

Reprint

as at 1 August 2008

Government Roding Powers Act 1989

Public Act 1989 No 75
Date of assent 28 September 1989

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Note

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

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

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[Repealed]

Title: repealed, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

[Repealed]

BE IT ENACTED by the Parliament of New Zealand as follows:

1 Short Title and commencement

- (1) This Act may be cited as the Government Roding Powers Act 1989.
- (2) This Act shall come into force on the 1st day of 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,—

Administration*[Repealed]*

Administration: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

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

Approved*[Repealed]*

Approved: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Approved safety (administration) programme*[Repealed]*

Approved safety (administration) programme: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Capital project*[Repealed]*

Capital project: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Commissioner means the Commissioner of Police

Commissioner: this definition was inserted, as from 1 July 1992, by section 2(1) Transit New Zealand Amendment Act 1992 (1992 No 70).

Competitive pricing procedure*[Repealed]*

Competitive pricing procedure: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

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

council-controlled organisation: this definition was inserted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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

Director of Land Transport Safety*[Repealed]*

Director of Land Transport Safety: this definition was inserted, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Director of Land Transport Safety: this definition was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “section 186 of the Land Transport Act 1998” for the words “section 24 of the Land Transport Act 1993”.

Director of Land Transport Safety: this definition was repealed, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97). *See* sections 20 to 22 of that Act as to the savings and transitional provisions.

[Repealed]

District roading programme*[Repealed]*

District roading programme: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Employee of the Board*[Repealed]*

Employee of the Board: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Excise duty means excise duty payable on motor spirits, compressed natural gas, and liquefied petroleum gas under the Customs and Excise Act 1996

Excise duty: this definition was substituted, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27).

Fees and charges*[Repealed]*

Fees and charges: paragraph (a) of this definition was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “prescribed for the purposes of” for the words “levied under”.

Fees and charges: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Financial year, in relation to the Agency, means the period of 12 months commencing on the 1st day of July in any year and ending with the close of the 30th day of June in the next year
land transport has the same meaning as in section 5 of the Land Transport Management Act 2003

Land transport: this definition was substituted, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Land Transport Safety Authority*[Repealed]*

Land Transport Safety Authority: this definition was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “continued by section 184 of the Land Transport Act 1998” for the words “established by s 15 of the Land Transport Act 1993”.

Land Transport Safety Authority: this definition was repealed, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97). *See* sections 20 to 22 of that Act as to the savings and transitional provisions.

[Repealed]

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

Local authority: this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Local authority trading enterprise*[Repealed]*

Local authority trading enterprise: this definition was repealed, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

[Repealed]

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

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:

National roading programme*[Repealed]*

National roading programme: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

National Roads Account or Account*[Repealed]*

National Roads Account or Account: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Outputs*[Repealed]*

Outputs: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Passenger service*[Repealed]*

Passenger service: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

passenger transport company*[Repealed]*

Passenger transport company: this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

passenger transport company: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Passenger transport operation*[Repealed]*

Passenger transport operation: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Performance agreement*[Repealed]*

Performance agreement: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Planning, design, and supervision*[Repealed]*

Planning, design, and supervision: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

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

Regional council: this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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

“Regional land transport committee”: this definition was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “section 178 of the Land Transport Act 1998” for the words “section 291 of the Land Transport Act 1993”.

Regional programme*[Repealed]*

Regional programme: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Registered service*[Repealed]*

Registered service: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

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

Safety (administration)*[Repealed]*

Safety (administration): this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Safety (administration) programme*[Repealed]*

Safety (administration) programme: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

Secretary means the Secretary for Transport

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

State Highways Account*[Repealed]*

State Highways Account: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

State highways programme*[Repealed]*

State highways programme: this definition was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

[Repealed]

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

Territorial authority: this definition was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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

Traffic officer: this definition was inserted, as from 29 July 1995, by section 2 Transit New Zealand Amendment Act 1995 (1995 No 42).

“Traffic officer”: this definition was substituted, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110).

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) of this section 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

Subsection (1) was substituted, as from 1 July 1996, by section 13(1) Transit New Zealand Amendment Act 1995 (1995 No 42).

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

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

Subsection (2) was repealed, as from 1 July 1996, by section 13(2) Transit New Zealand Amendment Act 1995 (1995 No 42).

Subsection (3) was amended, as from 1 July 1996, by section 13(3) Transit New Zealand Amendment Act 1995 (1995 No 42) by substituting the word “Board” for the word “Authority”.

Subsection (3) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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

Subsection (5) was substituted, as from 1 July 1996, by section 13(4) 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).

Subsection (6) was substituted, as from 1 July 1996, by section 13(4) 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.

Part 1A

Transfund New Zealand

[Repealed]

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

3A Constitution of Transfund New Zealand

[Repealed]

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

3B Principal objective of Board

[Repealed]

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

3C Functions and powers of Board

[Repealed]

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Subsection (1)(g) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “the Land Transport Act 1998” for the words “the Land Transport Act 1993”.

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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

[Repealed]

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

3E Board to have powers of natural person

[Repealed]

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

3F Board to comply with policy directions

[Repealed]

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

3G Use of words Transfund New Zealand*[Repealed]*

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

3H Board to consider delegating or contracting out functions and powers*[Repealed]*

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

3I Delegation of Board's functions or powers to employees of Board*[Repealed]*

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

3J Delegation of Board's functions or powers to persons outside Board*[Repealed]*

Part 1A (comprising sections 3A to 3J) was inserted, as from 1 July 1996, by section 14 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1A (comprising sections 3A to 3J) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

**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]

Sections 7A to 7E were inserted, as from 1 July 1996, by section 17 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1 (comprising sections 4 to 7E) was substituted by a new Part 1 (comprising sections 4 to 8), as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

7B Completion of performance agreements by Board and Authority*[Repealed]*

Sections 7A to 7E were inserted, as from 1 July 1996, by section 17 Transit New Zealand Amendment Act 1995 (1995 No 42). For the transitional provisions relating to performance agreement see section 35 of that Act.

Part 1 (comprising sections 4 to 7E) was substituted by a new Part 1 (comprising sections 4 to 8), as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

7C Authority to consider delegating or contracting out functions and powers*[Repealed]*

Sections 7A to 7E were inserted, as from 1 July 1996, by section 17 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1 (comprising sections 4 to 7E) was substituted by a new Part 1 (comprising sections 4 to 8), as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

7D Delegation of Authority's functions or powers to employees of Authority*[Repealed]*

Sections 7A to 7E were inserted, as from 1 July 1996, by section 17 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1 (comprising sections 4 to 7E) was substituted by a new Part 1 (comprising sections 4 to 8), as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

7E Delegation of Authority's functions or powers to persons outside Authority*[Repealed]*

Sections 7A to 7E were inserted, as from 1 July 1996, by section 17 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 1 (comprising sections 4 to 7E) was substituted by a new Part 1 (comprising sections 4 to 8), as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Land transport funding
[Repealed]

9 Payment of roading revenue to Crown Bank Account
[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

10 Crown's authority to incur certain land transport expenditure
[Repealed]

Section 10(b) was substituted, and paragraph (c) was inserted, as from 1 July 1992, as from 1 July 1992, by section 3 Transit New Zealand Amendment Act 1992 (1992 No 70).

Section (10)(b) was further amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words "Land Transport Authority" for the word "Ministry".

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Subsection (2)(b)(iii) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “for the purposes of” for the words “in accordance with”.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

11 Payment of roading revenue into Crown Bank Account

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

12 Payment of roading revenue from Crown Bank Account

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

National Roads Account

[Repealed]

13 Board to operate National Roads Account

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

14 Management and investment of National Roads Account

[Repealed]

Subsection (2) was substituted, and subsection (2A) was inserted, as from 1 July 1992, as from 1 July 1992, by section 4 Transit New Zealand Amendment Act 1992 (1992 No 70).

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

15 Payments from National Roads Account

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

16 Payments by Board

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

17 Board may approve outputs and capital projects

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

18 Approved projects to form part of national roading programme

[Repealed]

The original section 18 was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by amending subsection (1) by omitting the words “each year”.

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Payments from National Roads Account to Authority *[Repealed]*

19 Payments to Authority

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

20 Authority to operate State Highways Account

[Repealed]

The original subsection (2) was amended, as from 31 August 1990, by section 2(1) Transit New Zealand Amendment Act 1990 (1990 No 122) by substituting the words “Notwithstanding subsection (1) of this section, after” for the word “After”.

The original subsection (3)(b) was further amended, as from 31 August 1990, by section 2(2) Transit New Zealand Amendment Act 1990 (1990 No 122) by substituting the words “In the case of payments made or to be made after the 30th day of June 1994, no” for the word “No”.

The original subsection (3) was further substituted, as from 28 June 1991, by section 2(1) Transit New Zealand Amendment Act 1991 (1991 No 57).

Subsections (2) and (3) were substituted, as from 1 July 1992, by section 5(1) Transit New Zealand Amendment Act 1992 (1992 No 70). *See* also section 5(2) and (3) of that Act for transitional provisions.

The original subsection (5)(b) and (c) were repealed, as from 31 August 1990, by section 2(3) Transit New Zealand Amendment Act 1990 (1990 No 122).

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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

[Repealed]

Section 20A was inserted in the original Part 2, as from 28 June 1991, by section 3 Transit New Zealand Amendment Act 1991 (1991 No 57).

Subsections (2) and (3) were substituted, as from 1 July 1992, by section 5(1) Transit New Zealand Amendment Act 1992 (1992 No 70).

Section 20A was repealed, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42).

21 Management and investment of State Highways Account

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

21A Recovery of incorrect payments

[Repealed]

Section 21A was inserted, as from 29 July 1995, by section 3 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42).

22 Payments from State Highways Account

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

*Payments from National Roads Account to local
authorities
[Repealed]*

23 Payments to local authorities

[Repealed]

Section 23 was substituted, as from 1 July 1992, by section 6(1) Transit New Zealand Amendment Act 1992 (1992 No 70). *See* section 6(2) of the same Act as to all regional land transport committees established under this section before 1 July 1992 being abolished.

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

**24 Local authorities to operate Land Transport
Disbursement Accounts**

[Repealed]

Section 24 was substituted, as from 1 July 1992, by section 6(1) Transit New Zealand Amendment Act 1992 (1992 No 70).

