

Schedule 23: Delegation Instrument

**New Zealand Transport Agency
Instrument of Delegation**

**Delegation of Roading Functions and Powers to
NX2 LP
in respect of the Pūhoi to Warkworth roads**

WHEREAS on 6 May 2016 the Board of the New Zealand Transport Agency (the Board) resolved to adopt an instrument of delegation (the Board Delegation) of the Board's functions and powers, including delegation of various functions and powers to the Chief Executive of the New Zealand Transport Agency (the Chief Executive), and consented to the Chief Executive subdelegating functions and powers not explicitly reserved to the Board or other person or committee; and

WHEREAS section 61(1) of the Land Transport Management Act 2003 authorises a road controlling authority, with the prior approval of the Minister, to delegate its functions and powers under Part 21 of the Local Government Act 1974 or Part 4 of the Government Roading Powers Act 1989 (other than the powers under section 61(3) of that Act to make bylaws or the power under section 62 of that Act to delegate) for the purpose of enabling another person to construct or operate a new road; and now

PURSUANT to section 61(1) of the Land Transport Management Act 2003 I, Fergus Gammie, Chief Executive, delegate, with the prior approval of the Minister of Transport obtained on 1 October 2016, the functions and powers contained in the Schedule to this Instrument to NX2 LP, being the private sector person who has entered into a written agreement (the **Agreement**) with the New Zealand Transport Agency to construct and operate the P2Wk Roads (as defined in clause 1.1 of the Agreement) in accordance with the Agreement; and

AUTHORISE, with the consent of the Minister obtained on 1 October 2016, NX2 LP to subdelegate the functions and powers delegated under this Instrument to:

- a) any person engaged by NX2 LP from time to time as may be permitted by the Agreement to procure the provision of the Services (or any of them) (as defined in clause 1.1 of the Agreement); and
- b) any other person that is engaged (at any tier) to act as a sub-contractor for the purposes of the Agreement.

SUBJECT to the general conditions in the Preamble and any special conditions specified in any of the Schedules; and

THIS INSTRUMENT TAKES EFFECT on and from November 2016 and expires, unless earlier revoked, upon termination or expiry of the Agreement.

Signed at Wellington)
This _____ day of November 2016)
By Fergus Gammie) _____
Chief Executive of the New Zealand Transport Agency) Fergus Gammie

Preamble

- a) Every performance or exercise of a function or power under this Instrument shall be in the name of NX2 LP (whether directly or through any subcontractor (at any tier)), and NX2 LP shall be fully liable for the performance of any such functions or powers.
- b) Neither the New Zealand Transport Agency nor the Crown will be answerable for any act or default of NX2 LP in the performance or exercise of any functions or powers delegated under this Instrument.
- c) The New Zealand Transport Agency will not perform or exercise any of the functions or powers delegated in this Instrument in respect of the Pūhoi to Warkworth roads while the delegation of such functions and powers continues in force.
- d) The New Zealand Transport Agency may revoke any functions and powers delegated under this Instrument to the extent required for the New Zealand Transport Agency to exercise (and only for the period that it is exercising) its step-in rights under the Agreement.
- e) The functions and powers delegated under this Instrument may be performed or exercised by NX2 LP (and its subdelegates) in respect of the P2Wk Roads (as defined in the Agreement) and only to the extent reasonably necessary to enable it to lawfully perform its obligations under the Agreement.
- f) The specified functions and powers must not be exercised where the delegate has, or there reasonably appears to be, a personal interest or other conflict of interest.
- g) The delegations in this Instrument are revocable at will and may be withdrawn, in writing either generally or in respect of any specific function or power.
- h) The Précis in Schedule 1 is provided as a summary of the New Zealand Transport Agency's functions and powers delegated under this Instrument. The performance of any of the functions or powers delegated under this Instrument must be exercised in accordance with the provisions of the relevant enactment. In the event of any inconsistency between the Précis in Schedule 1 and the provisions of the relevant enactment, the provisions of the relevant enactment will prevail.

