

COLLINS & MAY } LAW

NEWSLETTER

Volume 5 2008

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LIMITED LICENSES — By Paul Whitmarsh

Many of you may have accumulated demerit points during the course of your driving lives, or have even lost your licence for either being caught drink-driving or accumulating more than 100 demerit points.

What you may not be aware of is the ability for a disqualified driver to apply in the District Court for a Limited Licence pursuant to Sections 103 to 105 of the Land Transport Act 1998 ("the Act").

What is a Limited Licence?

A Limited Licence allows you to continue driving under certain limited circumstances as the Court sees fit. The Court must be satisfied that the disqualification or suspension of your licence has resulted, or will result in either extreme hardship to you (whether in relation to employment or otherwise); or undue hardship to a person other than you (whether in relation to employment or otherwise).

Under the Act, a Court order cannot be contrary to the interests of public safety.

The Court must decide whether or not the hardship you would suffer (or are already suffering) from losing your licence is either extreme to yourself, or undue to another person, balanced against the interests of public safety.

If you have a reasonable overall driving record, and require your vehicle to either travel to and from work or for the course of your employment, you would be a good candidate for a Limited Licence. However, if you have a checkered driving history with several speeding/traffic offences, it is unlikely that the Court would grant you a Limited Licence because of the interests of public safety.



When the application is made to the Court you must specify the purpose for which the Limited Licence is issued, what particular vehicle may be driven, the days of the week and times at which the vehicle may be driven and any other matters which may be necessary to alleviate the hardship specified.

The Police have a say in the matter as well and can object to any application for a Limited Licence on the grounds that either there is no hardship shown, or the risks to public safety are too great to allow you back on the road. As such, it is important that the application is forwarded to the Police prior to the Court hearing so that they can advise whether or not they would object to the application, and if so, upon what grounds. Then the application can be modified to suit both you and the Police.

Then it is just a matter of appearing at the District Court and having the order "rubber stamped" by a Judge. Once the order has been made, you can take the Limited Licence to the nearest AA branch and have your Limited Licence endorsed.

Bob the Builder

Bob was a busy builder who lived in Lower Hutt and worked throughout the Wellington region, sometimes being required to work in the Porirua or the Kapiti coast, as well as in Wel-

lington city and sometimes Upper Hutt. As such, he spent a lot of his day on the road driving to and from work sites, picking up building equipment from around the region, and transporting his staff to and from the jobs.

Unfortunately for Bob, he picked up three speeding tickets within a two year period, each one accumulating 35 demerit points (a total of 105) which resulted in someone from the Land Transport Safety Authority visiting his home one evening to collect his licence as he was now disqualified from driving for three months.

What can Bob do? Bob is an ideal candidate for a Limited Licence as his overall driving record is good, he has not lost his licence before and clearly there is hardship to him and his family in him not being able to drive his motor vehicle. Bob came to Collins & May and the application was filed in the District Court. As the Police did not object to the application, Bob was able to get back on the road within a matter of days from the date of disqualification. The licence was limited only to work days, being Monday to Friday 7.00 a.m. to 6.00 p.m. and Saturday mornings from 8.00 a.m. to 12.00 p.m. The purposes of the licence were only to travel to and from his home to either work sites or building material suppliers, and he was not to use the vehicle outside those time frames or drive at all on Sunday. This suited Bob, as he was able to continue his work and continue supporting his family.

Collins & May are specialists in preparing Limited Licence applications for any disqualified drivers who need to get back on the road. If you or someone you know requires a Limited Licence, do not hesitate to contact us.