Antisocial Road Use Legislation Amendment Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Antisocial Road Use Legislation Amendment Bill and recommends by majority that it be passed. We recommend all amendments unanimously.

About the bill as introduced

The bill is an omnibus bill that would mainly amend the Land Transport Act 1998, the Sentencing Act 2002, the Policing Act 2008, and the Land Transport (Offences and Penalties) Regulations 1999. Its single broad policy is to deter antisocial driving behaviour that negatively affects road safety and community safety. The behaviour includes fleeing from the Police, illegal street racing, unruly dirt bike gatherings, frightening or intimidating convoys, and excessive noise. The bill seeks to implement the broad policy by giving the Police and the courts more powers. It would also create new offences and strengthen penalties associated with these behaviours.

The bill would amend the Land Transport Act by:

- creating a new "frightening or intimidating convoy" offence
- reducing the impoundment period for "failing to stop" offences from 6 months to 28 days
- broadening powers to compel a registered person to provide information about a driver who failed to stop; the new powers would include circumstances where the driver used the person's vehicle to commit a specified offence (illegal street racing, sustained loss of traction, or the new frightening or intimidating convoy offence)
- enabling an enforcement officer to seize and impound the registered person's vehicle for 28 days for the broadened offence of failing to provide information.

The bill would amend the Sentencing Act by creating a new presumption (with specified exemptions) that would require a court to order that a vehicle be forfeited, or forfeited and destroyed, upon conviction for certain first and subsequent offences. They are street racing, sustained loss of traction, frightening or intimidating convoys, and failing to stop while exceeding the speed limit or driving dangerously. The bill also provides that the new presumption would apply to offenders who failed to provide information about a driver's identity when required to do so under new section 118 of the Land Transport Act.

Other changes that the bill proposes include:

- giving the Police power to temporarily close an accessible place to traffic (including to pedestrians and bystanders) on grounds related to antisocial road use and direct people to leave
- creating a new infringement offence for a person who failed to leave a temporarily closed area when directed to leave by the Police
- increasing the infringement penalty and court fine for creating excessive noise within or on a vehicle.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Amendment to the Sentencing Act

Prohibiting an offender from acquiring a vehicle for 12 months

Clause 36 would insert new sections 124AAG to 142AAN into the Sentencing Act to set out the new forfeiture and destruction regime for motor vehicles.

Proposed new section 142AAH would require a court to order the forfeiture, or forfeiture and destruction, of a vehicle used to commit certain offences. Proposed new section 142AAL would prohibit an offender from acquiring a new interest in a motor vehicle within 12 months of the date of an order. It would apply if the offender was subject to an order for forfeiture of a vehicle, or forfeiture and destruction, under new section 142AAH or if they had been prohibited from acquiring a vehicle under existing section 131(2)(a) (as applied by new section 142AAN). The provision would also make it an offence to breach that prohibition.

Several submitters expressed concern that proposed new section 142AAL lacks discretion. They considered that the provision would disadvantage people who live rurally and rely on their vehicle for essential daily activities. It could also dispropor-

tionately affect young people who rely on their vehicle to access work or education, particularly those from low-income families who are unable to borrow another vehicle.

We understand that new section 142AAL is modelled on section 136 of the Sentencing Act. Proposed new section 142AAI(a) provides that a court must not make a forfeiture order or a forfeiture and destruction order if it is satisfied of either of two matters. They are that making the order would be manifestly unjust, or that it would result in extreme hardship to the offender or undue hardship to any other person. We note that the court, when considering whether either of these exceptions applied, could take into account financial stress and the effect on those relying on the vehicle. However, we also note that the bill's provisions for forfeiture or forfeiture and destruction would allow less discretion than the provisions to which section 136 applies. This is particularly true for first offences under the bill. We therefore consider that the 12-month ban from acquiring a vehicle should be subject to judicial discretion. We recommend amending sections 142AAH and 142AAL to this effect.

Amendments to the Policing Act

Police power to temporarily close an accessible place to traffic

Section 35 of the Policing Act deals with the Police's powers to temporarily close roads. Clause 42 of the bill would amend section 35 and insert new section 35A into the Act.

Proposed new section 35A would empower the Police to temporarily close an accessible place to traffic (including to pedestrians and bystanders) on grounds relating to antisocial road use. If an accessible place was closed, the Police could also direct people to leave the place or not enter it.

Proposed new section 35A(1) sets out the grounds on which the Police could close an accessible place. They include if a person is operating a motor vehicle, or may reasonably be expected to operate one, at or near the place in specified ways. One element of one of these (new section 35A(1)(b)(iii)) is a way that causes, or is likely to cause, substantial damage or destruction to the place, or to amenities or features in the place.

We consider that the reference to "substantial" could limit the Police's ability to apply the new power. Further, it would require them to also consider whether any damage or potential damage was substantial, which could invite legal challenge. Accordingly, we recommend deleting the word "substantial" from section 35A(1)(b)(iii).

Infringement offence and notices

At present, the Policing Act does not prescribe any infringement offences. Clause 43 would insert new section 35B into the Act to create an infringement offence of failing to comply with a direction to leave or not enter an accessible place. Clause 44 would insert new sections 54 to 54E, which are standard provisions relating to the administration of infringement offences.

Revoking an infringement notice

Proposed new section 54B would enable a constable to revoke an infringement notice. We understand, however, that this would not fit well with the current process. Responsibility for this function sits with the Police Infringement Bureau, which monitors and audits all infringement decisions to ensure the system's integrity and transparency. This role would not be possible under the bill as introduced. We therefore recommend amending section 54B to replace the references to "constable" with "Commissioner", which would be consistent with the approach taken elsewhere in the Policing Act.

Serving an infringement notice

Proposed new section 54D specifies how an infringement notice may be served on a person who a constable believes is committing or has committed an infringement offence. Methods include:

- sending it to the person by prepaid post addressed to the person's last known place of residence or place of business or work (section 54D(1)(d))
- sending it to an electronic address of the person in any case where the person does not have a known place of residence or business in New Zealand (section 54D(1)(e)).

Clause 41, which would amend section 4, defines an electronic address as including an email address. This repeats the definition of electronic address in section 2(1) of the Land Transport Act (LTA).

We note that section 139 of the LTA also contains provisions for issuing infringement notices. Section 139(8) defines "electronic address" as an electronic address that the person has given to an enforcement authority; or otherwise the person's last known electronic address. We were advised that the wording in section 139(8) is more suitable for the infringement offence context than the general definition in section 2(1) of the LTA. Adopting the wording from section 139 of the LTA would provide more detail and enable the Police to use the person's last known electronic address if no address was given to the constable. To implement this change, we recommend replacing the definition of "electronic address" in clause 41 with one based on the definition used in section 139(8) of the LTA. We also recommend amending:

- section 54D(1)(d) to provide that the infringement notice could also be sent to a person's last known postal address
- section 54D(1)(e) to remove the reference to "in any case where the person does not have a known place of residence or business in New Zealand".

Our proposed amendment to section 54(1)(e) would enable the Police to serve the notice to an electronic address even if the person had a residential or business address.

We discussed the reference to "last known electronic address" in our proposed definition of electronic address. We were particularly interested in whether an infringement notice would be considered served even if the email address was inaccurate or inac-

tive and the Police received a "bounce back". We note that proposed new section 54D(2)(b) requires that the notice be sent to a valid electronic address to be treated as having been served. However, we also note that a valid electronic address might not be the one of the person being charged.

We were advised that the Parliamentary Counsel Office uses standard clauses as a starting point when drafting a new infringement regime or updating an existing one. It has done so since 2021, to support consistency across the statute book. The standard clauses are designed around the requirements of certain legislation, particularly the Summary Proceedings Act 1957. That Act provides for the issuing of a reminder notice when an infringement fee remains unpaid 28 days after an infringement notice has been served.

