



Land Transport (Regulatory Fees) Amendment Regulations 2024

Cindy Kiro, Governor-General

Order in Council

At Wellington this 1st day of July 2024

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 167(1)(j) and (k) of the Land Transport Act 1998 on the advice and with the consent of the Executive Council.

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Regulations

- 1 Title**
These regulations are the Land Transport (Regulatory Fees) Amendment Regulations 2024.
- 2 Commencement**
These regulations come into force on 8 July 2024.
- 3 Principal regulations**
These regulations amend the Land Transport (Regulatory Fees) Regulations 2023.
- 4 New regulations 4A to 4E and cross-heading inserted**
After the Part 2 heading, insert:

General matters relating to testing fees

4A Testing fee applies and is payable when person schedules theory test or practical driving test

(1) The testing fee (if any) payable by a person required to take a theory test or practical driving test under the Act or the Land Transport (Driver Licensing)

Rule 1999 is the testing fee that applies on the day on which the person pays the testing fee.

- (2) The testing fees specified in Part 7 and 7A of Schedule 2 are payable at the time at which the relevant test is scheduled.

4B Refund of testing fee if theory test or practical driving test cancelled in accordance with requirements

- (1) Subject to regulation 4C(3), this regulation applies if a person schedules a theory test or practical driving test and—
 - (a) was required to pay a testing fee and has paid that fee; but
 - (b) cancels the test in accordance with regulation 4E.
- (2) The applicant is entitled to a refund of the testing fee less the refund processing fee specified in item 1AAA of Part 9 of Schedule 2.
- (3) However, if the applicant cancels the theory test or practical driving test online (including on an internet site or application) and in accordance with regulation 4E, they are entitled to a full refund of the testing fee paid.

4C Person entitled to take theory test or practical driving test 1 or 2 times without paying additional testing fee

- (1) This regulation applies if—
 - (a) a fee covers a theory test or practical driving test being taken 1 or 2 times;
 - (b) a person is entitled to take a theory test or practical driving test 1 or 2 times without paying an additional testing fee.
- (2) A person who passes the test the first time is not entitled to a refund or other payment in respect of the untaken second test.
- (3) A person who reschedules the first or second test in accordance with regulation 4D or cancels it in accordance with regulation 4E is not entitled to a refund or other payment in respect of the untaken test.
- (4) A person must be treated as having taken and failed a first or second test if they schedule the test but do not take it, and—
 - (a) they did not reschedule the test in accordance with regulation 4D; or
 - (b) they reschedule the test on a day that does not leave 2 working days before the day on which the test was scheduled to occur; or
 - (c) they did not cancel the test in accordance with regulation 4E.
- (5) Subclauses (6) and (7) apply to a person who withdraws their application for a class 1 driver licence and reapplies for the same class 1 driver licence within a period of 12 months after the date of their original application.
- (6) The person must pay the appropriate fee specified in Part 1 of Schedule 2.

- (7) For the purpose of determining the applicable testing fee or fees, the person must not be treated as a new applicant and any theory test or practical driving test taken, or treated as taken, under the withdrawn original application must be treated as having been taken under the new application.

4D Rescheduling theory test or practical driving test

- (1) A person may reschedule a theory test or practical driving test by applying to reschedule the test.
- (2) The application must be accompanied by the fee specified in item 1AAB of Part 9 of Schedule 2.
- (3) However, no fee is payable if the person applies to reschedule the theory test or practical driving test online (including on an internet site or application).

4E Cancelling theory test or practical driving test

- (1) Subclause (2) applies for the purposes of regulation 4B and 4C.
- (2) A person may cancel a theory test or practical driving test by giving notice on a day that leaves, after the day the notice is given, 2 working days before the day on which the test was scheduled to occur.

5 Regulation 5 amended (Fees for issue, renewal, or reinstatement of certain driver licences)

- (1) Replace regulation 5(4) with:
- (4) If the applicant is required to take a theory test or practical driving test under the Land Transport (Driver Licensing) Rule 1999 for the issue, including following disqualification, of a driver licence, the applicant must also pay the appropriate testing fee or fees (if any) in accordance with regulation 5A.
- (2) After regulation 5(6), insert:
- (7) In this regulation and regulation 5A, **following disqualification**, in relation to the issue of a driver licence, means the issue of a driver licence under section 83 of the Act following disqualification.

6 New regulation 5A inserted (Testing fees for issue of certain driver licences)

After regulation 5, insert:

5A Testing fees for issue of certain driver licences

Class 1 driver licence

- (1) Subclause (2) applies to an applicant for the issue, including following disqualification, of a driver licence in respect of which the applicant is required to take a theory test or practical driving test for a class 1 driver licence under the Act or the Land Transport (Driver Licensing) Rule 1999.
- (2) The applicant must pay testing fees as follows:

- (a) for a theory test,—
 - (i) no additional testing fee is payable for a theory test if the applicant is required to take the test 1 or 2 times:
 - (ii) the testing fee specified in item 1 of Part 7A of Schedule 2 is payable for each additional theory test the applicant is required to take after taking the test twice:
- (b) for a practical driving test,—
 - (i) no additional testing fee is payable for a practical driving test if the applicant is required to take the test 1 or 2 times:
 - (ii) the appropriate testing fee specified in item 2 or 3 of Part 7A of Schedule 2 is payable for each additional practical driving test the applicant is required to take after taking the test twice.

