

Overseas Legislation: A Comparison

The Land Transport Act 1998 also directs that the Minister in making or recommending a rule, must have regard to the international circumstances in respect of land transport safety. Over recent years the relationship between New Zealand and Australia in regard to road practices has become closer through our membership of Austroads.

However, when it comes to horse rider safety, and rules on New Zealand roads we lag behind both Australia, and the UK, and many other countries.

Australian Road Rules

Under the Australian Road Rules as at 28 May 2022, horses are regarded as a vehicle and riders are subject to the same road rules as apply to other drivers.

However horse riders have significant other safety rules in Australia, allowing them to ride in bicycle lanes, and even on footpaths or nature strips (berms) as they need. As part of the National Transport Commission (Australian Road Rules) Amendment Regulations 2005, Australian Road Rules were changed to recognise the safety requirements of horse riders. These changes specifically included:

Horses are allowed on footpaths and nature strips, unless specifically prohibited. Definitions of footpath and nature strip (berm) are in the dictionary.

289 Driving on a nature strip

(1) A driver must not drive on a nature strip adjacent to a length of road in a built-up area, unless the driver is:

(d) riding a bicycle or animal, and there is not another law of this jurisdiction prohibiting the rider from riding a bicycle or animal on the nature strip;

Australian Road Rules Part 18 Miscellaneous

Division 2—Rules for people in charge of animals

302 Rider of an animal on a footpath or nature strip to give way to pedestrians The rider of an animal must give way to any pedestrian on a footpath or nature strip. Offence provision.

Note 1: **Footpath and nature strip are defined in the dictionary**, and pedestrian is defined in rule 18.

Note 2: For this rule, give way means the rider must slow down and, if necessary, stop to avoid a collision—see the definition in the dictionary.

NOTE Australia's definition of a road crash includes injuring an animal

crash includes: (a) a collision between 2 or more vehicles; or (b) any other accident or incident involving a vehicle in which a person is killed or injured, property is damaged, **or an animal in someone's charge is killed or injured**

Austroads Road Design - Roadside Environment specifically includes animal

UK Road Rules

Road Law in the UK has long recognised the requirements for safety of horse riders on roads. Despite many of the roads in the UK being narrower than those in New Zealand, and the population being much higher, the UK road laws recognise recreational horse rider safety, the importance of the equine economic sector, and the traditional use of roads by horse traffic.

Furthermore, the (UK) Highways Act 1980 (71) places a duty on local highway authorities to provide in or by the side of a carriageway adequate grass or other margins as part of the highway in any case where they consider the provision of margins necessary or desirable for the safety or accommodation of ridden horses.

Quiet Lanes

Section 268 of the Transport Act 2000 gives legal status to the term Quiet Lane, and enables local traffic authorities to designate roads for which they are responsible as Quiet Lanes.

Shared Paths in the UK (Rights of Way - Bridleways)

In the UK there is an extensive historic network of bridleways (as well as many other rights of way types); traditionally these routes have always been shared between horse riders and walkers. Since 1967 cyclists and other non-motorised users (wheelchairs or other mobility devices) have also been allowed to share bridleways.

Latest Changes as at Jan 29 2022

The new version of The Highway Code, includes:
- A hierarchy of road users that ensures road users who can do the greatest harm have the greatest responsibility to reduce the danger they may pose to others

- Equestrians are now classed equal to cyclists in the new hierarchy of road users, which is designed to protect the most vulnerable.

Guidance on passing distances

The wording of rules regarding passing distances has been amended and now includes guidelines for overtaking pedestrians, cyclists and horses. It now advises motorists to:

- Leave a minimum distance of 1.5m at speeds under 30mph;
- Leave a minimum distance of two metres at speeds over 30mph;
- Always leave a distance of at least two metres if driving a large vehicle;
- Pass horses and horse-drawn vehicles at speeds under 15mph and at a min distance of 2 metres;
- Allow 2 metres of distance when passing a pedestrian who is walking in the road;
- Wait behind the motorcyclist, cyclist, horse rider, horse drawn vehicle or pedestrian and not overtake if it is unsafe or not possible to meet these clearances.

