

Applying for a Limited Licence

DISCLAIMER

Every effort has been made to ensure this guide is accurate, however we cannot take responsibility for any errors or omissions. The information in this guide is for general purposes only and is not a substitute for face-to-face legal advice. You may need to seek specific advice for your particular situation, and where appropriate we encourage you to do so.

Overview of limited licences

What is a limited licence?

If your licence has been suspended or you've been disqualified from having a licence, you might be able to apply to the District Court for a limited licence.

This is what it sounds like: you'll have a licence to drive, but it will be limited by certain conditions.

The rules for getting a limited licence are set out in sections 103 to 107 of the Land Transport Act 1988.

This guide will walk you through the entire process, including:

- figuring out if you're eligible for a limited licence,
- how to fill out the forms,
- how to file the paperwork,
- what happens at the District Court hearing,
- how long it will take, and
- the rules about driving on a limited licence.

If you don't feel confident completing an application yourself, you can:

- speak with court staff at the District Court, or
- get a lawyer (see: lawsociety.org.nz/for-the-public/get-legal-help/), or
- get help from your local Community Law Centre (find your local centre at: communitylaw.org.nz).

What's the point of a limited licence?

Usually, getting a suspension/disqualification from driving would be inconvenient, and cause a reasonable amount of disruption to your life and your usual routines. This amount of disruption and hassle is meant to deter offending.

However, sometimes the consequences of getting a disqualification/suspension are above and beyond a reasonable level of disruption. The court will issue a limited licence where the consequences of not being able to drive are "extreme" for you or "undue" for somebody else.

For example, sometimes losing your licence means:

- you might lose your job, or
- you can't get routine medical treatment, or
- you can't drop your children off at school or take them to regular activities, or
- you can no longer care for a family member who depends on you.

In those examples, the consequences might be considered "extreme" or "undue", and you may be eligible for a limited licence.

If you get a limited licence, you'll be allowed to drive but **only in limited circumstances that are considered** necessary to prevent extreme or undue hardship.

In other words, you're still suspended/disqualified from driving, but you get a "pass" to drive for a specific purpose or under specific circumstances. **You still can't drive anywhere else for any other reason.**

For example, if you need to drive to get medical treatment, you might receive a limited licence so that you can drive to and from your medical provider. You'd usually have to set out:

- the location of your medical provider
- the day and time of each of your appointments, and
- the car that you'll use to drive there.

How much will it cost to get a limited licence?

You will need to pay a filing fee to the Court – this is **\$150** if you have been disqualified from having a licence, or **\$200** if you have been suspended.

If your application is successful, you also need to pay an additional **\$50** sealing fee to the court.

You will then have to pay Waka Kotahi a **\$48.70** application fee to be issued the limited licence.

If you get a lawyer, their fees are likely to be more than \$1,000. You don't have to get a lawyer, but it will make the process much easier.

How long will it take to get a limited licence?

It will depend on whether you have been **suspended** or **disqualified** from driving.

If you have been **suspended** from driving the Court can make an order authorising you to apply for a limited licence straight away.

However, if you've been **disqualified** from driving after being convicted of a criminal offence you'll have a mandatory 28 day "stand-down" period before you can receive a limited licence.

This guide goes into more detail on how long the whole process will take and the 28 day "stand-down" period" below.

Can I get a limited licence?

The District Court will decide whether you can get a limited licence by asking these three questions:

1. Are you eligible to apply for a limited licence?
2. Will you suffer “extreme hardship”, and/or will someone else suffer “undue hardship”, as a result of you not having a licence?
3. Will public safety be put at risk if this licence is granted?

Each of these questions are explained in more detail below.

1. AM I ELIGIBLE?

You can apply for a limited licence if you:

- have been suspended from driving due to excess demerit points, or
- have been disqualified from driving.

You can't apply for a limited licence if:

- (s 103(2)(c)): you're currently disqualified because you were convicted of:
 - driving while disqualified, or
 - driving outside of the terms of an existing limited licence,
- (s 103(2)(d)): you're currently disqualified for one of the following offences, **and** sometime in the last five years you've already committed one of those offences on a separate occasion (whether or not it was the same type of offence as the one you are currently disqualified for):
 - (s 35, 36, 38, 39): reckless or dangerous driving, careless or inconsiderate driving causing injury or death, and failing to stop after an accident,
 - (s 56, 57A-57C, 58, 60-62): alcohol/drug related offences, or
 - (s 33(1)): applied for or obtaining a driver licence while disqualified,
- (s 103(2)(b)): you're disqualified from driving a passenger transport vehicle (for example, a taxi or bus) and you want a limited licence in order to drive that vehicle,
- (s 103(2)(e)): you currently have an interlock sentence,
- (s 103(2)(f)): you currently have a Driver Licence Stop Order (DLSO), or
- (s 103(2)(a)): you've been disqualified from driving for an **indefinite period**.

For example, you're not able to apply for a limited licence if you're disqualified for having excess blood alcohol, and you have an existing excess blood alcohol conviction within the past 5 years.

2. HARDSHIP REQUIREMENT

You can apply for a limited licence if not being able to drive would either:

- cause you "extreme" hardship, and/or
- cause someone else "undue" hardship.

Disqualification from driving is meant to punish an offender, not their family or employer. This is why the "standard" for hardship is different for you (the applicant) and for the people your disqualification is likely to affect (your employer or a family member).

Option 1: Not being able to drive would cause me extreme hardship

Extreme hardship is very difficult to prove. Your disqualification is meant to be a penalty or a punishment, so the court won't be persuaded if you are merely inconvenienced or if you miss out on opportunities you might otherwise have had.

For example, if driving is a crucial part of your job, and without a licence you risk losing your job and/or livelihood, this might be considered "extreme" hardship. In that case, you might be able to get a limited licence to drive as part of your job. However, if public transport is available to get you to work, you might have to take public transport to work (even though you're allowed to drive once you're at your job).

