

11 February 2020

Joe
fyi-request-11974-12acacf7@requests.fyi.org.nz

REF: OIA-6260

Dear Joe

Request made under the Official Information Act 1982

Thank you for your email of 3 January 2020 requesting information about the payment of outstanding motor vehicle licence fees, and the lawfulness of an infringement notice issued in relation to a motor vehicle following the expiry of its licence.

Your request has been considered under the provisions of the Official Information Act 1982 (the Act).

There is no document held by Waka Kotahi, the New Zealand Transport Agency that contains the information you have requested. Accordingly, your request has been refused under section 18(e) of the Act as the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.

Offences relating to the operation of an unlicensed vehicle are prescribed in law and are committed when a vehicle that is required to be continuously licensed is operated in contravention to that requirement. The subsequent licensing and payment of the outstanding licence fees does not void an infringement notice that has issued in the circumstances described above.

In the event that a vehicle which has remained unlicensed for a period of more than 12 months has its registration cancelled, the licence fees that would otherwise have been payable during that 12-month period remain due. The payment of those outstanding fees does not, however, have the effect of retrospectively licensing the vehicle for that period. Rather, it is the payment of fees in accordance with section 242(2)(b) of the Land Transport Act 1998, which provides that the prescribed fees and accident insurance levies must be paid for the time that the motor vehicle is required to be licensed, whether or not the vehicle is actually licensed at the time.

In the event you have received an infringement notice related to the operation of an unlicensed motor vehicle that you wish to challenge, you can do so with the agency that issued the infringement. That agency will be able to advise of you of any right of appeal you may have.

Under section 28 of the Act, you have the right to ask the Ombudsman to review my decision to refuse your request. You can contact the Office of the Ombudsman by phone on 0800 802 602 or through its website at www.ombudsman.parliament.nz.

If you would like to discuss this reply with the Transport Agency, please contact Matt Rush, Customer Advisor - Ministerials, by email to matthew.rush@nzta.govt.nz or by phone on 0800 108 809.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Michael Aitken", with a stylized flourish at the end.

Michael Aitken
Senior Manager Operational Policy, Planning & Intelligence