Proposed new section 54D uses the standard provision about service of an infringement notice, which our proposed amendments to section 54D(1)(d) and (e) would amend. The standard provision does not address non-receipt of an infringement notice served by email or post. This is because the Summary Proceedings Act does not address non-receipt of a reminder notice served by email or post, and the standard provisions are drafted so that an infringement notice and a reminder notice issued under the same infringement regime take a consistent approach. However, we note that sections 21(12) and 78B(1)(a)(ii) of the Summary Proceedings Act would provide some recourse for a defendant who was not served with an infringement or reminder notice.

We note that there is no guarantee that a valid electronic address will be the right person's email address or that the right person will see it. However, we recognise that this is also true for postal addresses and applies equally to other infringement regimes across the statute book. The problem is not created by the bill; rather, it is a matter that existing legislation does not deal with. We consider that this matter may warrant further attention in the future to ensure that a robust and consistent system is implemented.

Other matter that we wish to note

Section 118(4) of the LTA requires the registered person or hirer of a vehicle to provide immediate information about the identity of a driver or passenger. It applies when the Police believe the driver committed the offence of failing to stop, under section 114. Clause 20 of the bill would replace section 118(4) to extend the power so it applied to several other offences. They are street or drag racing, sustained loss of traction, and a frightening or intimidating convoy.

We discussed whether clause 20 would engage section 14 of the New Zealand Bill of Rights Act 1990 (BORA), which provides for freedom of expression, including the freedom to seek, receive, and impart information. The Crown Law Office's vet of the bill concluded that, if section 14 applied, the limit the bill would place on the right was demonstrably justified in a free and democratic society, in the interests of road safety.

We note that Crown Law's BORA vet does not address the right not to self-incriminate where the suspected driver is the registered owner of the car. We consider that this a gap in the Land Transport Act as it stands; although not one the bill would create. Although we have not recommended any amendments to clause 20, we wish to highlight the matter.

Appendix

Committee process

The Antisocial Road Use Legislation Amendment Bill was referred to this committee on 12 August 2025. We called for submissions on the bill with a closing date of 30 September 2025. We received and considered submissions from 63 interested groups and individuals. We heard oral evidence from 8 submitters at hearings by videoconference and in Wellington.

Advice on the bill was provided by the Ministry of Transport, the Ministry of Justice, and the New Zealand Police. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Hon Andrew Bayly (Chairperson)

Hon Ginny Andersen

Jamie Arbuckle

Carl Bates

Tākuta Ferris

Rima Nakhle

Tom Rutherford

Todd Stephenson

Vanushi Walters

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Chris Bishop

Antisocial Road Use Legislation Amendment Bill

Government Bill

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Minor and consequential amendments to other legislation

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Antisocial Road Use Legislation Amendment Act **2025**.

2 Commencement

(1) This Act comes into force 6 months after Royal assent. 5

(2) However, the provisions specified in **subsection (3)** come into force—

(a) on a single date set by Order in Council; or

(b) to the extent not brought into force earlier, on the second anniversary of Royal assent.

(3) The specified provisions are— 10

(a) **section 41(2)**:

(b) **section 43**:

(c) **section 44**:

(d) **section 46**.

(4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements). 15

Part 1
Amendments to Land Transport Act 1998

3 Principal Act

This Part amends the Land Transport Act 1998. 20

Subpart 1—Amendments to Parts 1, 5, 6, and 6A

4 Section 2 amended (Interpretation)

In section 2(1), insert in its appropriate alphabetical order:

registered person—

(a) means a person registered under Part 17 in respect of a motor vehicle; and 25

(b) in relation to a particular motor vehicle, means the person registered in respect of that vehicle

5 Section 35 amended (Contravention of section 7, or section 22 where no injury or death involved)

After section 35(3), insert:

(4) *See*, for offences against subsection (1)(a) and (b), **section 142AAH** of the Sentencing Act 2002 (forfeiture, or forfeiture and destruction, of vehicles used by certain offenders in the commission of an offence).

6 Section 36 amended (Contravention of section 7 or section 22 involving injury)

After section 36(3), insert:

(4) *See*, for offences against subsection (1)(a) and (b), **section 142AAH** of the Sentencing Act 2002 (forfeiture, or forfeiture and destruction, of vehicles used by certain offenders in the commission of an offence).

7 Section 36AA amended (Contravention of section 7 by causing death of another person)

After section 36AA(3), insert:

(4) *See*, for offences against subsection (1)(a) and (b), **section 142AAH** of the Sentencing Act 2002 (forfeiture, or forfeiture and destruction, of vehicles used by certain offenders in the commission of an offence).

8 Section 36A amended (Contravention of section 22A)

After section 36A(6), insert:

(7) *See*, for offences against subsection (1)(a) and (c), **section 142AAH** of the Sentencing Act 2002 (forfeiture, or forfeiture and destruction, of vehicles used by certain offenders in the commission of an offence).

9 Section 39 amended (Aggravated careless use of vehicle causing injury or death)

After section 39(3), insert:

(4) *See*, for offences against subsection (1)(a) and (b), **section 142AAH** of the Sentencing Act 2002 (forfeiture, or forfeiture and destruction, of vehicles used by certain offenders in the commission of an offence).

10 New section 39A inserted (Dangerous or reckless activity offence conduct in frightening or intimidating convoy)

After section 39, insert:

39A Dangerous or reckless activity offence conduct in frightening or intimidating convoy

Offence

(1) A person commits an offence if the person—

(a) engages in dangerous or reckless activity offence conduct (*see* **subsection (2)**); and

(b) operates the motor vehicle used in engaging in that conduct (*see* **subsection (3)**); and

(c) engages in that conduct while operating that motor vehicle as part of a convoy (*see* **subsection (4)**); and

(d) engages in that conduct—

(i) intending it to frighten or intimidate another person; or

(ii) knowing that, or being reckless as to whether, it is likely to frighten or intimidate another person.

Dangerous or reckless activity offence conduct

(2) For the purposes of **subsection (1)(a)**, **dangerous or reckless activity offence conduct** means conduct specified in 1 or more of the following sections:

(a) an offence against section 35(1)(a) (operates a motor vehicle recklessly on a road):

(b) an offence against section 35(1)(b) (drives or causes a motor vehicle to be driven on a road at a speed or in a manner which, having regard to all the circumstances, is or might be dangerous to the public or to a person):

(c) an offence against section 36(1)(a) (drives or causes to be driven a motor vehicle recklessly and by that act or omission causes an injury to another person):

(d) an offence against section 36(1)(b) (drives or causes a motor vehicle to be driven at a speed or in a manner which, having regard to all the circumstances, is or might be dangerous to the public or to a person and by that act or omission causes an injury to another person):

(e) an offence against section 36AA(1)(a) (drives or causes to be driven a motor vehicle recklessly and by that act or omission causes the death of another person):

(f) an offence against section 36AA(1)(b) (drives or causes a motor vehicle to be driven at a speed or in a manner that, having regard to all the circumstances, is or might be dangerous to the public or to a person and, by that act or omission, causes the death of another person):

(g) an offence against section 36A(1)(a) (operates a motor vehicle in a race, or in an unnecessary exhibition of speed or acceleration, on a road in contravention of section 22A(1)):

(h) an offence against section 36A(1)(c) (without reasonable excuse, operates a motor vehicle on a road in a manner that causes the vehicle to undergo sustained loss of traction in contravention of section 22A(3)):

(i) an offence against section 39(1)(a) (causes bodily injury to, or the death of, a person by carelessly using a motor vehicle while exceeding the speed limit):

(j) an offence against section 39(1)(b) (causes bodily injury to, or the death of, a person by carelessly using a motor vehicle while offending against the regulations or the rules—

(i) concerning the manner in which a driver may overtake another vehicle; or

(ii) concerning the part of the road on which a driver may drive his or her motor vehicle).

Operates motor vehicle used in doing conduct

(3) For the purposes of **subsections (1) and (4)**, a person **operates** a motor vehicle if the person drives, causes to be driven, uses, or otherwise operates that vehicle.