Option 2: Not being able to drive would cause someone else undue hardship

Undue hardship is a lower standard and is usually easier to prove. However, you still need to show that you being unable to drive would cause someone else a level of hardship that is more than being inconvenienced.

For example, you might be able to show that not being able to drive would cause undue hardship for your employer, because they have to re-assign responsibilities or temporarily employ someone else to do your job.

You could also show a family member would experience undue hardship – for example, if they rely on you to drive them to the doctor or for other essential needs. The court will check if there are other options available to them (such as public transport, or car-pooling).

If you argue that losing your licence would cause undue hardship to someone else, you'll need to get that person to provide evidence through an affidavit (see the end of this guide for template forms) – just a letter or email from them won't be enough. They might also be asked to appear in court to be asked questions by the judge or the Police, however this is very unlikely.

3. PUBLIC SAFETY

You'll need to be able to prove to the court that the public's safety would not be at risk if you got a limited licence.

For example, if you've had multiple driving infringements such as speeding, the court might say that you are a risk to other's safety on the roads. Anything you can say to demonstrate that you will be a safe driver in the future will strengthen your application for a limited licence.

How do I apply?

PREPARATION

Consider what conditions your limited licence should have

The purpose of the limited licence is to lessen the hardship of not having a licence. It is not a substitute licence allowing you to drive whenever and wherever you want.

Before applying for a limited licence, you need to think about:

- which car you need to drive,
- what times and days you need to drive, and
- where you need to drive (the areas, suburbs and streets) – creating a map to attach to your application is a great idea.

One of most common conditions for limited licences is that you'll have to carry a notebook (called a "logbook"), which you have to fill in every time you drive the car. The logbook should record the time and the odometer reading (kilometres driven) at the start and finish of each car trip, where you left from and where you went, and why each trip was made.

Make sure that all conditions you propose (in your application and to the police) are clear.

You will be more likely to be successful if each of your conditions are:

- specific,
- restricted as much as possible for your circumstances, and
- reasonable.

DOCUMENTS YOU'LL NEED

To apply to the District Court for a limited licence, you will need to complete the following documents:

- a cover page,
- an application for a limited licence,
- your affidavit,
- if you've said that someone else will be affected by your suspension/disqualification (for example, a family member or your employer), you'll need that person or people to sign an affidavit to confirm what you've said and support your application,

- a draft Court Order (if the court agrees that you need a limited licence, the judge can stamp this draft order, which will then become the final Court Order), and
- any other letters in support of your application.

These documents are explained in more detail below.

Templates of these documents are available at the end of this guide and online at communitylaw.org.nz, in the Community Law Library. The templates contain tips and helpful notes that will make it easy for you to fill out each form and make sure your application to the District Court is complete.

Cover page

This is simply one page with a set format that goes at the front of your application. Fill in the gaps in the template document, including the location of your local District Court, your name, address and occupation.

Application form

This is the form that contains all the information relating to your limited licence application. Using the template document, fill in your name and address, the date of your hearing (the court staff will tell you this), the details of your vehicle, the purpose for your Limited License, the conditions you are proposing for your limited licence, the grounds for your application, the period you are disqualified from driving for, and the date.

Your affidavit

You need to provide your own evidence by writing an affidavit. Your affidavit must set out the reasons why you need the limited licence (and, if applicable, why your employer or family member needs you to have a limited licence). Your affidavit is your chance to clearly set out the facts relevant to your application.

An affidavit is a statement that can be given to the court as evidence. You take an oath that the contents of the affidavit are true and correct. You can choose to either “swear” or “affirm” an affidavit. The only difference is that if you swear your affidavit, you’ll do this with a Bible or the Quran.

Either way, this will be done in front of a justice of the peace (a “JP”), a lawyer, or a registrar. JPs can be found in the yellow pages and are free, or you can go to your local District Court for help.

There is no prescribed affidavit/affirmation form to use, but it can look like the template affidavit at the end of this guide. You can download this template at communitylaw.org.nz. Your local Community Law Centre may be able to help you with your affidavit.

The penalty for making a false affidavit or affirmation is a prison term of up to five years (section 110, Crimes Act 1961). It is therefore extremely important that details in the affidavit are true.

Your affidavit should include:

- Your personal details, including:
 - your full name,
 - your age,
 - your home address,
 - your children if you have any and their age,
 - anyone else who depends on you for care (e.g. an elderly relative), and
 - your licence details (including the class of licence and the licence number).
- Reason for disqualification or suspension, including:
 - date and place that you lost your licence,
 - details of the offence,
 - details of any previous traffic convictions,
 - confirm if you have paid or entered into a payment plan for any fines, and
 - if you have lost your licence because of excess demerit points, you should attach a copy of the suspension notice to your affidavit.
- Occupation, including:
 - the company's name and address,
 - your role,
 - how long have you been employed there/have been self-employed,
 - the day to day duties and occupational requirements, and
 - your usual days and hours of work, and whether you are on call.
- Driving requirements, including:
 - areas you're required to drive to meet your employers/self-employment needs,
 - work vehicles you are required to drive, including their make/model/number plate,
 - if applicable, explain what you've been doing since the beginning of the stand down period, and
 - what your employer has said about your future employment if you remain disqualified/suspended.
- Hardship - It is not enough just to say that you think that there is hardship, you must provide enough facts to convince the judge that the hardship is extreme hardship for you, and/or undue hardship for the other person. Include:
 - your net weekly/fortnightly/monthly income and savings,
 - your net weekly/fortnightly/monthly household expenses (e.g., mortgage, rent, food, power, child support, phone, etc.),
 - any other non-work driving requirements that your partner/other family members are unable to do,
 - if medical – provide evidence of the treatment required, and
 - if you need to drive to work – you need to explain why there are no other options (e.g., there are no public transport or car-pooling options due to distance, health reasons, or early starts).
 - Are you the sole income earner? If not – include what your partner/other family members do for income, and include their net incomes and hours of work.

