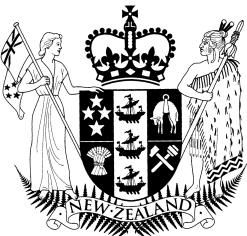


**Version
as at 1 July 2023**



**Land Transport (Clean Vehicle Discount Scheme
Charges) Regulations 2022**
(SL 2022/52)

Cindy Kiro, Governor-General

Order in Council

At Wellington this 28th day of February 2022

Present:

Her Excellency the Governor-General in Council

These regulations are made under sections 167(1)(j), 167A, 168AA, and 174 of the Land Transport Act 1998—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Transport made in accordance with section 167A(6) and (7) of that Act.

Contents

	Page
1 Title	2
2 Commencement	2
3 Interpretation	2
4 Transitional, savings, and related provisions	3

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

These regulations are administered by the Ministry of Transport.

r 1	Land Transport (Clean Vehicle Discount Scheme Charges) Regulations 2022	Version as at 1 July 2023
5	Excluded vehicles	3
6	Application of section 174 of Act (measurement and determination of carbon dioxide emissions)	3
7	Carbon dioxide emissions-based charges payable on first registration of eligible light vehicles	4
8	Charges are debt due to the Crown	4
9	Charges are land transport revenue for purposes of Land Transport Management Act 2003	4
	Schedule 1 Transitional, savings, and related provisions	5

Regulations

1 Title

These regulations are the Land Transport (Clean Vehicle Discount Scheme Charges) Regulations 2022.

2 Commencement

These regulations come into force on 1 April 2022.

Regulations: confirmed, on 17 December 2022, by section 20 of the Secondary Legislation Confirmation Act 2022 (2022 No 82).

3 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Land Transport Act 1998

disability vehicle means a light vehicle that is used for the transportation of a person with a disability and is modified to do either or both of the following:

- (a) enable a person in a wheelchair to safely enter and exit the vehicle and enable the person and the wheelchair to be safely restrained while the vehicle is moving;
- (b) provide a person in a wheelchair or of limited mobility with assistance to enter and exit the vehicle through the use of a swivel or swing-out seat

eligible light vehicle means a light vehicle of class MA, MB, MC, MD 1, MD 2, or NA in Table A in Part 2 of the Land Transport Rule: Vehicle Standards Compliance 2002 that is required by that rule to be certified for entry into service, other than a vehicle declared to be an excluded vehicle under regulation 5

Low Volume Vehicle Code means the Low Volume Vehicle Code as defined in Part 2 of the Part 2 of the Land Transport Rule: Vehicle Standards Compliance 2002

new has the meaning given in section 172(1) of the Act

registration means registration under Part 17 of the Act, and **register** has a corresponding meaning

used has the meaning given in section 172(1) of the Act

WLTP has the meaning given in section 172(1) of the Act.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

5 Excluded vehicles

The following vehicles are declared to be excluded vehicles for the purposes of these regulations:

- (a) a special interest vehicle as defined in Part 2 of the Land Transport Rule: Frontal Impact 2001;
- (b) a vehicle manufactured 40 years or more before the date on which it was certified for entry into service in New Zealand;
- (c) a disability vehicle;
- (d) a motor sport vehicle as defined in Part 2 of the Land Transport Rule: Frontal Impact 2001;
- (e) a vehicle specified in paragraph (a) of the definition of low volume vehicle in Part 2 of the Land Transport Rule: Vehicle Standards Compliance 2002 that is certified in accordance with the Low Volume Vehicle Code.

6 Application of section 174 of Act (measurement and determination of carbon dioxide emissions)

- (1) Section 174(1) to (3) of the Act, concerning the manner in which the carbon dioxide emissions of vehicles must be measured and determined, applies in respect of the measurement and determination of carbon dioxide emissions of eligible light vehicles for the purposes of these regulations as if,—
 - (a) in section 174(1), the reference to Part 13 were a reference to these regulations; and
 - (b) in section 174(2) and (3), the reference to the regulations or rules under this Act were a reference to the Land Transport Rule: Vehicle Efficiency and Emissions Data 2022.
- (2) The carbon dioxide emissions of a vehicle for the purposes of these regulations are the normalised data value determined in accordance with the Land Transport Rule: Vehicle Efficiency and Emissions Data 2022 and contained in the database established and maintained under that rule.