Schedule 1

Government Roading Powers Act 1989 (Part 4)

Section	Précis of function or power [Note condition (h) of the Preamble]
50(1)	The Agency (in the case of a bridge or culvert under its control) may give to the owner or 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.
51(2)	To give written permission (in respect of a State highway) to any person to: <ul style="list-style-type: none"> (a) Encroach 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) Place or leave on a road any machinery, timber, stones, earth, or other material; or (c) Dig up, remove, or alter in any way the soil or surface of a road; or (d) Damage, remove, or alter any gate or cattle stop lawfully erected across any road; or (e) Cause or allow 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) Cause or allow any material or thing to fall on to a road from any vehicle to the danger of lawful road users; or (g) Paint, mark, gouge, or otherwise disfigure any part of a road; or (h) Wilfully or negligently cause or allow 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) Cause or permit 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) Fill up, alter, or obstruct any ditch, drain, pipe, culvert, or soak pit, whether on or under the road or elsewhere, made by or under the authority of the controlling authority of the road; or (k) Dig up or remove 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) Cause or negligently allow 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) Do or cause or permit to be done any act whatever by which any damage or obstruction is caused to a road,
51(4)	To lay an information or complaint under section 51
51(5)	To impose conditions as the Agency thinks fit in respect of any permission given under section 51, and unless otherwise agreed to revoke a permission without compensation on not less than 3 months notice in writing.
52(1)	To give consent to any local authority or other person having lawful power to execute or maintain works on, under, or over any road, to commence any works or maintenance on any State highway.
52(2)	To impose any conditions as thought fit for the protection and safety of the public or of the State highway, Government road, or road.
53(2)	To determine (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 section 53(1), is such that the pole or tower will not be dangerous to vehicles and persons in them using any road.
54(2)	To require, by notice in writing to the utility authority or to a responsible officer of it, the removal of a structure erected upon, in, over, or under any road by any utility authority, either before or after the commencement of this Act, 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.
54(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.
54(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.
54(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.
54(6)	To apply to the District Court for the determination of 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.
54(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.
54(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.
55(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

	<p>things:</p> <p>(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:</p> <p>(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:</p> <p>(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:</p> <p>(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:</p> <p>(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:</p> <p>(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.</p>
55(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.
55(7)	<p>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—</p> <p>(a) the expiry of the time in which application may be made to a court, if the person has not exercised that right; or</p> <p>(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</p> <p>(c) the date on which any application to the court has been withdrawn by the applicant—</p> <p>whichever is the later, and shall be liable on 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.</p>
55(8)	All costs and expenses incurred by a responsible authority in carrying out any work under subsection (7) may be recovered from the person who failed to comply with the requirement as a debt due to the responsible authority.
56(1)	If, under the provisions of section 55, 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.
56(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.
57(1)	Notwithstanding anything in section 55, 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 (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 in respect of any further work that may be necessary.
57(3)	If, under subsection (1), 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.
57(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.
61(2)	All rights and powers vested in any local authority under sections: 331, 332, 334, 335, 337, 338, 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.
61(4)(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:
61(4)(b)	To increase or diminish the width of any State highway:
61(4)(c)	To determine what part of a State highway shall be a carriageway and what part a cycle track or footpath only:
61(4)(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:
61(4)(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.
61(4)(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:
61(4)(g)	To alter the level of any State highway:
61(4)(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:
61(4)(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:
61(4)(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:
61(4)(k)	To exercise the powers given by section 74 as if the State highway were a motorway:
61(4)(l)	Subject to this section, to enter on any land so as to gain access to other land for the purposes of this subsection:
61(4)(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.
61(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.
61(5A)	Before exercising any power under subsection (4) that will or is likely to interfere with any pipe, line, or other work associated with wastewater or the supply of water, electricity, gas, or telecommunications, the Agency (or an officer of the Agency acting on the Agency's behalf) must give not less than 10 working days' notice in writing of the proposed interference to the owner of the pipe, line, or other work, except in the case of any emergency or danger.
61(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.
61(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 <ul style="list-style-type: none"> (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.
61(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.
68(1) [THIS POWER IS RESTRICTED TO THE RELEVANT SERVICE DEPOT NEAR THE NORTHERN INTERCHANGE]	Subject to section 17 of this Act, the Agency may <ul style="list-style-type: none"> (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.
73	Subject to the restrictions specified in this Part and subject to section 17, the Agency may do the following things in respect of any motorway declared under this Act: <ul style="list-style-type: none"> (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;