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

*Restrictions on payments from State Highways
Account and Land Transport Disbursement
Accounts
[Repealed]*

25 Interpretation

[Repealed]

Section 25 was substituted, as from 1 July 1992, by section 6(1) Transit New Zealand Amendment Act 1992.

Section 25 was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by inserting subsection (2)(aa).

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Subsection (2)(c) was substituted, as from 1 July 1997, by section 17 Arbitration Act 1996 (1996 No 99).

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

26 Competitive pricing procedure

[Repealed]

Section 26 was substituted, as from 1 July 1992, by section 6(1) Transit New Zealand Amendment Act 1992 (1992 No 70).

Section 26 was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by amending subs (3)(b), (c), (e), and (g) by substituting the words “Land Transport Authority” for the word “Secretary”.

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

27 Expenditure subject to competitive pricing procedure

[Repealed]

Section 27 was substituted, as from 15 November 1995, by section 31(1) Waikato Raupatu Claims Settlement Act 1995 (1995 No 58).

Section 27A was inserted, as from 1 July 1992, by section 7 Transit New Zealand Amendment Act 1992 (1992 No 70).

Subsection (2)(e) was amended, as from 20 August 1993 by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words “The Land Transport Authority” for the words “The Secretary”.

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Subsection (3)(a) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “council-controlled organisation” for the words “local authority trading enterprise”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (3)(d) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “council-controlled organisation” for the words “local authority trading enterprise”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (3)(e) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “council-controlled organisation” for the words “local authority trading enterprise”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (3)(e) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by omitting the word “County”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (3)(f) was substituted, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

28 Special provisions relating to in-house professional services

[Repealed]

Section 28 was amended, as from 1 July 1992, by section 8 Transit New Zealand Amendment Act 1992 (1992 No 70) by amending subsections (1) and (2)(a), and inserting subsections (2)(ba) and (3).

Section 28 was substituted, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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

[Repealed]

The original section 29 was amended, as from 1 July 1992, by section 9(1) Transit New Zealand Amendment Act 1992 (1992 No 70) by amending subs (5) by substituting the words “and district land transport programmes” for the words “for the year submitted pursuant to s 25 of this Act”.

The original section 29 was further amended, as from 1 July 1992, by section 9(2) Transit New Zealand Amendment Act 1992 (1992 No 70) by inserting subsection (6).

The original section 29 was further amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by amending subs (6) by inserting the words “, the Land Transport Authority”.

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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

[Repealed]

Section 31 was substituted, as from 1 July 1992, by section 10 Transit New Zealand Amendment Act 1992 (1992 No 70).

Subsection (1)(d) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Subsection (4) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words “Land Transport Authority” for the word “Secretary”.

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Section 31 was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “audited financial statements included in its annual report under section 98 of the Local Government Act 2002” for the words “annual report and audited financial statements under sections 223D and 223E of the Local Government Act 1974”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

32 Determinations by Minister

[Repealed]

The original section 32 was amended, as from 1 July 1992, by section 11 Transit New Zealand Amendment Act 1992 (1992 No 70) by inserting the words “the Commissioner,”. It was further amended, as from 20 August 1993, by s 35(1) Land Transport Act 1993 (1993 No 88) by inserting the words “the Land Transport Authority”.

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Paragraph (a) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “council-controlled

organisations” for the words “local authority trading enterprises”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

33 Board may reduce payments in certain cases

[Repealed]

Subsection (1) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the expression “subsection (1A) and (2)” for the expression “subsection (2)”.

Subsection (1A) was inserted, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

34 Board may require certain information from Authority and local authorities

[Repealed]

Subsection (3) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by inserting the words “request the Land Transport Authority to” and the words “the Secretary shall”.

Subsection (3A) was inserted, as from 1 July 1992, by section 12 Transit New Zealand Amendment Act 1992 (1992 No 70).

Subsection (3A) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by inserting the words “the Land Transport Authority”.

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

36 Certain payments prohibited

[Repealed]

Part 2, comprising sections 8 to 36 was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 2 (comprising sections 8 to 36) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Part 3
Safety (administration) and roading
programmes

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Safety (administration) programme
[Repealed]

37 Safety (administration) programme

[Repealed]

Section 37(2) was substituted, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88).

Section 37(3) was inserted, as from 1 July 1992, by section 13 Transit New Zealand Amendment Act 1992 (1992 No 70).

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

38 Approval of safety (administration) programme*[Repealed]*

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

39 Agencies to adhere to safety (administration) programme*[Repealed]*

Subsection (1) was amended, as from 1 July 1992, by section 14 Transit New Zealand Amendment Act 1992 (1992 No 70) by inserting the words “the Commissioner,”

Subsection (1) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words “Land Transport Authority” for the words “Secretary”.

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

40 Secretary to make safety (administration) programme available to public*[Repealed]*

Subsection (2) was substituted, as from 29 July 1995, by section 4 Transit New Zealand Amendment Act 1995 (1995 No 42).

Subsection (3) was inserted, as from 29 July 1995, by section 4 Transit New Zealand Amendment Act 1995 (1995 No 42).

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

41 Secretary may submit supplementary safety (administration) programme*[Repealed]*

Subsection (2) was repealed by section 15 Transit New Zealand Amendment Act 1992 (1992 No 70).

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42 Minister may approve supplementary safety (administration) programme

[Repealed]

Section 42 was substituted, as from 1 July 1992, by section 16 Transit New Zealand Amendment Act 1992 (1992 No 70).

Subsection (1)(a) was amended, as from 29 July 1995, by section 5(a) Transit New Zealand Amendment Act 1995 (1995 No 42) by substituting the words “Land Transport Authority” for the word “Ministry”.

Subsection (1)(a) and (b) were amended, as from 29 July 1995, by section 5(b) Transit New Zealand Amendment Act 1995 (1995 No 42) by substituting the expression “section 28(1)(c)” for the expression “section 28(2)(ba)”.

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

National roading programme *[Repealed]*

42A National roading programme

[Repealed]

Sections 42A and 42B were inserted, as from 1 July 1992, by section 16 Transit New Zealand Amendment Act 1992 (1992 No 70).

Subsections (2) and (3) were amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by inserting, in both places, the words “, the Land Transport Authority,”.

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42B Agencies to adhere to national roading programme*[Repealed]*

Sections 42A and 42B were inserted, as from 1 July 1992, by section 16 Transit New Zealand Amendment Act 1992 (1992 No 70).

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42C Board to make national roading programme available to public*[Repealed]*

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

*State highways, regional, and district roading
programmes
[Repealed]*

42D State highways programme*[Repealed]*

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42E Consultation concerning State highways programme*[Repealed]*

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42F Regional programmes

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Subsection (10) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by omitting the words “established under section 29I of the Land Transport Act 1993”.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42G Consultation concerning regional programmes

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Subsection (2) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “Local Government Act 2002” for the words “Local Government Act 1974”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42H District roading programmes

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42I Consultation concerning district roading programmes

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Subsection (2) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “Local Government Act 2002” for the words “Local Government Act 1974”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42J Provision of information

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42K Needs of transport disadvantaged to be considered

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42L Maori interests to be considered

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Section 42L was substituted, as from 1 November 1996, by section 32(1) Waikato Raupatu Claims Settlement Act 1995 (1995 No 58) as follows. *See* regulation 2 Waikato Raupatu Claims Settlement Act Commencement Order 1996 (SR 1996/309).

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Miscellaneous provisions

[Repealed]

42M Agreements regarding passenger transport operations

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Subsection (3)(a) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “section 17 of the Local Government Act 2002” for the words “section 37SC of the Local Government Act 1974”. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (3)(c) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by omitting the words “prepared under section 29F of the Land Transport Act 1993”.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

42N Reports on projects and programmes

[Repealed]

Part 3, comprising sections 37 to 42N, was substituted, as from 1 July 1996, by section 18(1) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* sections 35 to 40 of that Act as to the transitional provisions.

Part 3 (comprising sections 37 to 42N) was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Part 4 Roading

43 Interpretation

(1) In this Part of this Act,—

Chief Surveyor means the Chief Surveyor appointed for the land district in which is situated any land to be dealt with under this Act; and includes the Chief Surveyor’s deputy

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

District Land Registrar means the District Land Registrar of the District within which any land to be dealt with or affected is situated; and includes the Registrar of Deeds of that district

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 constituted under the Resource Management Act 1991

Environment Court: this definition was inserted, as from 2 September 1996, for the words “Planning Tribunal” pursuant to section 6(2)(a) Resource Management Amendment Act 1996 (1996 No 160).

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

Planning tribunal*[Repealed]*

Planning Tribunal: this definition was amended, as from 1 October 1991, by section 362 Resource Management Act 1991 (1991 No 69) by substituting the words “Resource Management Act 1991” for the words “Town and Country Planning Act 1977”.

Planning Tribunal: this definition was repealed, as from 2 September 1996, pursuant to section 6(2)(a) Resource Management Amendment Act 1996 (1996 No 160).

[Repealed]

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 Chief Surveyor of the land district in which such road is situated, 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) of this subsection,—

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

Road: this definition was amended, as from 31 August 1990, by section 4 Transit New Zealand Amendment Act 1990 (1990 No 122) by inserting the words “, the Public Works Act 1981,”.

Stopping, in relation to a road, includes diverting

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

Urban area: this definition was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “Local Government Act 2002” for the words “Local Government Act 1974”. See sections 273 to 314 of that Act as to the savings and transitional provisions.

Working day means any day of the week other than—

- (a) Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, and Waitangi Day; and
 - (b) Any day in the period commencing with the 25th day of December in any year and ending with the 15th day of 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

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, and all roads outside urban areas declared as State highways under this Act, 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

45

Section 45 was repealed, as from 1 October 1991, by section 362 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

Subsection (3) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “that territorial authority” for the words “the council of the district”. See sections 273 to 314 of that Act as to the savings and transitional provisions.

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) of this section 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, by notice in the *Gazette*, make bylaws with respect to any Government road on the sub-

ject-matters referred to in paragraphs (13) to (20) and (38) to (41A) of section 684(1) of the Local Government Act 1974.

