

Land Transport Rule COVID-19 Response (No 1) 2020

Patsy Reddy, Governor-General

Order in Council

At Wellington this 7th day of April 2020

Present:

The Right Hon Jacinda Ardern presiding in Council

Pursuant to sections 152, 152A, 154, and 158 of the Land Transport Act 1998, Her Excellency the Governor-General makes the following ordinary rule, acting –

- (a) on the advice and consent of the Executive Council
- (b) on the recommendation of the Minister of Transport, after having regard to the criteria specified in section 164(2) of that Act.

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Section 1 Preliminary provisions

1.1 Title

This Rule is Land Transport Rule: COVID-19 Response (No 1) 2020.

1.2 Commencement

This Rule comes into force on the day after the date of its notification in the *Gazette*.

1.3 Objective of Rule

The objective of this Rule is to allow for vehicles to continue to be operated lawfully, and for drivers to continue to be licensed and to use endorsements and identification cards, when restrictions imposed in response to the outbreak of COVID-19 make it impractical or unreasonable for persons to do tasks ordinarily required to enable vehicles to undergo periodic in-service inspection and certification, or to enable driver licences, endorsements and driver identification cards to be renewed.

1.4 Interpretation

1.4(1) In this Rule,—

Act means the Land Transport Act 1998

affected driver identification card has the meaning given by clause 4.1(2)

affected driver licence has the meaning given by clause 3.1

affected endorsement has the meaning given by clause 4.1(1)

affected land transport document means an affected vehicle certification, an affected driver licence, an affected endorsement, or an affected driver identification card

affected vehicle certification has the meaning given by clause 2.1(2)

certified vehicle, in relation to a vehicle certification, means the vehicle to which the vehicle certification relates

commencement date means the date this Rule comes into force under clause 1.2

cut-off date has the meaning given by clause 5.2

driver identification card has the same meaning as in the Land Transport (Driver Licensing) Rule 1999

driver licence means a licence to drive that is issued or has effect under the Act, but excludes an endorsement

endorsement means an endorsement specified in Schedule 4 of the Land Transport (Driver Licensing) Rule 1999

new expiry date, in relation to an affected land transport document, means the new expiry date set under clause 5.3

stated expiry date, in relation to an affected land transport document, means the expiry date appearing on the face of the document

vehicle certification has the meaning given by clause 2.1(1).

- 1.4(2) A term that is used in this Rule and defined in the Act but not defined in this Rule has the meaning given in the Act (for example, Agency, drive, driver, enforcement officer, evidence of vehicle inspection, operate, record of determination, the rules, and vehicle).

Section 2 Affected vehicle certifications

2.1 Definitions

- 2.1(1) In this Rule, a **vehicle certification** means evidence of vehicle inspection, a record of determination, or other form of certification issued under the Land Transport Rule: Vehicle Standards Compliance 2002, including warrants of fitness, certificates of fitness, alternative fuel inspection certificates, annex B conditional permits, annex C conditional permits, in-service conditional permits, and specialist certifications.

- 2.1(2) In this Rule, an **affected vehicle certification** means a vehicle certification that has a stated expiry date on or after 1 January 2020 and before the cut-off date, except where—

- (a) the vehicle certification has been revoked; or
- (b) the vehicle certification has ceased to be current under clause 9.7(c) of the Land Transport Rule: Vehicle Standards Compliance 2002; or
- (c) an enforcement officer has given a notice under section 115 of Act to the driver or owner of the certified vehicle stating that the vehicle may not be operated until a new warrant, certificate or permit has been issued; or
- (d) registration of the certified vehicle has been cancelled in accordance with the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011.

2.2 Affected vehicle certifications treated as valid until new expiry date

- 2.2(1) Despite any provision in any of the rules (but subject to clause 5.1 of this Rule), an affected vehicle certification is, and must be treated as being, valid from the commencement date until its new expiry date.
- 2.2(2) Without limiting the generality of subclause (1), during the period from the commencement date until the new expiry date—
- (a) any provision in any of the rules that requires a person to operate a vehicle with a current vehicle certification is satisfied by the person operating a vehicle with an affected vehicle certification; and
 - (b) any provision in any enactment that requires a current vehicle certification to be displayed is satisfied by displaying an affected vehicle certification.

2.3 Vehicles must still be safe

Nothing in the Rule affects any requirement in any enactment requiring that a vehicle—

- (a) must be safe to be operated; or
- (b) must be kept in a condition appropriate to the level required for the issue of a warrant of fitness or certificate of fitness (as the case may be).

Section 3 Affected driver licences

3.1 Affected driver licence defined

In this Rule, an **affected driver licence** means a driver licence that has a stated expiry date on or after 1 January 2020 and before the cut-off date, except where—

- (a) the driver licence has been cancelled, revoked, or suspended (other than a licence suspended under sections 95 or 95A of the Act where the suspension is no longer in force); or
- (b) the Agency has, since 1 January 2020, made a decision to decline to renew the driver licence.

