



Summary of Underpinning Analysis: [Land Transport (Road User) Amendment Rule]

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 took place over four weeks, from 24 February to 24 March 2026, on the proposals in the draft rules. The Ministry received 6,050 submissions from a wide range of groups, including advocates for pedestrians, cyclists, and horse riders. The submissions showed broad public support for the proposals in the final draft rule. Regulatory Impact Analysis was prepared for the Amendment Rule 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 Rule and can be found [here](https://www.transport.govt.nz/assets/Uploads/Improvements-to-Lane-Use-Final-Policy-decisions.pdf) (<https://www.transport.govt.nz/assets/Uploads/Improvements-to-Lane-Use-Final-Policy-decisions.pdf>). The RIS identifies a range of policy problems such as the current requirements being out of date or not aligning with practices, describes the current



regulatory framework and what is limiting its effectiveness, and notes strong public interest in and support for these proposals.

Good law-making: 9(k)

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

Inconsistency identified? NO

Summary of agency analysis

Regulatory Impact Analysis was prepared for the Amendment Rule and can be found [here](#). It discusses the plan for implementing these changes after the rule is signed.

Subject to Ministerial approval, the Ministry anticipates that the final Rule amendments will be signed by the Minister and notified in the *Gazette* in August 2026, and will come into force in September 2026.

To support public understanding and compliance, the Ministry and New Zealand Transport Agency Waka Kotahi (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. 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 regarding the extent of information campaigns and other implementation support that may be required. As many of the changes reflect current practices, a portion of the public may already be informally compliant.

NZTA does not anticipate the need for additional funding beyond business-as-usual. Implementation activity, including education and guidance, is expected to be funded from baseline.

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 2026, subject to final approval of the rule. NZTA will advise if 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



Regulatory Impact Analysis was prepared for the Amendment Rule and can be found [here](#). The Ministry carried out impact analysis on each proposal and expects the benefits of these changes to outweigh the costs. The purpose behind some of these changes could only be achieved by rule changes, such as allowing e-scooters in cycle lanes and children on bikes on footpaths. We considered that these were worthwhile rule changes because they align the rules with common practice.

Children on bikes on footpath: Low incremental risk to other footpath users as children largely already do this. Benefits include improved safety for children currently riding illegally on roads. Education costs of \$70,000–\$100,000.

Minimum overtaking gap: Minor congestion risk in narrow roads and potential for more dangerous overtaking behaviour. Benefits include improved safety for cyclists and horse riders, with significant cost savings from any reduction in the 9% of cyclist crashes attributable to overtaking. Infringement fee of \$300.

Giving way to buses leaving bus stops: Minor delays for motorists and potential signage costs for RCAs. Benefits include estimated \$1.96 million per annum in public transport efficiency gains and improved network reliability. Infringement fee of \$50.

E-scooters in cycle lanes: This proposal was exempt from regulatory impact requirements as it has no or minor economic, social or environmental impacts, so no formal cost-benefit analysis was undertaken. The expected benefit is improved safety for e-scooter users by moving them from footpaths into cycle lanes, better aligning modes by speed and size.

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

Regulatory Impact Analysis was prepared for the Amendment Rule, considered a range of options, and can be found [here](#). The Ministry assessed these options against criteria including efficiency and the proportionality of penalties to address the problem. Rule amendments were likely to be the most effective, efficient, and proportionate response to the policy problem in each case.

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified?

NO

Summary of agency analysis



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

The amendments to the rule will not conflict with other parts of the Road User Rule because they apply to specific scenarios, such as the minimum overtaking gap. Offences such as careless driving will not change how the rule operates.

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 Rule does 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 Rule binds the Crown and applies to all people equally. The Crown has no immunity or limitations on civil liability. The Crown has no immunity from criminal liability under this Amendment Rule.

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NO

Summary of agency analysis

The rule amendments do not affect or change the impartiality of the judiciary. The Amendment Rule does not increase executive or legislative influence on the judiciary. The Amendment Rule does 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 Rule contains requirements that may be enforced through regulations creating infringement offences for breach of the rule. If an enforcement officer finds that someone has breached the rule, they may issue an infringement notice and associated infringement fee under the corresponding infringement regulations being made alongside the Amendment Rule. Provisions in the Summary Proceedings Act 1957 and the Criminal Procedure Act 2011 permit a person to challenge an enforcement officer's decision to issue an infringement notice by seeking a hearing in the District Court. This is a standard process. The Amendment Rule also does not change a person's ability to seek judicial review. The Amendment Rule does not make changes to the enforcement officer's discretion under the Road User Rule. For these reasons, the Amendment Rule does 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

Children riding bikes on footpaths

- This proposal will expand where children and older riders accompanying them can ride a bike. It will provide safety benefits because these riders are less likely to interact with motor vehicles than when they ride on roads. However, children may face other risks, such as cars pulling out of driveways. Children riding on footpaths may also reduce pedestrians' personal security because pedestrians are more likely to interact with children on bikes on footpaths. This risk may be greater for older and disabled people, who may face a greater risk of injury if they are involved in a crash with a child on a footpath, reducing their independent mobility and liberty.
- This proposal is proportionate and reasonable and will not unduly diminish pedestrians' rights, because the amendment aims to align with common practice. The proposal mitigates risks to pedestrians and children by allowing older riders to accompany children and teach them to ride responsibly, and by including normative requirements in the rule. Education will also support road users to understand their responsibilities under the new rules.
- Additionally, other transport devices such as e-scooters are already allowed on footpaths, which makes it proportionate to allow children to cycle on footpaths.
- We consider that these mitigations ensure that the legislation is a proportionate and reasonable response to the safety concerns for children riding cycles and does not unduly diminish the rights of other footpath users.

E-scooters in cycle lanes



- E-scooters are currently restricted to roads and footpaths. Allowing e-scooter riders to use cycle lanes will expand their choices. This will likely benefit pedestrians if it reduces their interactions with e-scooters, which can lead to injuries. It will also benefit e-scooter riders because they will interact less with motor vehicles on the road, which may reduce injuries.
- However, cyclists may have more interactions with e-scooters in cycle lanes, which could affect their personal security by increasing the risk of crashes. This risk is likely limited because e-scooters already use cycle lanes despite the current rules, and the rules will include normative requirements.
- This is likely to be proportionate and reasonable, as e-scooters would have a lane where they mainly interact with vehicles travelling at similar speeds, which is likely to support better safety outcomes.

Minimum overtaking gap

- This rule will restrict road users' choice about how closely they can pass road users such as cyclists, e-scooter users, and horse riders. This limitation does not unduly diminish those road users' rights because any limitation on the liberty of drivers overtaking other road users is proportionate to the protection of other road users' personal security. The relative cost of making safer passing decisions is small compared with the safety benefits.

Buses leaving bus stops

- This rule will limit road users' choices in some situations because they will need to give way to buses pulling out of bus stops. However, this restriction is relatively small and will create time savings for public transport users. It is therefore unlikely to unduly diminish rights.

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 if 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 Rule does not engage the requirements in section 22 because it 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 Rule does 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 Rule does 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 rules or 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 infringements 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.