- Conclusion
 - Summarise the reason for needing a limited licence and the impact if one is not granted.
 - Confirm that you'll only drive within terms of limited licence.

Other affidavits

If you're arguing that your disqualification will cause undue hardship to another person, it is helpful to provide evidence from that person, usually in the form of an affidavit.

Their affidavit needs to cover:

- their circumstances,
- why they believe you need a limited licence, and
- how it would cause them undue hardship if you're not able to drive.

If it's not possible to get them to complete an affidavit (for example, if they're too ill or too young) you should ideally get a professional such as that person's doctor or social worker to provide an affidavit in support instead.

If you're arguing that you will lose your job if you cannot drive for work, it is helpful to provide an affidavit from your employer saying that.

Letters to the court

What happens if my support person cannot attend the court hearing?

Technically, a Court Order for a limited licence can't be granted unless each person who files an affidavit appears in court and is available for cross-examination on their evidence (section 104, Land Transport Act 1998). In practice, it is very unusual for someone who swears an affidavit to be required for cross-examination, and then only if the Police oppose the application for a limited licence. If your application is not opposed by Police (see below) it is very unlikely that anyone other than you will be required at court.

Other letters of support

You can also attach letters of support to your application, which support your story (or the story of the person submitting an affidavit in support), from specialists such as doctors. When you refer to these letters in your affidavit, write something like: "attached and marked with the letter "A" is a letter from my doctor".

The original letters need to be attached to the affidavit and be marked with "A", "B", "C" (and so on) at the top. The letters need to have an "exhibit note" attached, stamped or written on them. The person who witnesses the affidavit will also sign the exhibit notes, as they form part of the evidence.

If the information contained in the letters is crucial to the success of the application, it is better to have specialists (such as doctors) swear affidavits containing the information as sworn evidence.

Draft court order

You must also complete a draft Court Order to submit with your application. Note that it is headed "Order", but it does not become a final Court Order until the Court authorises the limited licence.

Using the template document, complete the draft order with all the relevant details. The draft order needs to contain the same conditions as you include in your application.

Make photocopies

You will need to make several copies of all the different documents in your application, to give to different parties along the way. You need copies for your own records, copies to serve on the police, and copies that you'll file at the District Court.

For the District Court:

- One copy of your limited licence application,
- 3 copies of the draft court order, and
- the original of each of the affidavits you are filing.

For the police:

- 1 copy of the draft Court Order,
- 1 copy of your application of a limited licence, and
- 1 copy of each of the affidavits

You do not need to give paper copies of your documents to the Police if you serve them on the Police by email (see below).

For yourself, keep:

- 1 copy of the draft Court Order,
- 1 copy of your application of a limited licence, and
- 1 copy of each of the affidavits you have filed.

These copies are for you to bring to court.

File at the District Court

Take the District Court pile of forms and the filing fee (this is **\$150** if you have been disqualified from having a licence, or **\$200** if you have been suspended) to the same District Court that imposed your disqualification. Go to the Traffic/Criminal counter.

The court staff will fill in a hearing date for your limited licence application and then give you 2 copies of this "complete" application.

After you file your application at the Court, you then serve it on the Police.

When will my hearing date be?

As mentioned above, if you have been **suspended** from driving the Court can make an order authorising you to apply for a limited licence straight away, however the Court normally require at least 10 working days between when your application is filed and when it is heard in Court (your hearing date).

However, if you've been **disqualified** from driving after being convicted of a criminal offence you'll have a mandatory 28 day "stand-down" period before you can receive a limited licence.

28 day "stand-down" period

A 28-day stand-down period means:

- You can still prepare and file your application as soon as it's ready, but the District Court won't set the hearing date for your application until 28 days have passed since you are disqualified from driving.
- You can't drive under any circumstances during those 28 days.

The difference between having your licence suspended or disqualified:

If you've had your licence **suspended**:

- Usually a suspension lasts for 3 months.
- There is no stand-down period before you can apply for a limited licence (see below).
- When you arrive in court for your hearing, your name will not be on the board as it is not a criminal case. Ask a Court registrar what court room you need to go to.

If you've been **disqualified** from having a licence:

- The disqualification will usually last for at least 6 months.
- You'll usually have to wait 28 days before you can be issued a limited licence (see below).
- When you arrive in court for your hearing, your name will be listed on the board.

Note: For a more detailed explanation of the difference between your licence being suspended vs. being disqualified from having a licence, [click here](#) to go to the Community Law Manual (or go to: communitylaw.org.nz and search "Losing your licence: suspensions and disqualifications").

Serve the documents on the police

After filing your documents with the District Court you need to serve the same documents on the police. This is so they can have a look at your application and decide whether or not they are opposed to it, or whether they want you to make any changes.

The District Court is far more likely to grant a limited licence if your application is not opposed by the police.

The easiest way to serve your application on the Police is to email it to your local police prosecution service (PPS). Contact details for your local PPS office can be found [online](#) at police.govt.nz/contact-us/local-contacts

If you cannot email your application to PPS you can serve it in person. Call your local PPS office to find out where to deliver the documents, or ask at the Court.

After receiving your application, the police will read over it and tell you their views. They may not oppose the application or they may have suggestions about changes you should make. Often the Police will ask you to tighten restrictions about when, where and why you can drive on a limited licence).

If you think these suggestions are fair, you can change your documents and send them again to PPS for their updated views.

If you do not get a response to your email to PPS, it may help to follow up with a phone call. You can also speak to the Police prosecutor in court on the day your application is being heard.

What if the police oppose my application?

