

Ministry of Transport

TE MANATU WAKA

2 October 2019



Thank you for your letter to the Ministry of Transport (the Ministry), which was received on 4 September 2019. In your letter, you made a request under the Official Information Act 1982 (the Act) for the following:

"... the draft and explanatory information about the Land Transport (Motor Vehicle Registration and Licensing) Regulations, before they were finalised and made law."

On 30 September 2019, I telephoned you to clarify your request; you confirmed you specifically sought a copy of any draft and/or explanatory information about the use of the term 'may' in Clause 7.2 of the Land Transport (Motor Vehicle Registration and Licensing) Regulations 2011 (the Regulations). Thank you for this clarification, which our response reflects.

We have found one reference to Clause 7.2 of the Regulations which includes the term "may", which comes within the scope of your request, in the Land Transport Amendment Bill (No. 4) Ministry of Transport Report. I have attached the relevant extract below.

Excerpt from the Land Transport Amendment Bill (No. 4) Ministry of Transport Report

New section 256 - Cancellation of registration

Current law

1. The Registrar may cancel the registration of a vehicle (1) on application by the registered owner and (2) where a year or more has elapsed after expiry of the licence of the vehicle.

Proposed amendments in the Bill

2. The Bill continues the Registrar's power to cancel registration and provides for the grounds for cancellation to be set out in regulations.

Submissions

3. None.

Comment

4. None.

Recommendation

5. We recommend that this provision be retained without alteration other than any consequential drafting changes that may be required.

The cancellation of registration by the Registrar has remained discretionary since the legislation was first enacted in 1949 (the Transport Act 1949, section 27(3) refers).

The New Zealand Transport Agency was appointed to be the Registrar for the purpose of the Regulations in 2008. The Agency's website (<https://www.nzta.govt.nz/vehicles/vehicle-registration/cancelling-your-registration/>) advises that if a vehicle needs to be licensed continuously and the person does not license it for more than one year, then the Agency will automatically cancel the registration.

The Ministry publishes our responses to requests under the Act and information provided on the Ministry website. Before publishing we remove any personal or identifiable information.

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