- (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 flood-gates 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 of this Act 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.
- (4) Entry shall not be made under subsection (3) of this section 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) of this section, 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) of this section; 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 District Court nearest to the land concerned, 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.
- (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.
- (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

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

Subsection (5) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words "Land Transport Authority" for the word "Ministry".

Subsection (5) was further amended, as from 1 July 1996, by section 19(1) Transit New Zealand Amendment Act 1995 (1995 No 42) by substituting the words "Land Transport Safety Authority" for the words "Land Transport Authority".

Subsection (5) was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by substituting the words "Land Transport New Zealand" for the words "the Land Transport Safety Authority". See sections 20 to 22 of that Act as to the savings and transitional provisions.

Subsection (8) was amended, as from 1 October 1991, by section 362 Resource Management Act 1991 (1991 No 69) by substituting the words "Resource Management Act 1991" for the words "Water and Soil Conservation Act 1967".

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) of this section 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 a District Court.
- (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.
- (6) Any person who fails to comply with the requirements of a notice given under this section commits an offence and is liable on summary 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).

Subsection (2) was substituted, as from 1 October 1991, by section 121 Crown Minerals Act 1991 (1991 No 70).

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

Subsection (4) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words “Land Transport Authority” for the word “Ministry”.

Subsection (4) was further amended, as from 1 July 1996, by section 20(1) Transit New Zealand Amendment Act 1995 (1995 No 42) by substituting the words “Land Transport Safety Authority” for the words “Land Transport Authority”.

Subsection (4) was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by substituting the words “Land Transport New Zealand” for the words “the Land Transport Safety Authority”. See sections 20 to 22 of that Act as to the savings and transitional provisions.

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 summary 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 information or complaint is laid—
 - (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 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (2) was amended, as from 29 July 1995, by section 6(1) Transit New Zealand Amendment Act 1995 (1995 No 42) by substituting the words "\$1,000 and to a further fine not exceeding \$50 for each day or part of a day during which the offence is continued" for the expression "\$500".

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

Subsection (4) was substituted, as from 29 July 1995, by section 6(2) Transit New Zealand Amendment Act 1995 (1995 No 42).

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) of this section 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.
- (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.

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).

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) of this subsection, 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) of this section 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).

Subsection (2)(a) was amended, as from 20 August 1993, by section 35(1) Land Transport Act 1993 (1993 No 88) by substituting the words “Director of Land Transport Safety” for the word “Secretary”.

Subsection (2)(a) was amended, as from 1 December 2004, by section 19(1) Land Transport Management Amendment Act 2004 (2004 No 97) by omitting the word “Safety”. See sections 20 to 22 of that Act as to the savings and transitional provisions.

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, com-

- pany, 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) of this section, 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 a 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 a 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) of this section, 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 a District Court on application made to it in that behalf.
- (8) If the utility authority, after receiving notice under subsection (2) of this section, 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 a 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 1950 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).

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

- (1) In this section and in sections 56 and 57 of this Act, 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 of this Act and notice of termination has not been issued.
- (3) Within 10 working days after service of a notice under subsection (2) of this section, the owner or occupier may apply to the District Court nearest to the land for an order setting aside the notice.
 - (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.
 - (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 summary 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) of this section 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) of this section may be exercised in addition to or instead of the laying of an information for an offence under that subsection.

Compare: 1981 No 35 s 133

56 Service of notice

- (1) If, under the provisions of section 55 of this Act, 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 of this Act, 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 of this Act 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) of this section, 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 of this Act.

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) of this section 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 of that Act.
- (2) An access way or service lane shall not be laid out or constructed on any land under subsection (1) of this section 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 of this Act, 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 made under the Transport Act 1962, or 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, by notice in the *Gazette*, make bylaws with respect to any State highway on the subject-matters referred to in paragraphs (13) to (20), and (38) to (41A) of section 684(1) of the Local Government Act 1974.
- (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 of this Act 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.
- (6) Entry shall not be made under subsection (4) of this section 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) of this section, the Agency or an officer of the Agency acting on the Authority'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) of this section; 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 District Court nearest to the land concerned, 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.

- (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.
- (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

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).

Subsections (2A) and (2B) were inserted, as from 29 July 1995, by section 7 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): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (2B) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110), by inserting the words “or under regulations or rules made under the Land Transport Act 1998”,.

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

Subsection (10) was amended, as from 1 October 1991, by section 362 Resource Management Act 1991 (1991 No 69) by substituting the words “Resource Management Act 1991” for the words “Water and Soil Conservation Act 1967”.

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) of this section 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) of this section 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.

This section was inserted, as from 29 July 1995, by section 8(1) 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 programme by the territorial authority to which a delegation has been made under this section, and included in the programme as if it were a State highway activity.
- (3) Any delegation under subsection (1) of this section may be made only with the consent of the territorial authority concerned.
- (4) *[Repealed]*
- (5) *[Repealed]*
- (6) *[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): substituted, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsections (4)-(6) were repealed, as from 29 July 1995, by section 9 Transit New Zealand Amendment Act 1995 (1995 No 42).

63 Delegations

- (1) Any delegation by the Agency of its functions, duties, or powers under section 62 of this Act 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) of this section.
- (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 of this Act 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) of this section shall affect the right of the Agency to delegate, or a territorial authority to request delegation, under section 62 of this Act.

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 of this Act or surrendered under section 64 of this Act 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 of this Act, 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: amended, 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 of this Act, 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 of this Act.

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 air space 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 Maori 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 Maori claims settlement Act, or Maori 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 Maori claims settlement Act requires consultation about the request, in accordance with that Act:
 - (c) in any other case, every iwi or hapu that, in the opinion of Transit, 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 shall cause a copy of every Order in Council made under subsection (1)(b) of this section, and of every plan referred to in it, to be deposited in the office of the District Land Registrar; and on receipt of it the District Land Registrar shall note the Order in Council upon the appropriate folio of the proper register.
- (5) Where any land affected by any Order in Council made under subsection (1)(b) of this section 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).

Subsection (3) was substituted, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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

Subsection (3A) was inserted, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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

72

Section 72 was repealed, as from 1 October 1991, by section 362 Resource Management Act 1991 (1991 No 69).

73 Power to construct motorways

Subject to the restrictions specified in this Part of this Act and subject to section 17 of this Act, 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 of this Act.

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).

Paragraphs (a) and (b) were amended, as from 1 October 1991, by section 362 Resource Management Act 1991 (1991 No 69) by substituting the word “route” for the words “middle line”.

Paragraphs (e) and (f) were amended, as from 1 October 1991, by section 362 Resource Management Act 1991 (1991 No 69) by substituting the words “Resource Management Act 1991” for the words “Water and Soil Conservation Act 1967”.

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).

Paragraph (k) was amended, as from 29 July 1995, by section 10 Transit New Zealand Amendment Act 1995 (1995 No 42) by substituting the words “section 48 of this Act” for the words “section 126 of the Public Works Act 1981”.

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) of this section; 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 District Court nearest to the land concerned 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.
- (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.

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).

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) of this section 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) of this section 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 nearest District Court, and the decision of the Court thereon shall be final.

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

Subsection (4) was amended, as from 1 January 2004, by section 76 Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17) by substituting the word "person" for the words "registered engineer".

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 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) of this section.
- (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 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Subsection (3) was amended, as from 1 January 2004, by section 76 Chartered Professional Engineers of New Zealand Act 2002 (2002 No 17) by substituting the word "person" for the words "registered engineer".

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).

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) of this section.
- (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) of this section 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 of this Act.
- (5) While any land is open for the use of any traffic or category of traffic pursuant to subsection (4) of this section the land shall be deemed to be—
 - (a) A road for the purposes of the Transport Act 1962 and the Land Transport Act 1998, and of any regulations or rules in force under either of those Acts; and

- (b) A motorway for the purposes of any regulations in force under this Act relating to motorways and of section 52 of the Transport Act 1962.

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).

Subsection (5)(a) was amended, as from 1 March 1999, by section 215(1) Land Transport Act 1998 (1998 No 110) by substituting the words “and the Land Transport Act 1998, and of any regulations or rules in force under either of those Acts” for the words “and of any regulations in force under that Act”.

80 Maintenance and control of motorways

- (1) Subject to the provisions of this Part of this Act, 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 of this Act, 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 of this Act.

- (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) of this section shall be included in the local rooding 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 of this Act; or
 - (d) On the motorway for the purposes of enforcing any enactment.
- (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 of this Act; 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) of this section 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(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 the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or is a vehicle that is exempt from registration pursuant to clause 5 of Part 1 of Schedule 1 to that Act; 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

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) of this section, 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 of this Act; or
 - (b) Acts in contravention of or fails to comply in any respect with any provision of section 83 of this Act; or
 - (c) Fails to comply with any condition specified in any authorisation granted under section 84 of this Act; or
 - (d) Uses or makes any unauthorised crossing place on to a motorway,—

and is liable on summary 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) of this Act shall not be guilty of an offence under subsection (1) of this section 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.

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) of this section, but subject to section 96(1) of this Act; 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) of this Act; or
 - (c) Whose administration has passed to the Agency under section 96(2) of this Act.
- (6) Where any land becomes State highway by virtue of section 238(1)(c) of the Resource Management Act 1991 and section 60 of this Act, 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).

Subsection (6) was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by substituting the words “section 238(1)(c) of the Resource Management Act 1991” for the words “section 306(3)(c) of the Local Government Act 1974”. See sections 273 to 314 of that Act as to the savings and transitional provisions.

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

Subject to the provisions of this Part of this Act, 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) of this Act, or purchased, set apart, acquired, or declared pursuant to section 88(2) of this Act, 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) of this Act; 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 of this Act.
- (2) In this section and in section 91 of this Act, 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 of this Act.

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 of this Act or under this section:
 - (iii) Cancel the right to use any crossing place, whether authorised under section 90 of this Act or under this section or located by a specification under subparagraph (ii) of this paragraph, 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 1952 against every certificate of title, provisional register, or other instrument of title registered or lodged in the District Land Registrar's office that is affected by the notice by lodging with the District Land Registrar two copies of the notice.
- (3) Each copy of any notice given under this section shall identify the land to which it relates, including the certificate of title reference for the land affected by the notice.
- (4) On receipt of 2 copies of any notice issued under this section and the prescribed fee (if any), the District Land Registrar shall, if everything is in order,—
- (a) Sign and seal on both copies a statement of the time and date of receipt; and
 - (b) Record and file one of the copies in his or her office, and endorse on both copies the record reference; and
 - (c) Enter on every certificate of title, provisional register, or other instrument of title registered or lodged in his or her office that is affected by the notice, the fact of the notice; and
 - (d) Return the remaining copy to the Agency.

