

Limited Licence Process

Wailaw isn't currently taking on Limited Licences.

Your options include paying a lawyer to prepare one (approx. \$700+) or doing it yourself.

A Limited Licence application consists of three documents:

- An application; and
- An affidavit; and
- A draft order.

Also include any extra information you have to support your reason for needing a Limited Licence e.g. Letter from employer or Doctor.

This is not a live version. Provided in the next pages are templates. You can use them as a template to create and complete your own documents.

For more information you can visit communitylaw.org.nz and search "Limited licence"

If you complete the above documents, Wailaw will check your work and provide feedback. Email it to info@waitematalaw.org.nz, then come in in person with a hard copy to 1 Trading Place and discuss it with a lawyer.

Once you have completed your documentation, follow these steps:

- Make three copies; one for the Court, one for the police and one for the duty solicitor on the day. You also keep one for yourself.
- Serve one copy on police by taking it to the counter of your local police station. Attention it to the Limited Licence Officer.
- After one week call the Limited Licence Officer and see if police approve it.
- If police do not approve it, make the changes and re-serve on police.
- Once police approve the application, (or if they disapprove but you want to argue your point before a Judge) file it with the court and get a court date for the application to be heard.
- Advise the police of this date (otherwise they won't know, they won't bring their file and it will have to be adjourned for a later time or date).
- Appear in court on the date and address the Judge or Magistrate if required.
- If the court grants the application you then go to the counter, pick up the order. You can then take this to VTNZ or AA to get your Limited Licence. They will post it out to you in three days' time.
- IF you can't wait three days:
 - ❖ Call NZTA on 0800 822 422 and tell them why you need your application to be dealt with urgently.
 - ❖ They will give you a number to **fax** your application through to in Palmerston North.
 - ❖ They will then contact the VTNZ office that you are working with to approve the application and that VTNZ office will give you a paper licence until the pink one comes through.

Remember: You don't have a Limited Licence until you have been issued the Limited Licence.

IN THE DISTRICT COURT
HELD AT [*location*]

IN THE MATTER of Sections 103, 104 and 105 of the Land Transport Act 1998

AND

IN THE MATTER of an application for a Limited Licence by

BETWEEN [*your name*] of [*address*], a [*your occupation*]
Applicant

AND NEW ZEALAND POLICE
Respondent

NOTICE OF APPLICATION FOR ORDER AUTHORIZING ISSUE OF A LIMITED LICENCE

TAKE NOTICE that the above-named Applicant will apply to the District Court at [*location*] on the ____ day of _____ 20__ at _____ am/pm FOR AN ORDER:

1. AUTHORIZING the Applicant to hold or obtain a driver's licence authorising [*him/her*] to drive a [*describe vehicle/s make, colour, number plate*], registered in the name of [*name of registered owner*]; and
2. SOLELY for the purpose of [*briefly outline why you are seeking a limited licence. For example, Transporting X Person to medical appointments OR Carrying out his/her duties as a driver for X Company*]; and
3. ONLY by the most direct route to, from, and between [*describe the geographical area that you will be driving in and/or the places you will drive to. You may wish to attach a map with this area highlighted.*]; and
4. BETWEEN the hours of [*insert the times and days you will be driving*] and at any times outside these hours in emergencies; and

ON THE CONDITIONS that:

(a) THE Applicant will not to drive if there is another licensed driver in the vehicle, unless for road safety, driving hours, medical or insurance reasons it is unsafe or impracticable for that other licensed driver to drive.

(b) The Applicant will, at all times while driving, carry a logbook in which [*he/she*] will, prior to undertaking any journey, record clearly in English:

- i. The date and time
- ii. Point of departure
- iii. Destination
- iv. Odometer reading
- v. Reason for the journey

(c) The Applicant will not at any time, exceed the stated speed limits and will comply with all posted speed limits.

(e) The Applicant will also carry a Court stamped copy of the order granting this application together with the New Zealand Transport Agency issued Limited Licence. When stopped by an enforcement officer, at each and every time the Applicant will tell that person forthwith that [s/he] is a disqualified driver and show that enforcement office the Order, the Limited Licence and the logbook. The Applicant will carry and produce all logbook records previously completed in compliance with the conditions of this Licence.

(e) The Applicant is not to drive with a blood or breath alcohol level above zero.

(f) The Applicant while at all times driving will comply with the requirements of the Land Transport Act 1998 with regard to logbooks and driving hours.

(g) The Applicant will also allow the police to examine all copy documentation he receives in relation to any hire of vehicles [he/she] makes.

(h) The Applicant will also if requested produce or have access to proof that [he/she] is driving for the specified purposes permitted pursuant to the Limited Licence.

ON THE GROUNDS:

A. That the Applicant is a person disqualified from holding or obtaining a driver licence for a total period of disqualification of [number] months from [date of order] by an order under the Land Transport Act;

B. That the order of disqualification would result in undue hardship to [insert name of family member / employer] [OR] extreme hardship to the Applicant;

C. That the Applicant is not prevented from obtaining a limited licence;

D. That the licence is not for a passenger vehicle;

E. That the order would not be contrary to the interests of public safety;

F. Appearing in the affidavits of the Applicant and [name of supporting party] sworn and filed in support of this application.

