

## Land Transport (Road User) Amendment Rule 2021

Pursuant to sections 152 and 153 of the Land Transport Act 1998, the Minister of Transport makes the following ordinary rule—

- (a) after having complied with the requirements of section 161(2) of that Act; and
- (b) after having had regard to the criteria specified in section 164(2) of that Act.

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### Rule

- 1 Title**  
This rule is the Land Transport (Road User) Amendment Rule 2021.
- 2 Commencement**  
This rule comes into force on 1 May 2021.
- 3 Principal rule amended**  
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 any 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)**

In clause 1.6, replace the definition of **public holiday** with:

**public holiday** means the following days:

- (a) Christmas Day:
- (b) Boxing Day:
- (c) if Christmas Day falls on a Friday, the following Monday:
- (d) if Christmas Day falls on a Saturday or a Sunday, the following Monday and Tuesday:
- (e) New Year's Day:
- (f) 2 January:
- (g) if New Year's Day falls on a Friday, the following Monday:
- (h) if New Year's Day falls on a Saturday or a Sunday, the following Monday and Tuesday:
- (i) Waitangi Day:
- (j) if Waitangi Day falls on a Saturday or a Sunday, the following Monday:
- (k) Good Friday:
- (l) Easter Sunday:
- (m) Easter Monday:
- (n) Anzac Day:
- (o) if Anzac Day falls on a Saturday or a Sunday, the following Monday:
- (p) the birthday of the reigning Sovereign (observed on the first Monday in June):
- (q) Labour Day (the fourth Monday in October):
- (r) the day of the anniversary of a province or the day locally observed as that day

**7 Clause 1.8 amended (General exceptions)**

In clause 1.8(3)(a), replace "a traffic signal, or a traffic sign" with "or a traffic control device".

**8 Clause 11.8 amended (Safety helmets for cyclists)**

After clause 11.8(7), insert:

(7A) A person riding a bicycle on a road is not in breach of subclause (1) if the person proves that at the time of the commission of the alleged breach the person was an adherent of the Sikh religion.

(7B) Subclause (7A) does not apply if the bicycle was being ridden at a speed exceeding 50 km per hour.

## Schedule 1

### Objective of rule

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This Land Transport (Road User) Amendment Rule 2021 (the **amendment rule**) amends the Land Transport (Road User) Rule 2004 (the **principal rule**). The principal rule establishes the rules under which traffic operates on roads. The objective of the amendment rule is to—

- extend the definition of public holiday to include Monday-ised and Tuesday-ised public holidays and Easter Sunday for the purposes of parking restrictions:
- include a reference in clause 1.8(3)(a) to traffic control devices, for consistency with the rest of the principal rule:
- extend an exemption for adherents of the Sikh religion from the requirement to wear a helmet when riding a motorcycle, moped, or all-terrain vehicle to apply to adherents of the Sikh religion when riding bicycles. The exemption only applies when the bicycle is travelling at 50 km per hour or less.

## Schedule 2

### Consultation carried out under section 161(2) of Land Transport Act 1998

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For the purposes of consultation, amendments proposed to the Land Transport (Road User) Rule 2004 (the **principal rule**) and 22 other Land Transport Rules were combined into a single draft rule, the Land Transport Rule: Regulatory Stewardship (Omnibus) Amendment 2020 (the **Omnibus Amendment Rule**).

The New Zealand Transport Agency (the **Agency**) sent out notifications of the amendment proposals by email to approximately 1,861 groups and individuals who had registered an interest in the rules to be amended. The Omnibus Amendment Rule was made available, together with an overview document, on the Agency's Internet site. Public consultation was carried out from 25 August 2020 to 16 October 2020. The availability of the amendment proposals for comment was publicised in the *Gazette* on 26 August 2020.

The Agency received 23 submissions, including 4 on the proposed amendments to the principal rule.

The submissions received were taken into account in finalising this amendment rule, after which it was submitted to the Minister of Transport for signing.

Dated at Wellington this 15<sup>th</sup> day of March 2021.

  
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 May 2021, amends the Land Transport (Road User) Rule 2004 (the **principal rule**) to—

- extend the definition of public holiday to include Monday-ised and Tuesday-ised public holidays and Easter Sunday for the purposes of parking restrictions;
- include a reference in clause 1.8(3)(a) to traffic control devices, for consistency with the rest of the principal rule;
- extend an exemption for adherents of the Sikh religion from the requirement to wear a helmet when riding a motorcycle, moped, or all-terrain vehicle to apply to adherents of the Sikh religion when riding bicycles. The exemption only applies when the bicycle is travelling at 50 km per hour or less.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*:

This rule is administered by the Ministry of Transport.