- (5) The entry by the District Land Registrar on a certificate of title, provisional register, or other instrument of title registered or lodged in his or her office 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 1952.
- (6) Any notice entered by the District Land Registrar under subsection (4)(c) of this section 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).

Subsections (2) to (6) were inserted, as from 29 July 1995, by section 11 Transit New Zealand Amendment Act 1995 (1995 No 42).

Section 91(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 91(4)(d): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 91(6): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

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 of this Act.

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 District Land Registrar by the Minister at the request of the Agency.
- (2) Any person aggrieved at—
 - (a) The refusal of the Agency to request the Minister to issue a notice under subsection (1) of this section or at the refusal of the Minister to issue such a notice; 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 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

The words “Environment Court” in subsection (2) were substituted, as from 2 September 1996, for the words “Planning Tribunal” pursuant to section 6(2)(a) Resource Management Amendment Act 1996 (1996 No 160).

Section 93(2)(a): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

94 Requirements relating to declaration of limited access road

The following provisions shall apply in respect of the declaration under section 88(1) of this Act 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) of this paragraph 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 District Land Registrar 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 District Land Registrar 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 authority 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) of this section, 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 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 District Land Registrar

- (1) Where any land is purchased, set apart, or otherwise acquired for, or declared to be, a limited access road under section 88(2) of this Act, there shall be forwarded to the District Land Registrar 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 District Land Registrar shall record the certificate against the titles so specified.
- (2) Where any land to which subsection (1) of this section applies is Maori land then the provisions of that subsection shall apply, in addition, as if the District Land Registrar 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 au-

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

Section 95(3): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

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 of this Act 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 of this Act; or
- (b) Fails to comply with any condition specified in any authorisation granted under section 91 or section 92 of this Act; or

- (c) Uses or makes any unauthorised crossing place on to a limited access road,—
and is liable on summary conviction to a fine not exceeding \$500.

Compare: 1981 No 35 s 162

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 of this Act 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 (comprising sections 99 to 103) was repealed, as from 9 September 2004, by section 44 Land Transport Management Act 2003 (2003 No 118). *See* clause 2 Land Transport Management Act Commencement Order 2004 (SR 2004/237).

99 Interpretation *[Repealed]*

Commercial vessel: this definition was omitted, as from 16 May 1998, by section 35(1) Land Transport Act 1993 (1993 No 88). *See* clause 2 Land Transport Act Commencement Order 1998 (SR 1998/93).

Exempted vehicle: this definition was omitted, as from 16 May 1998, by section 35(1) Land Transport Act 1993 (1993 No 88). *See* clause 2 Land Transport Act Commencement Order 1998 (SR 1998/93).

Licensed vehicle: this definition was omitted, as from 16 May 1998, by section 35(1) Land Transport Act 1993 (1993 No 88). *See* clause 2 Land Transport Act Commencement Order 1998 (SR 1998/93).

Motor spirits: amended, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27) by substituting the words “Schedule 3 to the Customs and Excise Act 1996” for the words “Schedule 3 to the Customs Act 1966”.

Part 5 (comprising sections 99 to 103) was repealed, as from 9 September 2004, by section 44 Land Transport Management Act 2003 (2003 No 118). *See* clause 2 Land Transport Management Act Commencement Order 2004 (SR 2004/237).

100 Apportionment of excise duty

[Repealed]

Section 100 was substituted, as from 3 July 1992, by section 2 Transit New Zealand Amendment Act (No 2) 1992 (1992 No 73).

Section 100 was amended, as from 1 October 1996, by section 289(1) Customs and Excise Act 1996 (1996 No 27) by substituting the words “Customs and Excise Act 1996” for the words “Customs Act 1966”.

Sections 100 and 101 were substituted, as from 16 May 1998, by section 35(1) Land Transport Act 1993 (1993 No 88). *See* clause 2 Land Transport Act Commencement Order 1998 (SR 1998/93).

Part 5 (comprising sections 99 to 103) was repealed, as from 9 September 2004, by section 44 Land Transport Management Act 2003 (2003 No 118). *See* clause 2 Land Transport Management Act Commencement Order 2004 (SR 2004/237).

100A Apportionment of excise duty after 30 June 1992

[Repealed]

Section 100A was inserted, as from 8 August 1991, by section 2 Transit New Zealand Amendment Act 1991 (1991 No 86).

Section 100A was repealed, as from 3 July 1992, by section 2 Transit New Zealand Amendment Act (No 2) 1992 (1992 No 73).

101 Refund of excise duty

[Repealed]

Sections 100 and 101 were substituted, as from 16 May 1998, by section 35(1) Land Transport Act 1993 (1993 No 88). *See* clause 2 Land Transport Act Commencement Order 1998 (SR 1998/93).

Part 5 (comprising sections 99 to 103) was repealed, as from 9 September 2004, by section 44 Land Transport Management Act 2003 (2003 No 118). *See* clause 2 Land Transport Management Act Commencement Order 2004 (SR 2004/237).

102 Procedure for obtaining refund

[Repealed]

Subsection (5) was amended, as from 30 April 1997, by section 2 Transit New Zealand Amendment Act 1997 (1997 No 6) by substituting the word “Registrar” for the word “Authority”.

Part 5 (comprising sections 99 to 103) was repealed, as from 9 September 2004, by section 44 Land Transport Management Act 2003 (2003 No 118). *See* clause 2 Land Transport Management Act Commencement Order 2004 (SR 2004/237).

103 Amount of excise duty and refunds may be altered by Order in Council

[Repealed]

Compare: 1962 No 135 s 191

Subsection (1)(a) was amended, as from 8 August 1991, by section 3 Transit New Zealand Amendment Act (No 2) 1991 (1991 No 86) by substituting the expression “paragraphs (a) and (b) of section 100 and paragraphs (a) and (b) of section 100A” for the expression “section 100(a) and (b)”.

Subsection (1)(a) was amended, as from 3 July 1992, by section 3 Transit New Zealand Amendment Act (No 2) 1992 (1992 No 73) by substituting the expression “paragraphs (a) and (b) of section 100”.

Section 103 was repealed, as from 16 May 1998, by section 35(1) Land Transport Act 1993 (1993 No 88). *See* clause 2 Land Transport Act Commencement Order 1998 (SR 1998/93).

Part 6

Miscellaneous provisions

104 Special purpose roads

[Repealed]

Section 104 was repealed, as from 13 November 2003, by section 91(2) Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

104A Grants from Infrastructure Auckland

[Repealed]

Section 104A was inserted, as from 1 October 1998, by section 12(1) Local Government Amendment Act 1998 (1998 No 89).

Section 104A was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

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).

This section was amended, as from 1 July 1996, by section 24 Transit New Zealand Amendment Act 1995 (1995 No 42) by inserting, after the word “Authority” the words “, the Board,”.

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) of this section, 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.

Compare: 1953 No 118 s 25

Section 106 was substituted, as from 1 July 1996, by section 25 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 was amended, as from 1 July 2003, by section 262 Local Government Act 2002 (2002 No 84) by omitting the word “County”. See sections 273 to 314 of that Act as to the savings and transitional provisions.

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).

Section 108 was amended, as from 1 July 1996, by section 26(a) and (b) Transit New Zealand Amendment Act 1995 (1995 No 42) by inserting the words “the Board,” and by inserting the words “, the Board,”.

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 \$500.
- (2) Where a person commits a continuing breach of any bylaw, then, notwithstanding anything in any other Act, a 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 of this Act, may grant an injunction restraining the further continuance of the breach by that person.
- (3) An injunction may be granted under subsection (2) of this section,—
 - (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(2): amended, on 1 August 2008, by section 50(1) of the Land Transport Management Amendment Act 2008 (2008 No 47).

110 Regulations

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.

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) of this section 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 of this Act, 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 be-

come 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): added, 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 to this Act 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 to this Act 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) of this Act) is hereby confirmed.

Section 3A(9)

Schedule 1A
Provisions relating to Transfund New
Zealand
[Repealed]

Schedule 1A was inserted, as from 1 July 1996, by section 28(1) Transit New Zealand Amendment Act 1995 (1995 No 42).

Clause 23(c) was substituted, as from 2 October 2000, by section 240 Employment Relations Act 2000 (2000 No 24).

Schedule 1A was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Section 4(7)

Schedule 1
Provisions relating to Transit New
Zealand
[Repealed]

Clause 6 was amended, as from 1 January 2002, by section 70(1) Human Rights Amendment Act 2001 (2001 No 96), by substituting the words “inability to perform the functions of the office” for the word “disability”.

Clauses 20-29, 31, 33, 35 and 37 were amended, as from 1 July 1996, by section 27(1) Transit New Zealand Amendment Act 1995 (1995 No 42) by substituting the words “chief executive” for the words “General Manager”. *See* section 27(3) and (4) of that Act.

Clauses 43 to 49 and the preceding heading were repealed, as from 1 July 1996, by section 27(2) Transit New Zealand Amendment Act 1995 (1995 No 42). *See* section 27(3) and (4) of that Act.

Clause 51(2) was inserted, as from 21 December 1992, by section 42 of the Public Finance Amendment Act 1992 (1992 No 142).

Schedule 1 was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Section 7B(1), (2)

Schedule 1B
Matters to be included in performance
agreement
[Repealed]

Schedule 1B was inserted, as from 1 July 1996, by section 28(2) Transit New Zealand Amendment Act 1995 (1995 No 42).

Schedule 1B was repealed, as from 13 November 2003, by section 90 Land Transport Management Act 2003 (2003 No 118). *See* sections 92 to 113 of that Act as to the savings provisions.

Schedule 2

s 101(7), (8), and (9)

Part 1 was substituted, as from 3 July 1992, by section 4 Transit New Zealand Amendment Act 1992 (1992 No 73).

Schedule 2 was repealed, as from 16 May 1998, by section 35(1) Land Transport Act 1993 (1993 No 88). *See* clause 2 Land Transport Act Commencement Order 1998 (SR 1998/93).