THIS application is made in reliance upon sections 103, 104 and 105 of the Land Transport Act 1998.

DATED at [location] this ____ day of [month] 20__

Applicant

To: The Registrar of the District Court at [location]
And to: The New Zealand Police [location]

This application is filed by [your full name] of [your address] whose phone number is [your phone number].

IN THE DISTRICT COURT
HELD AT *[location]*

IN THE MATTER of Sections 103, 104 and 105 of the Land Transport Act
1998

AND

IN THE MATTER of an application for a Limited Licence by

BETWEEN *[your name]* of *[address]*, a *[your occupation]*
Applicant

AND NEW ZEALAND POLICE
Respondent

**AFFIDAVIT OF *[your name]* IN SUPPORT OF A LIMITED LICENCE
APPLICATION**

I, *[your name]* of *[address]*, a *[your occupation]*, swear that:

BACKGROUND

1. I am *[briefly outline your personal background: your age, occupation, etc.]*
2. On *[date]* I was convicted and sentenced in respect of *[outline the offence you were convicted of, for example, excess breath alcohol, careless driving, etc.]* and was disqualified from holding a driver's licence for a period of *[number]* months. I have *[paid / entered into a payment arrangement (choose one)]* the fine and costs.
3. *[Do you have any previous **traffic convictions**? If the answer is no, then state this. If you do have previous convictions, briefly state what these were for and how old they are. Note: previous convictions may mean you are not eligible to apply for a limited licence. Refer to the Applying for a Limited Licence guide to find out more.]*

EXTREME HARDSHIP FOR MYSELF *[delete if this does not apply to you]*

4. I have been employed with *[employer]* for *[number]* years. My job involves *[describe what you do. Focus on why you need to be able to drive]*.
5. My employer has advised me that if I am unable to obtain a licence permitting me to drive for my employment, I will lose my job. *[Name of this supporting witness]*, who is the *[position, for example, my manager/the director]* at *[employer]* has sworn an affidavit in support of my application, confirming the details of my employment.
6. Being unable to drive would cause me an extreme hardship because *[why is it so important that you keep this job? For example, what qualifications and work experience do you have? How difficult would it be to find another suitable position without a driver's license?]*

7. *[If you are on the 28-day stand down period, before applying for your Limited License, explain what is currently happening with your employment.]*

UNDUE HARDSHIP FOR OTHER PERSON

[Option One: Inability to drive will cause undue hardship to your employer (delete if this does not apply to you).]

8. My disqualification is currently or will cause my employer undue hardship because:
- *[If you would lose your job, would your employer have to employ someone else? How long would this recruitment process take? Would they have to train the new employee?]*
 - *[If you would keep your job, would your employer be able to deliver their goods to customers on time? Would the rosters or duties of other staff have to be altered to accommodate your disqualification? Etc.]*
9. *[Name of supporting witness]*, who is the *[position, for example, my manager/the director]* at *[employer]* has sworn an affidavit in support of my application, confirming these details.

[Option Two: Loss of employment will cause undue hardship to a family member or other person (delete if this does not apply to you).]

10. I am *[describe your family status, for example, married with two children]*. I earn *[insert \$ amount, per week/month etc.]*. This income is important because *[are you the sole income earner? Does your spouse/partner have any income? Do you have any major financial commitments?]*. If I lose my job then we will be *[for example, unable to pay the mortgage, power bills, etc.]* and *[will you have to rely on a benefit? If so, will you be subject to a stand down from Work and Income (ask your Community Law Centre about this)?]*.

[Option Three: Inability to drive will cause undue hardship to a family member or other person (delete if this does not apply to you).]

11. I am the *[describe your relationship, for example sister, husband, mother, friend]* of *[name of person or people who will experience undue hardship.]*
12. *[Outline for the court the nature of the hardship. Some questions you might want to address include:*
- *What needs does this person have? For example: “my husband has been diagnosed with X, which requires ongoing medical appointments to monitor his health”.*
 - *Why are they reliant upon you to meet these needs? Is there anyone else who can provide this assistance?*
 - *Why is it important for you to drive in order to meet these needs? Are there any alternative forms of transport available? For example: “Our home is located five kilometres from his doctor’s office”.]*

- *What undue hardship would this person experience if you are unable to drive? For example: “This doctor has advised that if my husband’s health is not regularly monitored then his condition may rapidly deteriorate”.*]

13. I attach an affidavit in support from [*name of person or people who will experience undue hardship*].

14. I also attach letters in support, marked “[A/B]” from [*name of doctor, for example*].

AREA

15. The area I am seeking to drive in is [*describe the geographical area that you will be driving in and/or the places you will drive to*]. This is [*briefly explain why you need to drive this route, including whether any public transport is available*].