7 Carbon dioxide emissions-based charges payable on first registration of eligible light vehicles

- (1) The person who registers, for the first time, any new or used eligible light vehicle with carbon dioxide emissions of 150 grams or more per kilometre must pay the charge calculated in accordance with subclause (2) or (3) (whichever applies).
- (2) The charge for a new eligible light vehicle (excluding goods and services tax) is \$6,000 or the amount calculated in accordance with the following formula (whichever is the lesser):

$$c = 500 + ((e - 150) \times 50)$$

where—

- c is the charge that applies, in dollars
e is the carbon dioxide emissions in grams based on WLTP.

- (3) The charge for a used eligible light vehicle (excluding goods and services tax) is \$3,000 or the amount calculated in accordance with the following formula (whichever is the lesser):

$$c = 250 + ((e - 150) \times 25)$$

where—

- c is the charge that applies, in dollars
e is the carbon dioxide emissions in grams based on WLTP.

- (4) The charge (including applicable goods and services tax) must be paid to the Registrar of Motor Vehicles at the same time as the person pays for the registration of the vehicle.

Regulation 7(1): amended, on 1 July 2023, by regulation 4(1) of the Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023 (SL 2023/93).

Regulation 7(2): replaced, on 1 July 2023, by regulation 4(2) of the Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023 (SL 2023/93).

Regulation 7(3): replaced, on 1 July 2023, by regulation 4(3) of the Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023 (SL 2023/93).

8 Charges are debt due to the Crown

- (1) A charge that becomes payable under regulation 7 is a debt due to the Crown.
- (2) The Agency may, on behalf of the Crown, recover the debt in a court of competent jurisdiction.

9 Charges are land transport revenue for purposes of Land Transport Management Act 2003

Charges paid under regulation 7 are land transport revenue for the purposes of the Land Transport Management Act 2003 (*see* section 6(c) of that Act and section 168AA of the Land Transport Act 1998).

Schedule 1 Transitional, savings, and related provisions

r 4

Part 1 Provision relating to these regulations as made

1

Where a vehicle was first certified for entry under the Act before 1 April 2022, the Land Transport Rule: Vehicle Efficiency and Emissions Data 2022 applies to the extent necessary to determine the carbon dioxide emissions of the vehicle for the purposes of these regulations.

Schedule 1 clause 1 number: inserted, on 1 July 2023, by regulation 5(a) of the Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023 (SL 2023/93).

Part 2

Provisions relating to Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023

Schedule 1 Part 2 : inserted, on 1 July 2023, by regulation 5(b) of the Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023 (SL 2023/93).

2 Interpretation

In clause 3,—

commencement date means 1 July 2023

new law relating to carbon dioxide emissions-based charges means regulation 7 of these regulations (as in force immediately after the commencement date)

old law relating to carbon dioxide emissions-based charges means regulation 7 of these regulations (as in force immediately before the commencement date).

Schedule 1 clause 2: inserted, on 1 July 2023, by regulation 5(b) of the Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023 (SL 2023/93).

3 Changes to charges relating to date of first vehicle registration

- (1) The old law relating to carbon dioxide emissions-based charges continues to apply in respect of the first registration of an eligible vehicle that occurs on a date before the commencement date.
- (2) The new law relating to carbon-dioxide emissions-based charges applies in respect of the first registration of an eligible vehicle that occurs on or after the commencement date.

Schedule 1 clause 3: inserted, on 1 July 2023, by regulation 5(b) of the Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023 (SL 2023/93).

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 April 2022, prescribe matters for the purposes of the clean vehicle discount scheme administered by the New Zealand Transport Agency under the Land Transport Management Act 2003.

These regulations must be confirmed by an Act before the close of 30 June 2023. If they are not confirmed, they will be revoked on the close of that date. See subpart 3 of Part 5 of the Legislation Act 2019.

Regulatory impact statement

The Ministry of Transport produced a regulatory impact statement on 26 November 2019 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.transport.govt.nz/assets/Uploads/RISDemandsideoptionsinclAcceleratedFeebate.pdf>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 3 March 2022.

Notes

1 General

This is a consolidation of the Land Transport (Clean Vehicle Discount Scheme Charges) Regulations 2022 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023 (SL 2023/93)

Secondary Legislation Confirmation Act 2022 (2022 No 82): section 20