[Repealed]

Schedule 3

Section 116(1)

Enactments repealed

- 1953, No 118—The National Roads Act 1953. (RS Vol 3, p 801.)
- 1956, No 44—The National Roads Amendment Act 1956. (RS Vol 3, p 835.)
- 1956, No 63—The Local Authorities Loans Act 1956: Section 135(4)(h).
- 1957, No 64—The National Roads Amendment Act 1957. (RS Vol 3, p 836.)
- 1958, No 27—The National Roads Amendment Act 1958. (RS Vol 3, p 836.)
- 1959, No 104—The National Roads Amendment Act 1959. (RS Vol 3, p 839.)
- 1962, No 51—The National Roads Amendment Act 1962. (RS Vol 3, p 839.)
- 1962, No 135—The Transport Act 1962 (RS Vol 16, p 659): Part 8 and Schedule 3.
- 1964, No 51—The National Roads Amendment Act 1964. (RS Vol 3, p 840.)
- 1965, No 61—The National Roads Amendment Act 1965. (RS Vol 3, p 840.)
- 1970, No 130—The National Roads Amendment Act 1970. (RS Vol 3, p 841.)

- 1973, No 9—The National Roads Amendment Act 1973. (RS Vol 3, p 841.)
- 1974, No 66—The Local Government Act 1974 (RS Vol 20, p 1): Section 373A (as enacted by section 8(1) of the Local Government Amendment Act 1979).
- 1975, No 9—The Ombudsmen Act 1975 (RS Vol 21, p 657): So much of Part 2 of Schedule 1 (as amended by section 52(7) of the Urban Transport Act 1980) as relates to the Urban Transport Council.
- 1977, No 109—The Local Government Amendment Act (No 2) 1977 (RS Vol 20, p 645): So much of Part 2 of Schedule 3 as relates to the National Roads Act 1953.
- 1977, No 124—The Road User Charges Act 1977 (RS Vol 21, p 759): Sections 32 to 36.
- 1979, No 59—The Local Government Amendment Act 1979 (RS Vol 20, p 664): So much of Part 1 of Schedule 3 as relates to section 373A of the Local Government Act 1974 and so much of Part 3 of Schedule 3 as relates to the National Roads Act 1953.
- 1980, No 70—The National Roads Amendment Act 1980.
- 1980, No 156—The Urban Transport Act 1980.
- 1981, No 35—The Public Works Act 1981: Sections 121 to 132, Parts 10 to 12, and section 247(1), (2), and (3).
- 1982, No 166—The Local Government Amendment Act (No 2) 1982: So much of Part 2 of Schedule 2 as relates to the National Roads Act 1953.
- 1982, No 177—The Urban Transport Amendment Act 1982.
- 1982, No 182—The Public Works Amendment Act 1982: Section 4.
- 1983, No 33—The Transport Amendment Act (No 2) 1983: So much of Schedule 3 as relates to the Urban Transport Act 1980.
- 1983, No 150—The Public Works Amendment Act 1983: Sections 6 to 8.
- 1985, No 43—The Urban Transport Amendment Act 1985.
- 1986, No 43—The Goods and Services Tax Amendment Act 1986: Sections 5(6), 9(9), and 17(11).

- 1986, No 49—The Transport Amendment Act 1986: Sections 2 and 4.
- 1986, No 124—The State-Owned Enterprises Act 1986: So much of Schedule 3 as relates to section 187 of the Transport Act 1962.
- 1987, No 65—The Conservation Act 1987: So much of Schedule 2 as relates to section 136 of the Public Works Act 1981.
- 1988, No 17—The Customs Amendment Act 1988: Section 5(1) and Schedule 3.
- 1988, No 43—The Public Works Amendment Act 1988: Sections 33 to 35 and 37 to 42.
- 1988, No 45—The National Roads Amendment Act 1988.
- 1988, No 97—The Rating Powers Act 1988: So much of Schedule 5 as relates to the Urban Transport Act 1980.
- 1988, No 170—The Transport Amendment Act (No 2) 1988: Section 16.
- 1988, No 201—The National Roads Amendment Act (No 2) 1988.
- 1988, No 217—The Urban Transport Amendment Act 1988.
- 1989, No 13—The Finance Act 1989: Section 26(4) and Schedule 5.

Schedule 4

Section 116(4)

Enactments amended

Enactment	Amendment
1939, No 18—The Hutt Road Act 1939.	By omitting from section 6(2) (as amended by section 3(4) of the Finance Act (No 2) 1947) the words “National Roads Fund”, and substituting the words “Crown Bank Account and credited to the Land Transport Fund”.

Enactment	Amendment
1953, No 31-The Wildlife Act 1953. (RS Vol 7, p 819.)	By omitting from Schedule 9 the words “the National Roads Act 1953”, and substituting the words “Transit New Zealand Act 1989”
1962, No 135-The Transport Act 1962 (RS Vol 16, p 659.)	By omitting from section 72(1) the words “to section 13 of the National Roads Act 1953, and”. By omitting from section 72(7) the words “the National Roads Board”, and substituting the words “Transit New Zealand”. 1989, No 74-The Transport Licensing Act 1989. 1989, No 75-The Transit New Zealand Act 1989.
1974, No 66-The Local Government Act 1974 (RS Vol 20, p 1.)	By omitting from the definition of the term State highway in section 2(1) (as amended by section 3(2) of the Local Government Amendment Act 1978) the words “section 11 of the National Roads Act 1953”, and substituting the words “section 60 of the Transit New Zealand Act 1989”. By omitting from section 293(9) (as substituted by section 13 of the Local Government Amendment Act 1988) the words “the National Roads Board”, and substituting the words “Transit New Zealand”. By omitting from section 277(d) (as substituted by section 11 of the Local Government Amendment Act 1988) the

Enactment	Amendment
	<p>words “the National Roads Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from section 279(8) (as substituted by section 12 of the Local Government Amendment Act 1988) the words “the National Roads Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from section 316(2) (as enacted by section 2 of the Local Government Amendment Act 1978) the words “the National Roads Board” and substituting the words “Transit New Zealand”.</p> <p>By omitting from section 317(1)(a) (as so enacted) the words “the National Roads Board” and also the words “section 13 of the National Roads Act 1953”, and substituting, respectively, the words “Transit New Zealand” and the words “section 62 of the Transit New Zealand Act 1989”.</p> <p>By omitting from section 317(2)(a) (as so enacted) the words “the National Roads Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from the proviso to section 336 (as so enacted) the words “the National Roads Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from section 363 (as so enacted) the words “the National Roads Board” wherever they occur, and substituting in each case the words “Transit New Zealand”.</p> <p>By omitting from section 364(1)(b) (as so enacted) the words “the National</p>

Enactment	Amendment
1975, No 9-The Ombudsmen Act 1975 (RS Vol 21, p 657.)	<p>Roads Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from the section 368(2) (as so enacted) the words “the National Roads Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from section 369(1) (as so enacted) the words “the National Roads Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from section 374(1) and (3) (as so enacted) the words “the National Roads Board”, and substituting the words “Transit New Zealand”.</p>
1978, No 51-The Christchurch-Lyttelton RoadTunnel Authority Dissolution Act 1978	<p>By omitting from Part 2 of Schedule 1 the item “the National Roads Board”, and inserting, in its appropriate alphabetical order, the item “Transit New Zealand”.</p> <p>By inserting in section 2, in the appropriate alphabetical order, the following definitions:</p> <p>“Account means the Land Transport Account established by the Transit New Zealand Act 1989</p> <p>“Transit New Zealand means Transit New Zealand established by the Transit New Zealand Act 1989:.</p> <p>By omitting from subsections (1) and (2)(b) of section 5 the word “Board”, and substituting in each case the words “Transit New Zealand”.</p>

Enactment	Amendment
	<p>By repealing subsections (2) and (3) of section 6, and substituting the following subsection:</p> <p>“(2) Subject to sections 4 and 7 of this Act, and to section 17 of the Transit New Zealand Act 1989,-</p> <p>“(a) There shall be payable, out of the Account, all costs in respect of the operation and maintenance of the said public highway:</p> <p>“(b) All money payable to the Authority or to the Board shall be payable to Transit New Zealand and become part of the Account:</p> <p>“(c) The benefit of any contract or undertaking entered into by or on behalf of the Authority or the Board shall be deemed to be assigned to Transit New Zealand on behalf of the Crown.</p> <p>By omitting from section 7 the words “the National Roads Board”, and substituting the words “Transit New Zealand”. By omitting from section 8(1) all the words after the expression “Christchurch- Lyttelton Road Tunnel Act 1956,”, and substituting the words “unless sooner revoked, and all bylaws made by the Board under this Act, shall become bylaws of Transit New Zealand and may be revoked or altered by Transit New Zealand, but until so revoked every such bylaw shall remain in force.”</p>

Enactment	Amendment
1981, No 35-The Public Works Act 1981	<p>By omitting from subsections (2) and (3) of section 8 the words “the Board”, and substituting in all 3 cases the words “Transit New Zealand”.</p> <p>By omitting from section 8(3) the expression “National Roads Act 1953”, and substituting the expression “Transit New Zealand Act 1989”.</p> <p>By omitting from section 2 the definition of the term “National Roads Board” and inserting, in its appropriate alphabetical order, the following definition: “Transit New Zealand means Transit New Zealand established under the Transit New Zealand Act 1989</p> <p>By omitting from section 2 in the definition of “State highway” the words “section 11 of the National Roads Act 1953”, and substituting the words “section 60 of the Transit New Zealand Act 1989”.</p> <p>By omitting from section 61(2) the words “the National Road Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from section 62(1)(f) the words “the National Roads Board of any power under section 156 of this Act”, and substituting the words “Transit New Zealand of any power under section 91 of the Transit New Zealand Act 1989”.</p> <p>By omitting from section 62(2)(e) the expressions “section 163 of this Act” and “section 153 of this Act”, and substituting, respectively, the words “section 99 of the Transit New Zealand Act</p>

Enactment	Amendment
	<p>1989” and “section 88 of the Transit New Zealand Act 1989”.</p> <p>By omitting from section 114(1)(g) the words “the National Roads Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from section 116(2)(c) the words “the National Roads Board”, and substituting the words “Transit New Zealand”.</p> <p>By omitting from section 122 the words “National Roads Act 1953”, and substituting the words “Transit New Zealand Act 1989”.</p>
<p>1985, No 141-The Goods and Services Tax Act 1985 (RS Vol 19, p 369)</p>	<p>By repealing subsection (13A) of section 5 (as inserted by section 5(6) of the Goods and Services Tax Amendment Act 1986), and substituting the following subsection:</p> <p>“(13A) For the purposes of this Act, where a registered person receives any refund of excise duty paid out of the Land Transport Fund pursuant to section 101 of the Transit New Zealand Act 1989 that refund shall, to the extent that it relates to excise duty incurred for the principal purpose of making taxable supplies, be deemed to be consideration received for a supply of services by that registered person in the course or furtherance of that person’s taxable activity.</p>

Enactment	Amendment
	By repealing section 11(3) (as substituted by section 9(9) of the Goods and Services Tax Amendment Act 1986).
1986, No 127-The Environment Act 1986	By omitting from the Schedule the item “The National Roads Act 1953.”, and inserting in its appropriate alphabetical order the item “The Transit New Zealand Act 1989.”.