16. I have attached a map (annexed and marked “[A/B]”) showing this route in more detail.

HOURS

17. If this order is granted, the hours of travel it would be required for are between [X] and [Y] on [*days required*], which are [*briefly explain why you need to drive during these times*].

VEHICLE

18. If this order is granted I would be driving [*describe the vehicle you are seeking to drive*] for the purposes of [*describe purpose, for example, for employment or to transport my husband to medical appointments*].

CONCLUSION

19. In addition to the circumstances outlined above, I ask that the Court also take into consideration [*are there any other circumstances you want the Court to be aware of? These could include things about your own health or well-being that did not fit under the earlier headings*].**(delete if not needed)**

20. I respectfully request that this Honourable Court grants the application in terms of the draft order.

SWORN/AFFIRMED at

This day of 20

Before me:

A Deputy Registrar / Justice of the Peace / Solicitor of the High Court of New Zealand

[*Your name*
Your address
Your phone number]

[*Date*]

Registrar
[*Location*] District Court

Dear Sir/Madam

Re: [*Your name*] - Limited Licence - Supporting witness

I am applying for a limited licence on the basis that [*explain undue hardship and/or extreme hardship relied upon*].

[*Name of supporting witness*] has provided an affidavit in support of my application. They are not able to appear in Court to support my application because [*provide reasons e.g. illness, work commitments. Remember, inconvenience alone is NOT a good reason.*]

I have spoken to the Police and they have agreed that it is not necessary for [*Name of supporting witness*] to be present in Court.

Please contact me if you have any questions.

Yours sincerely

[*Your name*]

IN THE DISTRICT COURT
HELD AT [location]

IN THE MATTER of Sections 103, 104 and 105 of the Land Transport Act 1998

AND

IN THE MATTER of an application for a Limited Licence by

BETWEEN [your name] of [address], a [your occupation]
Applicant

AND NEW ZEALAND POLICE
Respondent

ORDER AUTHORISING THE ISSUE OF A LIMITED DRIVER LICENCE
(This is not an authority to drive)

ON APPLICATION made pursuant to Section 105 of the Land Transport Act 1998, this Court has made an Order authorising the above-named Applicant to obtain immediately a driver licence authorising the Applicant to drive:

[The following are the same conditions you have outlined in your application.]

1. A [describe the vehicle or vehicles you are seeking to drive, including the make, model, number plate] registered in the name of [insert registered owner].
2. SOLELY for the purpose of [briefly outline why you are seeking a limited licence, for example, transporting his/her disabled family member to medical appointments, or carrying out his/her duties as a driver for x company].
3. ONLY by the most direct route to, from, and between [describe the geographical area you will be driving in and/or the places you will drive to. You may wish to attach a map with this area highlighted as a 'schedule' to the order.]

AND

4. BETWEEN the hours of [insert the times and days you will be driving] and at any times outside these hours in emergencies; and

ON THE CONDITIONS that:

(a) THE Applicant will not to drive if there is another licensed driver in the vehicle, unless for road safety, driving hours, medical or insurance reasons it is unsafe or impracticable for that other licensed driver to drive.

(b) The Applicant will, at all times while driving, carry a logbook in which [he/she] will, prior to undertaking any journey, record clearly in English:

- vi. The date and time
- vii. Point of departure
- viii. Destination
- ix. Odometer reading

x. Reason for the journey

(c) The Applicant will not at any time, exceed the stated speed limits and will comply with all posted speed limits.

(e) The Applicant will also carry a Court stamped copy of the order granting this application together with the New Zealand Transport Agency issued Limited Licence. When stopped by an enforcement officer, at each and every time the Applicant will tell that person forthwith that [s/he] is a disqualified driver and show that enforcement office the Order, the Limited Licence and the logbook. The Applicant will carry and produce all logbook records previously completed in compliance with the conditions of this Licence.

(e) The Applicant is not to drive with a blood or breath alcohol level above zero.

(f) The Applicant while at all times driving will comply with the requirements of the Land Transport Act 1998 with regard to logbooks and driving hours.

(g) The Applicant will also allow the police to examine all copy documentation he receives in relation to any hire of vehicles [he/she] makes.

(h) The Applicant will also if requested produce or have access to proof that [he/she] is driving for the specified purposes permitted pursuant to the Limited Licence.

(i) This licence expires at midnight on the _____ day of _____ 20_____

THE Applicant, following the conviction for [*describe your conviction, for example excess breath alcohol, careless driving*] was disqualified from holding a drivers licence for a period of [*insert time disqualified*]. [He/she] was at that time holder of a driving licence, number [*insert drivers licence number*].

DATED at [*location*] this day of 20_____

Deputy Registrar

NOTICE TO APPLICANT

1. This order only authorises you to apply for a licence in the above terms. *You are not authorised to drive until you have applied for and obtained such a license.* You should do so immediately.
2. Before a limited licence in the terms of the above order can be issued it may be necessary for to undergo and pass a test. The authority to whom you apply for your limited licence will advise you if this is so.