Other driver licence

- (3) Subclause (4) applies to an applicant for the issue, including following disqualification, of a driver licence in respect of which the applicant is required to take a theory test or practical driving test for a class of driver licence other than class 1 under the Act or the Land Transport (Driver Licensing) Rule 1999.
- (4) No additional testing fee is payable for a theory test or practical driving test even if the applicant is required to take the test 2 or more times.

7 Regulation 6 amended (Fees for issue of alcohol interlock licence, zero alcohol licence, or limited licence)

Replace regulation 6(2) and (3) with:

- (2) If the applicant has been disqualified for more than 12 months, the applicant must also pay the appropriate testing fee or fees in accordance with regulation 6A.

8 New regulation 6A inserted (Testing fees for issue of alcohol interlock licence or zero alcohol licence)

After regulation 6, insert:

6A Testing fees for issue of alcohol interlock licence or zero alcohol licence

Class 1 driver licence

- (1) Subclause (2) applies to an applicant for the issue of an alcohol interlock licence or zero alcohol licence in respect of which the applicant is required to take a theory test or practical driving test for a class 1 driver licence under the Land Transport (Driver Licensing) Rule 1999.
- (2) The applicant must pay testing fees as follows:
 - (a) for a theory test,—
 - (i) the testing fee specified in item 1 of Part 7 of Schedule 2 is payable once if the applicant is required to take the test 1 or 2 times:

- (ii) the testing fee specified in item 1 of Part 7A of Schedule 2 is payable for each additional theory test the applicant is required to take after taking the test twice:
- (b) for a practical driving test,—
 - (i) the appropriate testing fee specified in item 2 or 3 of Part 7 of Schedule 2 is payable once if the applicant is required to take a practical driving test 1 or 2 times:
 - (ii) the appropriate testing fee specified in item 2 or 3 of Part 7A of Schedule 2 is payable for each additional practical driving test the applicant is required to take after taking the test twice.

Other driver licence

- (3) Subclause (4) applies to an applicant for the issue of an alcohol interlock licence or zero alcohol licence in respect of which the applicant is required to take a theory test or practical driving test for a class of driver licence other than class 1 under the Land Transport (Driver Licensing) Rule 1999.
- (4) The applicant must pay testing fees as follows:
 - (a) for a theory test, the testing fee specified in item 1 of Part 7 of Schedule 2 is payable once even if the applicant is required to take the test 2 or more times:
 - (b) for a practical driving test, the appropriate testing fee specified in item 2 or 3 of Part 7 of Schedule 2 is payable once even if the applicant is required to take the test 2 or more times.

9 Regulation 10 amended (Fees for converting overseas licence)

Replace regulation 10(3) and (4) with:

- (3) If the applicant is required to take a theory test or practical driving test under the Land Transport (Driver Licensing) Rule 1999, the applicant must also pay the appropriate testing fee or fees in accordance with regulation 10A.

10 New regulation 10A inserted (Testing fees for converting overseas licence)

After regulation 10, insert:

10A Testing fees for converting overseas licence

Class 1 driver licence

- (1) Subclause (2) applies to an applicant for the conversion of an overseas licence to a New Zealand driver licence in respect of which the applicant is required to take a theory test or practical driving test for a class 1 driver licence under the Land Transport (Driver Licensing) Rule 1999.
- (2) The applicant must pay testing fees as follows:
 - (a) for a theory test, the testing fee specified in item 1 of Part 7 of Schedule 2 is payable for each theory test the applicant is required to take:

- (b) for a practical driving test, the appropriate testing fee specified in item 2 or 3 of Part 7 of Schedule 2 is payable for each practical driving test the applicant is required to take.

Other driver licence

- (3) Subclause (4) applies to an applicant for the conversion of an overseas licence to a New Zealand driver licence in respect of which the applicant is required to take a theory test or practical driving test for a class of driver licence other than class 1 under the Land Transport (Driver Licensing) Rule 1999.
- (4) The applicant must pay testing fees as follows:
 - (a) for a theory test, the testing fee specified in item 1 of Part 7 of Schedule 2 is payable once even if the applicant is required to take the test 2 or more times:
 - (b) for a practical driving test, the appropriate testing fee specified in item 2 or 3 of Part 7 of Schedule 2 is payable once even if the applicant is required to take the test 2 or more times.

11 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in Schedule 1 of these regulations as the last Part; and
- (b) make all necessary consequential amendments.

12 Schedule 2 amended

Amend Schedule 2 as set out in Schedule 2 of these regulations.