3.2 Affected driver licences treated as valid until new expiry date

- 3.2(1) Despite any provision in any of the rules (but subject to clause 5.1 of this Rule), an affected driver licence is, and must be treated as being, valid from the commencement date until its new expiry date.
- 3.2(2) Without limiting the generality of subclause (1), during the period from the commencement date until the new expiry date, any provision in any of the rules that requires a person to hold, display or produce a current driver licence is satisfied by holding, displaying or producing an affected driver licence.
- 3.2(3) This clause does not apply to a person who operates a vehicle in breach of the terms of any disqualification or suspension from driving, or who is forbidden from driving.

Section 4 Affected endorsements and affected driver identification cards

4.1 Definitions

- 4.1(1) In this Rule, an **affected endorsement** means an endorsement that has a stated expiry date on or after 1 March 2020 and before the cut-off date, except where—
- (a) the endorsement has been revoked or suspended; or
 - (b) the Agency has, since 1 March 2020, made a decision to decline to renew the endorsement; or
 - (c) the driver licence to which the endorsement relates has been cancelled, revoked, or suspended (other than a licence suspended under sections 95 or 95A of the Act where the suspension is no longer in force); or
 - (d) the endorsement has a stated expiry in the past and the Agency has issued a notice to the holder proposing to decline to renew the endorsement; or
 - (e) in relation to a passenger endorsement, the holder is prohibited from holding a passenger endorsement because of section 29A of the Act.
- 4.1(2) In this Rule, an **affected driver identification card** means a driver identification card that has a stated expiry date on or after 1 March 2020 and before the cut-off date.

4.2 Affected endorsements treated as valid until new expiry date

- 4.2(1) Despite any provision in any of the rules (but subject to clause 5.1 of this Rule), an affected endorsement is, and must be treated as being, valid from the commencement date until its new expiry date.
- 4.2(2) Without limiting the generality of subclause (1), during the period from the commencement date until the new expiry date, any provision in any of the rules that requires a person to hold, display or produce a current endorsement is satisfied by holding, displaying or producing an affected endorsement.
- 4.2(3) This clause does not apply to a person who operates a vehicle in breach of the terms of any disqualification or suspension from driving, or who is forbidden from driving.

4.3 Affected driver identification cards treated as current until new expiry date

Despite any provision in any of the rules (but subject to clause 5.1 of this Rule), during the period from the commencement date until the new expiry date, any provision in any of the rules that requires a person to hold or display a current driver identification card, is satisfied by holding or displaying an affected driver identification card.

Section 5 Other matters**5.1 Affected land transport documents can still be revoked etc**

- 5.1(1) Nothing in this Rule affects any power under any enactment to revoke, suspend, cancel, impose conditions on, or take other action in respect of, an affected land transport document at any time (except that when exercising those powers any affected land transport document with a stated expiry date in the past should be treated as valid if required by the provisions of this Rule).
- 5.1(2) Nothing in this Rule affects any conditions imposed on an affected land transport document at any time.

5.2 Cut-off date

- 5.2(1) In this rule, the **cut-off date** is—
- (a) a date, not more than 6 months after the commencement date, determined by the Agency to be when the level of restrictions imposed in response to the outbreak of

COVID-19 has reduced to the extent that it is possible and reasonable for persons, including the Agency, to do tasks required to enable vehicles to undergo periodic in-service inspections and certifications and to enable driver licences, endorsements and driver identification cards to be renewed; or

- (b) if no date is determined by the Agency under paragraph (a), the date that is 6 months after the commencement date.

5.2(2) The Agency must notify the setting of a cut-off date under clause 5.2(1)(a) in the *Gazette* and on the Agency's Internet site.

5.3 Agency may set new expiry dates for affected land transport documents

5.3(1) The Agency may determine a new expiry date for an affected land transport document or any group of affected land transport documents.

5.3(2) The Agency must not set a new expiry date that occurs —

- (a) before the cut-off date; or
- (b) after the date that is 6 months after the commencement date.

5.3(3) In determining a new expiry date, the Agency must have regard to—

- (a) different risks to safety posed by different types of vehicles or drivers being allowed to be operated or operate lawfully without undergoing an inspection, certification or renewal; and
- (b) the level of restrictions imposed in the relevant part of New Zealand in response to the outbreak of COVID-19; and
- (c) the likely period needed following the reduction in the level of those restrictions before it will be possible and reasonable for persons, including the Agency, to do tasks required to renew, issue or obtain the affected land transport document.

5.3(4) The Agency must notify the determination of new expiry dates in the *Gazette* and on the Agency's Internet site.

- 5.3(5) If the Agency does not set a new expiry date for a land transport document, the new expiry date for the land transport document is 6 months after the commencement date.

Rachel Hayward,
for Clerk of the Executive Council.