This doesn't mean that your application will automatically be denied. However, it will make the application process more difficult, and you'll need to persuasively argue your case in court.

COURT HEARING

Know where to go for the hearing

When you file the documents at the court, ask the court staff member which courtroom the hearing will be in. Go and find the room so you know in advance where to go for the hearing.

It is very important that you turn up at the District Court on the hearing date, and on time. If you are late, or don't turn up at all, your application may be rejected ("struck out") by the judge.

If there is an emergency that prevents you from getting to court, contact both the court and your local police station immediately, to see if the case can be adjourned. You can find the number for your local District Court at: justice.govt.nz/contact-us/find-us, or call 0800 COURTS.

At the court hearing

On the day of your hearing, bring your pile of documents with you.

If you have been **disqualified** from driving, your name will appear on the court list and you will be able to see what courtroom your application is being heard in.

If you have been **suspended** from driving, your name will sometimes not appear on the court list. Ask a court registrar to tell you which courtroom your application will be heard in.

When you find the right courtroom it is important that you tell the registrar who is running the court that you are there and your application is ready to be heard. The easiest way to do this is to ask a duty lawyer or court attendant to hand the registrar a note.

You may need to wait a while before your application is heard, as there will be other people scheduled to appear in court the same time as you. Your application will be heard faster if you tell the registrar that you are ready to go.

When you get to court you need to sit in the public gallery at the back of the courtroom and wait for your case to be heard.

When the judge enters the courtroom, the court registrar will announce that the court is in session and that everyone must stand. The judge bows and then everyone in the court sits down. The court registrar will then announce the first case.

When your case is called, you should stand and move to the “bar” to identify that you are present. If you are appearing without a lawyer, the judge or a court attendant will indicate where the “bar” is (it is where lawyers stand when addressing the court and the judge). Ask the judge or a court attendant if you are not sure where to stand.

The judge will look at your application and might question you about why you want a limited licence. They might ask you about the contents of your affidavit or other questions about your application. You should address the judge as “Your Honour” or “Ma’am” or “Sir” and be respectful at all times.

If your supporter is also appearing in court, the judge might ask that person to stand and might ask them questions about the affidavit they submitted in support of your application.

The judge’s decision

The judge will usually announce their decision about whether they are granting you a Court Order, giving you permission to apply for a limited licence immediately. The judge might decide to make some changes to the draft Court Order and will then stamp and sign the copy on the court file.

It is unusual for the judge to decide not to make the order if the police have already agreed. However, sometimes this happens.

If the judge decides not to grant you a limited licence, you will be unable to drive for the remaining period of your disqualification. You will have to wait three months before you can apply for a limited licence again.

However, if your circumstances change or new evidence comes to light that was not available when you made your first application, you may be able to reapply sooner.

Getting the Court Order

If your application is granted, after the hearing you should go to the registrar’s office to find out when you can pick up the stamped and final (“sealed”) copies of the Court Order. They are usually ready later the same day.

When the Court Order is ready, the court will give you two copies. The court keeps the original on file and sends a copy to **NZTA Waka Kotahi**.

Getting a limited licence

It is very important to understand that the Court Order made by the District Court is a final Court Order, but it is **not** a limited licence. You cannot drive until you obtain a limited licence from NZTA Waka Kotahi.

To get the limited licence, you need to:

- visit your local **NZTA Waka Kotahi** driver licensing agent
 - This will be either an AA or a VTNZ – you can find your nearest place to go at: nzta.govt.nz/driver-licences/getting-a-licence/driver-licensing-agents-and-course-providers/agents
- pay the limited licence application fee (\$48.70),
- give the agent a copy of the Court Order, and
- complete an application form.

The agent will send your application form and the Court Order to **NZTA Waka Kotahi**. **NZTA Waka Kotahi** will then make a decision about whether to issue or decline your application.

The agent can't issue you with a temporary licence when you submit your application. This is because **NZTA Waka Kotahi** must be satisfied that you are entitled to a limited licence **before** issuing a limited licence (including a temporary limited licence). Basically, this means **NZTA Waka Kotahi** rechecks all the things the court will already have checked (such as whether you were eligible to apply for a Limited License in the first place) and will also check that you didn't receive another disqualification after the Court Order was granted.

NZTA Waka Kotahi will usually assess your application within four working days of receiving it.

If your application is not granted, you will be sent a letter outlining the reasons why.

If your application is granted, **NZTA Waka Kotahi** will mail you a copy of your limited licence.

If you need your licence urgently while you are waiting for your licence to arrive in the mail you may be able to get a temporary licence from an **NZTA Waka Kotahi** agent such as the AA or VTNZ. It is best to call **NZTA Waka Kotahi** to confirm this is possible before going to the AA or VTNZ.

More information about the **NZTA Waka Kotahi** process for issuing limited licenses can be found on the **NZTA Waka Kotahi** website:

nzta.govt.nz/resources/factsheets/50/limited-licences.html

If the Court discharges you without conviction but you are still disqualified from driving and you wish to get your limited licence within 28 days of that decision, it is best to apply for a limited licence directly from NZTA as this situation is slightly unusual. After the Court authorises the limited licence and issues you the final Court Order, instead of going to an NZTA agent like the AA or VTNZ, email a copy of your limited licence Court Order to limitedlicences@nzta.govt.nz and explain that you have been disqualified from driving but have not been convicted of an offence.

Rules when driving with a limited licence

You aren't allowed to drive at all until you receive a limited licence from NZTA Waka Kotahi.

You can't drive until you receive the physical limited licence from **NZTA Waka Kotahi**. Sometimes NZTA Waka Kotahi issues a temporary licence while the plastic licence is being prepared.

If you're caught driving before your limited licence is issued you will likely be charged with driving while suspended / disqualified. If you are convicted of that charge you will likely be disqualified from driving again and you will not be able to get a limited licence.

