

**Reprint
as at 1 December 2010**



**Canterbury Earthquake
(Transport Legislation) Order
2010**

(SR 2010/319)

Canterbury Earthquake (Transport Legislation) Order 2010: expired, on
1 December 2010, by clause 3.

Anand Satyanand, Governor-General

Order in Council

At Wellington this 16th day of September 2010

Present:

His Excellency the Governor-General in Council

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 order is administered by the Ministry of Transport.

Pursuant to section 6 of the Canterbury Earthquake Response and Recovery Act 2010, His Excellency the Governor-General makes the following order acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister made in accordance with section 6(2) of that Act.

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Order

- 1 Title**
This order is the Canterbury Earthquake (Transport Legislation) Order 2010.
- 2 Commencement**
This order is deemed to have come into force on 4 September 2010.
- 3 Expiry**
This order expires on the close of 30 November 2010.
- 4 Interpretation**
In this order, unless the context otherwise requires,—
heavy motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998
gross vehicle mass has the same meaning as in Part 2 of the Land Transport Rule: Vehicle Dimensions and Mass 2002
operator has the same meaning as in section 2(1) of the Land Transport Act 1998

relevant authority means—

- (a) Christchurch City Council; or
- (b) Selwyn District Council; or
- (c) Waimakariri District Council.

5 Exemption

- (1) While this order is in force, a person who operates a heavy motor vehicle and complies with subclause (2) is exempt from—
 - (a) sections 16 and 43 of the Land Transport Act 1998; and
 - (b) regulations 5(1) and 18 of the Heavy Motor Vehicle Regulations 1974; and
 - (c) sections 4 and 5 of the Land Transport Rule: Vehicle Dimensions and Mass 2002.
- (2) To qualify for the exemption, the person must,—
 - (a) in the case of the period beginning on 4 September 2010 and ending with the close of 16 September 2010, apply for and be granted written authorisation in respect of 1 or more specified motor vehicles by—
 - (i) the chief executive of the relevant authority; or
 - (ii) a person authorised for the purpose by the chief executive of the relevant authority;
 - (b) in the case of the period beginning on 17 September 2010 and ending with the close of 30 November 2010,—
 - (i) apply for and be granted written authorisation in respect of 1 or more specified heavy motor vehicles by—
 - (A) the chief executive of the relevant authority; or
 - (B) a person authorised for the purpose by the chief executive of the relevant authority; and
 - (ii) carry a copy of the authorisation in the specified heavy motor vehicle; and
 - (iii) produce the copy of the authorisation to an enforcement officer on request by that enforcement officer; and

- (iv) operate the specified heavy motor vehicle in accordance with any terms and conditions specified in the authorisation.
- (3) Before granting an authorisation under subclause (2)(a), the chief executive or the person authorised by the chief executive for the purpose (as the case may be) must be satisfied that the specified heavy motor vehicle was operated as part of the relevant authority's response to the Canterbury earthquake.
- (4) In granting an authorisation under subclause (2)(b), the chief executive or the person authorised by the chief executive for the purpose (as the case may be)—
 - (a) must, before granting the authorisation,—
 - (i) take into account—
 - (A) the safety of other road users; and
 - (B) the safety of the public; and
 - (C) the potential effect on public property and private property, including any road, bridge, or other transport infrastructure to be used by the specified heavy motor vehicle; and
 - (D) the relevant authority's response to the Canterbury earthquake; and
 - (E) any relevant advice given by the New Zealand Transport Agency in response to the information provided under subparagraph (ii) or by a territorial authority in response to the information provided under subparagraph (iii); and
 - (ii) in relation to the operation of a specified heavy motor vehicle on any road, bridge, or other transport infrastructure that is part of a State highway, inform the New Zealand Transport Agency of the authorisation; and
 - (iii) in relation to the operation of a specified heavy motor vehicle on any road, bridge, or other transport infrastructure that is not part of a State highway and is inside the district of another territorial authority, inform that territorial authority of the authorisation; and

- (iv) be satisfied that any road, bridge, or other transport infrastructure that is to be used by the specified heavy motor vehicle can safely accommodate the operation of the specified heavy motor vehicle; and
 - (b) must specify that the authorisation only applies to the specified heavy motor vehicle when the specified heavy motor vehicle is operated—
 - (i) as part of the relevant authority’s response to the Canterbury earthquake; and
 - (ii) at a weight that does not exceed the gross vehicle mass of the specified heavy motor vehicle; and
 - (c) may specify any other terms and conditions regarding the operation of the specified heavy motor vehicle, including (but not limited to) where and when the specified heavy motor vehicle may be operated under the authorisation.
- (5) To avoid doubt, a relevant authority may grant an authorisation that affects any road, bridge, or other transport infrastructure that is inside the district of another territorial authority.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This Order in Council, which is deemed to have come into force on 4 September 2010 and expires on 30 November 2010, provides a means of exempting operators of heavy motor vehicles from certain provisions regarding heavy motor vehicles where those heavy motor vehicles are operated as part of a relevant authority’s response to the Canterbury earthquake. This Order in Council is made under the Canterbury Earthquake Response and Recovery Act 2010 and its effect is temporary.

**Canterbury Earthquake (Transport
Legislation) Order 2010**

Reprinted as at
1 December 2010

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 16 September 2010.

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Notes

1 *General*

This is a reprint of the Canterbury Earthquake (Transport Legislation) Order 2010. The reprint incorporates all the amendments to the order as at 1 December 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

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)*

Canterbury Earthquake (Transport Legislation) Order 2010 (SR 2010/319):
clause 3
