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OBTAINING A LIMITED LICENCE -

How would you fare if you had your driver's licence taken off you? Could you get to and from work? Does your job depend on you being able to drive? Does anyone else rely on your being able to drive?

Often these questions aren't even considered before it is too late and a person has his/her licence taken from them, either by a Court ordered disqualification or an administrative suspension by virtue of demerit points.

The Land Transport Act allows for certain people who lose their licence to apply to the District Court for limited licences to allow them to drive under express conditions so that they can keep their employment, or to alleviate hardship to someone else. The test applied by the Court is whether the inability to drive will cause the applicant extreme hardship or someone else undue hardship and the granting of a limited licence will not count against public safety.

Take Bob for instance. He works as a truckie. Obviously if he cannot drive his truck, he cannot work and will lose his job.

Bob is the sole breadwinner for the family so if he loses his job the entire family suffers. Bob's wife, Elaine, has a driver's licence and is able to drive the children to and from sport and to do the weekly shopping so the family is not reliant on Bob's licence to do that.

Bob has a good argument that losing his licence and not being able to drive at least for work purposes means that he will suffer extreme hardship in losing his job and that his family will suffer undue hardship at the same time because there will be no income for the family.

Bob would have to prove this to the Court by producing sworn Affidavits from his boss and Elaine.

Bob would also need to show the Court the exact area in which he needs to drive, with the exact routes if possible, and the times he would need to drive his truck.

The Court would only grant a limited licence to

allow Bob to drive for work and for no other purpose. This is what is commonly known as a 'work licence'.

Jim doesn't need his licence for work because he is retired, but Jim's wife Judy suffers from a chronic illness that requires regular hospital visits. Her condition is such that using public transport is out of the question. Jim and Judy cannot afford taxi fares.

Jim cannot argue extreme hardship for himself, however has a good case to argue that Judy will suffer undue hardship if he cannot drive her to and from the hospital and for Jim to do the shopping once a week.

Jim would need to prove to the Court that Judy has the illness and could produce a sworn Affidavit from her attaching a letter from her specialist and/or medical certificates.

As in Bob's case, Jim would need to advise the Court which route he would take, the area in which he needs to drive and if possible, the times.

In both cases Bob and Jim have no history of poor driving and so public safety is not compromised in granting a limited licence, however if either had a poor safety record (speeding, ignoring stop signs, careless driving convictions etc) then the Court may decline their applications.

Once the Court has granted Bob and Jim's applications, they would be issued with a limited licence. They would have to abide by the strict conditions of that licence, and carry a log book with them at all times when driving. They would need to tell any Constable stopping them that they are on a limited licence and produce the licence and log books for inspection.

If you have, or are about to, lose your licence and you want to know if you qualify for a limited licence, please don't hesitate to contact us and we can advise you accordingly.

- **Next edition—General Security Agreements and the PPSR—Davina Rowan**