

# Statutory declaration to support appeal against the mandatory 28-day suspension of driver licence

Section 101 Land Transport Act 1998

I (full name):

of (address):

(occupation):

**solemnly and sincerely declare that**

on  /  /  at  :  on  at

Day Month Year (time) (street or road) (locality)

**my driver licence, number , was suspended because the enforcement officer believed that:**

- (a) I had previous relevant convictions within the last 4 years, and:
  - (i) my breath alcohol concentration exceeded 400 micrograms of alcohol per litre of breath; or
  - (ii) my blood alcohol concentration exceeded 80 milligrams of alcohol per 100 millilitres of blood.
- (b) I had no relevant convictions within the last 4 years, and:
  - (i) my breath alcohol concentration exceeded 650 micrograms of alcohol per litre of breath; or
  - (ii) my blood alcohol concentration exceeded 130 milligrams of alcohol per 100 millilitres of blood.
- (c)  (i) I drove a motor vehicle on a road at a speed exceeding the applicable permanent posted speed limit by more than 40km an hour; or
  - (ii) I drove a motor vehicle on a road at a speed exceeding any other speed limit by 50km an hour.
- (d)  I failed or refused to undergo a blood test after being requested to do so.

The serial number on the driver licence suspension notice is

**IMPORTANT NOTE**

A TRUE COPY OF THE SUSPENSION NOTICE AND ANY RELATED TRAFFIC OFFENCE NOTICE MUST BE FILED WITH THIS APPLICATION.

**APPEAL**

**I appeal against the 28 day suspension of my driver licence on the following ground(s):**

- (1)  I was not the driver of the vehicle at the time of the act or omission that led to my driver licence being suspended; or
- (2) The enforcement officer who suspended my driver licence **did not** have reasonable grounds of belief that:
  - (a) I had previous relevant convictions within the last 4 years, and:
    - (i) my breath alcohol concentration exceeded 400 micrograms of alcohol per litre of breath; or
    - (ii) my blood alcohol concentration exceeded 80 milligrams of alcohol 100 per millilitres of blood.
  - (b) I had no relevant convictions in the last four years, and:
    - (i) my breath alcohol concentration exceeded 650 micrograms of alcohol per litre of breath; or
    - (ii) my blood alcohol concentration exceeded 130 milligrams of alcohol per 100 millilitres of blood.
  - (c) (i) I drove a motor vehicle on a road at a speed exceeding the applicable permanent posted speed limit by more than 40km an hour; or
    - (ii) I drove a motor vehicle on a road at a speed exceeding any other speed limit by 50km an hour.
  - (d) I failed or refused to undergo a blood test after being requested to do so.
- (3)  The enforcement officer did not give a notice that complied with the requirements of s 95(2) of the Land Transport Act 1998.

