



**THE TRANSPORT (DRIVERS LICENSING) REGULATIONS 1987,  
AMENDMENT NO. 1**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 21st day of March 1988

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to sections 48 and 48A of the Transport (Vehicle and Driver Registration and Licensing) Act 1986, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

1. Title and commencement
2. Period of validity of licence
3. New Part inserted relating to transfer to synthetic paper licences

PART IVA

SPECIAL PROVISIONS RELATING TO  
REPLACEMENT OF LICENCES ISSUED  
BEFORE 1 AUGUST 1987 WITH  
SYNTHETIC PAPER LICENCES

- 26A. Licences issued before 1 August 1987 to expire at end of month following licence holder's birthday

- 26B. Application for replacement synthetic paper licence
- 26C. Endorsement of existing licence with expiry date
- 26D. Late applications for replacement licences
- 26E. Disqualified drivers
- 26F. Fees
4. Conversion of restricted licence to full licence in case of motorcyclists
5. Renewal of certificate of approval as driving instructor
6. Amount of goods and services tax excluded

## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Transport (Drivers Licensing) Regulations 1987, Amendment No. 1, and shall be read together with and deemed part of the Transport (Drivers Licensing) Regulations 1987\* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the 1st day of April 1988.

**2. Period of validity of licence**—Regulation 24 of the principal regulations is hereby amended by repealing subclause (1), and substituting the following subclause:

“(1) Except as provided in Part IVA of these regulations in respect of licences issued before the 1st day of August 1987, every licence that is held by a person who has not attained the age of 71 years shall be valid until the end of the month in which the person attains the age of 71 years.”

**3. New Part inserted relating to transfer to synthetic paper licences**—The principal regulations are hereby amended by inserting, after regulation 26, the following Part:

## “PART IVA

“SPECIAL PROVISIONS RELATING TO REPLACEMENT OF LICENCES ISSUED  
BEFORE 1 AUGUST 1987 WITH SYNTHETIC PAPER LICENCES

**“26A. Licences issued before 1 August 1987 to expire at end of month following licence holder’s birthday**—(1) Subject to regulations 26C and 26E of these regulations, every valid licence issued before the 1st day of August 1987 (other than Class AP licence) shall cease to be valid—

“(a) On the last day of the calendar month following the month in which the birthday of the licence holder occurs; or

“(b) On the issue to the licence holder of a replacement synthetic paper licence,—

whichever occurs first.

“(2) For the purposes of this regulation and of this Part of these regulations,—

“(a) References to a month in which a person’s birthday occurs are references to the months April 1988 to March 1989 inclusive; and

“(b) Birthdays occurring on the 29th day of February shall be deemed to occur in February of 1989; and

“(c) The term “valid”, in relation to a licence, refers to a licence that for the time being authorises the licence holder to drive a vehicle of a class specified in the licence.

**“26B. Application for replacement synthetic paper licence**—(1) The holder of a valid licence issued before the 1st day of August 1987 may apply to the Secretary for a replacement synthetic paper licence at any time on or after the first day of the month in which that person’s birthday occurs.

“(2) Any such application shall be accompanied by the appropriate fee determined under regulation 26F of these regulations, together with—

“(a) The person’s existing licence; or

“(b) If the person’s licence has been lost or destroyed or is not surrendered in a legible form—

“(i) Proof of the person’s identity in the same manner as would be required of an applicant for a licence under regulation 7 (2) of these regulations; and

“(ii) A statutory declaration declaring that the applicant does not have possession of the licence (if appropriate), and detailing the circumstances in which the licence was lost or destroyed or rendered illegible.

“26C. **Endorsement of existing licence with expiry date**—(1) Where an existing licence is submitted with any application for a replacement synthetic paper licence, the Secretary may endorse on the existing licence a statement of the period for which it is valid under regulation 26A (1) (a) of these regulations.

“(2) Where the Secretary considers that it may not be possible for the replacement licence to be issued before the applicant’s existing licence ceases to be valid under paragraph (a) of regulation 26A (1) of these regulations, the Secretary may endorse the applicant’s existing licence to the effect that the licence will remain valid until a date, later than the date referred to in that paragraph, specified in the endorsement.

“(3) Any licence so endorsed shall cease to be valid on—

“(a) The date specified in the endorsement; or

“(b) The issue to the licence holder of a replacement synthetic paper licence,—

whichever occurs first.

“(4) No fee shall be payable in respect of an endorsement under this regulation.

“26D. **Late applications for replacement licences**—(1) Where a person fails or is unable to apply for a replacement synthetic paper licence before the person’s existing licence ceases to be valid under regulation 26A (1) (a) of these regulations, the person will, subject to subclause (2) of this regulation, be required to comply with all the relevant requirements of these regulations before a new licence may be issued to that person.

“(2) Notwithstanding anything in these regulations, the Secretary may waive any requirement for the issue of a new licence where the Secretary is satisfied, on application made within 18 months of the person’s licence ceasing to be valid pursuant to regulation 26A (1) (a) of these regulations, that—

“(a) There was good reason for the person’s failure to apply for a replacement synthetic paper licence before the person’s existing licence ceased to be valid; and

“(b) No useful purpose would be served by requiring the person to comply with the requirement sought to be waived.