Operates that vehicle as part of convoy

(4) For the purposes of **subsection (1)(c)**,—

(a) **convoy** means a group of 2 or more motor vehicles travelling together; and

(b) a person **operates a motor vehicle as part of a convoy**—

(i) if the person intentionally or knowingly operates the vehicle to travel as part of that convoy; and

(ii) even if other vehicles are travelling with that convoy, and the operators of those other vehicles are not intentionally or knowingly operating those other vehicles to travel as part of that convoy.

Relationship with other offences

(5) A person may be charged with both of the following offences arising from the same facts:

(a) an offence against **subsection (1)**:

(b) an offence against a section specified in **subsection (2)**.

Penalty to which offender is liable

(6) A person who commits an offence against **subsection (1)** is, in respect of that offence, liable only to 1 or both of the following (if applicable to the vehicle used in the commission of the offence):

(a) forfeiture to the Crown, or forfeiture to the Crown and destruction, of that vehicle, if ordered under **section 142AAH** of the Sentencing Act 2002 (if the court, having applied **section 142AAI** of that Act, considers that it is able to make an order under **section 142AAH**):

(b) seizure and impoundment of that vehicle under **section 96(1AB)** of this Act.

11 Section 49 amended (Contravention of section 97(5) or (6))

In section 49, delete "96AAA," in each place.

12 Section 52 amended (Contravening notices, requirements, etc, given or imposed by enforcement officers)

(1) Replace the heading to section 52 with "**Contravention of sections 118 to 118B or of notices or requirements given or imposed by enforcement officers**".

(2) Before section 52(1), insert:

Offences relating to contravening notices or requirements given or imposed by enforcement officers

(3) Replace section 52(6) and (7) with:

Offence relating to request for information under section 118

(3) A person commits an offence if the person—

(a) is, in respect of a vehicle (specified in **section 118(1) or (2)**) to which **section 118** applies,—

(i) the registered person for the vehicle; or

(ii) the hirer (as defined in **section 118(5)**) of the vehicle; and

(b) after a request for information by an enforcement officer under **section 118(3)**, and without reasonable excuse,—

(i) fails or refuses to provide information as required by section **118(4)**; or

(ii) provides false or misleading information.

(4) A person who commits an offence against **subsection (3)** is liable on conviction to a fine not exceeding $10,000.

(5) *See* **section 142AAH** of the Sentencing Act 2002 (forfeiture, or forfeiture and destruction, of the vehicle to which **section 118** applies).

Offence relating to request for information under section 118A or 118B

(6) A person commits an offence if the person, in response to a request for information by an enforcement officer under **section 118A(2) or (4) or 118B(2)(b)**, and without reasonable excuse,—

(a) fails or refuses to provide information as required by section **118A(5) or 118B(3)** (as applicable); or

(b) provides false or misleading information.

(7) A person who commits an offence against **subsection (6)** is liable on conviction to a fine not exceeding $20,000.

Offence relating to removing or obscuring warning notice or making warning notice indistinguishable

13 Amendments related to references to maximum penalty

Amend the principal Act as set out in **Schedule 1**.

Subpart 2—Amendments to Part 7

14 Section 96 amended (Vehicle seized and impounded for 28 days in certain circumstances)

(1) Before section 96(1), insert:

Circumstances in which enforcement officer must seize and impound motor vehicle

(2) After section 96(1A), insert:

(1AB) An enforcement officer must, if practicable, seize and impound, or seize and authorise the impoundment of, a motor vehicle for 28 days if the officer believes on reasonable grounds that the driver has committed an offence against **section 39A** (engages in dangerous or reckless activity offence conduct while operating a motor vehicle as part of a convoy—

(a) with intent to frighten or intimidate; or

(b) knowing that, or being reckless as to whether, the conduct is likely to frighten or intimidate another person).

Circumstances in which enforcement officer may seize and impound motor vehicle

(1AC) An enforcement officer may seize and impound, or seize and authorise the impoundment of, a motor vehicle for 28 days if the officer believes on reasonable grounds that a person driving the vehicle has failed to stop (or remain stopped) as signalled, requested, or required under section 114.

(3) Before section 96(1B), insert:

Notice requirements

(4) Before section 96(2A), insert:

Driver to provide certain information on request

(5) Before section 96(3), insert:

Appeal rights

(6) Before section 96(4), insert:

Release of personal property

(7) Renumber section 96(5) as **section 96(1AD)** and reposition it after **section 96(1AC)**.

(8) Before section 96(6), insert:

When motor vehicle must be released

(9) After section 96(6)(a)(ii), insert:

(iii) in relation to a vehicle driven by a person who failed to stop (or remain stopped) in the circumstances referred to in **subsection (1AC)**, proceedings against that person; and

(10) Before section 96(6B), insert:

Application of this section

15 Section 96AAA repealed (Impoundment of motor vehicle used in offence of failing to stop, etc)

Repeal section 96AAA.

16 Section 96AAB amended (Impoundment of motor vehicle for failure to give information about offence of failing to stop, etc)

(1) Replace the heading to section 96AAB with "**Vehicle seized and impounded for 28 days for failure to give information about specified offences**".

(2) Replace section 96AAB(1) and (2) with:

(1) This section applies if—

(a) a motor vehicle is involved in the commission of an offence against section 52A(1)(a) or (b) (fails to stop, or to remain stopped, as signalled, requested, or required under section 114); and

(b) an enforcement officer believes on reasonable grounds that—

(i) either—

(A) the driver of the vehicle failed or refused to provide information or provided false or misleading information in response to a demand for information made by the officer under section 114(3)(b) (*see* section 52A(1)(c) for the offence); or

(B) the registered person for, or the hirer of, the vehicle, without reasonable excuse, failed or refused to provide information or provided false or misleading information in response to a request under **section 118(3)** (*see* **section 52(3)(b)** for the offence); and

(ii) impounding the vehicle is necessary to prevent a serious threat to road safety.

(2) This section also applies if an enforcement officer believes on reasonable grounds that—

(a) a motor vehicle is involved in the commission of 1 or more of the following offences:

(i) an offence against section 36A(1)(a) (operates a motor vehicle in a race, or in an unnecessary exhibition of speed or acceleration, on a road in contravention of section 22A(1)):

(ii) an offence against section 36A(1)(c) (without reasonable excuse, operates a motor vehicle on a road in a manner that causes the vehicle to undergo sustained loss of traction in contravention of section 22A(3)):

(iii) an offence against **section 39A** (engages in dangerous or reckless activity offence conduct while operating a motor vehicle as part of a convoy—

(A) with intent to frighten or intimidate; or

(B) knowing that, or being reckless as to whether, the conduct is likely to frighten or intimidate another person); and

(b) the registered person for, or the hirer of, the vehicle, without reasonable excuse, failed or refused to provide information or provided false or misleading information in response to a request under **section 118(3)** (*see* **section 52(3)** for the offence); and

(c) impounding the vehicle is necessary to prevent a serious threat to road safety.

(2A) The enforcement officer may seize and impound, or seize and authorise the impoundment of, the motor vehicle for 28 days.

(3) In section 96AAB(5)(b), replace "118(4)" with "**118(3)**".

17 Section 97 amended (Storage of impounded vehicles: generally)

(1) In section 97(1), delete "96AAA,".

(2) Replace section 97(2A)(b) and (c) with:

(b) the vehicle is released under section 96(6) or (6A) or 96AAB(4) or (5).

(3) Repeal section 97(3AAA).

(4) In section 97(3B)(a), delete ", 96AAA(3) or (4),".

18 Section 98 amended (Release of impounded vehicle)

(1) Repeal section 98(3A).

(2) In section 98(4)(a), delete "(whether it was impounded for 28 days or 6 months)".

(3) Repeal section 98(4A).

(4) Replace section 98(11) with:

(11) In this section, unless the context otherwise requires, **impoundment period** means, for a vehicle impounded under section 96, 96AAB, or 96A, the 28-day period for which the vehicle was impounded.

