Land Transport (Storage and Towage Fees for Impounded Vehicles) Amendment Regulations 2024

Cindy Kiro, Governor-General

Order in Council

At Wellington this 26th day of August 2024

Present:
Her Excellency the Governor-General in Council

These regulations are made under section 167 of the Land Transport Act 1998 on the advice and with the consent of the Executive Council.

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Regulations

1 Title

These regulations are the Land Transport (Storage and Towage Fees for Impounded Vehicles) Amendment Regulations 2024.

2 Commencement

These regulations come into force on 1 October 2024.

3 Principal regulations

These regulations amend the Land Transport (Storage and Towage Fees for Impounded Vehicles) Regulations 1999.

4 Regulation 2 amended (Interpretation)

In regulation 2,—

(a) definition of **the Act**, delete "**the**"; and

(b) revoke the definition of **Commissioner**.

5 New regulation 2A inserted (Transitional, savings, and related provisions)

After regulation 2, insert:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

6 Regulation 3 amended (Towage fees for impounded vehicles)

(1) In regulation 3(1)(a), replace "not more than 3 500 kilograms" with "3,500 kilograms or less".

(2) In regulation 3(1)(a)(i), replace "$52.50" with "$78.43".

(3) In regulation 3(1)(a)(ii), replace "$70" with "$104.61".

(4) In regulation 3(1)(b), replace "3 500" with "3,500".

(5) In regulation 3(1)(b)(i), replace "$130" with "$194.26".

(6) In regulation 3(1)(b)(ii), replace "$200" with "$298.87".

(7) In regulation 3(2), replace "$3" with "$5.30".

(8) In regulation 3(4), replace "storage operator" with "storage provider".

7 Regulation 4 amended (Storage fees for impounded vehicles)

(1) In regulation 4(1)(a),—

(a) replace "not more than 3 500 kilograms" with "3,500 kilograms or less"; and

(b) replace "$12" with "$21.13".

(2) In regulation 4(1)(b),—

(a) replace "3 500" with "3,500"; and

(b) replace "$28" with "$49.30".

(3) In regulation 4(4), replace "storage operator" with "storage provider".

8 Regulation 6 replaced (Fees to be inclusive of GST)

Replace regulation 6 with:

6 Fees exclusive of GST

The fees specified in these regulations are exclusive of goods and services tax.

9 New Schedule 1 inserted

Insert the Schedule 1 set out in the Schedule of these regulations as the first schedule to appear after the last regulation of the principal regulations.

Schedule
New Schedule 1 inserted

r 9

Schedule 1
Transitional, savings, and related provisions

r 2A

Part 1
Provisions relating to Land Transport (Storage and Towage Fees for Impounded Vehicles) Amendment Regulations 2024

1 Interpretation

In this Part,—

new storage fees means the fees specified in regulation 4(1) as in force immediately after the commencement of the Land Transport (Storage and Towage Fees for Impounded Vehicles) Amendment Regulations 2024

old storage fees means the fees specified in regulation 4(1) as in force immediately before the commencement of the Land Transport (Storage and Towage Fees for Impounded Vehicles) Amendment Regulations 2024

relevant person, in relation to a motor vehicle, means—

(a) the registered person for the vehicle if the vehicle is registered; or

(b) if the vehicle is not registered, the owner of the vehicle.

2 Storage fee for vehicles impounded on or before 30 September 2024 if storage fee is paid in full by lump sum

(1) This clause applies if—

(a) a motor vehicle is seized and impounded on or before 30 September 2024 under section 96, 96AAA, 96AAB, 96A, or 122 of the Act; and

(b) the relevant person pays the storage fee in full by a lump sum payment to the vehicle recovery service operator or storage provider.

(2) If the payment is made on or before 31 December 2024, the storage fee continues to be determined in accordance with the old storage fees.

(3) If the payment is made on or after 1 January 2025, the storage fee is determined in accordance with the new storage fees.

3 Storage fee for vehicles impounded on or before 30 September 2024 if storage fee is paid by arrangement

(1) This clause applies if—

(a) a motor vehicle is seized and impounded on or before 30 September 2024 under section 96, 96AAA, 96AAB, 96A, or 122 of the Act; and

(b) the relevant person enters into an arrangement with the vehicle recovery service operator or storage provider for the payment of the storage fee.

(2) If the arrangement is entered into on or after 1 October 2024 and provides for any amount of the storage fee to be paid on or after 1 January 2025, the storage fee is determined in accordance with the following formula:

$$a = (b \times c) + (d \times e)$$

where—

a is the amount of the storage fee

b is the number of days in the impoundment period that fall before 1 January 2025

c is the old daily rate

d is the number of days in the impoundment period that fall after 31 December 2024

e is the new daily rate

(3) In all other cases, the storage fee continues to be determined in accordance with the old storage fees.

(4) In this clause,—

new daily rate means $21.13 or $49.30, whichever applies in relation to the vehicle under the new storage fees

old daily rate means $12 or $28, whichever applies in relation to the vehicle under the old storage fees.

Rachel Hayward,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations but is intended to indicate their general effect.

These regulations, which come into force on 1 October 2024, amend the Land Transport (Storage and Towage Fees for Impounded Vehicles) Regulations 1999 to increase the towage and storage fees for impounded vehicles. The new fees do not include goods and services tax (*see new regulation 6*).

The new storage fees apply in relation to a vehicle—

- that is impounded on or after 1 October 2024:

- that was impounded on or before 30 September 2024, if the storage fee for the vehicle is paid in full by a lump sum payment made on or after 1 January 2025 (*see new clause 2(3) of Schedule 1*).

The old storage fees continue to apply in relation to a vehicle—

- that was impounded on or before 30 September 2024, if the storage fee for the vehicle is paid in full by a lump sum payment made on or before 31 December 2024 (*see new clause 2(2) of Schedule 1*):
- if an arrangement for the payment of the storage fee was entered into on or before 30 September 2024 (*see new clause 3(3) of Schedule 1*):
- if an arrangement for the payment of the storage fee is entered into on or after 1 October 2024 and the arrangement provides for the storage fee to be paid in full on or before 31 December 2024 (*see new clause 3(3) of Schedule 1*).

A mix of the old storage fees and new storage fees apply in relation to a vehicle if an arrangement for the payment of the storage fee is entered into on or after 1 October 2024 and the arrangement provides for any amount of the storage fee to be paid on or after 1 January 2025.

In that case, the amount of the storage fee is to be calculated by reference to the number of days of the impoundment that fall before 1 January 2025 and the number of days of the impoundment that fall after 31 December 2024. Each day that falls before 1 January 2025 is to be calculated at the old daily rate of $12 or $28 (whichever applies) and each day that falls after 31 December 2024 is to be calculated at the new daily rate of $21.13 or $49.30 (whichever applies) (*see new clause 3(2) of Schedule 1*).

Regulatory impact statement

The Ministry of Transport produced a regulatory impact statement on 11 June 2024 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- https://www.transport.govt.nz/documents-and-publications/results?Keyword=&TopicID=&DocumentTypeID=16&SortBy=NewestToOldest&action_results=Search
- https://treasury.govt.nz/publications/informationreleases/ris

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