Petroleum Act 1937: omitted (as from 1 April 1993) by section 62(1) Health and Safety in Employment Act 1992 (1992 No 96).

Ministry of Transport Act 1968: omitted (as from 1 September 1990) by section 5(2)(k) Ministry of Transport Act Repeal Act 1990 (1990 No 101).

Section 356 of the Local Government Act 1974: omitted (as from 1 July 1992) by section 36(2) Local Government Amendment Act 1992 (1992 No 42).

Section 5(6A) of the Goods and Services Tax Act 1985: omitted (as from 28 September 1993) by section 2(2) Goods and Services Tax Amendment Act (No 2) 1993 (1993 No 131).

Section 5(6B) of the Goods and Services Tax Act 1985: omitted (as from 26 April 1993) by section 3(2) Goods and Services Tax Amendment Act 1993 (1993 No 10).

Land Transport Management Amendment Act 2008

Public Act 2008 No 47
Date of assent
Commencement see section 2

1 Title

This Act is the Land Transport Management Amendment Act 2008.

2 Commencement

This Act comes into force on 1 August 2008.

Part 2 Miscellaneous provisions

47 Consequences of establishment of New Zealand Transport Agency

(1) On 1 July 2008,—

- (a) Land Transport New Zealand and Transit New Zealand are dissolved; and
- (b) the office of the Director of Land Transport ceases to exist; and
- (c) the Transit New Zealand Act 1989 is called the Government Rounding Powers Act 1989.

(2) Schedule 2 applies to this section.

48 Transitional and savings provisions

Other transitional and savings provisions relating to the coming into force of this Act are set out in Schedule 2.

Schedule 2

Transitional and savings provisions

ss 47, 48

Interpretation

1 Interpretation

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

Authority has the same meaning as in section 5 of the Land Transport Management Act 2003 as in force immediately before 1 August 2008

board, in relation to the new Agency, means the board specified in section 98 of the Land Transport Management Act 2003

Director means the Director of Land Transport

former agency means (as the case may require)—

- (a) Land Transport New Zealand;
- (b) Transit New Zealand

land transport programme has the same meaning as in section 5 of the Land Transport Management Act 2003 as in force immediately before 1 August 2008

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

property—

- (a) means every type of property; and
- (b) includes—
 - (i) every type of estate and interest in property; and
 - (ii) money

suitable alternative position, in relation to an employee, means a position—

- (a) for which the employee has the appropriate skills and experience; and
- (b) the pay and conditions of which are, in their overall effect, no less favourable to the employee than those applying to the employee immediately before the date of the employee's transfer to that position

transferred employee means a person who,—

- (a) immediately before 1 August 2008, is employed by a former agency; and
- (b) is transferred to the new Agency under clause 26(1)(h).

- (2) Any term or expression that is defined in the Land Transport Management Act 2003 and used, but not defined, in this schedule has, unless the context otherwise requires, the same meaning as in that Act.

Compare: 2004 No 97 Schedule 2 cl 1

National land transport fund

2 Treatment of certain land transport revenue

- (1) This clause applies to—
- (a) all land transport revenue referred to in section 9(6) of the Land Transport Management Act 2003 (as in force immediately before 1 August 2008) and held in the national land transport fund immediately before that date; and
 - (b) all amounts referred to in section 10(3)(a) of the Land Transport Management Act 2003 (as in force immediately before 1 August 2008) and held by the Authority in the national land transport account immediately before that date.
- (2) On 1 August 2008, all land transport revenue and all amounts to which this clause applies must be treated as being part of the national land transport fund referred to in section 10(1) of the Land Transport Management Act 2003 (as in force on and from that date).

3 Crown may pay new Agency for certain liabilities incurred before 1 August 2008

- (1) This clause applies to all land transport revenue referred to in section 9(6) (as in force immediately before 1 August 2008) that has not been paid to the Authority before that date, in respect of the 2007/08 financial year.
- (2) Without limiting clause 26(1)(d), the Crown may, without further appropriation than this clause, pay to the new Agency an amount equal to the land transport revenue to which this clause applies, as if the 2007/08 financial year ended on 31 July 2008.

4 Crown's authority to pay for certain expenditure using land transport revenue

- (1) The Crown may use land transport revenue to pay to—
- (a) the Secretary the following amount in each of the following financial years for the purposes of Waikato rail works:

Financial year	Amount (\$)
2008/09	5,000,000
2009/10	5,000,000

- (b) the Secretary to the Treasury the following amount in each of the following financial years for the purposes of upgrades and renewal of the below track Auckland rail infrastructure:

Financial year	Amount (\$)
2008/09	155,000,000
2009/10	130,000,000

- (2) In respect of the 2008/09 and 2009/10 financial years, the amount referred to in section 9(3) of the Land Transport Management Act 2003 is an amount equal to the land transport revenue for the relevant financial year less—
- (a) any amounts that have been paid in respect of that year under subclause (1); and
- (b) the amounts for that year that are referred to in section 9(1) and (2) of the Land Transport Management Act 2003.
- (3) In each of the 2008/09 and 2009/10 financial years, the amounts paid under subclause (1) must be deducted from the amount of land transport revenue that constitutes an inflow of the national land transport fund for the relevant financial year under section 10(2)(a) of the Land Transport Management Act 2003.
- (4) The Governor-General may, by Order in Council, reduce or increase any or all amounts or financial years specified in subclause (1), and this clause will apply or continue to apply (as the case may be), with the necessary modifications, in respect of any amended amount or financial year.

Land transport programmes

5 Completed land transport programmes for 2008/09 financial year to have effect until 1 July 2009

- (1) This clause applies to the following land transport programmes (as defined immediately before 1 August 2008):
 - (a) the land transport programme completed by an approved organisation for the 2008/09 financial year under section 12 of the Land Transport Management Act 2003 (as in force immediately before 1 August 2008);
 - (b) the land transport programme completed by the Authority for the 2008/09 financial year under section 12A of the Land Transport Management Act 2003 (as in force immediately before 1 August 2008).
- (2) A land transport programme to which this clause applies has effect until 1 July 2009.
- (3) Subject to clause 6, the relevant provisions of the Land Transport Management Act 2003 that were in force immediately before 1 August 2008 continue to apply, with all necessary modifications, to a land transport programme that is continued in effect by subclause (2) as if—
 - (a) a reference to the Authority were a reference to the new Agency; and
 - (b) the land transport programme completed by each of the former agencies for the 2008/09 financial year were completed by the new Agency.

6 Treatment of police activities and combinations of police activities in Authority's completed land transport programme for 2008/09 financial year

- (1) This clause applies to the land transport programme referred to in clause 5(1)(b).
- (2) Police activities and combinations of police activities that are included in the land transport programme to which this clause applies are to be treated as if they were recommendations of the new Agency that had been approved by the responsible Minister under section 18L(1) of the Land Transport Management Act 2003.

- (3) However, to avoid doubt, the police activities and combinations of police activities referred to in subclause (2) are not to be treated as if they were the first approval referred to in clause 9.

7 Completion of draft land transport programmes for 2008/09 financial year

- (1) This clause applies to any draft land transport programme under section 12 or 12A of the Land Transport Management Act 2003 (as in force immediately before 1 August 2008) that was in existence (but not completed) immediately before 1 August 2008.
- (2) Approved organisations must, unless it is impracticable to do so, comply with the relevant provisions of the Land Transport Management Act 2003 (as in force immediately before 1 August 2008) when completing their land transport programmes for the 2008/09 financial year.
- (3) The new Agency must, unless it is impracticable to do so, comply with the relevant provisions of the Land Transport Management Act 2003 (as in force immediately before 1 July 2008) when completing the land transport programme for each former agency for the 2008/09 financial year.
- (4) A land transport programme that is completed under this clause continues to have effect until 30 June 2009.
- (5) Subject to clause 6, the relevant provisions of the Land Transport Management Act 2003 that were in force immediately before 1 August 2008 continue to apply, with all necessary modifications, to a land transport programme that is continued in effect by subclause (4) as if—
 - (a) a reference to the Authority were a reference to the new Agency; and
 - (b) the land transport programme completed by each of the former agencies for the 2008/09 financial year were completed by the new Agency.

First regional land transport programmes

8 First regional land transport programmes

Each regional council and ARTA must ensure that their first regional land transport programmes are in place for the 3 financial years commencing on and from 1 July 2009.

Police activities or combinations of police activities

9 First approval of recommendations

The Minister must ensure that the first approval under section 18L(1) is for the 3 financial years commencing on and from 1 July 2009.

National land transport programme

10 National land transport programme for 2008/09 financial year to have effect until 1 July 2009

- (1) This clause applies to the national land transport programme that has been prepared and adopted by the Authority for the 2008/09 financial year under section 19 of the Land Transport Management Act 2003 (as in force immediately before 1 August 2008).
- (2) The national land transport programme to which this clause applies has effect until 1 July 2009.
- (3) The relevant provisions of the Land Transport Management Act 2003 (as in force immediately before 1 August 2008) continue to apply, with all necessary modifications, to a national land transport programme that is continued in effect by sub-clause (2) as if—
 - (a) a reference to the Authority were a reference to the new Agency; and
 - (b) the national land transport programme prepared and adopted by Land Transport New Zealand for the 2008/09 financial year were prepared and adopted by the new Agency.

