

BETWEEN

AI
APPLICANT

AND

ZR Ltd
RESPONDENT

Date of Order:

7 August 2014

Referee:

Referee Blyth

ORDER OF THE DISPUTES TRIBUNAL

The Tribunal hereby orders that the claim is dismissed.

Facts

[1] On 8 October 2013 the Police seized and impounded a car driven by the applicant's son (AA). The Police issued a "Vehicle seizure and impoundment notice" (the notice) which stated the "Driver's full name" as AA and the "Registered Person's full name" as "BB". Three days later, on 11 October, the applicant (AI) registered the car in her own name. ZR Ltd (the respondent) stored the vehicle for over 28 days and on approximately 7 November sold it to the ABC Ltd, which crushed the car. AI is claiming that ZR Ltd acted unlawfully in selling the car.

Issue

[2] The issue for the Tribunal is whether or not ZR Ltd acted unlawfully in selling the car.

Law and Decision

[3] I find that ZR Ltd did not act unlawfully in selling the car. Section 97(2A) of the Land Transport Act 1998 states that the **owner**, in relation to an impounded vehicle, means the person who is the registered person in respect of the vehicle at the time that vehicle is impounded. Clearly that person was BB. I find that ZR Ltd is entitled to rely on the information provided by the Police on the notice as to the name of the registered person/owner.

[4] I have had regard to AI's argument that on (approximately) 16 October AA advised ZR Ltd that she was the new registered owner. However, there is insufficient evidence that this was the case.

[5] I have also had regard to AI's argument that, under section 98(4) ZR Ltd were legally obliged to wait for a further 10 days (after the 28 days had expired from the date of impoundment) before disposing of the car. However, I am not persuaded by that argument because I find that clause does not apply here. That is because I find that the owner (BB) had effectively "claimed" the vehicle by confirming in writing to ZR Ltd that he was the owner and that he authorised ZR Ltd to dispose of the vehicle.

[6] For the above reasons I am dismissing the claim.