



## ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Interpretation</p> <p>3. Motor vehicle indemnity surcharges</p> <p>4. Details of registers to be supplied to applicants</p> <p>5. Notification of change of ownership of motor vehicle</p> <p>6. Fees for drivers' licences</p> <p>7. New provisions relating to parking and infringement offences</p> <p style="padding-left: 2em;">42. Owner liability for parking offences</p> <p style="padding-left: 4em;"><i>Infringement Offences</i></p> <p>42A. Infringement offences</p> <p>43. Entitlement to infringement fees</p> <p>8. Amendments, repeals, and revocations consequential upon section 7</p>	<p>9. Powers of constables and traffic officers to move vehicles</p> <p>10. Jurisdiction of traffic officers</p> <p>11. Overloading infringement fees</p> <p>12. Regulations relating to alternative fuel systems</p> <p>13. Application for transport licence to be forwarded to Secretary for Transport</p> <p>14. Evidence of length of road</p> <p><i>Amendments to Summary Proceedings Act 1957</i></p> <p>15. Interpretation</p> <p>16. Summary procedure for minor traffic offences</p> <p>17. Amendments consequential upon section 16</p> <p>18. Special provisions relating to minor traffic offences</p> <p style="padding-left: 2em;">Schedule</p>
--	--

---

1980, No. 96

**An Act to amend the Transport Act 1962**

[17 December 1980]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement**—(1) This Act may be cited as the Transport Amendment Act 1980, and shall be read together with and deemed part of the Transport Act 1962 (hereinafter referred to as the principal Act).

(2) Sections 2 (except subsection (1)), 7, 8, 15 to 18 of, and the Schedule to, this Act shall come into force on a date to be fixed by the Governor-General by Order in Council.

For the purposes of this subsection, one or more Orders in Council may be made bringing different provisions of this Act into force on different dates.

(3) Subsections (1) and (2) of section 3 of this Act shall be deemed to have come into force on the 1st day of April 1980.

(4) Sections 4 and 6 (1) of this Act shall come into force on the 1st day of April 1981.

(5) Subsection (2) of section 6 of this Act shall come into force in accordance with the provisions of that subsection.

(6) Subject to subsections (2) to (5) of this section, this Act shall come into force on the day on which it receives the Governor-General's assent.

**2. Interpretation—**(1) Section 2 (1) of the principal Act (as substituted by section 2 (1) of the Transport Amendment Act 1972 and amended by section 2 (2) of the Transport Amendment Act 1973) is hereby further amended by inserting, after the definition of the term "agricultural trailer", the following definition:

"'Alternative fuel system' means a fuel storage and conducting system that is used to provide liquid petroleum gas, compressed natural gas, or any other pressurised liquid or gaseous fuel (other than petrol or diesel) for the purposes of propulsion of a vehicle:"

(2) Section 2 (1) of the principal Act (as so substituted) is hereby further amended by repealing the definition of the term "enforcement authority", and substituting the following definition:

"'Enforcement authority', in relation to an infringement offence or an overloading infringement, means—

"(a) The Department, in the case of an alleged infringement offence or overloading infringement detected by an officer of the Department:

"(b) The local authority, in the case of an alleged infringement offence or overloading infringement detected by an officer of a local authority:"

(3) Section 2 (1) of the principal Act (as so substituted) is hereby further amended by repealing the definition of the term "infringement offence" (as inserted by section 10 (2) of the Transport Amendment Act 1974), and substituting the following definition:

“‘Infringement offence’ has the meaning assigned to it in section 42A (1) of this Act:”.

(4) Section 2 (1) of the principal Act (as so substituted) is hereby further amended by inserting, in the appropriate alphabetical order, the following definitions:

“‘Officer’ means an officer of the Department or of a local authority; and includes a traffic officer:

“‘Parking offence’ has the meaning assigned to it in section 42 (1) of this Act:

“‘Towage fee’, in respect of a parking offence, means an amount specified as the towage fee in respect of that offence by the Secretary by notice in the *Gazette*; and, for the purposes of this definition, the Secretary may prescribe different towage fees in respect of offences involving different areas, times, or vehicles:”.