Driving on a limited licence

For the rest of your disqualification period, you can drive according to the terms of your limited licence. This usually means:

- You have to stick to the approved route. You have to travel by the most direct/practical route, and you shouldn't stop on the way except due to traffic, for emergencies, or to service your car.
- You can't have any alcohol on your breath while driving.
- You're only allowed to drive within the areas that are indicated on the map or on your Court Order.
- You shouldn't drive if there's another licensed driver in the vehicle (unless they can't drive for reasons such as road safety, driver hours, medical, or insurance reasons; or if there's another reason why them driving would be unsafe or impractical).
- As usual, you also have to drive under the speed limit, and follow all traffic and land transport rules and regulations.

When you drive, you must remember to always carry with you:

- your limited licence
- a copy of the Court Order
- a logbook which you complete for each car journey, and
- any logbooks which you have already filled up since the beginning of the limited licence period.

How do I fill out the logbook?

Before you start a journey, you should record in your logbook:

- the destination and the purpose of your journey,
- the registration number of the vehicle,

- the time of departure and when you think you'll arrive,
- the number of kms on the vehicle's odometre at the start and finish of each journey, and
- the total amount of hours you've spent driving that day.

If you run out of room in that log book you should start a new one, but make sure to keep the old one in the car as well.

What happens if I break these rules?

If you break the terms of your limited licence, you could be sentenced with up to 3 months' imprisonment or a fine of up to \$4,500. You could also be disqualified from driving for 6 months or more.

What if I get convicted of a serious driving offence while I have a limited licence?

If you are driving on a limited licence and you are convicted of an offence resulting in disqualification, your limited licence is cancelled ("revoked") and you are no longer entitled to drive. You must surrender your revoked limited licence to the court, the police, **NZTA Waka Kotahi** or an authorised **NZTA Waka Kotahi** agent. The original disqualification order is brought back for the remainder of the period it was originally imposed for.

Do I need to tell my employer that I've been disqualified?

If your disqualification might impact your job, it's a good idea to talk to your employer straight away. If you need a limited licence to keep your job, your employer may need time to prepare an affidavit to support your application (see: "Other affidavits" above).

Some employment agreements require you to tell your employer if you have been charged with or convicted of a crime. You should check your employment agreement and get legal advice if necessary.

TEMPLATE FORMS

These template forms can be completed and filed when making an application for a limited licence.

- Template cover page
- Template limited licence application
- Template affidavit for applicant
- Template affidavit in support – employer
- Template affidavit in support – family member
- Template draft Court Order
- Template letter regarding supporting witnesses (this is a letter to the District Court requesting that a support person be excused from appearing in person at the hearing)
- Sample letters in support of your application (this is an example of letter from someone who can support evidence, in this case, a GP. You would need to ask a relevant person to write their own letter in support).

To complete these documents, you need to fill in any details that are [*written in italic font and contained in square brackets*]. For example: if the template contains a sentence like:

- I am [*briefly outline your personal background: your age, occupation, etc.*]

You need to fill in the [*square bracket*], so that the sentence reads, for example:

- I am 34 years of age and have been a carpark attendant for five years.

You should also delete the titles of each template – for example, delete: [*TEMPLATE COVER PAGE*] from the top of the document.

These templates are printed here, and they are also available to download as separate templates at: communitylaw.org.nz

Type in “limited license” to the Community Law Library, and choose the Limited License kete (kit).

If you are unsure how to complete these forms, contact your local Community Law Centre.

The forms will need to be adapted to suit your individual circumstances.

[TEMPLATE LIMITED LICENCE APPLICATION]

IN THE DISTRICT COURT
HELD AT [*location*]

IN THE MATTER of Sections 103, 104 and 105 of the Land Transport
Act 1998

AND

IN THE MATTER of an application for a Limited Licence by

BETWEEN [*your name*] of [*address*], a [*your occupation*]
Applicant

AND NEW ZEALAND POLICE
Respondent

NOTICE OF APPLICATION FOR ORDER AUTHORISING ISSUE OF A LIMITED LICENCE

TAKE NOTICE that the above-named Applicant will apply to the District Court at
[*location*] on the ____ day of _____ 20__ at _____ am/pm FOR AN
ORDER:

1. AUTHORISING the Applicant to hold or obtain a driver's licence authorising
[*him/her/them*] to drive a [*describe vehicle/s make, colour, number plate*], registered
in the name of [*name of registered owner*]; and

2. SOLELY for the purpose of [*briefly outline why you are seeking a limited licence.*
For example, Transporting X Person to medical appointments OR Carrying out their
duties as a driver for X Company]; and

3. ONLY by the most direct route to, from, and between [*describe the geographical*
area that you will be driving in and/or the places you will drive to. You may wish to
attach a map with this area highlighted.]; and

4. BETWEEN the hours of [*insert the times and days you will be driving*] and at any
times outside these hours in emergencies; and

ON THE CONDITIONS that:

(a) THE Applicant will not drive if there is another licensed driver in the vehicle, unless
for road safety, driving hours, medical or insurance reasons it is unsafe or
impracticable for that other licensed driver to drive.

(b) The Applicant will, at all times while driving, carry a logbook in which they will,
prior to undertaking any journey, record clearly in English:

- i. The date and time
- ii. Point of departure
- iii. Destination
- iv. Odometer reading
- v. Reason for the journey

(c) The Applicant will not at any time, exceed the stated speed limits and will comply with all posted speed limits.

(e) The Applicant will carry a Court stamped copy of the order granting this application together with the New Zealand Transport Agency issued Limited Licence. When stopped by an enforcement officer, at each and every time the Applicant will tell that person forthwith that they are a disqualified driver and show that enforcement office the Order, the Limited Licence and the logbook. The Applicant will carry and produce all logbook records previously completed in compliance with the conditions of this Licence.