Subpart 3—Amendments to Parts 8, 9, and 17 and to Schedule 1

19 Section 102 amended (Appeal to Police against impoundment of vehicle)

(1) In section 102(1), delete "96AAA,".

(2) In section 102(1)(b)(i), delete "96AAA,".

(3) In section 102(1)(b)(ii), delete "96AAA(2) or". 5

(4) In section 102(1)(f) and (g),—

(a) replace "section 96(1AA) or (1A)," with "section 96(1AA), (1A), or **(1AC)**"; and

(b) delete "96AAA,"; and

(c) replace "118(4)" with "**118(3)**". 10

(5) In section 102(1)(ga), replace "section 96AAA" with "**section 96(1AC)** or 96AAB".

(6) In section 102(1)(ga)(ii)(B), replace "118(4)" with "**118(3)**".

(7) Repeal section 102(1)(gb).

20 Section 118 replaced (Requirement to give information as to identity of driver or passenger) 15

Replace section 118 with:

118 Requirement to provide identifying information immediately

When this section applies to motor vehicle

(1) This section applies to a vehicle if— 20

(a) the driver of the vehicle failed to stop, or to remain stopped, as signalled, requested, or required under section 114; and

(b) the registered person for, or the hirer of, that vehicle has not been arrested or detained in relation to that alleged failure to stop, or to remain stopped. 25

(2) This section also applies to a vehicle if—

(a) an enforcement officer believes on reasonable grounds that the driver of the vehicle has committed 1 or more of the following offences:

(i) an offence against section 36A(1)(a) (operates a motor vehicle in a race, or in an unnecessary exhibition of speed or acceleration, on a road in contravention of section 22A(1)): 30

(ii) an offence against section 36A(1)(c) (without reasonable excuse, operates a motor vehicle on a road in a manner that causes the vehicle to undergo sustained loss of traction in contravention of section 22A(3)): 35

(iii) an offence against **section 39A** (engages in dangerous or reckless activity offence conduct while operating a motor vehicle as part of a convoy—

(A) with intent to frighten or intimidate; or

(B) knowing that, or being reckless as to whether, the conduct is likely to frighten or intimidate another person); and

(b) the registered person for, or the hirer of, that vehicle has not been arrested or detained in relation to that alleged offence.

Registered person or hirer may be requested and required to provide specified information that may lead to identification of driver

(3) If this section applies to a vehicle, the enforcement officer may request, orally or in writing, that the registered person for, or the hirer of, the vehicle provide the following information that may lead to the identification and apprehension of the driver of the vehicle:

(a) information in the possession of the registered person or hirer:

(b) information obtainable by the registered person or hirer.

(4) The registered person or hirer must provide the information requested under **subsection (4)**—

(a) to an enforcement officer; and

(b) immediately after it is requested.

(5) In this section and in sections 52 and **118A**, **hirer** means a person who carries on a rental service (as defined in section 2).

118A Requirement to provide information about identity of driver or passenger within 14 days

Requirement to provide information about identity of driver

(1) **Subsection (2)** applies if an enforcement officer believes on reasonable grounds that the driver of a vehicle has committed an offence while in charge of the vehicle.

(2) The enforcement officer may request, orally or in writing, that the registered person for, or the hirer of, the vehicle provide the following information that may lead to the identification and apprehension of the driver of the vehicle:

(a) information in the possession of the registered person or hirer:

(b) information obtainable by the registered person or hirer.

Requirement to provide information about identity of passenger

(3) **Subsection (4)** applies if an enforcement officer believes on reasonable grounds that a passenger of a vehicle has committed an offence in or through the use of the vehicle and that use relates to 1 or more of the following:

(a) committing the offence:

(b) aiding the commission of the offence:

(c) assisting that passenger to—

(i) avoid arrest in connection with that offence; or

(ii) avoid conviction for that offence.

(4) The enforcement officer may request, orally or in writing, that the registered person for, or the hirer of, the vehicle provide all information that may lead to the identification and apprehension of the passenger.

Information must be provided within 14 days after it is requested

(5) The registered person or hirer must provide the information requested under **subsection (2) or (4)**—

(a) to an enforcement officer; and

(b) within 14 days after it is requested.

118B Requirement for transport service licence holder to provide information about identity of driver within 14 days

When this section applies to transport service licence holder

(1) This section applies to the holder of a transport service licence (the **licence holder**) who employs a person to drive a vehicle under that licence (the **licensed driver**).

Licence holder may be requested and required to provide specified information

(2) An enforcement officer may, orally or in writing, do both of the following:

(a) inform the licence holder of an offence alleged to have been committed by—

(i) a licensed driver; or

(ii) a person driving a vehicle being used under the transport service licence:

(b) request that the licence holder provide the following information about the licensed driver or the person driving the vehicle:

(i) full name:

(ii) full address:

(iii) electronic address (if the driver has an electronic address).

Information must be provided within 14 days after it is requested

(3) The licence holder must provide the information requested under **subsection (2)(b)**—

(a) to an enforcement officer; and

(b) within 14 days after it is requested.

21 Section 119 amended (Powers of entry)

In section 119, delete "96AAA," in each place.

22 Section 233 amended (Interpretation matters applying to this Part)

In section 233(1), repeal the definition of **registered person**.

23 Schedule 1 amended

In Schedule 1,—

(a) insert the Part set out in **Schedule 2** of this Act as the last Part; and

(b) make all necessary consequential amendments.

Part 2
Amendments to Sentencing Act 2002

24 Principal Act

This Part amends the Sentencing Act 2002.

25 New subpart 5A of Part 2 and new sections 123I and 123J inserted

After section 123H, insert:

Subpart 5A—Orders relating to motor vehicles

123I Interpretation of this subpart

(1) In this subpart, unless the context otherwise requires,—

constable has the meaning given to it in section 4 of the Policing Act 2008

convert, in relation to a motor vehicle, has the meaning given to it in section 2(1) of the Land Transport Act 1998

hire purchase agreement means—

(a) an agreement under which goods are let or hired with an option to purchase, however the agreement describes the payments, under which the person who agrees to purchase the goods is given possession of them before the total amount payable has been paid; or

(b) an agreement for the purchase of goods by instalment payments, however the agreement describes the payments, under which the person who agrees to purchase the goods is given possession of them before the total amount payable has been paid

impoundment costs, in relation to a motor vehicle that has been confiscated while impounded under the Land Transport Act 1998,—

(a) means the fees and charges for towage and storage that are prescribed or assessed in the manner specified by regulations made under section 167 of that Act; and

(b) if those fees and charges have already been paid by the chief executive of the Ministry of Justice, means the amount required to reimburse the chief executive for that payment

interest means any proprietary interest, whether—

(a) legal or equitable; and

(b) vested or contingent

lease does not include a hire purchase agreement or a rental service agreement to which the holder of a rental service licence under the Land Transport Act 1998 is a party

motor vehicle—

(a) has the meaning given to it in section 2(1) of the Land Transport Act 1998; but

(b) does not include a trailer

person who is registered, in relation to a motor vehicle,—

(a) means a person who is registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle; and

(b) if more than 1 person is so registered, means any 1 of those persons—

and **person who was registered** has a similar meaning

Police employee has the meaning given to it in section 4 of the Policing Act 2008

secured party has the meaning given to it in section 16(1) of the Personal Property Securities Act 1999, except that the reference to security interest is a reference to security interest as defined by this subsection

security agreement has the meaning given to it in section 16(1) of the Personal Property Securities Act 1999, but does not include a lease

security interest has the meaning given to it in section 17 of the Personal Property Securities Act 1999, but does not include a lease

substitute for the offender and **substitute** have the meaning given in **section 123J**

written caution means a caution issued under section 129B.

(2) For the purposes of this subpart, a person (including an offender)—

(a) **owns** a motor vehicle whether the person owns it—

(i) solely; or

(ii) as a joint tenant or a tenant in common with any other person; and

(b) **has an interest in** a motor vehicle whether the person—

(i) is the only person with an interest in the motor vehicle; or

(ii) is one of 2 or more people who have an interest in the motor vehicle.