	<p>(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:</p> <p>(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:</p> <p>(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:</p> <p>(i)construct such roads as the Agency thinks desirable for the purpose of giving access to any motorway:</p> <p>(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:</p> <p>(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 (but not including section 48(1) or 48(2)).</p>
74(1)	<p>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:</p> <p>(a) Deposit any construction materials:</p> <p>(b) Deposit, permanently or temporarily, any material suitable for use in landscaping or restoration of that land or of the motorway:</p> <p>(c) Form and use drains and hard standings:</p> <p>(d) Manufacture or fabricate materials and construct incidental works:</p> <p>(e) Erect workshops, sheds, and other buildings of a temporary nature, and store or use any plant or equipment.</p>
74(2)	<p>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</p> <p>(a) A description of the land affected; and</p> <p>(b) A detailed statement of the use proposed to be made of the land; and</p> <p>(c) When and for how long such use is intended; and</p> <p>(d) A statement of the owner or occupier's rights under subsection (3) of this section; and</p> <p>(e) The estimated amount of compensation to which the owner or occupier would be entitled under this or any other Act.</p>
77(2)	<p>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.</p>
77(3)	<p>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.</p>
77(4)	<p>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.</p>
77(5)	<p>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.</p>
78	<p>Neither the Crown nor any local authority nor any other person shall place any wire, cable, pipe, tower, pole, or other structure or thing</p>

	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.
78A(1)	If the Agency receives a request in accordance with subsection (2), the Agency must respond, in writing, within 30 working days of receiving it.
79(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.
79(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.
80(1)	Subject to the provisions of this Part and subject to the powers that need to be retained by the New Zealand Transport Agency in order to perform the operating functions on the P2Wk Roads, 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.
82(1)(c)	To authorise a person be on a motorway in connection with any work that is authorised by the Agency or under any enactment to be carried out on the motorway
82(2)(c)	To authorise any animal or thing in connection with any work that is authorised by the Agency or under any enactment to be carried out on the motorway

Local Government Act 1974 (Part 21)

Section	Précis of function or power [Note condition (h) of the Preamble]
<p>356 (1) and (2)</p> <p>Note: For the purposes of this section, council, in relation to a State highway that is under the control of the New Zealand Transport Agency, means the New Zealand Transport Agency.</p> <p>Note: For the purposes of this section,—</p> <p>(a) a category A vehicle is a motor vehicle that has neither a number plate nor a current licence label affixed to the vehicle:</p> <p>(b) a category B vehicle is a motor vehicle that has affixed to it either a number plate or a current licence label (but not both):</p> <p>(c) a category C vehicle is a motor vehicle that has affixed to it either—</p> <p>(i) a number plate and a current licence label; or</p> <p>(ii) a number plate and a licence label that expired not more than 6 months before the council took possession of the vehicle.</p>	<p>This section applies where any category A or category B or category C motor vehicle is found on a road within the district of any council and appears to have been abandoned by its owner.</p> <p>In the case of a category A or category B vehicle, the following provisions shall apply:</p> <p>(a) The council [[may, or may authorise any person to,]] remove the vehicle and store it:</p> <p>(b) No person ... shall remove the vehicle until a member of the Police has been notified of the proposal to move it:</p> <p>(c) The council shall make reasonable efforts to give notice to the [[person last registered under Part 17 of the Land Transport Act 1998 in respect]] of the vehicle of its intention to sell the vehicle, and those efforts shall include, -</p> <p>(i) In the case of a category A vehicle, taking practical steps to identify the owner of the vehicle by reference to chassis numbers or other numbers appearing on the vehicle:</p> <p>(ii) In the case of a category B vehicle, identifying the owner of the vehicle by reference to such numbers and by searching the motor vehicle security register or otherwise:</p> <p>(d) After making reasonable efforts to give notice under paragraph (c) of this subsection, the council may give not less than 10 working days' notice, by advertisement in 2 issues of a daily newspaper circulating in the district in which the road is situated, of its intention to sell the vehicle, but if the council is satisfied that the condition of the vehicle is such that it is of little or no value, it may dispense with the giving of such notice:</p> <p>(e) At any time after the expiration of a notice given in accordance with paragraph (d) of this subsection or at any time after the giving of such notice has been dispensed with under that paragraph, the council may sell or otherwise dispose of the vehicle to any person or otherwise dispose of the vehicle in such manner as the council thinks fit, and any person to whom such a vehicle is sold or disposed of shall thereupon become the lawful owner of the vehicle:</p> <p>(f) The advertisement under paragraph (d) of this subsection shall specify the following:</p> <p>(i) A description of the make, model, and colour of the vehicle:</p> <p>(ii) The chassis numbers and any other vehicle numbers (if known):</p> <p>(iii) The location from which the vehicle was removed:</p> <p>(g) The proceeds of any such sale shall be applied in payment of the costs and charges attending the sale, including the advertisement under paragraph (d) of this subsection, and of the expenses of the removal and storage of the motor vehicle, and the residue, if any, shall be payable to the former owner of the vehicle:</p> <p>(h) Where any motor vehicle is removed ... under this subsection, the owner shall be liable to pay to the council all expenses incurred by the council in removing and storing the vehicle, and, where the vehicle is claimed by the owner and not sold or otherwise disposed of pursuant to this subsection, those expenses shall be payable before the owner takes delivery of the vehicle.</p>