Schedule 1
New Part 2 inserted into Schedule 1

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Part 2
Provisions relating to Land Transport (Regulatory Fees)
Amendment Regulations 2024

3 Driver testing fees paid before 8 July 2024

- (1) This clause applies if,—
- (a) before 1 October 2023, a person paid a fee specified in Part 4 of the Schedule of the Land Transport (Driver Licensing and Driver Testing Fees) Regulations 1999 to take a driver test; or
 - (b) during the period starting on 1 October 2023 and ending on 7 July 2024, a person paid a testing fee, or a fee specified to include a testing fee, to take a theory test or a practical driver test for—
 - (i) the issue (including under section 83 of the Act following disqualification) of a class 1 driver licence; or
 - (ii) the conversion of an overseas licence to a New Zealand class 1 driver licence.
- (2) If the person arranges, on or after 8 July 2024, to take the test or tests covered by the fee 1 or more times, they are not required to—
- (a) pay the fee they paid under subclause (1)(a) or (b) again; or
 - (b) pay any additional testing fee.
- (3) Subclause (2) applies to the person until—
- (a) the close of 7 October 2024; or
 - (b) the driver licence applied for is issued, if earlier.
- (4) Subclause (5) applies if—
- (a) subclause (3) ceases to apply; and
 - (b) the person has not been issued with the driver licence applied for and is still required to take the test or tests.
- (5) If this subclause applies, the person must pay the same fee or fees (if any) as would have been payable to take the test or tests had the application for the driver licence been made on or after 8 July 2024.

Schedule 2

Amendments to Schedule 2

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In Schedule 2, Part 2, revoke item 4.

In Schedule 2, Part 6,—

- (a) item 1, replace “43.83” with “45.30”; and
- (b) item 2, replace “145.65” with “45.30”; and
- (c) item 3, replace “86.00” with “45.30”; and
- (d) item 9, replace “22.96” with “45.30”; and
- (e) item 10, replace “22.44” with “45.30”; and
- (f) item 11, replace “22.96” with “45.30”.

Replace Part 7 of Schedule 2 with:

Part 7			
Additional testing fees			
Item	Regulation	Description	Fee (\$)
1	6A(2), 6A(4), 10A(2), 10A(4)	Fee for theory test	39.74
2	6A(2), 6A(4), 10A(2), 10A(4)	Fee for practical driving test (restricted licence)	75.30
3	6A(2), 6A(4), 10A(2), 10A(4)	Fee for practical driving test (full licence)	52.09
Part 7A			
Additional testing fees for class 1 driver licences (payable after 2 tests)			
Item	Regulation	Description	Fee (\$)
1	5A(2), 6A(2)	Fee for theory test	47.48
2	5A(2), 6A(2)	Fee for practical driving test (restricted licence)	89.39
3	5A(2), 6A(2)	Fee for practical driving test (full licence)	62.52
In Schedule 2, Part 9, before item 1, insert:			
1AAA	4B(2)	Fee for processing testing fee refunds	14.26
1AAB	4D(2)	Fee for rescheduling driver licence test (except online)	14.26

Rachel Hayward,
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 8 July 2024, amend the Land Transport (Regulatory Fees) Regulations 2023 (the **principal regulations**). These regulations amend the principal regulations to impose new testing fees on applicants for the issue, including following disqualification, of a driver licence in respect of which they are required to take a theory test or practical driving test for a class 1 driver licence under the Land Transport (Driver Licensing) Rule 1999.

The amendments made by these regulations do not affect any other class of driver licence.

The new testing fees will apply to—

- theory and practical driving tests at each stage of the class 1 driver licence application process (that is, learner, restricted, and full):
- persons applying for the issue of certain alcohol-related licences in respect of which they are required to take a theory test or practical driving test for a class 1 driver licence:
- persons applying to convert an overseas licence to a New Zealand driver licence in respect of which they are required to take a theory test or practical driving test for a class 1 driver licence.

These regulations provide for the following:

- applicants will pay an initial application fee that will include 1 test resit without additional charge (2 tests in total) (except persons applying to convert an overseas licence to a New Zealand class 1 driver licence):
- applicants who fail both their first and second tests will pay a testing fee for each additional resit (except persons applying to convert an overseas licence to a New Zealand class 1 driver licence):
- applicants who cancel a test may be entitled to a refund of the testing fee:
- applicants who book a test but fail to attend without rescheduling or cancelling the test in accordance with specified requirements will be treated as having failed the test:
- applicants who reschedule a test may be required to pay a fee.

These regulations provide that persons applying to convert an overseas licence to a New Zealand class 1 driver licence will pay an initial application fee and a testing fee for each theory or practical driving test that they are required to take.

These regulations contain transitional provisions that apply to persons who paid certain driver testing fees, or fees specified to include a testing fee, before the commencement of these regulations.

Regulatory impact statement

The Ministry of Transport produced a regulatory impact statement 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/about-us/what-we-do/regulatory-impact-assessment/>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 4 July 2024.

These regulations are administered by the Ministry of Transport.