123J Meaning of substitute in this subpart

For the purposes of this subpart, a person is, in relation to an offender, a **substitute for the offender** or a **substitute** if—

(a) the person is served with a written caution (as defined in **section 123I(1)**) about an offence committed by the offender; and

(b) within 4 years after the date of the commission of the offence for which that written caution was served, the offender commits a further offence specified in section 128(1) involving a motor vehicle that, at the time of the commission of that offence, the person owns or has an interest in.

26 Section 127 repealed (Interpretation of terms used in sections 128 to 142)

Repeal section 127.

27 Section 128 amended (Confiscation of motor vehicle)

(1) In section 128(1)(b), replace "or 56 to 60" with ", 56 to 57C, or 58 to 60".

(2) Replace section 128(2)(b) with:

(b) that, at the time of the conviction,—

(i) for an offence against section 36A(1)(a) or (c) of the Land Transport Act 1998,—

(A) a substitute for the offender owns or has an interest in the motor vehicle; and

(B) the offender does not have an interest in the vehicle; or

(ii) for any other case, the offender or a substitute for the offender owns the motor vehicle or has an interest in the motor vehicle.

28 Section 129 amended (Confiscation of motor vehicle after subsequent offence)

(1) In section 129(1)(a), replace "52(6)" with "**52(3) or (6)**".

(2) In section 129(1)(b), after "Land Transport Act 1998", insert "except for section 36A(1)(a) or (c) or **52(3)**".

(3) Repeal section 129(4A).

(4) After section 129(5), insert:

Application of this section to offence against section 52A(1)(a) or (b) of Land Transport Act 1998

(6) **Subsections (7) and (8)** apply if the subsequent offence is against section 52A(1)(a) or (b) of the Land Transport Act 1998 (a **failing to stop offence**).

(7) If the offender committed the failing to stop offence while exceeding the applicable speed limit or operating a motor vehicle in an otherwise dangerous manner, or both, the court must make an order under **section 142AAH**.

(8) For any other failing to stop offence, the court must—

(a) make a confiscation order under subsection (3); or

(b) order that the vehicle be forfeited to the Crown under section 142AAB.

(9) **Subsections (6) to (8)** override subsection (3).

29 Section 129A replaced (Confiscation and destruction after third illegal street racing offence)

Replace section 129A with:

129A Confiscation and destruction after third illegal street racing offence if substitute owns or has interest in vehicle

When this section applies

(1) This section applies if—

(a) an offender commits an offence against section 36A(1)(a) or (c) of the Land Transport Act 1998 (the **current offence**); and

(b) the offender has previously been convicted of 2 offences (the **previous offences**) against section 36A(1)(a) or (c) of the Land Transport Act 1998 that were each committed within the period of 4 years before the commission of the current offence; and

(c) the court by or before which the offender is convicted of the current offence is satisfied that—

(i) the offender was driving, or was in charge of, a motor vehicle at the material time; and

~~(ii) if the written caution served on the substitute was issued in respect of the current offence,—~~

~~(A) a substitute for the offender owns or has an interest in the motor vehicle; and~~

~~(B) the offender does not have an interest in the vehicle.~~

(ii) the offender does not have an interest in the motor vehicle; and

(iii) a substitute for the offender owns or has an interest in the motor vehicle; and

(iv) a written caution has been served on the substitute in respect of each previous offence.

(2) For the purposes of **subsection (1)**, it does not matter whether the offences are of the same kind, but the current offence and each of the previous offences must arise from different incidents.

Court may order confiscation and destruction of motor vehicle

(3) The court may order the confiscation and destruction of the motor vehicle.

When court must not make order

(4) The court must not make an order under **subsection (3)** if it will result in undue hardship to—

(a) a substitute for the offender; or

(b) another person (other than the offender).

(5) The court must not make an order under **subsection (3)** if it will result in—

(a) extreme hardship to the offender; or

(b) undue hardship to any other person, including, without limitation, to any substitute for the offender.

(6) The court must not make an order under **subsection (3)** in respect of a motor vehicle that 1 or more substitutes for the offender have an interest in if it is satisfied that either of the following applies to each substitute:

(a) the substitute did not know, and could not reasonably have known, that the offender would commit the offence or offences; or

(b) the substitute took all reasonable steps to prevent the offender from committing the offence or offences.

30 Section 129B amended (Written caution to persons with interest in motor vehicles involved in offences)

In section 129B(1)(b), replace "section 128, 129, or 129A" with "section 128 or 129".

~~31 Section 129D amended (Written caution of no effect if conviction quashed)~~

~~In section 129D(1), replace "section 128, 129, or 129A" with "section 128 or 129".~~

32 Section 136 amended (Offender must not acquire new interest in motor vehicle for 12 months)

(1) In section 136(1)(a), replace "any of sections 128, 129, and 129A" with "either or both of sections 128 and 129".

(2) In section 136(4), delete "and, where this section applies because of an order under section 129A, may also order that the motor vehicle be destroyed".

33 Section 140A amended (What happens if lessor does not apply to Registrar before motor vehicle sold or disposed of)

In section 140A(4), replace "section 127(1)" with "**section 123I(1)**".

34 Section 142AAA repealed (Interpretation of terms used in sections 142AAB to 142AAF)

Repeal section 142AAA.

35 Section 142AAB amended (Forfeiture of vehicle used in offence of failing to stop, etc)

(1) Replace section 142AAB(1) with:

(1) This section applies if—

(a) a person is convicted of an offence against section 52A(1)(a) or (b) of the Land Transport Act 1998; and

(b) the person is not an aggravated failing to stop offender (as defined in **section 142AAG**) to whom **section 142AAH** applies.

(2) After section 142AAB(4), insert:

(5) This section is subject to **section 142AAH**.

36 New sections 142AAG to 142AAN and cross-heading inserted

After section 142AAF, insert:

Forfeiture, or forfeiture and destruction, of vehicles used in specified offences

142AAG Interpretation of sections 142AAG to 142AAN

In this section and in **sections 142AAH to 142AAN**,—

aggravated failing to stop offender means a person who—

(a) is convicted of 1 or both of the following offences under the Land Transport Act 1998:

(i) an offence against section 52A(1)(a) (fails to stop as signalled, requested, or required under section 114):

(ii) an offence against section 52A(1)(b) (fails to remain stopped as signalled, requested, or required under section 114); and

(b) committed the offence, or both of those offences, while exceeding the applicable speed limit or operating a motor vehicle in an otherwise dangerous manner

convoy has the meaning given to it in **section 39A(4)** of the Land Transport Act 1998

failing to provide information offender means a person who is convicted of an offence against **section 52(3)** of the Land Transport Act 1998

frightening or intimidating convoy offender means a person who is convicted of an offence against **section 39A** of the Land Transport Act 1998 (engages in dangerous or reckless activity offence conduct while operating a motor vehicle as part of a convoy—

(a) with intent to frighten or intimidate; or

(b) knowing that, or being reckless as to whether, the conduct is likely to frighten or intimidate another person)

street racing activity offender means a person who is convicted of 1 or both of the following offences against the Land Transport Act 1998:

(a) an offence against section 36A(1)(a) (operates a motor vehicle in a race, or in an unnecessary exhibition of speed or acceleration, on a road in contravention of section 22A(1)):

(b) an offence against section 36A(1)(c) (without reasonable excuse, operates a motor vehicle on a road in a manner that causes the vehicle to undergo sustained loss of traction in contravention of section 22A(3)).

142AAH Presumption in favour of forfeiture, or forfeiture and destruction, of vehicles used by certain offenders in commission of offence

(1) This section applies if a court is satisfied that a person—

(a) is 1 or more of the following:

(i) an aggravated failing to stop offender:

(ii) a failing to provide information offender:

(iii) a frightening or intimidating convoy offender:

(iv) a street racing activity offender; and

(b) was, at the time of the offence and in respect of the motor vehicle used in the commission of the offence,—

(i) the person who was registered in respect of that vehicle; or

(ii) a person who owned or had an interest in that vehicle.

