

TN303\*

Road Traffic Act 1974

## **Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2012**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2012*.

## 2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 14 January 2013.

## 3. Regulations amended

These regulations amend the *Road Traffic (Authorisation to Drive) Regulations 2008*.

## 4. Regulation 3 amended

- (1) In regulation 3 delete the definition of *moped*.
- (2) In regulation 3 insert in alphabetical order:

*Department* means the department of the Public Service principally assisting in the administration of the licensing provisions of the Act;

*learner approved motor cycle* means a motor cycle in relation to which an approval by the Director General under regulation 6A(1) is in force;

*moped* means a motor cycle that —

- (a) is designed so as not to be capable of a speed exceeding 50 km/h; and
- (b) either —
  - (i) has an engine capacity not exceeding 50 cc; or
  - (ii) is not powered by a piston engine,

whether or not it is also capable of being propelled by pedalling, but does not include a power assisted pedal cycle;

## 5. Regulation 6A inserted

After regulation 5 insert:

### 6A. Learner approved motor cycles

- (1) The Director General may approve a motor cycle as a learner approved motor cycle if the motor cycle —
  - (a) is not a moped; and
  - (b) has a power-to-weight ratio that does not exceed 150 Kw/t; and

- (c) has an engine capacity that does not exceed 660 cc; and
  - (d) is, in the opinion of the Director General, suitable to be driven by a person who holds a driver's licence that authorises the person to drive a motor vehicle of class R and is endorsed with condition E.
- (2) The Director General may revoke or amend the approval of a motor cycle under subregulation (1).
  - (3) The Director General must ensure that a list of each motor cycle in relation to which an approval under subregulation (1) is in force is published on a website maintained by the Department.

**6. Regulation 17 amended**

In regulation 17(3) delete "motor cycle with an engine capacity of at least 100 cc" and insert:

learner approved motor cycle

**7. Regulation 68 inserted**

At the end of Part 5 insert:

**68. Transitional provision relating to *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2012***

- (1) This regulation applies to a driver's licence if, immediately before the coming into operation of the *Road Traffic (Authorisation to Drive) Amendment Regulations (No. 3) 2012* regulation 9, the licence authorised a person to drive a vehicle of class R and was endorsed with condition E.
- (2) During the period of 12 months beginning on 14 January 2013, Schedule 7 applies in relation to the driver's licence as if the reference in column 2 of the Table in that Schedule to a learner approved motor cycle were a reference to a motor cycle that —
  - (a) is a learner approved motor cycle; or
  - (b) has an engine capacity not exceeding 250 cc.

**8. Schedule 5 amended**

In Schedule 5 delete the item for class R and insert:

- R (but see r. 17(2) and (3)) a motor cycle that is not a moped or learner approved motor cycle and has —
- (a) a power to weight ratio that exceeds 150 Kw/t; or
  - (b) an engine capacity that exceeds 660 cc

**9. Schedule 7 amended**

In Schedule 7 in the item for notation E delete “has an engine capacity not exceeding 250 cc.” and insert:

is a learner approved motor cycle or a moped.

Note: The heading to regulation 67 is to read:

**Transitional provisions relating to *Road Traffic Amendment Act 2006***

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

---