(e) The Applicant is not to drive with a blood or breath alcohol level above zero.

(f) The Applicant while at all times driving will comply with the requirements of the Land Transport Act 1998 with regard to logbooks and driving hours.

(g) The Applicant will allow the police to examine all copy documentation they receive if they hire a car or other vehicle.

(h) The Applicant will, if requested, produce or have access to proof that they are driving for the specified purposes permitted pursuant to the Limited Licence.

ON THE GROUNDS:

A. That the Applicant is a person disqualified from holding or obtaining a driver licence for a total period of disqualification of [number] months from [date of order] by an order under the Land Transport Act;

B. That the order of disqualification would result in undue hardship to [insert name of family member / employer] [AND/OR] extreme hardship to the Applicant;

C. That the Applicant is not prevented from obtaining a limited licence;

D. That the licence is not for a passenger vehicle;

E. That the order would not be contrary to the interests of public safety;

F. Appearing in the affidavits of the Applicant and [name of supporting party] sworn and filed in support of this application.

THIS application is made in reliance upon sections 103, 104 and 105 of the Land Transport Act 1998.

DATED at [location] this ____ day of [month] 20__

Applicant

To: The Registrar of the District Court at [location]
And to: The New Zealand Police [location]

This application is filed by [your full name] of [your address] whose phone number is [your phone number].

[*TEMPLATE LIMITED LICENCE AFFIDAVIT (FOR APPLICANT)*]

IN THE DISTRICT COURT
HELD AT [*location*]

IN THE MATTER of Sections 103, 104 and 105 of the Land Transport Act 1998

AND

IN THE MATTER of an application for a Limited Licence by

BETWEEN [*your name*] of [*address*], a [*your occupation*]
Applicant

AND NEW ZEALAND POLICE
Respondent

AFFIDAVIT OF [*your name*] IN SUPPORT OF A LIMITED LICENCE APPLICATION

I, [*your name*] of [*address*], a [*your occupation*], swear/affirm that:

BACKGROUND

1. I am [*briefly outline your personal background: your age, occupation, etc.*]
2. On [*date*] I was convicted and sentenced in respect of [*outline the offence you were convicted of, for example, excess breath alcohol, careless driving, etc.*] and was disqualified from holding a driver's licence for a period of [*number*] months. I have [*paid / entered into a payment arrangement (choose one)*] the fine and costs.
3. I [*do / do not*] have any previous traffic convictions. [*If you do, briefly state what these were for and how old they are: I was convicted for [offence] in [month, year] and was sentenced with [sentence]. Note: previous convictions may mean you are not eligible to apply for a limited licence. Refer to the Applying for a Limited Licence guide to find out more.*]

EXTREME HARDSHIP FOR MYSELF [*delete if this does not apply to you*]

4. I have been employed with [*employer*] for [*number*] years. My job involves [*describe what you do. Focus on why you need to be able to drive*].
5. My employer has advised me that if I am unable to obtain a licence permitting me to drive for my employment, I will lose my job. [*Name of this supporting witness*], who is the [*position, for example, my manager/the director*] at [*employer*] has sworn an affidavit in support of my application, confirming the details of my employment.
6. Being unable to drive would cause me an extreme hardship because [*why is it so important that you keep this job? For example, what qualifications and work experience do you have? How difficult would it be to find another suitable position without a driver's license?*]

7. *[If you are on the 28-day stand down period, before applying for your Limited License, explain what is currently happening with your employment.]*

UNDUE HARDSHIP FOR OTHER PERSON

[Option One: Inability to drive will cause undue hardship to your employer (delete if this does not apply to you).]

8. My disqualification *[is currently causing / will cause]* my employer undue hardship because:
- *[If you would lose your job, would your employer have to employ someone else? How long would this recruitment process take? Would they have to train the new employee?]*
 - *[If you would keep your job, would your employer be able to deliver their goods to customers on time? Would the rosters or duties of other staff have to be altered to accommodate your disqualification? Etc.]*
9. *[Name of supporting witness]*, who is the *[position, for example, my manager/the director]* at *[employer]* has sworn an affidavit in support of my application, confirming these details.

[Option Two: Loss of employment will cause undue hardship to a family member or other person (delete if this does not apply to you).]

10. I am *[describe your family status, for example, married with two children]*. I earn *[insert \$ amount, per week/month etc.]*. This income is important because *[are you the sole income earner? Does your spouse/partner have any income? Do you have any major financial commitments?]*. If I lose my job then we will be *[for example, unable to pay the mortgage, power bills, etc.]* and *[will you have to rely on a benefit? If so, will you be subject to a stand down from Work and Income (ask your Community Law Centre about this)?]*.

[Option Three: Inability to drive will cause undue hardship to a family member or other person (delete if this does not apply to you).]

11. I am the *[describe your relationship, for example sister, husband, mother, friend]* of *[name of person or people who will experience undue hardship.]*
12. *[Outline for the court the nature of the hardship. Some questions you might want to address include:*
- *What needs does this person have? For example: "my husband has been diagnosed with X, which requires ongoing medical appointments to monitor his health".*
 - *Why are they reliant upon you to meet these needs? Is there anyone else who can provide this assistance?*
 - *Why is it important for you to drive in order to meet these needs? Are there any alternative forms of transport available? For example: "Our home is located five kilometres from his doctor's office".]*
 - *What undue hardship would this person experience if you are unable to drive? For example: "This doctor has advised that if my husband's health is not regularly monitored then his condition may rapidly deteriorate".]*
13. I attach an affidavit in support from *[name of person or people who will experience undue hardship]*.

14. I also attach letters in support, marked “[A/B]” from [*name of doctor, for example*].

AREA

15. The area I am seeking to drive in is [*describe the geographical area that you will be driving in and/or the places you will drive to*]. This is [*briefly explain why you need to drive this route, including whether any public transport is available*].