~~(2) The court must order that the motor vehicle used in the commission of the offence—~~

~~(a) be forfeited to the Crown; or~~

~~(b) be forfeited to the Crown and destroyed.~~

(2) The court—

(a) must order that the motor vehicle used in the commission of the offence—

(i) be forfeited to the Crown; or

(ii) be forfeited to the Crown and destroyed; and

(b) may make an order prohibiting the offender from acquiring any interest in any motor vehicle within 12 months after the date of the order.

~~(3) An order under this section is in addition to any other penalty imposed under this Act or the Land Transport Act 1998.~~

(3) The court may make an order under this section in addition to passing any other sentence or making any other order.

(4) This section—

(a) overrides section 142AAB; and

(b) is subject to **section 142AAI**.

142AAI When court must not make order under section 142AAH

The court must not, in respect of a motor vehicle, make a forfeiture order under **section 142AAH(2)(a)(i)** or a forfeiture and destruction order under **section 142AAH(2)(~~b~~)(a)(ii)** if—

(a) the court is satisfied that making such an order would—

(i) be manifestly unjust; or

(ii) result in extreme hardship to the offender or undue hardship to any other person; or

(b) for any of the following types of offender, the court is satisfied that the motor vehicle used in the commission of the offence was, at the time of the offence, stolen or converted:

(i) an aggravated failing to stop offender:

(ii) a frightening or intimidating convoy offender:

(iii) a street racing activity offender.

142AAJ Offence to sell or dispose of motor vehicle subject to forfeiture, or forfeiture and destruction, order

(1) This section applies to a person who sells or disposes of a motor vehicle or any part of a motor vehicle that—

(a) is subject to a forfeiture order under **section 142AAH(2)(a)(i)** or a forfeiture and destruction order under **section 142AAH(2)(~~b~~)(a)(ii)**; and

(b) has not yet been surrendered to, or seized by, a Registrar, bailiff, or constable.

(2) The person commits an offence and is liable on conviction to a fine not exceeding $2,000.

142AAK Offence to remove forfeited vehicle

(1) This section applies to a person if—

(a) a motor vehicle is surrendered to or seized by a bailiff or constable under section 132 (as applied and modified by **section 142AAN**); and

(b) the person removes or attempts to remove the motor vehicle—

(i) from the custody of that bailiff or constable; or

(ii) from the custody of, and without the approval of, the Registrar of the court.

(2) The person commits an offence and is liable on conviction to a fine not exceeding $200.

142AAL ~~Offender must not~~ Offence to acquire new interest in motor vehicle ~~for 12 months~~ in contravention of court order

~~(1) This section applies if a court makes 1 or more of the following orders:~~

~~(a) an order under **section 142AAH(2)(a)** for the forfeiture of a motor vehicle:~~

~~(b) an order under **section 142AAH(2)(b)** for the forfeiture and destruction of a motor vehicle:~~

~~(c) an order under section 131(2)(a) (as applied by **section 142AAN**) prohibiting an offender from acquiring a motor vehicle for 12 months.~~

(1) This section applies to a person who acquires any interest in a motor vehicle in contravention of an order made under either of the following sections:

(a) **section 142AAH(2)(b)**:

(b) section 131(2)(a) (as applied by **section 142AAN**).

~~(2) The offender must not, within 12 months after the date of the order, acquire any interest in any motor vehicle.~~

(3) ~~A person who acquires any interest in a motor vehicle in contravention of **subsection (2)**~~ The person commits an offence and is liable on conviction to a fine not exceeding $500.

(4) If a court convicts a person of an offence against this section, then instead of, or in addition to, imposing a fine, the court may order that the motor vehicle concerned be confiscated.

(5) If a court orders the confiscation of a motor vehicle under **subsection (4)**, sections 129EA, 130, 131 to 135, 136A, 137 (except section 137(3)(g)), and 138 to 142 apply accordingly.

142AAM Appeal by third party against forfeiture, or forfeiture and destruction, order

(1) This section applies if the court has made, in respect of a motor vehicle,—

(a) an order under **section 142AAH(2)(a)(i)** for the forfeiture of a motor vehicle; or

(b) an order under **section 142AAH(2)~~(b)~~(a)(ii)** for the forfeiture and destruction of a motor vehicle.

(2) A person (other than the offender) may appeal to the appropriate court against the order on 1 or more of the following grounds:

(a) the forfeiture, or forfeiture and destruction, order is causing, or will cause, undue hardship to—

(i) the appellant; or

(ii) any other person (other than the offender):

(b) the appellant is a secured party under a security agreement relating to the motor vehicle but has no relationship of another kind with the offender:

(c) the appellant is the lessor of the motor vehicle under a lease but has no relationship of another kind with the offender:

(d) the motor vehicle was let on hire at the material time in accordance with a rental service licence under the Land Transport Act 1998.

(3) The appellant must—

(a) lodge the appeal within—

(i) 20 working days after the date of the order; or

(ii) any further time that the appropriate court allows; and

(b) serve the notice of appeal on—

(i) the prosecutor in the proceeding that resulted in the relevant conviction; and

(ii) any person (other than the offender) who owns or has an interest in the vehicle.

(4) The persons described in **subsection (3)(b)** are parties to the appeal.

(5) The right of appeal under **subsection (2)** is independent of the offender's right of appeal against conviction and sentence for the relevant offence or offences.

(6) The court must set aside the order for forfeiture, or forfeiture and destruction, of the motor vehicle if satisfied that 1 or more grounds of appeal stated in **subsection (2)** apply.

(7) For the purposes of this section,—

(a) if the order was made in the District Court, the appeal must be brought in the High Court in accordance with the High Court Rules 2016:

(b) if the order was made in the High Court, the appeal must be brought in the Court of Appeal in accordance with the rules of court governing civil appeals to that court.

142AAN Modified application of confiscation scheme to forfeiture, or forfeiture and destruction, of vehicles used in specified offences

(1) This section applies if a court has made an order (the **order**) that is—

(a) an order under **section 142AAH(2)(a)(i)** for the forfeiture of a motor vehicle; or

(b) an order under **section 142AAH(2)~~(b)~~(a)(ii)** for the forfeiture and destruction of a motor vehicle.

(2) The provisions specified in **subsections (3) to (5)**—

(a) apply, with the modifications specified in **subsection (6)** and with any other necessary modifications, to the order, the motor vehicle, the offender, and other persons; and

(b) in all other respects, apply in the same way as they apply if a court orders the confiscation of a vehicle under section 128 or 129.

(3) The following provisions apply:

(a) section 130 (which authorises a court to order a declaration of ownership to be completed):

(b) section 131 (which authorises a court to prohibit an offender from acquiring an interest in a motor vehicle for 12 months):

(c) sections 132, 134, and 135 (relating to the enforcement of a confiscation order):

(d) section 136A (which requires the Registrar to apply for deregistration of a motor vehicle subject to a confiscation and destruction order):

(e) sections 137 (except section 137(3)(g)) and 138 to 139 (which relate to the sale of confiscated motor vehicles):

(f) section 142 (which authorises a court to cancel an order on application by a bona fide purchaser).

(4) If the court has made an order under **section 142AAH(2)(a)(i)** for the forfeiture of a motor vehicle, sections 140 to 141C (which relate to the sale of confiscated motor vehicles) also apply.

(5) If the court has made an order under **section 142AAH(2)~~(b)~~(a)(ii)** for the forfeiture and destruction of a motor vehicle, sections 137A to 137C also apply.

(6) Modifications to the application of the provisions specified in **subsections (3) to (5)** include the following:

(a) any reference to the confiscation of a motor vehicle must be read as a reference to the forfeiture, or the forfeiture and destruction, of a motor vehicle (as applicable):

(b) any reference to a section specified in ~~**subsection (3) or (4)**~~ **subsections (3) to (5)** must be read as a reference to that section as applied and modified by this section:

(c) any reference to a substitute or to a substitute for the offender must be read as inapplicable.