“26E. **Disqualified drivers**—(1) Notwithstanding anything in this Part of these regulations, but subject to the provisions of this regulation, no person who is disqualified from holding or obtaining a driver’s licence, or whose licence is suspended, may apply for a replacement synthetic paper licence under this Part of these regulations.

“(2) Where—

“(a) A person who has applied for a replacement synthetic paper licence under this Part of these regulations is subsequently disqualified from holding or obtaining a licence, or the person’s existing licence is suspended; or

“(b) A replacement synthetic paper licence is issued to a person who is disqualified from holding or obtaining a licence, or whose licence is suspended,—

any replacement synthetic paper licence issued to that person is issued subject to the terms of that disqualification or suspension.

“(3) Where a person is unable to apply for or obtain a replacement synthetic paper licence under this Part of these regulations by reason of any disqualification or suspension (being a disqualification or suspension that ends or is due to end after the birthday of that person that occurs in the year ending with the 31st day of March 1989),—

“(a) That person’s existing licence (being a licence issued before the 1st day of August 1987) shall cease to be valid; and

“(b) The person may, following the end of the period of disqualification or suspension, apply for a replacement synthetic paper licence in accordance with this Part of these regulations,—

as if the date on which the disqualification or suspension ended (whether or not occurring in any of the months April 1988 to March 1989) were the licence holder’s birthday; and all the provisions of this Part of these regulations shall apply accordingly.

“(4) Nothing in this regulation shall derogate from the provisions of section 33 of the Transport Act 1962.

“26F. **Fees**—The fee for the issue of a replacement licence under this Part of these regulations shall be—

“(a) \$25, in the case of a person aged less than 60 years; or

“(b) \$15, in the case of a person aged 60 years or more,—

but any licence holder who has paid any renewal fee in respect of any licensing year beyond the 30th day of June 1986 is entitled to a rebate equal to any such renewal fee.”

**4. Conversion of restricted licence to full licence in case of motorcyclists**—Regulation 32 of the principal regulations is hereby amended by inserting, after subclause (1), the following subclause:

“(1A) An applicant for a full licence of class A shall not be entitled to be issued with such a licence by virtue of subclause (1) (b) of this regulation.”

**5. Renewal of certificate of approval as driving instructor**—Regulation 43 (1) of the principal regulations is hereby amended by inserting, before paragraph (a), the following paragraph:

“(aa) The application is made while the certificate is still current or not later than 1 month after it ceases to be in force under regulation 42 (b) of these regulations.”.

**6. Amount of goods and services tax excluded**—The principal regulations are hereby amended by inserting, after regulation 59, the following regulation:

“59A. It is hereby declared that the fees fixed by these regulations are exclusive of any goods and services tax payable under the Goods and Services Tax Act 1985.”

MARIE SHROFF,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

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

The main aim of these regulations, which come into effect on 1 April 1988, is to require all persons who hold licences issued before 1 August 1987 to trade in their old licences for the new synthetic paper licences.

The basic mechanism for achieving this aim appears in new Part IVA of the Transport (Drivers Licensing) Regulations 1987, and is as follows:

(i) From 1 April 1988, all licences issued before 1 August 1987 will be due to expire on the last day of the month following the month in which the licence holder's birthday occurs. (For instance, the licences of persons with birthdays occurring in April 1988 will expire on 31 May 1988. The licences of persons with birthdays occurring in March 1989 will expire on 30 April 1989.)

(ii) Applications for the replacement synthetic paper licences should be made to the Secretary for Transport as soon as possible after the 1st day of the month in which the licence holder's birthday occurs (remembering that the old licence will be due to expire at the end of the following month).

(iii) Where possible, the application for the replacement licence should be accompanied by the person's existing licence. Where that is not possible, or the licence is illegible, proof of identity and a statutory declaration detailing the circumstances in which the licence was lost or destroyed or rendered illegible will be required.

(iv) The Secretary may extend the expiry date referred to in paragraph (i) above by an appropriate endorsement on the applicant's existing licence, where it seems likely that the replacement licence may not be able to be issued in time.

(v) If a person misses out on applying for a replacement licence by the required date, the presumption is that they will have to go through all the procedures and tests to get a new licence. Subject to a time limit of 18 months however, the Secretary may waive these requirements if there was a good reason for the failure to apply and no useful purpose would be served by requiring the person to comply with those requirements.

(vi) Special provision is made for disqualified drivers (see new *regulation 26E*).

(vii) The fee for the issue of a replacement synthetic paper licence will be \$25 for persons under 60 years of age, and \$15 for persons who are 60 or more (excluding GST). This will however be subject to an appropriate rebate for persons who have paid licence renewal fees for periods after 30 June 1986.

*Regulation 4* of the regulations provides that the holder of a restricted motorcycle licence will not be entitled to a full licence merely by virtue of attaining 25 years of age.

*Regulation 5* makes it clear that driving instructors are required to apply for renewal of their certificates no later than 1 month after the expiry of the 3-year term of their certificates.

*Regulation 6* provides that fees set out in the regulations are exclusive of goods and services tax.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 24 March 1988.

These regulations are administered in the Ministry of Transport.