- 11 First national land transport programme of new Agency**
The new Agency must ensure that its first national land transport programme is in place for the 3 financial years commencing on and from 1 July 2009.

Approval of activities or combinations of
activities

- 12 Approvals in effect immediately before 1 August 2008**
Subject to clause 42, approvals in effect under sections 20 and 21 of the Land Transport Management Act 2003 immediately before 1 August 2008 continue to have effect.
Compare: 2004 No 97 Schedule 2 cl 16

- 13 Approval of activities and combinations of activities for 2008/09 financial year**
Subject to clauses 12 and 14 to 17, the new Agency must, unless it is impracticable to do so (for example, because there is no GPS), comply with the relevant provisions of the Land Transport Management Act 2003 when approving activities and combinations of activities for the 2008/09 financial year.

- 14 Approval of certain activities or combinations of activities**
(1) The new Agency must approve activities and combinations of activities as qualifying for payment from the national land transport fund up to the amount, which is subject to subclause (2), and by the financial year specified in the second column of the following table in order to fulfil the Crown's commitment described in the first column of that table opposite that amount and financial year:

The Crown's commitment	Amount (which is subject to subclause (2)) and financial year by which amount is to be approved (\$)
Auckland Land Transport—contribution to implementing Auckland's regional land transport strategy: the Crown's commitment was originally \$898,000,000 over 2004/05–2014/15, including rail funding	130,000,000 by 2012/13

Bay of Plenty—to address congestion and improve access and safety through investment in strategic roading, passenger transport, transport demand management, and walking and cycling: the Crown's commitment was originally \$150,000,000 over 2006/07–2014/15	135,000,000 by 2015/16
Waikato Land Transport—contribution to implementing Waikato's regional land transport strategy: the Crown's commitment was originally \$215,000,000 over 2007/08–2016/17, including rail funding	188,000,000 by 2017/18
Wellington Land Transport—contribution to implementing Wellington's regional land transport strategy: the Crown's commitment was originally \$225,000,000 over 2005/06–2014/15	163,000,000 by 2015/16

Wellington Land Transport (Western Corridor)—contribution to improve safety and access reliability of the Wellington Western Corridor: the Crown's commitment was originally \$660,000,000 over 2006/07–2015/16	640,000,000 by 2016/17 made up as follows:
	(a) up to 405,000,000 to be applied to advance a long-term solution to address access reliability for State Highway 1 between Kapiti and Wellington
	(b) up to 235,000,000 to be applied to passenger transport and roading to address congestion and to improve safety and access reliability of the Wellington Western Corridor.

- (2) The Governor-General may, by Order in Council, increase any or all of the amounts or periods specified in the second column of the table in subclause (1).
- (3) The new Agency must include in its annual report on the national land transport fund under section 11 of the Land Transport Management Act 2003 a statement of the total expenses or capital expenditure incurred from the 2008/09 financial year to date in fulfilling each of the Crown's commitments listed in subclause (1).
- (4) The reporting requirement in subclause (3) applies until all of the Crown's commitments listed in subclause (1) have been fulfilled.
- (5) To avoid doubt, compliance by the new Agency with this clause does not constitute a breach of section 95(2) of the Land Transport Management Act 2003.

15 Approval of new Agency's activities and combinations of activities (excluding those relating to State highways) for 2008/09 financial year

- (1) This clause applies to activities and combinations of activities (excluding those relating to State highways)—
 - (a) that the new Agency proposes to deliver, or to manage the delivery of, in the 2008/09 financial year; and
 - (b) for which funding is sought from the national land transport fund; and
 - (c) whether or not those activities or combinations of activities have been included in a land transport programme for the 2008/09 financial year that has been completed by the Authority under section 12A of the Land Trans-

port Management Act 2003 (as in force immediately before 1 August 2008).

- (2) Despite section 20(2)(a), (b), (e), and (f) of the Land Transport Management Act 2003, the new Agency may approve any activities or combinations of activities to which this clause applies as qualifying for payment from the national land transport fund.

16 Treatment of certain costs and expenses of new Agency for 2008/09 financial year

- (1) This clause applies to costs and expenses of the new Agency for the 2008/09 financial year that arise out of the performance of its functions and duties under subpart 1 of Part 2 of the Land Transport Management Act 2003.
- (2) Despite section 20(2)(a), (b), (e), and (f) of the Land Transport Management Act 2003, the new Agency may approve any costs and expenses of the new Agency to which this clause applies as qualifying for payment from the national land transport fund.

17 No Ministerial approval required for costs and expenses of new Agency for 2008/09 financial year

- (1) This clause applies despite anything to the contrary in the Land Transport Management Act 2003 (as in force immediately before 1 August 2008 and as in force on and from that date).
- (2) The Minister's approval of the costs and expenses of the new Agency for the 2008/09 financial year is not required.

18 Approved procurement procedures

Subject to clause 42, approved procurement procedures in effect under section 25 or 95(1) of the Land Transport Management Act 2003 immediately before 1 August 2008 continue to have effect as approved procurement procedures under that Act.

Compare: 2004 No 97 Schedule 2 cl 21

19 Reporting requirements for new Agency in 2008/09 and 2009/10 financial years

Despite section 26(2)(a), the new Agency is required to report on the statement of inflows and expenses and capital expenditure of the national land transport fund as follows:

- (a) for the 2008/09 financial year, for that financial year:
- (b) for the 2009/10 financial year, for that financial year and the 2008/09 financial year.

Regional land transport committees and first
regional transport committees

20 Temporary continuation of regional land transport committees (other than Auckland regional transport committee)

- (1) This clause applies to any regional land transport committee (other than the Auckland regional transport committee) that—
 - (a) was established under section 178 of the Land Transport Act 1998 (as in force immediately before 1 August 2008); and
 - (b) was in existence immediately before that date.
- (2) A regional land transport committee to which this clause applies continues in existence until whichever is the earlier of the following:
 - (a) a regional transport committee for the region concerned is established under section 105 of the Land Transport Management Act 2003:
 - (b) the close of 30 September 2008 or on a date, no later than 31 December 2008, that the Minister agrees.

21 Establishment of first regional transport committees for each region (excluding Auckland region)

- (1) Every regional council, or unitary authority, must establish a regional transport committee, under section 105 of the Land Transport Management Act 2003, for its region before 1 October 2008 or on a date, no later than 31 December 2008, that the Minister agrees.
- (2) If section 105(11) of the Land Transport Management Act 2003 applies, the relevant territorial authority must decide

which regional transport committee to join before 1 October 2008.

22 Continuation of Auckland regional land transport committee

The Auckland regional land transport committee established under section 178 of the Land Transport Act 1998 (as in force immediately before 1 August 2008), and in existence immediately before that date, continues in existence as the Auckland regional transport committee under clause 11 of Schedule 7 (as in force from 1 August 2008).

Regional land transport strategies

23 Existing regional land transport strategies

- (1) This clause applies to regional land transport strategies in force under Part 13 of the Land Transport Act 1998 immediately before the commencement of Part 3 of the Land Transport Management Act 2003.
- (2) Subject to subclause (3) and clause 42, a regional land transport strategy to which this clause applies continues to have effect until it would have ceased to be current under section 176 of the Land Transport Act 1998 (as in force immediately before the commencement of Part 3 of the Land Transport Management Act 2003).
- (3) The Minister may approve the extension of a regional land transport strategy to which this clause applies by a period of up to 18 months.

24 First progress reports on regional land transport strategy

Each regional transport committee must ensure that its first progress report on its regional land transport strategy is for the 3 consecutive financial years ending on 30 June 2011.

First GPS

25 First GPS

- (1) Despite section 86 of the Land Transport Management Act 2003, the first GPS must be issued with effect on and from 1 July 2009.

- (2) Despite section 87(1)(c) and (2) of the Land Transport Management Act 2003, in preparing the first GPS, the Minister may, but need not,—
- (a) have regard to the views of Local Government New Zealand and representative groups of land transport users and providers (including representative groups of coastal shipping users and providers);
 - (b) consult with the new Agency.

Dissolution of Land Transport New Zealand and
Transit New Zealand

26 Consequences of dissolution

- (1) On 1 August 2008,—
- (a) the functions, duties, and powers of the former agencies under any enactment vest in the new Agency; and
 - (b) all property belonging to the former agencies vests in the new Agency; and
 - (c) all information held by the former agencies is held by the new Agency; and
 - (d) all money payable to or by the former agencies becomes payable to or by the new Agency; and
 - (e) all rights, liabilities, contracts, entitlements, and engagements of the former agencies become the rights, liabilities, contracts, entitlements, and engagements of the new Agency; and
 - (f) all directions to the former agencies in effect immediately before 1 August 2008 become directions to the new Agency; and
 - (g) any delegation by Transit under section 62 of the Transit New Zealand Act 1989 has effect as if it were a delegation by the new Agency; and
 - (h) subject to clause 31, every employee of the former agencies becomes an employee of the new Agency on the same terms and conditions as applied immediately before becoming an employee of the new Agency; and
 - (i) anything done, or omitted to be done, or that is to be done, by, or in relation to, the former agencies is to be treated as having been done, or having been omitted to

- be done, or to be done, by, or in relation to, the new Agency; and
- (j) the commencement, continuation, or enforcement of proceedings by or against the former agencies may instead be commenced, continued, or enforced by or against the new Agency without amendment to the proceedings; and
 - (k) the completion of a matter or thing that would, but for this clause, have been completed by the former agencies, may be completed by the new Agency.
- (2) Despite anything in subclause (1), the board of the new Agency may appoint a new chief executive after 1 August 2008.
 - (3) The transfer of information from the former agencies to the new Agency under subclause (1)(c) does not constitute an action that is an interference with the privacy of an individual under section 66 of the Privacy Act 1993.
 - (4) The dissolution of the former agencies does not, by itself, affect any of the following matters:
 - (a) any decision made, or anything done or omitted to be done, by a former agency in relation to the performance or the exercise of the former agency's functions, duties, or powers under any enactment:
 - (b) any proceedings commenced by or against a former agency:
 - (c) any other matter or thing arising out of a former agency's performance or exercise, or purported performance or exercise, of the former agency's functions, duties, or powers under any enactment.