37 Cross-heading above section 142A replaced

Replace the cross-heading above section 142A with:

Subpart 5B—Instrument forfeiture orders

38 Section 142Q amended (Relationship with other provisions in Act)

In section 142Q, replace "sections 127" with "sections 128".

39 Schedule 1AA amended

In Schedule 1AA,—

(a) insert the Part set out in **Schedule 3** of this Act as the last Part; and

(b) make all necessary consequential amendments.

Part 3
Amendments to other legislation and consequential amendments

Subpart 1—Amendments to Policing Act 2008

40 Principal Act

This subpart amends the Policing Act 2008.

41 Section 4 amended (Interpretation)

(1) In section 4, insert in their appropriate alphabetical order:

traffic means all traffic (including pedestrian traffic)

vehicle has the meaning given to it by section 2(1) of the Land Transport Act 1998

(2) In section 4, insert in their appropriate alphabetical order:

electronic address ~~includes an email address~~, in relation to a person, means—

(a) an electronic address that the person has given to a constable; or

(b) if the person has not given an electronic address to a constable, the person's last known electronic address

infringement fee, in relation to an infringement offence, means the infringement fee—

(a) for the infringement offence; and

(b) specified in **section 35B**

infringement offence means an infringement offence under **section 35B**

regulations means regulations made under this Act

42 Section 35 replaced (Temporary closing of roads)

Replace section 35 with:

35 Temporary closing of roads

When section applies to place

(1) This section applies to a place (which may, but need not, be an accessible place) (the **place**) if a constable believes on reasonable grounds that—

(a) public disorder exists or is imminent at or near the place; or

(b) danger to a member of the public exists or may reasonably be expected at or near the place; or

(c) an offence punishable by 10 or more years' imprisonment has been committed or discovered at or near the place.

Power to close road or part of road to traffic

(2) The constable may temporarily close to traffic any road, or part of a road,—

(a) leading to or from the place; or

(b) in the vicinity of the place.

(3) In exercising the power in **subsection (2)**, the constable may specify a type or types of traffic to which the road, or the part of a road, is closed.

Definitions

(4) In this section,—

accessible place has the meaning given to it in **section 35A(5)**

road has the meaning given to it by section 315(1) of the Local Government Act 1974 except that it also includes—

(a) a motorway within the meaning of section 2 of the Government Roading Powers Act 1989; and

(b) a private road within the meaning of section 315(1) of the Local Government Act 1974; and

(c) a private way within the meaning of section 315(1) of the Local Government Act 1974

temporarily means for a period that is reasonably necessary in the circumstances.

35A Temporary closing of accessible places on grounds of antisocial road use

When section applies to accessible place

(1) This section applies to an accessible place (the **place**) if a constable believes on reasonable grounds that all or any of the following apply:

(a) an antisocial road use offence (as defined in **subsection (5)**) is being committed, or may reasonably be expected to be committed, at or near the place:

(b) a person is operating, or may reasonably be expected to operate, a motor vehicle at or near the place in a way that—

(i) creates, or is likely to create, noise that, having regard to all the circumstances, is excessive; and

(ii) unreasonably interferes, or is likely to unreasonably interfere, with use and enjoyment of the place by the public or a section of the public; and

(iii) causes, or is likely to cause, ~~substantial~~ damage to, or destruction of, either or both of the following:

(A) the place:

(B) amenities or features in the place:

(c) a group of 2 or more people is causing, or may reasonably be expected to cause, noise that complies with both of the following:

(i) it is created, or is likely to be created, by any means in or on a vehicle that is at or near the place; and

(ii) having regard to all the circumstances, it is excessive.

Power to close place or part of place to traffic

(2) The constable may temporarily close to traffic the place or part of the place.

~~*Power to direct person to leave or not to enter*~~

(3) In exercising the power in **subsection (2)**, the constable may specify a type or types of traffic to which the place, or part of the place, is closed.

Power to direct person to leave or not to enter

(4) If a place or part of a place is closed under **subsection (2)**, a constable may direct a person to leave, or not to enter, the place or the part of the place.

Definitions

(5) In this section,—

accessible place means a place that is capable of being used, or is being used, by the public for motor vehicle access,—

(a) whether free or on payment of a charge; and

(b) whether or not any owner or occupier of the place is lawfully entitled to exclude or eject any person from it

antisocial road use offence means any of the following offences against the Land Transport Act 1998:

(a) an offence against section 36A(1)(a) (operates a motor vehicle in a race, or in an unnecessary exhibition of speed or acceleration, on a road in contravention of section 22A(1)):

(b) an offence against section 36A(1)(c) (without reasonable excuse, operates a motor vehicle on a road in a manner that causes the vehicle to undergo sustained loss of traction in contravention of section 22A(3)):

(c) an offence against **section 39A** (engages in dangerous or reckless activity offence conduct while operating a motor vehicle as part of a convoy—

(i) with intent to frighten or intimidate; or

(ii) knowing that, or being reckless as to whether, the conduct is likely to frighten or intimidate another person)

motor vehicle has the meaning given to it by section 2(1) of the Land Transport Act 1998

temporarily has the meaning given in **section 35(4)**.

43 New section 35B inserted (Infringement offence to fail to comply with direction to leave, or not to enter, accessible place)

Before section 36, insert:

35B Infringement offence to fail to comply with direction to leave, or not to enter, accessible place

A person who, without reasonable excuse, fails to comply with a direction under **section 35A(4)** commits an infringement offence and is liable to—

(a) an infringement fee of $1,000; or

(b) a fine imposed by a court not exceeding $3,000.

44 New sections 54 to 54E and cross-heading inserted

After section 53, insert:

Infringement offences

54 Infringement offences

(1) A person who is alleged to have committed an infringement offence may—

(a) be proceeded against by the filing of a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be issued with an infringement notice under **section 54A**.

(2) Proceedings commenced in the way described in **subsection (1)(a)** do not require the leave of a District Court Judge or Registrar under section 21(1)(a) of the Summary Proceedings Act 1957.

(3) *See* section 21 of the Summary Proceedings Act 1957 for the procedure that applies if an infringement notice is issued.

54A When infringement notice may be issued

A constable may issue an infringement notice to a person if the constable believes on reasonable grounds that the person is committing, or has committed, an infringement offence.

54B Revocation of infringement notice before payment made

(1) The ~~constable~~ Commissioner may revoke an infringement notice before—

(a) the infringement fee is paid; or

(b) an order for payment of a fine is made or deemed to be made by a court under section 21 of the Summary Proceedings Act 1957.

(2) The ~~constable~~ Commissioner must take reasonable steps to ensure that the person to whom the notice was issued is made aware of the revocation of the notice.

(3) The revocation of an infringement notice before the infringement fee is paid is not a bar to any further action as described in **section 54(1)(a) or (b)** against the person to whom the notice was issued in respect of the same matter.

54C What infringement notice must contain

An infringement notice must be in the form prescribed in the regulations and must contain the following particulars:

(a) details of the alleged infringement offence that fairly inform a person of the time, place, and nature of the alleged offence:

(b) the amount of the infringement fee:

(c) the address of the Police:

(d) how the infringement fee may be paid:

(e) the time within which the infringement fee must be paid:

(f) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957:

(g) a statement that the person served with the notice has a right to request a hearing:

(h) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing:

(i) any other matters prescribed in the regulations.

54D How infringement notice may be served

(1) An infringement notice may be served on the person who the constable believes is committing or has committed the infringement offence by—

(a) delivering it to the person or, if the person refuses to accept it, bringing it to the person's notice; or

(b) leaving it for the person at the person's last known place of residence with another person who appears to be of or over the age of 14 years; or

(c) leaving it for the person at the person's place of business or work with another person; or

(d) sending it to the person by prepaid post addressed to the person's last known— ~~place of residence or place of business or work; or~~

(i) place of residence; or

(ii) place of business or work; or

(iii) postal address; or

(e) sending it to an electronic address (as defined in section 4) of the person ~~in any case where the person does not have a known place of residence or business in New Zealand~~.

