

Reprint
as at 1 April 2021



Goods-service Vehicle (Constructional) Regulations 1936 (SR 1936/80)

Galway, Governor-General

Order in Council

This 9th day of December 1936

Present

His Excellency the Governor-General in Council

Pursuant to section 59 of the Transport Licensing Act 1931, His Excellency the Governor-General makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Transport.

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Regulations

1 Preliminary

- (1) *This subclause contained a table of contents, which has been omitted in this reprint.*

- (2) These regulations may be cited as the Goods-service Vehicle (Constructional) Regulations 1936.

- (3) These regulations shall come into force on 16 December 1936.

- (4) In these regulations, unless the context otherwise requires,—

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

approved means approved by a vehicle inspector

body means that portion of a vehicle designed or adapted to accommodate and protect the goods carried, and the driver and the attendants (if any)

chassis means all that portion of a vehicle exclusive of the body and attachments for the body

Director means the Director of Land Transport appointed under section 104A of the Land Transport Management Act 2003

licensee means the holder of the licence under the authority of which a vehicle is so used, and includes an applicant for such licence

vehicle means a motor vehicle used under the authority of a continuous or seasonal goods service licence issued under the Land Transport Act 1998 or required to be issued with a certificate of fitness or inspection warrant in terms of the said Act

vehicle inspector, in relation to any provision in these regulations, means a person authorised by the Director to perform any functions and exercise any powers of a vehicle inspector under that provision.

- (5) Subject to subclause (4) and unless the context otherwise requires, terms used in these regulations shall have the same meaning as in the Passenger Service Vehicle Construction Regulations 1978 (hereinafter referred to as the **Passenger Regulations**).

- (6) In so far as these regulations are inconsistent with or repugnant to the Heavy Motor Vehicle Regulations 1974, the Traffic Regulations 1976, or any regulations made in amendment thereof these regulations shall prevail; but save as aforesaid, compliance with these regulations shall not excuse any person from compliance with the other regulations above referred to.

- (7)

- (a) The Director may, in special circumstances and subject to such conditions as the Director thinks fit to impose, grant exemption in respect of any vehicle from the provisions of any of these regulations, and may extend such exemption so that it may be granted at the discretion of the vehicle inspector to all vehicles of the same make, type, and model plying under similar conditions.
- (b) Written application for such exemption shall in every case be made by the owner (or intending owner) of the vehicle or of the chassis to the vehicle inspector, and shall state fully the grounds on which exemption is sought. The application shall state the name of the maker of the chassis, shall properly identify the vehicle, and any other information required by the vehicle inspector shall be also supplied.

Regulation 1(4) **Agency**: inserted, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 1(4) **Authority**: revoked, on 1 August 2008, by section 50(2) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Regulation 1(4) **Director**: inserted, on 1 April 2021, by section 175(2) of the Land Transport (NZTA) Legislation Amendment Act 2020 (2020 No 48).

Regulation 1(4) **vehicle**: amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Regulation 1(4) **vehicle**: amended, on 17 June 1949, by regulation 4(a) of the Goods-service Vehicle (Constructional) Regulations 1936, Amendment No 1 (SR 1949/76).

Regulation 1(4) **vehicle inspector**: replaced, on 20 August 1993, by section 35(3) of the Land Transport Act 1993 (1993 No 88).

Regulation 1(4) **vehicle inspector**: amended, on 1 April 2021, by section 175(2) of the Land Transport (NZTA) Legislation Amendment Act 2020 (2020 No 48).

Regulation 1(5): amended, on 10 February 1978, pursuant to regulation 77 of the Passenger Service Vehicle Construction Regulations 1978 (SR 1978/15).

Regulation 1(6): amended, on 1 February 1977, pursuant to regulation 138(1) of the Traffic Regulations 1976 (SR 1976/227).

Regulation 1(6): amended, on 5 September 1974, pursuant to regulation 19(1) of the Heavy Motor Vehicle Regulations 1974 (SR 1974/218).

Regulation 1(7): inserted, on 17 June 1949, by regulation 4(b) of the Goods-service Vehicle (Constructional) Regulations 1936, Amendment No 1 (SR 1949/76).

Regulation 1(7)(a): amended, on 1 April 2021, by section 175(2) of the Land Transport (NZTA) Legislation Amendment Act 2020 (2020 No 48).

2 Brakes

[Revoked]

Regulation 2: revoked, on 1 March 2007, by regulation 4 of the Goods Service Vehicle (Constructional) Amendment Regulations 2007 (SR 2007/4).