Compare: 2004 No 97 Schedule 2 cl 2

27 Operating principles

- (1) Despite section 96(1)(b)(ii) of the Land Transport Management Act 2003, for the 2008/09 and 2009/10 financial years the new Agency must, but only if and to the extent that it is practicable and reasonable to do so, comply with the operating principle set out in that provision.
- (2) However, the Minister may extend the application of subclause (1) to the new Agency for the 2010/11 financial year.

- (3) Despite section 96(2) of the Land Transport Management Act 2003, the new Agency is only required to comply with that provision after 30 September 2008 or on a date, no later than 31 October 2008, that the Minister agrees.

28 References to former agency

- (1) This clause applies to—
- (a) things that are in force or existing on 1 August 2008 (whether coming into force, entered into, or created before or after the commencement of this clause); and
 - (b) references in any thing, including (without limitation) enactments, rules, bylaws, deeds, agreements, proceedings, instruments, documents and notices.
- (2) If this clause applies, every reference in any thing specified in subclause (1) to a former agency is, on or after 1 August 2008, to be read as a reference to the new Agency unless the context otherwise requires.

Compare: 2004 No 97 Schedule 2 cl 3

29 New Agency replaces Transit New Zealand as requiring authority

- (1) This clause applies to any Order in Council, notice, or other instrument that approves of Transit New Zealand as a requiring authority and that was in effect immediately before 1 August 2008, including (without limitation)—
- (a) the Resource Management (Approval of Transit New Zealand as Requiring Authority) Order 1992; and
 - (b) the Resource Management (Approval of Transit as Requiring Authority) Notice 1994.
- (2) Without limiting clauses 26 and 28, on 1 August 2008,—
- (a) the new Agency replaces Transit New Zealand as a requiring authority under any Order in Council, notice, or other instrument to which this clause applies; and
 - (b) every reference to Transit New Zealand in any Order in Council, notice, or other instrument to which this clause applies, is, unless the context otherwise requires, to be read as a reference to the new Agency; and
 - (c) anything done, or omitted to be done, or that is to be or may be done (under or in relation to an Order in Council,

- notice, or other instrument to which this clause applies) by Transit New Zealand is to be treated as having been done, or having been omitted to be done, or to be or may be done, by the new Agency; and
- (d) every notice of requirement and designation of Transit New Zealand is transferred to and held by the new Agency, with the same status and priority as if Transit New Zealand and the new Agency were the same entity.

30 First members of new Agency

In appointing the first members of the new Agency, the Minister may, but need not, consult in accordance with section 98(2) of the Land Transport Management Act 2003.

Compare: 2004 No 97 Schedule 2 cl 4

31 Transferred employees

- (1) The terms and conditions of employment of a transferred employee immediately before 1 August 2008 continue to apply in relation to that employee until—
- (a) those terms and conditions are varied by agreement between the transferred employee and the new Agency; or
- (b) the transferred employee accepts a subsequent appointment with the new Agency.
- (2) For the purposes of every enactment, law, determination, contract, and agreement relating to the employment of a transferred employee,—
- (a) the employment agreement of that employee is to be treated as unbroken; and
- (b) the employee's period of service with a former agency, and every other period of service of that employee that is recognised by a former agency as continuous service, is to be treated as a period of service with the new Agency.
- (3) To avoid doubt, the employment of a transferred employee by the new Agency does not constitute new employment for the purposes of the KiwiSaver Act 2006.
- (4) A transferred employee is not entitled to receive any payment or any other benefit because—

- (a) the position held by the employee in a former agency has ceased to exist; or
- (b) the employee has ceased (as a result of the transfer to the new Agency) to be an employee of a former agency; or
- (c) the employee has been transferred to a suitable alternative position.

Compare: 2004 No 97 Schedule 2 cls 5–8

32 Government Superannuation Fund

- (1) This clause applies to every person who, immediately before 1 August 2008, was an employee of a former agency.
- (2) Nothing in this Act affects any entitlement under the Government Superannuation Fund Act 1956 of a person to whom this clause applies.
- (3) This clause is for the avoidance of doubt.

Compare: 2004 No 97 Schedule 2 cl 9

33 Final reports and accounts

- (1) As soon as practicable after the commencement of this Act, the new Agency must arrange for the final report of each former agency to be delivered to the Minister.
- (2) The report must—
 - (a) describe the former agency’s operation for the period beginning on 1 July 2007 and ending with 30 June 2008; and
 - (b) include—
 - (i) financial statements of that agency prepared, in accordance with Part 4 of the Crown Entities Act 2004, for that period; and
 - (ii) an audit report prepared by the Auditor-General and a statement of responsibility relating to those financial statements.
- (3) The Minister must present a copy of the final report of each former agency to the House of Representatives as soon as is reasonably practicable after receiving it from the new Agency.

Compare: 2004 No 97 Schedule 2 cl 10

34 Responsibility for reports and accounts of former agencies from 1 July 2008

- (1) The new Agency must include in its initial annual report the information in respect of each former agency for the period commencing 1 July 2008 and ending on 31 July 2008 that each former agency would have had to include in the former agency's annual report under section 151 of the Crown Entities Act 2004 had it continued in existence.
- (2) To avoid doubt, the new Agency may, if it so decides, present the information referred to in subclause (1) in a combined form for the whole of the financial year ended 30 June 2009.
- (3) For the purposes of subclause (1), section 45J(1) of the Public Finance Act 1989 does not apply to each former agency in respect of the period commencing 1 July 2008 and ending on 31 July 2008.

35 Statements of intent

A former agency is not required to produce a statement of intent for the financial year commencing 1 July 2008.

Compare: 2004 No 97 Schedule 2 cl 12

36 Directions to former agencies continue to have effect as directions to new Agency

Subject to clause 42, directions to any former agency in effect immediately before 1 August 2008 under any enactment continue to have effect as directions to the new Agency.

Compare: 2004 No 97 Schedule 2 cl 13

37 Delegations

Subject to clause 42, delegations in effect immediately before 1 August 2008 under the Crown Entities Act 2004 or any other Act continue to have effect despite the dissolution of Land Transport New Zealand or Transit New Zealand or the disestablishment of the office of the Director of Land Transport.

Compare: 2004 No 97 Schedule 2 cl 14

38 Continuation of certain appointments

A person who holds office as an enforcement officer or a dangerous goods enforcement officer under section 208 of the Land Transport Act 1998 immediately before the commencement of this Act is to continue in office and holds office, until his or her appointment would have expired under the Land Transport Act 1998, as if this Act had not been passed.

Compare: 2004 No 97 Schedule 2 cl 15(2)

Disestablishment of office of Director of Land
Transport

39 Consequences of disestablishing office of Director of Land Transport

(1) On 1 August 2008,—

- (a) the functions, duties, and powers of the Director under any enactment vest in the new Agency; and
- (b) all property belonging to the Director vests in the new Agency; and
- (c) all information held by the Director is held by the new Agency; and
- (d) all money payable to or by the Director becomes payable to or by the new Agency; and
- (e) all rights, liabilities, contracts, entitlements, and engagements of the Director become the rights, liabilities, contracts, entitlements, and engagements of the new Agency; and
- (f) anything done, or omitted to be done, or that is to be done, by, or in relation to, the Director is to be treated as having been done, or having been omitted to be done, or to be done, by, or in relation to, the new Agency; and
- (g) the commencement, continuation, or enforcement of proceedings by or against the Director may instead be commenced, continued, or enforced by or against the new Agency without amendment to the proceedings; and
- (h) the completion of a matter or thing that would, but for this clause, have been completed by the Director, may be completed by the new Agency.

- (2) The transfer of information from the Director to the new Agency under subclause (1)(c) does not constitute an action that is an interference with the privacy of an individual under section 66 of the Privacy Act 1993.
- (3) The disestablishment of the office of the Director of Land Transport does not, by itself, affect any of the following matters:
 - (a) any decision made, or anything done, or omitted to be done, by the Director in relation to the performance or the exercise of the Director's functions, duties, or powers under any enactment:
 - (b) any proceedings commenced by or against the Director:
 - (c) any other matter or thing arising out of the Director's performance or exercise, or purported performance or exercise, of the Director's functions, duties, or powers under any enactment.

40 References to Director

- (1) This clause applies to—
 - (a) things that are in force or existing on 1 August 2008 (whether coming into force, entered into, or created before or after the commencement of this clause); and
 - (b) references in any thing, including (without limitation) enactments, rules, bylaws, deeds, agreements, proceedings, instruments, documents, and notices.
- (2) If this clause applies, every reference in any thing specified in subclause (1) to the Director (or to the Director of Land Transport) is, on and after 1 August 2008, to be read as a reference to the new Agency unless the context otherwise requires.

Miscellaneous

41 General savings provision

Except as otherwise expressly provided in this Act, nothing in this Act affects the completion of a matter or thing, or the bringing or completion of proceedings, that relates to an existing right, liability, contract, entitlement, interest, title, immunity, or duty.

Compare: 2004 No 97 s 20

42 Matters continued by this Act have effect until replaced or revoked

If a matter or thing is continued with a specified effect by this Act, the matter or thing continues to have that effect until revoked or replaced under the relevant empowering enactment.

Compare: 2003 No 118 s 111

43 Transitional regulations

(1) The Governor-General may, by Order in Council, make regulations—

- (a) prescribing transitional and savings provisions concerning the coming into force of this Act that may be in addition to, or in place of, the transitional and savings provisions in this Act:
- (b) providing that, subject to such conditions as may be specified in the regulations, during a specified transitional period,—
 - (i) specified provisions of this Act (including definitions) do not apply:
 - (ii) specified terms have the meaning given to them by the regulations:
 - (iii) specified provisions repealed or amended or revoked by this Act are to continue to apply.

(2) This clause expires on 1 January 2012.

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Notes

1 General

This is an eprint of the Government Roding Powers Act 1989. It incorporates all the amendments to the Government Roding Powers Act 1989 as at 1 August 2008. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007. Relevant provisions of any amending enactments that contain transitional, savings, or application provisions are also included, after the Principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about officialisation, please see “Making online legislation official” under “Status of legislation on this site” in the About section of this website.

3 List of amendments incorporated in this eprint (most recent first)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)
