Land Transport Act 1998)*

- 1 It is believed by an enforcement officer that this vehicle is not in a safe condition to be driven on the road, and it has been ordered off the road by a notice given by the enforcement officer to the driver or owner of the vehicle.
- *1A In addition, an enforcement officer believes that the vehicle does not comply with the rules regarding the level of exhaust noise emitted by the vehicle. The vehicle's exhaust system must be tested and certified under the low volume vehicle code as not exceeding the applicable decibel standard before new evidence of vehicle inspection can be issued for the vehicle.
- 2 This vehicle is to be removed from the road and is not to be driven on any road until—
 - (a) it has been inspected by a vehicle inspector who is an employee of an authorised vehicle inspection agent who does not repair vehicles (other than to replace light bulbs and windscreen wiper blades) in the course of business; and
 - (b) the vehicle inspector is satisfied that the vehicle is in a safe condition for driving on the road; and
 - (c) the vehicle inspector has issued new evidence of vehicle inspection for the vehicle and it is displayed on the vehicle.
- 3 You may, however, continue to drive this vehicle if permitted by the notice referred to in paragraph 1.
- 4 It is an offence to remove, obscure, or render indistinguishable this notice before new evidence of vehicle inspection for the vehicle has been obtained. It is also an offence to drive this vehicle (other than in circumstances outlined in paragraph 3) before new evidence of vehicle inspection has been obtained for, and is displayed on, the vehicle. You are liable on conviction for either offence to a fine not exceeding \$10,000.
- 5 Further information may be obtained from—
 - *the nearest office of the New Zealand Transport Agency; or

*the _____ Police station.

Schedule 2 paragraph 1A: inserted, on 1 December 2009, by section 40(1) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

Schedule 2 paragraph 2(a): amended, on 1 December 2009, by section 40(1) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

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

Schedule 3

cl 6

Notice to driver or owner of unsafe vehicle*(Pursuant to section 115(3)(b) of the Land Transport Act 1998)*

Schedule 3 heading: amended, on 16 January 2006, by clause 8 of the Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005 (SR 2005/294).

Full name:

Address:

Date:

Time:

- 1 I believe that the _____ vehicle, registration number _____, is not in a safe condition to be driven on the road because of—

- *1A In addition, I believe that the vehicle does not comply with the rules regarding the level of exhaust noise emitted by the vehicle. Under the provisions of section 115(3B) of the Land Transport Act 1998, the vehicle's exhaust system must be tested and certified under the low volume vehicle code as not exceeding the applicable decibel standard before new evidence of vehicle inspection can be issued for the vehicle.
- 2 Under the provisions of section 115(3)(b) of the Land Transport Act 1998 you are directed that this vehicle is to be removed from the road and is not to be driven on any road until—
- (a) it has been inspected by a vehicle inspector who is an employee of an authorised vehicle inspection agent who does not repair vehicles in the course of business; and
 - (b) the vehicle inspector is satisfied that the vehicle is in a safe condition for driving on the road; and
 - (c) the vehicle inspector has issued new evidence of vehicle inspection for the vehicle and it is displayed on the vehicle.

- *3 You may, however, proceed at a speed of not more than _____ km/h via _____ to _____ for repairs.
- 4 It is an offence to drive this vehicle (other than in circumstances outlined in paragraph 3) before new evidence of vehicle inspection has been obtained for, and is displayed on, the vehicle. It is also an offence to remove any notice issued under section 115(3)(a) of the Land Transport Act 1998 which is affixed to this vehicle before new evidence of vehicle inspection for the vehicle has been obtained for, and is displayed on, the vehicle. You are liable on conviction for either offence to a fine not exceeding \$10,000.
- 5 Further information may be obtained from—
*the nearest office of the New Zealand Transport Agency; or
*the _____ Police station.
Notice No: _____
Enforcement officer No: _____ stationed at _____

*Delete if inapplicable.

Schedule 3 paragraph 1A: inserted, on 1 December 2009, by section 40(1) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

Schedule 3 paragraph 2(a): amended, on 1 December 2009, by section 40(1) of the Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36).

Schedule 3 paragraph 5: amended, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Dated at Wellington this 5th day of February 1999.

Michael S Morris,
Chairperson.

This notice was made by the Land Transport Safety Authority of New Zealand by a resolution passed at a duly constituted meeting held on the 5th day of February 1999.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 11 February 1999.

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Notes

1 *General*

This is a reprint of the Land Transport (Ordering a Vehicle off the Road) Notice 1999. The reprint incorporates all the amendments to the notice as at 1 December 2009, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions,

see <http://www.pco.parliament.govt.nz/editorial-conventions/>
or Part 8 of the *Tables of New Zealand Acts and Ordinances
and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)

- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Land Transport (Enforcement Powers) Amendment Act 2009 (2009 No 36):
section 40(1)

Land Transport Management Amendment Act 2008 (2008 No 47): section
50(2)

Land Transport (Ordering a Vehicle off the Road) Amendment Notice 2005 (SR
2005/294)