16. I have attached a map (annexed and marked “[A/B]”) showing this route in more detail.

HOURS

17. If this order is granted, the hours of travel it would be required for are between [X] and [Y] on [*days required*], which are [*briefly explain why you need to drive during these times*].

VEHICLE

18. If this order is granted I would be driving [*describe the vehicle you are seeking to drive*] for the purposes of [*describe purpose, for example, for employment or to transport my husband to medical appointments*].

CONCLUSION

19. In addition to the circumstances outlined above, I ask that the Court also take into consideration [*are there any other circumstances you want the Court to be aware of? These could include things about your own health or well-being that did not fit under the earlier headings*]. **(delete if not needed)**

20. I respectfully request that this Honourable Court grants the application in terms of the draft order.

SWORN/AFFIRMED at

This day of 20

Before me:

A Deputy Registrar / Justice of the Peace / Solicitor of the High Court of New Zealand

**[TEMPLATE LIMITED LICENCE AFFIDAVIT IN
SUPPORT: EMPLOYER]**

IN THE DISTRICT COURT
HELD AT [*location*]

IN THE MATTER of Sections 103, 104 and 105 of the Land Transport
Act 1998

AND

IN THE MATTER of an application for a Limited Licence by

BETWEEN [*your name*] of [*address*], a [*your occupation*]
Applicant

AND NEW ZEALAND POLICE
Respondent

**AFFIDAVIT OF [*Name of Supporting Party*] IN SUPPORT OF A LIMITED LICENCE
APPLICATION**

I, [*employer's name*] of [*address*], a [*employer's occupation*], swear/affirm that:

BACKGROUND

21. I am the [*position, for example, director/owner/manager*] of [*name of company, location*]. I have the authority to swear this affidavit on behalf of the company.
22. The company [*briefly outline the age, size and nature of the business. What does it do? What industry is it in? How many drivers does it have? Is this a specialist position?*]

APPLICANT'S DUTIES

23. The company has employed [*applicant's name*] as [*position*] for [*X*] years. This role involves [*briefly outline role, focussing on the driving aspect of the job. When is driving required? Is there are particular route? What vehicle(s) are used?*]
24. Because of [*applicant's name*] disqualification, the company has had to [*outline what has happened /will happen to the applicant's duties due to their disqualification. Have rosters or duties had to be altered? What difficulties have resulted for these or other changes? How significant are these?*].
25. [*If the applicant's job is at risk, explain why. Some considerations may be:*
- *Is the ability to drive an essential or key requirement of the job? Why?*
 - *Are there any alternative duties available? If yes, are these sustainable in the long term?*
26. [*Explain why you support the application for a limited licence:*
- *Would it be difficult to replace the applicant? Why are they so valuable?*
 - *How long would it take to train a replacement?*

- *What other losses or adverse impact would the employer suffer if the applicant's employment had to be terminated?*
 - *Loss of important customers or contracts?*
 - *Loss of profits?*
- *What are the likely long term consequences of such difficulties for the company?].*

27. For these reasons, I can confirm that the period and time requested in the limited licence application are necessary from the company's point of view.

28. The company therefore supports this limited licence application, as without [applicant's name] services there will be a [summarise the difficulties outlined above] and accordingly undue hardship will be suffered by the company.

29. I am also aware that if [applicant's name] loses their job then [outline possible hardship the applicant may suffer, including difficulty finding another job, financial implications.] I am aware of this because [for example, "X is a long term and valued employee of our small company"; "Our industry is a specialised one and there are few employment opportunities available"]. **(IMPORTANT: only include this statement if the person swearing the affidavit has direct and personal knowledge of the hardship the applicant will experience).**

SWORN/AFFIRMED at

This day of 20

Before me:

A Deputy Registrar / Justice of the Peace / Solicitor of the High Court of New Zealand

37. *[Do you have any evidence about your situation. For example, "Attached and marked "A" is a letter from my GP describing my condition. Attached and marked "B" is a letter from my specialist outlining the treatment I am undergoing and the need for regularity in treatment."]* ***(IMPORTANT: The originals of any letters in support will need to be attached to this affidavit and have an "exhibit note" stuck, stamped or written on them. If your GP, for example, is prepared to swear an affidavit in support then you should encourage them to do this instead.)***

38. I therefore ask that the court grant [*applicant's name*] a limited licence so that [*summarise the reasons why a limited licence is important*].

SWORN/AFFIRMED at

This day of 20

Before me:

A Deputy Registrar / Justice of the Peace / Solicitor of the High Court of New Zealand

[TEMPLATE DRAFT COURT ORDER]

IN THE DISTRICT COURT
HELD AT [*location*]

IN THE MATTER of Sections 103, 104 and 105 of the Land Transport Act 1998

AND

IN THE MATTER of an application for a Limited Licence by

BETWEEN [*your name*] of [*address*], a [*your occupation*]
Applicant

AND NEW ZEALAND POLICE
Respondent

ORDER AUTHORISING THE ISSUE OF A LIMITED DRIVER LICENCE

(This is not an authority to drive)

ON APPLICATION made pursuant to Section 105 of the Land Transport Act 1998, this Court has made an Order authorising the above-named Applicant to obtain immediately a driver licence authorising the Applicant to drive:

[The following are the same conditions you have outlined in your application.]

1. A [*describe the vehicle or vehicles you are seeking to drive, including the make, model, number plate*] registered in the name of [*insert registered owner*].
2. SOLELY for the purpose of [*briefly outline why you are seeking a limited licence, for example, transporting a disabled family member to medical appointments, or carrying out duties as a driver for x company*].
3. ONLY by the most direct route to, from, and between [*describe the geographical area you will be driving in and/or the places you will drive to. You may wish to attach a map with this area highlighted as a 'schedule' to the order.*]

AND

4. BETWEEN the hours of [*insert the times and days you will be driving*] and at any times outside these hours in emergencies; and

ON THE CONDITIONS that:

(a) THE Applicant will not to drive if there is another licensed driver in the vehicle, unless for road safety, driving hours, medical or insurance reasons it is unsafe or impracticable for that other licensed driver to drive.

