

Reprint  
as at 19 April 2016



## Canterbury Earthquake (Road User Charges Act) Order 2010

(SR 2010/427)

Canterbury Earthquake (Road User Charges Act) 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 22nd day of November 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 |
| 6 | Modification of section 18A of Act | 3 |
| 7 | Modification of section 18C of Act | 3 |
| 8 | Modification of section 23 of Act  | 3 |

## Order

### 1 Title

This order is the Canterbury Earthquake (Road User Charges Act) 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

- (1) In this order, unless the context otherwise requires, **Act** means the Road User Charges Act 1977.
- (2) The modifications or extensions to the Act made by this order do not affect the text of the Act but require it to be read as if it had been amended in the manner indicated in this order.

### 5 Exemption

While this order is in force, a person who operates a heavy motor vehicle is exempt from section 5(1)(b) of the Act if the person—

- (a) operates the heavy motor vehicle in accordance with an authorisation granted under clause 5(2) of the Canterbury Earthquake (Transport Legislation) Order 2010; and
- (b) is exempt under clause 5(1) of the Canterbury Earthquake (Transport Legislation) Order 2010; and
- (c) has—
  - (i) taken all reasonable steps to obtain an appropriate licence covering the gross weight of the heavy motor vehicle; or
  - (ii) reasonable grounds to believe that the gross weight of the heavy motor vehicle is within the maximum gross weight specified in the vehicle's licence.

**6 Modification of section 18A of Act**

At any inquiry under section 18A(1) of the Act in relation to the operation of a heavy motor vehicle, a District Court Judge must, if the Judge is satisfied that the heavy motor vehicle was operated in accordance with an authorisation granted under clause 5(2) of the Canterbury Earthquake (Transport Legislation) Order 2010, take into account whether the owner of the heavy motor vehicle, during the period of the authorisation,—

- (a) had taken all reasonable steps to obtain an appropriate licence covering the gross weight of the heavy motor vehicle; or
- (b) had reasonable grounds to believe that the gross weight of the heavy motor vehicle was within the maximum gross weight specified in the vehicle's licence.

**7 Modification of section 18C of Act**

When making an assessment under section 18C(1) of the Act in relation to the operation of a heavy motor vehicle, a District Court Judge may discount the amount of road user charges that would otherwise be payable under section 18C(5) of the Act, if the Judge is satisfied that—

- (a) the heavy motor vehicle was operated in accordance with an authorisation granted under clause 5(2) of the Canterbury Earthquake (Transport Legislation) Order 2010; and
- (b) the owner of the heavy motor vehicle, during the period of the authorisation,—
  - (i) had taken all reasonable steps to obtain an appropriate licence covering the gross weight of the heavy motor vehicle; or
  - (ii) had reasonable grounds to believe that the gross weight of the heavy motor vehicle was within the maximum gross weight specified in the vehicle's licence.

**8 Modification of section 23 of Act**

If a person is charged under section 23(1)(a) or (2)(a) of the Act with operating a heavy motor vehicle in contravention to section 5(1)(b) of the Act in relation to an act or omission that occurred while the Canterbury Earthquake (Transport Legislation) Order 2010 was in force, the court determining the charge must dismiss the charge if the court is satisfied that the person is exempt under clause 5.

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 that a person is exempt from section 5(1)(b) of the Road User Charges Act 1977 (which concerns the operation of a vehicle in excess of its maximum gross weight) if the person—

- operates a heavy motor vehicle in accordance with an authorisation granted under clause 5(2) of the Canterbury Earthquake (Transport Legislation) Order 2010; and
- is exempt under clause 5(1) of the Canterbury Earthquake (Transport Legislation) Order 2010; and
- has taken all reasonable steps to obtain an appropriate licence covering the gross weight of the heavy motor vehicle or has reasonable grounds to believe that the gross weight of the heavy motor vehicle is within the maximum gross weight specified in the vehicle's licence.

This Order in Council also provides that at any inquiry under section 18A(1) of the Act in relation to a heavy motor vehicle, a District Court Judge must, if the Judge is satisfied that the heavy motor vehicle was operated in accordance with an authorisation granted under clause 5(2) of the Canterbury Earthquake (Transport Legislation) Order 2010, take into account whether the owner of the heavy motor vehicle, during the period of the authorisation, had taken all reasonable steps to obtain an appropriate licence covering the gross weight of the heavy motor vehicle or had reasonable grounds to believe that the gross weight of the heavy motor vehicle was within the maximum gross weight specified in the vehicle's licence.

In addition, this Order in Council provides that when making an assessment in relation to a heavy motor vehicle, a District Court Judge may discount the amount of road user charges that would otherwise be payable under section 18C(5) of the Road User Charges Act 1977 if the Judge is satisfied that the heavy motor vehicle was operated in accordance with an authorisation granted under clause 5(2) of the Canterbury Earthquake (Transport Legislation) Order 2010 and the owner of the heavy motor vehicle, during the period of the authorisation, had taken all reasonable steps to obtain an appropriate licence covering the gross weight of the heavy motor vehicle or had reasonable grounds to believe that the gross weight of the heavy motor vehicle was within the maximum gross weight specified in the vehicle's licence.

This Order in Council also provides that if a person is charged under section 23(1)(a) or (2)(a) of the Road User Charges Act 1977 with operating a heavy motor vehicle in contravention of section 5(1)(b) of that Act (exceeding the maximum gross weight permitted) in relation to an act or omission that occurred while the Canterbury Earthquake (Transport Legislation) Order 2010 was in force, the court determining the charge must dismiss the charge if the court is satisfied that the person is exempt under clause 5 of the order.

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*: 25 November 2010.

## Reprints notes

### **1** *General*

This is a reprint of the Canterbury Earthquake (Road User Charges Act) 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 (Road User Charges Act) Order 2010 (SR 2010/427): clause 3