(2) Unless the contrary is shown,—

(a) an infringement notice (or a copy of it) sent by prepaid post to a person under **subsection (1)** is to be treated as having been served on that person on the fifth working day after the date on which it was posted; and

(b) an infringement notice sent to a valid electronic address is to be treated as having been served at the time the electronic communication first enters an information system that is outside the control of the Police.

54E Reminder notices

A reminder notice must be in the form prescribed in the regulations and must include the same particulars, or substantially the same particulars, as the infringement notice.

Subpart 2—Amendment to Summary Proceedings Act 1957

45 Principal Act

This subpart amends the Summary Proceedings Act 1957.

46 Section 2 amended (Interpretation)

In section 2(1), definition of **infringement notice**, after paragraph (jl), insert:

(jm) **section 54A** of the Policing Act 2008; or

Subpart 3—Amendments to Land Transport (Offences and Penalties) Regulations 1999

47 Principal regulations

This subpart amends the Land Transport (Offences and Penalties) Regulations 1999.

48 Schedule 1 amended

In Schedule 1, item relating to rule 7.4(2) of the Land Transport (Road User) Rule 2004, replace the items in the third and fifth columns with:

	3,000	300

Subpart 4—Minor and consequential amendments

49 Minor and consequential amendments to other legislation

Amend the legislation specified in **Schedule 4** of this Act as set out in that schedule.

Schedule 1
Amendments to Land Transport Act 1998 relating to references to maximum penalty

s 13

Replacing "maximum penalty is" with "person is liable to"

In the following sections, replace "maximum penalty is" with "person is liable to":

Section 32(3)(a) and (4)(a)

Section 33(2)(a)

Section 35(2)(a)

Section 36(2)(a)

Section 36AA(2)(a)

Section 37(2)(a)

Section 38(2)(a)

Section 39(2)(a)

Section 52A(5)(a)

Section 56(3)(a) and (4)(a)

Section 57(3)(a)

Section 57AA(3)(a) and (6)(a)

Section 57D(1)(a), (2)(a), and (3)(a)

Section 58(2)(a) and (3)(a)

Section 59(2)(a)

Section 60(2)(a) and (3)(a)

Section 61(3)(a) and (3AA)(a)

Section 62(2)(a)

Section 79D(2)(a)

Replacing "The maximum penalty on conviction for an offence against subsection (1) is" with "A person who commits an offence against subsection (1) is liable on conviction to"

In the following sections, replace "The maximum penalty on conviction for an offence against subsection (1) is" with "A person who commits an offence against subsection (1) is liable on conviction to":

Section 31(2)

Section 33A(2)

Section 34(2)

Section 36B(2)

Section 44(2)

Section 45(2)

Section 46(2)

Section 48(2)

Section 49(2)

Section 50(2)

Section 51(2)

Section 52(2)

Section 52A(2)

Section 53(2)

Section 54(2)

Section 55(2)

Section 79A(2)

Section 79AB(2)

Section 79C(2)

Section 79E(2)

Section 79F(2)

Section 79H(2)

Section 79HA(2)

Section 79I(2)

Other amendments

In section 47(4), replace "The maximum penalty on conviction for an offence against subsection (1) or subsection (2) or subsection (3) is" with "A person who commits an offence against subsection (1), (2), or (3) is liable on conviction to".

In section 55A(4), replace "The maximum penalty on conviction for an offence against subsection (2)(a) or (b) is" with "A person who commits an offence against subsection (2)(a) or (b) is liable on conviction to".

In section 62(2), replace "commits" with "is convicted of".

In section 79G(3), replace "The maximum penalty on conviction for an offence against subsections (1) and (2) is" with "A person who commits an offence against subsection (1) or (2) is liable on conviction to".

In section 79G(5), replace "The maximum penalty on conviction for an offence against subsection (4) is" with "A person who commits an offence against subsection (4) is liable on conviction to".

In section 79M(5), replace "The maximum penalty on conviction for an offence against subsection (1) or (2)(a) or (b) is" with "A person who commits an offence against subsection (1) or (2)(a) or (b) is liable on conviction to".

In section 79M(6), replace “The maximum penalty on conviction for an offence against subsection (3)(a) or (b) is” with “A person who commits an offence against subsection (3)(a) or (b) is liable on conviction to”.

Schedule 2
New Part 10 of Schedule 1 of Land Transport Act 1998

s 23

Part 10
Provisions relating to Antisocial Road Use Legislation Amendment Act 2025

30 Interpretation of this Part

In this Part, unless the context otherwise requires,—

amendment Act means the Antisocial Road Use Legislation Amendment Act 2025

commencement means the amendment Act's commencement.

31 Application of amendments

(1) An amendment made to this Act by the amendment Act applies only to an offence committed, in whole, on or after commencement.

(2) An offence committed, in whole or in part, before commencement remains subject to this Act as in force before commencement.

Schedule 3
New Part 8 of Schedule 1AA of Sentencing Act 2002

s 39

Part 8
Provisions relating to Antisocial Road Use Legislation Amendment Act 2025

29 Interpretation of this Part

In this Part, unless the context otherwise requires,—

amendment Act means the Antisocial Road Use Legislation Amendment Act 2025

commencement means the amendment Act's commencement.

30 Application of amendments

(1) An amendment made to this Act by the amendment Act applies only to an offence committed, in whole, on or after commencement.

(2) An offence committed, in whole or in part, before commencement remains subject to this Act as in force before commencement.

Schedule 4
Minor and consequential amendments to other legislation

s 49

Part 1
Minor and consequential amendments to Acts

Summary Proceedings Act 1957 (1957 No 87)

In section 2(1), replace the definition of **impoundment period** with:

> **impoundment period**, in relation to a motor vehicle that is impounded under section 96, 96AAB, or 96A of the Land Transport Act 1998, means the 28-day period for which the vehicle is required to be impounded

In section 100(1), delete "96AAA,".

In section 100E(1)(b) and (4), delete "96AAA,".

In section 100F(5), delete "96AAA,".

In section 100G(5), delete "96AAA,".

In section 100H(4), delete "96AAA,".

In section 100L(3), delete "96AAA,".

In section 100M(1)(a), delete "96AAA,".

In section 100P(2), (6), and (7), delete "96AAA,".

In section 100R(1)(a), delete "96AAA,".

Part 2
Minor and consequential amendments to secondary legislation

Land Transport (Offences and Penalties) Regulations 1999 (SR 1999/99)

In the heading to regulation 8, delete "**, 96AAA,**".

In regulation 8,—

(a) replace "sections 96AAA and 96AAB" with "section 96AAB"; and

(b) delete ", 4AAA,".

In Schedule 4, form, Part 1, paragraph (d)(ii), replace "section 118(4)" with "**section 118(3)**".

In Schedule 4, form, Part 2, paragraph 4(ba)(i)(B) and (f)(ii), replace "section 118(4)" with "**section 118(3)**".

In Schedule 4, form, Part 2, paragraph 4(d) and (e), replace "section 96(1A) or (1AA) or 96AAA" with "section 96(1AA), (1A), or **(1AC)**".

Revoke Schedule 4AAA.

Land Transport (Requirements for Storage and Towage of Impounded Vehicles) Regulations 1999 (SR 1999/84)

In regulation 2, definition of **arrangement**, delete "96AAA,".

In regulation 2, definition of **impounded vehicle**, delete "96AAA,".

Land Transport (Storage and Towage Fees for Impounded Vehicles) Regulations 1999 (SR 1999/85)

In regulation 3(1) and (2), delete "96AAA,".

In regulation 4(1), delete "96AAA,".

Revoke regulation 4(1B).

In regulation 4(2), delete "96AAA,".

Legislative history

28 July 2025	Introduction (Bill 189–1)
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