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 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. [*Do you have any previous* ***traffic convictions****? If the answer is no, then state this. If you do have previous convictions, briefly state what these were for and how old they are. 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*]**

1. 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*].
2. 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.
3. 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?*]
4. [*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).*]**

1. My disqualification is currently or 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*.]

1. [*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).*]**

1. 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).*]**

1. I am the [*describe your relationship, for example sister, husband, mother, friend*] of [*name of person or people who will experience undue hardship*.]
2. [*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*”.]

1. I attach an affidavit in support from [*name of person or people who will experience undue hardship*].
2. I also attach letters in support, marked “[*A/B*]” from [*name of doctor, for example*].

**AREA**

1. 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*].
2. I have attached a map (annexed and marked “[*A/B*]”) showing this route in more detail.

**HOURS**

1. 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**

1. 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**

1. 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)**
2. 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