



Accident Compensation (Motor Vehicle Account Levies) Regulations 2010

Anand Satyanand, Governor-General

Order in Council

At Wellington this 29th day of March 2010

Present:

His Excellency the Governor-General in Council

Pursuant to sections 213(7), 329, and 333 of the Accident Compensation Act 2001, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for ACC, makes the following regulations.

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Schedule
Classifications and levies

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Regulations

1 Title

These regulations are the Accident Compensation (Motor Vehicle Account Levies) Regulations 2010.

2 Commencement

These regulations come into force on 1 May 2010.

3 Interpretation

In these regulations,—

Act means the Accident Compensation Act 2001

ambulance has the same meaning as in section 2(1) of the Land Transport Act 1998

current portion, in relation to the motor vehicle levy, means the portion of that levy that is necessary to provide for the purposes referred to in section 213(7)(a) of the Act

exempted vehicle has the same meaning as in regulation 3(1) of the Land Transport Management (Apportionment and Refund of Excise Duty and Excise-Equivalent Duty) Regulations 2004

fire brigade has the same meaning as in section 2(1) of the Land Transport Act 1998

fire brigade vehicle means a vehicle used by a fire brigade

fuel levy means the levy payable under section 213(2)(c) of the Act

goods-service vehicle has the same meaning as in section 2(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

licensing period means the period for which a licence is issued under section 13 or 34 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

moped has the same meaning as in section 2(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

motor cycle has the same meaning as in section 2(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

motor vehicle—

- (a) has the same meaning as in section 2(1) of the Land Transport Act 1998; and
- (b) includes the vehicles classified in the Schedule of these regulations

motor vehicle levy means the levy payable under section 214(1) and (2) of the Act

motorcar has the same meaning as in section 2(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

Motorcycle Safety levy means the levy payable under section 214(3) of the Act

non-petrol driven, in relation to a motor vehicle, means using a fuel other than petrol as the primary fuel for operation, regardless of whether the vehicle has an alternative fuel

non-registered vehicle means a vehicle, other than a motor cycle, described in Schedule 1 of the Transport (Vehicle Registration and Licensing) Regulations 1994

passenger service vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

petrol driven, in relation to a motor vehicle, means using petrol as the primary fuel for operation, regardless of whether the vehicle has an alternative fuel

residual portion, in relation to the motor vehicle levy, means the portion of that levy that is necessary to provide for the purposes referred to in section 213(7)(b) of the Act

tractor has the same meaning as in section 2(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

trade licence means a trade licence issued under section 34 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

trailer has the same meaning as in section 2(1) of the Transport (Vehicle and Driver Registration and Licensing) Act 1986

veteran vehicle has the same meaning as in regulation 3B(b) of the Transport (Vehicle Registration and Licensing) Regulations 1994

vintage vehicle has the same meaning as in regulation 3B(c) of the Transport (Vehicle Registration and Licensing) Regulations 1994.

4 Schedule classifies motor vehicles

The Schedule—

- (a) classifies kinds of motor vehicles and holders of trade licences; and
- (b) specifies the annual rates of—
 - (i) the current portion and residual portion of the motor vehicle levy for the motor vehicles and holders of trade licences in each class; and
 - (ii) the Motorcycle Safety levy, if applicable to a class.

5 Rates of levies prescribed

- (1) The annual rates of the current portion and residual portion of the motor vehicle levy and the Motorcycle Safety levy are the rates specified in the Schedule beside the classification description of each class of vehicle.
- (2) The rate of fuel levy is 9.90 cents per litre of motor spirits.
- (3) In subclause (2), **motor spirits** has the same meaning as in section 79A(2) of the Customs and Excise Act 1996.

6 Payment of levies

- (1) The motor vehicle levy and the Motorcycle Safety levy are payable—
 - (a) for each licensing period that commences on or after 1 July 2010; and
 - (b) on application for one of the following licences:
 - (i) a motor vehicle licence, under section 10 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986; or

- (ii) a trade licence, under section 31 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.
- (2) The fuel levy is payable—
 - (a) on and after 1 July 2010; and
 - (b) with any excise or excise-equivalent duty payable on the motor spirit.

