



Summary of Underpinning Analysis: Land Transport (Offences and Penalties) Amendment Regulations (No 2) 2026

Agency responsible	Ministry for Cities, Environment, Regions and Transport
Portfolio	Transport
Date finalised	22 July 2026
Identification Number	[REG-1981]

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified? NO

Summary of agency analysis

Public consultation on the proposals that were later included in the draft rules included the proposed offences and penalties for specified rule breaches and took place over four weeks, from 24 February to 24 March 2026. The Ministry received 6,050 submissions and heard from a wide range of groups, including advocates for pedestrians, cyclists, and horse riders. The proposals included in the final draft rule were widely supported. Regulatory impact analysis was prepared for the amendment regulations and outlined the public consultation.

Good law-making: 9(j)

The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and
- whether the public interest requires that the issue be addressed; and
- any options (including non-legislative options) that are reasonably available for addressing the issue; and
- who is likely to benefit, and who is likely to suffer a detriment, from the legislation

Inconsistency identified? NO

Summary of agency analysis



Regulatory impact analysis was prepared for the amendment regulations and can be found here (<https://www.transport.govt.nz/assets/Uploads/Improvements-to-Lane-Use-Final-Policy-decisions.pdf>). The RIS identifies a range of policy problems, including that current requirements are out of date or do not align with current practices. It describes the current regulatory framework and the factors limiting its effectiveness, and notes strong public interest in, and support for, these proposals.

The RIS identified infringement fee-based penalties as the most appropriate option, given the low-level offending that the new offences are intended to target. Regulations containing infringement fees make the new offences enforceable and enable the policy intent to be fulfilled.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified?	NO
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Summary of agency analysis

Regulatory impact analysis was prepared for the amendment regulations and can be found here (<https://www.transport.govt.nz/assets/Uploads/Improvements-to-Lane-Use-Final-Policy-decisions.pdf>). It discusses the plan for implementing these changes after the amendment regulations are signed.

Subject to Ministerial approval, the Ministry anticipates that the final regulation amendments will be signed by the Governor General, gazetted in August 2026 and will come into force in September 2026.

To support public understanding and compliance, the Ministry and NZTA will develop and distribute communication materials. These resources will help inform the public and support education and advocacy groups in explaining the new requirements. We note that during consultation many submitters highlighted the need for a wider education campaign to remind the public of current and new requirements.

Discussions with NZTA are ongoing about the extent of information campaigns and other implementation support that may be required. As many of the changes reflect current practices, some members of the public may already be informally compliant.

Police will prioritise higher-risk behaviours over these new offences, limiting enforcement. This has been factored into the analysis. Rules still have value even where enforcement is limited as they set clear behavioural expectations and support education and voluntary compliance.

Required deliverables, such as updates to the Road Code and guidance, could be completed within four weeks of the rule coming into force, subject to final scope. This



would place delivery of education and guidance around September, subject to what is finally approved in the legislation, including whether signage is in scope and what other changes are taking place around the same time. NZTA will advise whether any aspects would benefit from a phased or staged commencement once the final policy settings are known.

Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified? NO

Summary of agency analysis

A regulatory impact analysis was prepared for the amendment regulations and can be found [here](#). The Ministry carried out impact analysis on each proposal containing fines and penalties and expected the benefits to outweigh the costs.

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified? NO

Summary of agency analysis

A regulatory impact analysis was prepared for the amendment regulations, considered a range of options, and can be found [here](#). The Ministry assessed these options against criteria including efficiency and the proportionality of penalties. The amendment regulations are likely to be the most effective, efficient, and proportionate response to the policy problem in each case.

The level of infringement fees and court-ordered fines for the proposals was considered against the Ministry of Transport's effective transport financial penalties framework and tool. The framework considers factors such as the severity of the offence, deterrence, proportionality, and the responsibilities and financial capacity of the individual or entity. More information about the framework and tool can be found [here](#).

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified? NO

Summary of agency analysis

Once the amendment regulations has been signed, it will be accessible on the legislation website. The Parliamentary Counsel Office has drafted the amendment regulations, so it is clear to the public.



Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively

Inconsistency identified? NO

Summary of agency analysis

The amendment regulations do not impose any obligations retrospectively.

Rule of Law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified? NO

Summary of agency analysis

The amendment regulations bind the Crown and apply to all people equally. The Crown has no immunity from criminal liability under these amendment regulations.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NO

Summary of agency analysis

The amendment regulations do not affect or change the impartiality of the judiciary. The amendment regulations do not increase executive or legislative influence on the judiciary. The amendment regulations do not delegate binding rulings that a court cannot review.

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? NO

Summary of agency analysis

The amendment regulations contain fines and penalties for non-compliance with the rules. If an enforcement officer finds that someone has breached the rule, they may issue an infringement notice and associated infringement fee. The Land Transport (Road User) Rule 2004 allows a person to appeal an enforcement officer's decision to the District Court. This is a standard process under section 21 of the Summary Proceedings Act 1957. The amendment regulations also do not change a person's ability to seek judicial review. For these reasons, the amendment regulations do not change the courts' ability to resolve issues of rights and liabilities and does not delegate those issues to administrative discretion.



Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified? NO

Summary of agency analysis

The amendment regulations do not affect property. They introduce proportionate infringement fees and court-ordered fines for rule changes to minimum overtaking gaps and giving way to buses leaving bus stops.

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

Inconsistency identified? NO

Summary of agency analysis

The introduction of infringement fees and court-ordered fines for the minimum overtaking gap and give-way to buses proposals does not engage this principle. The penalties apply only when a person has chosen not to comply with the rule and do not constitute a taking or severe impairment of property without the owner's consent.

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

The amendment regulations do not engage the requirements in section 22 because they does not levy a tax, borrow or receive borrowed money from a person, or spend public money.

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods



or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

The amendment regulations do not impose taxes, fees, or levies, so section 9(e) does not apply.

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

The amendment regulations do not impose taxes, fees, or levies, so section 9(f) does not apply.

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified?

NO

Summary of agency analysis

There are no clauses in the draft regulations that may change or prevent the court's ability to interpret and ascertain the meaning of legislation.

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?

NO

Summary of agency analysis

The amendment regulations add to existing Police powers to issue infringement notices. They do not limit judicial review or appeal rights. The draft rules set out the requirements for breaching the infringement offence.



Additional information

Relevant international treaties, standards and obligations

No relevant international treaties, standards, or obligations have been identified.