(5) Section 2 (1) of the principal Act (as so substituted) is hereby further amended by omitting from paragraph (b) of the definition of the term “parking” the words “where the parking is prohibited for a period in excess of a period fixed by a bylaw of a local authority,”.

(6) Section 2 (1) of the principal Act (as so substituted) is hereby further amended by repealing the definitions of the terms “parking infringement”, “parking-infringement notice”, “speeding infringement” (as substituted by section 2 (4) of the Transport Amendment Act 1974), “speeding-infringement fee”, and “speeding-infringement notice”.

**3. Motor vehicle indemnity surcharges**—(1) Sections 7 (1) (c), 7 (2) (b), 11 (4), 12 (2), 12 (3), and 22 (4) of the principal Act (as amended by section 8 of the Transport Amendment Act 1973) are hereby further amended by inserting, after the words “indemnity surcharge under Part VIA of this Act”, the words “(if any)”.

(2) Section 90L of the principal Act (as inserted by section 7 of the Transport Amendment Act 1973) is hereby amended—

(a) By omitting from subsection (1) the words “in respect of that motor vehicle prescribed”, and substituting the words “(if any) prescribed in respect of that motor vehicle”:

(b) By inserting in subsection (2), after the words “prescribed indemnity surcharge”, the words “(if any)”.

(3) Where there is no indemnity surcharge prescribed in respect of a motor vehicle pursuant to Part VIA of the principal Act at the time of issue of a licence for the vehicle under section 14 of the principal Act (whether before or after the commencement of this Act), failure to pay such a surcharge on, or at any time before or after, application for the licence shall not render the licence, or the issue thereof, invalid.

**4. Details of registers to be supplied to applicants**—Section 17 of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby further amended—

- (a) By omitting from subsection (1) the expression “20 cents”, and substituting the words “the prescribed amount”:
- (b) By omitting from subsection (2) the expression “10 cents”, and substituting the words “the prescribed amount”.

**5. Notification of change of ownership of motor vehicle**—Section 18 (11) of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is hereby further amended by omitting the words “\$20, and, in the case of failure to comply with any such provision, to a further fine not exceeding \$20 for every day on which the vehicle has been used while that failure continues”, and substituting the expression “\$500”.

**6. Fees for drivers' licences**—(1) Section 26 of the principal Act (as amended by section 7 of the Decimal Currency Act 1964 and section 5 of the Transport Amendment Act 1964 and section 5 of the Transport Amendment Act 1966) is hereby further amended—

- (a) By omitting from subsection (1) the words “a fee of 50 cents”, and substituting the words “the prescribed fee”:
- (b) By omitting from subsection (9) the words “\$1, which shall be additional to the fee prescribed by”, and substituting the words “the prescribed amount, which shall be additional to the fee referred to in”:
- (c) By omitting from subsection (11A) the words “such fee, not exceeding the sum of 25 cents, as is prescribed in the regulations, which shall be additional to the fee prescribed by subsection (1) of this

section”, and substituting the words “the prescribed fee, which shall be additional to the fee referred to in subsection (1) of this section”.

(2) Section 26 of the principal Act (as substituted by section 3 of the Transport Amendment Act 1971) is hereby amended as from the commencement of the day on which that section as so substituted comes into force—

(a) By omitting from subsection (1) the words “a fee of 50 cents”, and substituting the words “the prescribed fee”:

(b) By omitting from subsection (9) the words “prescribed by subsection (1) of this section, a testing fee of \$1.75”, and substituting the words “referred to in subsection (1) of this section, a testing fee of the prescribed amount”.

**7. New provisions relating to parking and infringement offences**—The principal Act is hereby amended by repealing sections 42, 42A, and 43, and the heading preceding section 42, and substituting the following sections:

**“42. Owner liability for parking offences—**(1) In this section,—

“‘Parking offence’ means parking in any portion of a road in breach of any Act or regulation, or of any bylaw made under the authority of section 72 of this Act:

“‘Proceedings’ means proceedings under the Summary Proceedings Act 1957, and includes the issue of an infringement notice under section 42A of this Act.