7 Levies exclusive of GST

Levies calculated by applying the rates specified in regulation 5 are exclusive of goods and services tax.

8 Revocation and saving

- (1) The Injury Prevention, Rehabilitation, and Compensation (Motor Vehicles Levies) Regulations 2009 (SR 2009/60) are revoked.
 - (2) Despite subclause (1), the Injury Prevention, Rehabilitation, and Compensation (Motor Vehicles Levies) Regulations 2009 continue to apply to the period starting on 1 July 2009 and ending on 30 June 2010 as if they had not been revoked.
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**Schedule
Classifications and levies**

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Class of vehicles	Classification description	Motorcycle Safety levy (\$)	Annual rate of current portion of motor vehicle levy (\$)	Annual rate of residual portion of motor vehicle levy (\$)	Total (\$)
1	Ambulances	Nil	Nil	Nil	Nil
	Fire brigade vehicles				
	Exempted vehicles				
	Trailers				
	Holders of trade licences for trailers/caravans				
2	Petrol driven—	Nil	93.71	104.75	198.46
	motorcars				
	self-propelled caravans				
	mobile cranes				
	passenger service vehicles				
	hearses				
	All petrol driven vehicles not classified elsewhere				
	Holders of trade licences for vehicles not classified elsewhere				

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Class of vehicles	Classification description	Motorcycle Safety levy (\$)	Annual rate of current portion of motor vehicle	Annual rate of residual portion of motor vehicle	Total (\$)
			levy (\$)	levy (\$)	
3	Petrol driven— tractors veteran vehicles vintage vehicles non-registered vehicles	Nil	32.80	36.66	69.46
4a	Petrol driven mopeds Holders of trade licences for mopeds and motorcycles 60cc or less	30.00	46.86	52.38	129.24
4b	Petrol driven motor cycles 600 cc or less	30.00	140.57	157.13	327.70
4c	Petrol driven motor cycles over 600 cc Holders of trade licences for motorcycles over 60cc	30.00	187.42	209.50	426.92
5	Petrol driven goods-service vehicles	Nil	112.45	125.70	238.15
6	Non-petrol driven— motorcars self-propelled caravans mobile cranes passenger service vehicles hearses All non-petrol driven motor vehicles not classified elsewhere	Nil	93.71	217.67	311.38

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Class of vehicles	Classification description	Motorcycle Safety levy (\$)	Annual rate of current portion of motor vehicle levy (\$)	Annual rate of residual portion of motor vehicle levy (\$)	Total (\$)
7	Non-petrol driven— tractors veteran vehicles vintage vehicles non-registered vehicles	Nil	32.80	76.18	108.98
8a	Non-petrol driven mopeds	30.00	46.86	86.26	163.12
8b	Non-petrol driven motor cycles 600 cc or less	30.00	140.57	191.01	361.58
8c	Non-petrol driven motor cycles over 600 cc	30.00	187.42	242.66	460.08
9	Non-petrol driven goods-service vehicles	Nil	140.57	326.51	467.08

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 May 2010, revoke and replace the Injury Prevention, Rehabilitation, and Compensation (Motor Vehicles Levies) Regulations 2009 (**last year's motor vehicles levies regulations**).

The main differences between these regulations and last year's motor vehicles levies regulations arise as a result of the enactment of the Accident Compensation Amendment Act 2010. Those differences are as follows:

- the Title of these regulations reflects the change made to the Title of the principal Act, which is now called the Accident Compensation Act 2001:
- these regulations no longer set the Motor Vehicle Account Residual levy, which has now been folded into the motor vehicle levy:
- the motor vehicle levy now has 2 components, namely, the current portion and the residual portion. The current portion provides for essentially the same purposes as the motor vehicle levy that was set in last year's motor vehicles levies regulations, while the residual portion provides for essentially the same purposes as the Motor Vehicle Account Residual levy that was set in those regulations:
- these regulations also set the Motorcycle Safety levy, which is payable by a registered owner of a moped or motor cycle.

The purposes of these regulations are—

- to prescribe the annual rates of the motor vehicle levy, Motorcycle Safety levy, and fuel levy; and
- to state when the levies are payable.

The levies are payable on or after 1 July 2010.

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These regulations are administered by the Department of Labour.
