

Reprint
as at 19 April 2016



Canterbury Earthquake (Transport Legislation) Order 2010

(SR 2010/319)

Canterbury Earthquake (Transport Legislation) Order 2010: revoked (after expiring on the close of 30 November 2010), on 19 April 2016, by section 146(2) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Anand Satyanand, Governor-General

Order in Council

At Wellington this 16th day of September 2010

Present:

His Excellency the Governor-General in Council

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.

Contents

	Page
1 Title	2
2 Commencement	2

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry of Transport.

3	Expiry	2
4	Interpretation	2
5	Exemption	2

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.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 16 September 2010.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Transport Legislation) Order 2010 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 146(2)

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