

Ronald W. Angland & Son

LAWYERS

LIMITED LICENCES

There are a number of offences which carry a compulsory disqualification from obtaining or holding a drivers license. Those offences are mainly outlined in the Transport Act which is the legislation imposing those restrictions. Loss of a driver's license usually has serious consequences for the individual especially in their employment and their daily coming and going. If the loss of a driver's license would cause extreme hardship to the individual concerned or to some other person it is possible in some circumstances to apply for a limited license to permit that person to drive within certain time and geographical limits. The key words are "extreme hardship." However there are a number of instances where it is simply not possible for a driver to apply for a limited license. These are set out in the Transport Act.

There is a mandatory standard period of 28 days from the date the disqualification takes effect before an order for a limited license can be made. It is therefore essential that the application and related documents are prepared and ready for filing as soon as the sentence has been delivered.

The documents to be filed for a limited license are the usual application, draft order and affidavits setting out details of the offence, the applicant's previous convictions for related or similar offences whether the fines have been paid and how the applicant has managed without a driver's license during the stand-down period. One of the major considerations is public safety and if the applicant can, he/she should be able to satisfy the Court that the public will not be exposed to any further danger if the application is granted. The crucial aspect of the affidavit, namely "extreme hardship" should be addressed in detail and affidavits sought from employers or other people who will be affected by the applicant's loss of their license.

The Courts aim to grant applications which will only provide minimal relief of the hardship. If the applicant's need a license to continue working for their current employer it is likely that the Court will limit the times and area in which the applicant may drive for their employment during the business hours of the employer. The Court may also restrict the area and the times of the day in which the applicant is permitted to drive. Frequently a map showing the areas in which the applicant is permitted to drive is attached to the Court's order. A copy of the order must be carried in the vehicle at all times when someone with a limited license is driving.

Should a person driving with a limited license be stopped by the Police and found to be driving outside the terms of the limited license there is no doubt that they would be charged with driving while disqualified with no right to re-apply for a limited license. The granting of a limited license is a privilege and should be treated accordingly.

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