



# Land Transport (Speed Limits Validation and Other Matters) Act 2015

Public Act      2015 No 64  
Date of assent      22 July 2015  
Commencement      see section 2

## Contents

	Page
1      Title	2
2      Commencement	2
<b>Part 1</b>	
<b>Preliminary provisions</b>	
3      Purpose	2
4      Interpretation	2
5      Meaning of specified bylaw	2
<b>Part 2</b>	
<b>Validations and related amendments</b>	
<i>Specified bylaws</i>	
6      Validation of specified bylaws, etc	3
7      Specified bylaws to be treated as made under section 22AB of Land Transport Act 1998	4
<i>Enforcement actions</i>	
8      Enforcement action taken under specified bylaw	4
9      Savings for certain legal proceedings	4
<i>Related amendments to Land Transport Act 1998</i>	
10      Amendments to Land Transport Act 1998	5
11      Section 22AB amended (Road controlling authorities may make certain bylaws)	5
12      Section 22AD amended (Consultation)	5

**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Land Transport (Speed Limits Validation and Other Matters) Act 2015.

**2 Commencement**

This Act comes into force on the date on which it receives the Royal assent.

**Part 1**  
**Preliminary provisions****3 Purpose**

The purpose of this Act is to—

- (a) remove any doubt about the validity of speed limits set by road controlling authorities (including the designation of areas as urban traffic areas in which roads are subject to speed limits); and
- (b) protect enforcement action taken under those bylaws; and
- (c) provide clear authority for the setting of speed limits by road controlling authorities in the future.

**4 Interpretation**

In this Act, unless the context otherwise requires,—

**local authority** has the same meaning as in section 5(1) of the Local Government Act 2002

**road controlling authority** has the same meaning as in section 2(1) of the Land Transport Act 1998

**specified bylaw** has the meaning given to it in section 5

**speed limit** has the same meaning as in Part 2 of the Speed Limit Rule 2003

**Speed Limit Rule 2003** means the Land Transport Rule: Setting of Speed Limits 2003

**urban traffic area** has the same meaning as in Part 2 of the Speed Limit Rule 2003.

**5 Meaning of specified bylaw**

In this Act, **specified bylaw**—

- (a) means a bylaw—
  - (i) that was made or purportedly made by a road controlling authority during the period beginning on 5 April 2004 and ending on the day before the date of commencement of this Act (whether or not

- the bylaw was, immediately before the commencement of this Act, in force or purportedly in force); and
- (ii) that was so made or purportedly made under any 1 or more of the Government Roding Powers Act 1989, the Local Government Act 1974, the Local Government Act 2002, the Land Transport Act 1998, and the Speed Limit Rule 2003; and
  - (iii) that sets a speed limit or designates an urban traffic area; but
- (b) does not include a bylaw that was so made or purportedly made by a road controlling authority under any other Act that sets a speed limit or designates an urban traffic area, regardless of whether the bylaw was also purportedly made under the Speed Limit Rule 2003.

## Part 2

### Validations and related amendments

#### *Specified bylaws*

#### **6 Validation of specified bylaws, etc**

- (1) Every specified bylaw is declared to have been lawfully made and to be and always have been valid despite any 1 or more of the following circumstances applying to it:
- (a) the enactment or enactments under which the bylaw was made or purportedly made did not provide the statutory authority to make the bylaw;
  - (b) the bylaw was made or amended using a process that did not comply with—
    - (i) the enactment or enactments under which it was made or purportedly made; or
    - (ii) any other applicable enactment;
  - (c) as far as the bylaw was made or purportedly made under the Local Government Act 1974 or the Local Government Act 2002, the bylaw—
    - (i) was not reviewed by the relevant local authority as required under section 158 or 159 of the Local Government Act 2002; and
    - (ii) has been revoked by the operation of section 160A of that Act.
- (2) To avoid doubt, every speed limit set by a specified bylaw validated under subsection (1) and every designation of an urban traffic area is declared to be and to always have been lawfully set or designated.
- (3) No designation of an urban traffic area under section 10.1(1) of the Speed Limit Rule 2003 or speed limit referred to in section 10.1(2) of the Speed Limit Rule 2003 is invalid solely because it was not designated or validated in accordance with section 10.1(7) of that rule before 1 July 2009.

- (4) A specified bylaw to which subsection (1)(c) applies must, despite section 160A of the Local Government Act 2002, be treated as if it had not been revoked by the operation of that section and remains in force until revoked by the relevant local authority.

**7 Specified bylaws to be treated as made under section 22AB of Land Transport Act 1998**

- (1) Every specified bylaw (including a specified bylaw validated under section 6) and that is in force immediately before the commencement of this Act, or treated as in force under section 6(4), must be treated on and after the commencement of this Act as if it were made—
  - (a) under section 22AB of the Land Transport Act 1998 as amended by this Act; and
  - (b) in compliance with sections 22AD as amended by this Act and 22AE of that Act.
- (2) To avoid doubt, sections 158 to 160A of the Local Government Act 2002 do not apply to a bylaw to which subsection (1) applies.

*Enforcement actions*

**8 Enforcement action taken under specified bylaw**

To avoid doubt, an enforcement action taken before the commencement of this Act must not be treated as invalid only because, at the time the circumstances giving rise to the enforcement action occurred or the enforcement action was taken,—

- (a) in the case of a specified bylaw, 1 or more of the circumstances described in section 6(1)(a) to (c) applied to the specified bylaw; or
- (b) in the case of a speed limit to which section 6(3) applies, the designation had not been made or speed limit validated as described in that provision.

**9 Savings for certain legal proceedings**

- (1) This Act does not limit any proceedings that expressly challenge the validity of an enforcement action on any of the grounds specified in subsection (2) if those proceedings were commenced, and contained any of those grounds, before the date on which the Land Transport (Speed Limits Validation and Other Matters) Bill was introduced into the House of Representatives.
- (2) The grounds are—
  - (a) that any 1 or more of the circumstances described in section 6(1)(a) to (c) apply to a specified bylaw;
  - (b) that an urban traffic area had not been designated or speed limit validated as described in section 6(3).

*Related amendments to Land Transport Act 1998***10 Amendments to Land Transport Act 1998**

Sections 11 and 12 amend the Land Transport Act 1998.

**11 Section 22AB amended (Road controlling authorities may make certain bylaws)**

Replace section 22AB(1)(d) with:

- (d) for the safety of the public or for the better preservation of any road,—
  - (i) fixing the maximum speed of vehicles or of specified classes of vehicles on any road:
  - (ii) designating any area, where that designation will have the effect of determining the speed limit in that area:

**12 Section 22AD amended (Consultation)**

Replace section 22AD(1) with:

- (1) Section 156 of the Local Government Act 2002 applies to a bylaw under section 22AB made by a road controlling authority that is a local authority as if that bylaw had been made under that Act.
- (1A) Section 9(4) and (5) of the Airport Authorities Act 1966 applies to any bylaw made under section 22AB by a local authority or an airport authority in respect of an airport operated by that local authority or airport authority.

**Legislative history**

21 July 2015

Introduction (Bill 47–1), first reading, second reading,  
committee of the whole House, third reading

22 July 2015

Royal assent

This Act is administered by the Ministry of Transport.