356(3)	<p>In the case of a category C vehicle, the provisions of subsection (2) of this section shall apply with the following modifications:</p> <p>(a) The notice specified in paragraph (d) of that subsection shall not be given unless the vehicle has been stored for a period of 1 month and reasonable efforts to locate the [[person last registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle]] have been made by the council:</p> <p>(b) In addition to specifying the matters set out in paragraph (f) of that subsection, the notice shall specify the name of the [[person currently registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle]] and the last known address of that person:</p> <p>(c) Paragraph (c) of that subsection shall apply as if the vehicle were a category B vehicle.</p>
356(4)	<p>If, after a search of the motor vehicle security register in accordance with subsection (2)(c)(ii) or subsection (3)(c) of this section, it is found that the vehicle is subject to a registered security interest, the council shall, before selling or otherwise disposing of the vehicle, notify the holder of that interest of its intention to sell or otherwise dispose of the vehicle.</p>
<p>356A(2)</p> <p>Note: territorial authority, in relation to a State highway that is under the control of the New Zealand Transport Agency, means the New Zealand Transport Agency.</p> <p>Note: This section applies in relation to a motor vehicle if—</p> <p>(a) the vehicle is found on a road or in a public place within a territorial authority's district; and</p> <p>(b) the vehicle has—</p> <p>(i) an evidence of vehicle inspection and a licence label affixed to it, but each document has expired by more than 31 days; or</p> <p>(ii) an evidence of vehicle inspection affixed to it that has expired by more than 31 days and no licence label affixed to it; or</p> <p>(iii) a licence label affixed to it that has expired by more than 31 days and no evidence of vehicle inspection affixed to it; or</p> <p>(iv) neither an evidence of vehicle inspection nor a licence label affixed to it.</p>	<p>The territorial authority—</p> <p>(a) may, or may authorise any person to, remove the vehicle; and</p> <p>(b) if it does so, must—</p> <p>(i) store it for 10 days (the “10-day period”); and</p> <p>(ii) during that time, make reasonable efforts to notify the [[person last registered under Part 17 of the Land Transport Act 1998 in respect]] of the vehicle—</p> <p>(A) that it has removed the vehicle; and</p> <p>(B) that the vehicle is in storage; and</p> <p>(C) of the territorial authority’s powers under subsection (7).</p>
356A(3)	<p>However, if the territorial authority is satisfied that the condition of the vehicle is such that it is of little or no value, it may dispose of the vehicle without complying with subsection (2)(b).</p>
356A(4)	<p>A vehicle must not be removed under this section until a constable</p>

	has been notified of the proposed removal.
356A(5)	If a vehicle is claimed by any person lawfully entitled to it before the end of the 10-day period, the territorial authority must release the vehicle to the person.
356A(6)	Subsection (5) applies only if any costs incurred by the territorial authority for removing and storing the vehicle are first paid.
356A(7)	If a vehicle is not claimed under subsection (5), the territorial authority may— (a) dispose of it (by sale or otherwise) at any time after the 10-day period has expired; and (b) recover from the [[person last registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle]] any costs incurred by the territorial authority as a result of removing, storing, and disposing of the vehicle (less any amount received on the disposal of it).
356A(8)	A territorial authority may retain any proceeds from the disposal of a vehicle under this section that— (a) are not claimed by the person who owned the vehicle at the time it was disposed of within 12 months of the vehicle's disposal; and (b) are in addition to any costs incurred by the territorial authority for removing, storing, and disposing of the vehicle.