



Land Transport (Road User) Amendment Rule (No 2) 2013

Pursuant to sections 152 and 153 of the Land Transport Act 1998, and after having regard to the criteria specified in section 164(2) of that Act, the Associate Minister of Transport makes the following ordinary rule.

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Rule

1 Title

This rule is the Land Transport (Road User) Amendment Rule (No 2) 2013.

2 Commencement

This rule comes into force on 1 November 2013.

3 Principal rule

This rule amends the Land Transport (Road User) Rule 2004 (the **principal rule**).

4 Objective

A statement of the objective of this rule is set out in Schedule 1.

5 Consultation

A statement of the extent of the consultation carried out in relation to this rule under section 161(2) of the Land Transport Act 1998 is set out in Schedule 2.

6 Clause 1.6 amended (Interpretation)

- (1) In clause 1.6, definition of **approved**, replace “or the Traffic Regulations 1976” with “, Land Transport Rule: Vehicle Equipment 2004, or any other rule made under the Act”.
- (2) In clause 1.6, insert in its appropriate alphabetical order: “**child restraint** includes child seats, booster seats, and seat belts designed specifically to fit children”.

7 Clause 7.6 amended (Driver must ensure passengers under 5 years use child restraint)

- (1) In the heading to clause 7.6, replace “5” with “7”.
- (2) In clause 7.6, replace “5” with “7”.

- 8 Clause 7.7 amended (Driver must ensure passengers of or over 5 years but under 8 years use child restraint or seat belt)**
- (1) In the heading to clause 7.7, replace “**of or over 5 years but under 8 years**” with “**aged 7**”.
 - (2) In clause 7.7, replace “of or over the age of 5 years but under the age of 8 years” with “aged 7”.
- 9 Clause 7.11 amended (Exceptions to application of requirements relating to use of child restraints and seat belts)**
- (1) In clause 7.11(1), replace “7.7” with “7.6”.
 - (2) Revoke clause 7.11(5)(b).

Schedule 1 Objective of rule

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The objective of this rule is to amend the principal rule by—

- (a) updating the definition of approved by replacing a reference to the Traffic Regulations 1976 (now mostly revoked) with a reference to the relevant Land Transport Rules; and
- (b) inserting a definition of child restraint; and
- (c) extending the mandatory use of child restraints from children under the age of 5 years to children under 7 years; and
- (d) making a consequential amendment to retain the requirement that a 7-year-old passenger must be restrained in an approved child restraint, if one is available, or if an approved child restraint is not available, must be restrained by any child restraint or seat belt that is available; and
- (e) extending the exception from using a child restraint for medical reasons to children under 5 years; and
- (f) removing the provision that currently allows the driver of a goods vehicle that has an unladen weight exceeding 2 000 kg in which seat belts are not available to carry a passenger under 5 years without the passenger being properly restrained by an appropriate, approved child restraint.

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Schedule 2
Consultation carried out under section
161(2) of Act

The NZ Transport Agency (NZTA) consulted formally on this amendment rule with the release of the public consultation (yellow) draft on 20 February 2013. The NZTA sent details of the proposed rule changes by email or letter to about 1 650 groups and individuals who had registered their interest in the principal rule and Land Transport Rule: Seatbelts and Seatbelt Anchorages 2002 and Land Transport Rule: Vehicle Equipment 2004. A notice of the Minister of Transport's intention to make the amendment rule was published in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin and in the *Gazette*.

The NZTA received 59 submissions on the draft amendment rule. The submissions were taken into account in finalising the rule before it was submitted to the Associate Minister of Transport for signing.

Dated at Wellington this 16th day of June 2013.

Michael Woodhouse,
Associate Minister of Transport.

Explanatory note

This note is not part of the rule, but is intended to indicate its general effect.

This rule, which comes into force on 1 November 2013, amends the requirements relating to child restraints. The amendments—

- extend the mandatory use of child restraints to passengers under 7 years of age:
- require 7-year-olds to be restrained in an appropriate child restraint if one is available:

- extend, to children under 5, the current exception in relation to use of a child restraint or seat belt where use is impracticable or undesirable for medical reasons:
- remove the current exemptions from use of a child restraint or seat belt for a child under 5 travelling in a goods vehicle having an unladen weight exceeding 2 000 kg in which no seat belts are available.

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Date of notification in *Gazette*: 20 June 2013.

This rule is administered by the Ministry of Transport.