3 Tyres

[Revoked]

Regulation 3: revoked, on 1 April 2002, by regulation 6(a) of the Land Transport (Offences and Penalties) Amendment Regulations 2002 (SR 2002/44).

4 Steering gear*[Revoked]*

Regulation 4: revoked, on 1 April 2002, by regulation 6(a) of the Land Transport (Offences and Penalties) Amendment Regulations 2002 (SR 2002/44).

5 Inspection of vehicle

- (1) Whenever the vehicle is presented for inspection for any purpose the licensee shall on each such occasion present it in a thoroughly clean condition in all its parts.
- (2) The licensee shall give without charge every facility for expediting the inspection of the vehicle or its separate parts or for any testing or weighing thereof, and, if requested so to do, shall supply all tools or workshop equipment that it is possible for him to provide for the prompt inspection of the vehicle.
- (3) The licensee shall also provide without charge any skilled or unskilled labour that may reasonably be required during the inspection.

6 Jacks

One approved lifting jack of an ordinary rated capacity of at least two-thirds of the unladen weight of the vehicle shall at all times while a vehicle is in service be carried in a position which is easy of access without the use of a key.

7 Liquid fuel

Supplies of motor spirits or other liquid fuel intended to be consumed in any vehicle shall not be carried in that vehicle otherwise than in—

- (a) the permanent fuel supply tanks thereof; or
- (b) a specially fitted approved emergency fuel tank; or
- (c) approved containers.

8 Dimensions and loading*[Revoked]*

Regulation 8: revoked, on 1 April 2005, by regulation 3 of the Goods Service Vehicle (Constructional) Amendment Regulations 2004 (SR 2004/446).

9 Notification of name and weight*[Revoked]*

Regulation 9: revoked, on 1 November 2009, by regulation 4 of the Goods Service Vehicle (Constructional) Amendment Regulations 2009 (SR 2009/288).

10 Passenger vehicles

- (1) Notwithstanding anything to the contrary in these regulations, any motor vehicle used to carry passengers for hire or reward under a goods service licence endorsed for the carriage of passengers pursuant to subpart 3 of Part 4A of the Land Transport Act 1998 shall, subject as hereinafter appears, be deemed

to be a passenger truck within the meaning and for the purposes of the Passenger Regulations.

- (2) Every such vehicle shall conform to regulation 8 and need not conform to the provisions of the Passenger Regulations relating to limitation of loads.
- (3) Every such vehicle shall conform to the provisions of the Passenger Regulations declared to apply to passenger trucks.
- (4) It shall not be necessary for any such vehicle to conform to any provision of the Passenger Regulations from which exemption is duly granted.

Regulation 10(1): amended, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

11 Offences and penalties

- (1) No person shall use or drive or cause or permit to be used or driven for the purposes of a goods service licensed under a continuous or seasonal goods service licence any vehicle that does not comply with the requirements set out in these regulations.
- (2) No person shall do or omit or cause or knowingly permit or suffer to be done or omitted any act, matter, or thing contrary to the provisions of these regulations.
- (3) No person shall in relation to any matter dealt with in these regulations make any statement or supply any information that is false or misleading in any material particular.
- (4) *[Revoked]*

Regulation 11(4): revoked, on 10 May 2011, by section 100(3) of the Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13).

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 10 December 1936.

Reprints notes

1 *General*

This is a reprint of the Goods-service Vehicle (Constructional) Regulations 1936 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

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

3 *Editorial and format changes*

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

4 *Amendments incorporated in this reprint*

Land Transport (NZTA) Legislation Amendment Act 2020 (2020 No 48): section 175(2)
Land Transport (Road Safety and Other Matters) Amendment Act 2011 (2011 No 13): section 100(3)
Goods Service Vehicle (Constructional) Amendment Regulations 2009 (SR 2009/288)
Land Transport Management Amendment Act 2008 (2008 No 47): section 50(2)
Goods Service Vehicle (Constructional) Amendment Regulations 2007 (SR 2007/4)
Goods Service Vehicle (Constructional) Amendment Regulations 2004 (SR 2004/446)
Land Transport (Offences and Penalties) Amendment Regulations 2002 (SR 2002/44): regulation 6(a)
Land Transport Act 1993 (1993 No 88): section 35(3)
Passenger Service Vehicle Construction Regulations 1978 (SR 1978/15): regulation 77
Traffic Regulations 1976 (SR 1976/227): regulation 138(1)
Heavy Motor Vehicle Regulations 1974 (SR 1974/218): regulation 19(1)
Goods-service Vehicle (Constructional) Regulations 1936, Amendment No 1 (SR 1949/76)