2012/302

Land Transport (Driver Licensing) Amendment Rule 2012

Pursuant to sections 152, 154, and 158 of the Land Transport Act 1998, the Associate Minister of Transport makes the following ordinary rule.

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Rule

1 Title

This rule is the Land Transport (Driver Licensing) Amendment Rule 2012.

2 Commencement

This rule comes into force on 1 November 2012.

3 Principal rule

This rule amends the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**).

4 Objective

A statement of the objective of this rule is set out in Schedule 1.

5 Consultation

A statement of the extent of the consultation carried out in relation to this rule under section 161(2) of the Land Transport Act 1998 is set out in Schedule 2.

6 Clause 2 amended (Interpretation)

In clause 2(1), definition of **moped**, replace "section 233(1)" with "section 2(1)".

7 Clause 26 amended (When passenger endorsement required)

(1) Replace clause 26(2)(f) with:

"(f) when the motor vehicle is being operated to escort a lawfully detained person by—

"(i) a personal guard; or

"(ii) a Police employee; or

"(iii) a security officer; or".

(2) In clause 26(3), insert in its appropriate alphabetical order:

"**Police employee** has the meaning given to it in section 4 of the Policing Act 2008".

8 Clause 63 amended (Form of driver licence)

Replace clause 63(2)(d) with:

"(d) the holder's full name, unless it is impracticable to display the name in full:".

9 Clause 81 amended (Suspension of endorsements)

In clause 81, reverse the order of the subclauses so that subclause (1) becomes subclause (2) and subclause (2) becomes subclause (1).

Schedule 1 cl 4
Objective of rule

The objective of this rule is to amend the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**) in the following ways:

(a) to replace, in the definition of moped in clause 2(1) of the principal rule, the reference to the repealed definition of moped in section 233(1) of the Land Transport Act 1998 (the **Act**) with a reference to section 2(1) of the Act:

(b) in relation to clause 26(2)(f) of the principal rule, which provides for an exception to the requirement that certain drivers must hold a passenger endorsement,—

  (i) to remove the qualification that drivers escorting lawfully detained persons must be escorting them to or from a Police station, court, or prison in order to come within the exception:

  (ii) to remove the qualification that personal guards and security officers escorting lawfully detained persons must be employed by or contracted to the Department of Corrections in order to come within the exception:

  (iii) to change the reference to "constable" to "Police employee" to reflect the terminology used in the Policing Act 2008:

  (iv) to add a definition of Police employee:

(c) to require that driver licences display the full name of the licence holder, unless it is impracticable to display the name in full on the driver licence:

(d) to reverse the order of subclauses (1) and (2) of clause 81 of the principal rule to clarify that the subclause that will be numbered (1) when this rule comes into force, and which describes the circumstances in which an endorsement is sus-

pended, refers to all endorsements rather than to driving instructor (I) endorsements only.

Schedule 2

cl 5

Consultation carried out under section 161(2) of Act

For the purposes of consultation, amendments proposed to the Land Transport (Driver Licensing) Rule 1999 (the **principal rule**) and 9 other Land Transport Rules were combined into a single rule, Land Transport Rule: Omnibus Amendment 2012 (the **Omnibus Amendment Rule**).

In May 2012, the New Zealand Transport Agency (the **Agency**) sent details of the amendment proposals by letter or email to about 2 500 groups and individuals who had registered an interest in the rules to be amended. The Omnibus Amendment Rule was made available through the Agency's contact centre and, together with questions and answers, was available on the Agency's Internet site. The availability of the amendment proposals for comment was publicised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch, and Dunedin and in the *Gazette*. The Agency received 27 submissions on the Omnibus Amendment Rule, of which 12 commented on the proposed amendments to the principal rule.

Following consultation, the provisions in the Omnibus Amendment Rule were split into 10 separate amendment rules, including this rule. The submissions that were received were taken into account in finalising this rule before it was submitted to the Associate Minister of Transport for signing.

Dated at Wellington this 25th day of September 2012.

Simon Bridges,
Associate Minister of Transport.

Explanatory note

This note is not part of the rule, but is intended to indicate its general effect.

This rule, which comes into force on 1 November 2012, amends the Land Transport (Driver Licensing) Rule 1999 in the ways described in *Schedule 1*. In summary, the changes update the definition of moped, widen the category of people who do not need to hold a passenger endorsement in order to escort lawfully detained persons, add a definition of Police employee, specify that driver licences display the full name of the licence holder (unless it is impracticable to display the name in full), and clarify the circumstances in which an endorsement is suspended.

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