(b) The Applicant will, at all times while driving, carry a logbook in which they will, prior to undertaking any journey, record clearly in English:

- vi. The date and time
- vii. Point of departure
- viii. Destination

- ix. Odometer reading
- x. Reason for the journey

(c) The Applicant will not at any time, exceed the stated speed limits and will comply with all posted speed limits.

(e) The Applicant will also carry a Court stamped copy of the order granting this application together with the New Zealand Transport Agency issued Limited Licence. When stopped by an enforcement officer, at each and every time the Applicant will tell that person forthwith that they are a disqualified driver and show that enforcement office the Order, the Limited Licence and the logbook. The Applicant will carry and produce all logbook records previously completed in compliance with the conditions of this Licence.

(e) The Applicant is not to drive with a blood or breath alcohol level above zero.

(f) The Applicant while at all times driving will comply with the requirements of the Land Transport Act 1998 with regard to logbooks and driving hours.

(g) The Applicant will allow the police to examine all copy documentation they receive if they hire a car or other vehicle.

(h) The Applicant will also if requested produce or have access to proof that they are driving for the specified purposes permitted pursuant to the Limited Licence.

(i) This licence expires at midnight on the _____ day of _____ 20_____

THE Applicant, following the conviction for [*describe your conviction, for example excess breath alcohol, careless driving*] was disqualified from holding a driver's licence for a period of [*insert time disqualified*]. The Applicant was at that time holder of a driving licence, number [*insert drivers licence number*].

DATED at [*location*] this day of 20_____

Deputy Registrar

NOTICE TO APPLICANT

1. This order only authorises you to apply for a licence in the above terms. *You are not authorised to drive until you have applied for and obtained such a license.* You should do so immediately.
2. Before a limited licence in the terms of the above order can be issued it may be necessary for to undergo and pass a test. The authority to whom you apply for your limited licence will advise you if this is so.

**[*TEMPLATE LETTER REGARDING SUPPORTING
WITNESSES
(LETTER TO COURT ADVISING THAT POLICE CONSENT
TO NON-ATTENDANCE OF SUPPORTING WITNESS)*]**

[*Your name*]

[*Your address*]

[*Your phone number*]

[*Date*]

Registrar

[*Location*] District Court

Dear Sir/Madam

Re: [*Your name*] - Limited Licence - Supporting witness

I am applying for a limited licence on the basis that [*I would experience extreme hardship and/or [X] would experience undue hardship*].

[*Name of supporting witness*] has provided an affidavit in support of my application. They are not able to appear in Court to support my application because [*provide reasons e.g. illness, work commitments. Remember, inconvenience alone is NOT a good reason.*]

I have spoken to the Police and they have agreed that it is not necessary for [*Name of supporting witness*] to be present in Court.

Please contact me if you have any questions.

Yours sincerely

[*Your signature*]

[*Your name*]

**[EXAMPLE LETTERS IN SUPPORT - TO ATTACH TO
AFFIDAVIT]**

["A"]

Suburban Hospital
Oncology Department
Suburb
City

1 January 2012

To whom it may concern

Re: FAMILY MEMBER

This letter is to confirm that FAMILY MEMBER has been diagnosed with lung cancer and is being treated by way of intensive chemotherapy. Currently FAMILY MEMBER is having treatment twice weekly and it is crucial that she keeps to the schedule advised by this department if the chemotherapy treatment is to have any chance of success.

The programme of treatment is assessed on a weekly basis and it is therefore impossible to know in advance exactly when sessions will be and how many per week will be needed.

Please contact me should any further information be needed.

Yours faithfully

C Ure

Dr C Ure
Consultant Oncologist

*This is the annexure marked "A" referred to in the
affidavit of NAME sworn at on the
..... day of 20.....*

*J. Peace
Justice of the Peace/ A solicitor of the High Court of
New Zealand*

“B”

LOCAL MEDICAL CLINIC
Dr T. Reatment MD
Town Centre
Suburb

1 January 2012

To the Presiding Judge

Re: *[Applicant's]* application for a Limited Licence

I have known *[Applicant]* and *[Family member]* now for more than 10 years, they having been patients of mine over that time. *[Family member]* nursed *[Applicant]* back to health in 2000 after a heart attack and they now find themselves in the reverse position with *[Applicant]* relying on *[Applicant]* in this traumatic time.

[Family member] was diagnosed with lung cancer two months ago and is receiving chemotherapy twice weekly at present. He needs to get to hospital for this treatment and it is vital that he does so. *[Applicant]* was driving him into the hospital prior to losing her licence. The loss in itself has taken its toll at a time when *[Family member]* needs all the support and assistance he can get. Since *[Applicant]* lost her licence *[Family member]* has missed an appointment and was late for another as arrangements fell through and friends omitted to pick him up. This was devastating for *[Family member]*, not only emotionally and psychologically but also physically, as his health took a turn for the worse after each of these incidents.

I am deeply concerned that if *[Applicant]* does not get a limited licence for the purpose of transporting *[Family member]* that he will stand little chance of making a recovery from the cancer, as the strain and uncertainty of making arrangements, together with the financial burden of taking taxis will only serve to undermine any positive effects of the chemotherapy.

Please do not hesitate to contact me if I can be of further assistance.

Yours faithfully

T Reatment
Dr T. Reatment MD

This is the annexure marked “B” referred to in the affidavit of NAME sworn at on the day of 20.....

*J. Peace
Justice of the Peace/ A solicitor of the High Court
of New Zealand*