“(2) Proceedings for a parking offence may be taken against any one or more of the following persons:

“(a) The person who allegedly committed the offence:

“(b) Any person who, at the time of the alleged offence, was registered as the owner, or one of the owners, of the vehicle involved in the offence in a register kept under section 16 of this Act:

“(c) Any person who, at the time of the alleged offence, was lawfully entitled to possession of the vehicle involved in the offence (whether jointly with any other person or not)—

whether or not (in the case of a person referred to in paragraph (b) or paragraph (c) of this subsection) the person is an individual or was the driver, person in charge, or user of the vehicle at the time the alleged offence was committed.

“(3) Subject to subsection (5) of this section, in any proceedings taken against a person pursuant to paragraph (b) or paragraph (c) of subsection (2) of this section it shall be conclusively presumed that—

“(a) The person was the driver, person in charge, and user of the vehicle at the time of the alleged offence (whether or not the person is an individual); and accordingly

“(b) The acts or omissions of the driver, person in charge, or user of the vehicle at that time were the acts or omissions of the first-mentioned person.

“(4) It shall be a defence to proceedings taken under the Summary Proceedings Act 1957 against a person for a parking offence if the person proves that—

“(a) An infringement notice has been issued in respect of the offence and the infringement fee specified in the notice has been paid to the enforcement authority before the commencement of the proceedings; or

“(b) Another person has been ordered to pay an amount in respect of the offence pursuant to section 78A of the Summary Proceedings Act 1957.

“(5) It shall be a defence to proceedings taken under the Summary Proceedings Act 1957 against a person pursuant to paragraph (b) or paragraph (c) of subsection (2) of this section if the person proves that—

“(a) At the time the alleged offence was committed—

“(i) He was not lawfully entitled to possession of the vehicle (either jointly with any other person or severally); or

“(ii) Another person was unlawfully in charge of the vehicle; and

“(b) Forthwith after becoming aware of the alleged offence he advised the enforcement authority that, at the time the offence was committed, he was not lawfully entitled to possession of the vehicle or another person unlawfully had charge of the vehicle, as the case may be; and

“(c) He has done everything reasonably possible on his part to comply with all requests of the enforcement authority to supply to the authority information regarding the person lawfully entitled to possession, or who was in charge, of the vehicle at the time of the alleged offence.

“(6) This section shall have effect notwithstanding anything to the contrary in any Act or rule of law.

*“Infringement Offences*

“42A. **Infringement offences**—(1) In this Act, the term ‘infringement offence’ means an offence specified in the Second Schedule to this Act.

“(2) Where a traffic officer has reason to believe that the user of a vehicle has committed an infringement offence, or an officer has reason to believe that the user of a vehicle has committed a parking offence that is an infringement offence,—

“(a) The user of the vehicle may be proceeded against for the alleged offence under the Summary Proceedings Act 1957; or

“(b) The traffic officer or officer may issue an infringement notice in respect of the alleged offence.

“(3) Any officer may do any one or more of the following things:

“(a) Attach an infringement notice, or a copy thereof, to the vehicle to which the notice relates:

“(b) Deliver an infringement notice, or a copy thereof, personally to a person:

“(c) Send an infringement notice, or a copy thereof, to a person by post addressed to him at his last known or usual place of residence or business.

“(4) Where—

“(a) An infringement notice has been issued; and

“(b) The infringement fee specified in the notice has not been paid to the enforcement authority within 21 days of the date the notice, or a copy thereof, was delivered, or sent, to a person liable in respect of the alleged offence in accordance with paragraph (b) or paragraph (c) of subsection (3) of this section—

proceedings may be taken under the Summary Proceedings Act 1957 in respect of the alleged offence as if an infringement notice had not been issued.

“(5) Every infringement notice shall be in a form prescribed by regulations made under this Act, and shall contain the following particulars:

“(a) Such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and

- “(b) In the case of a speeding offence, the prescribed limit of speed and the speed at which it is alleged the user was travelling at the time of the alleged offence, and the number of demerit points that will be recorded under this Act in respect of the user if the infringement fee is paid; and
  - “(c) In the case of an infringement offence (other than a speeding offence) in respect of which a scale of infringement fees is prescribed having regard to the extent of the alleged offence, the extent of the infringement offence alleged; and
  - “(d) The amount of the infringement fee specified in respect of that offence in the Second Schedule to this Act; and
  - “(e) The address of the place at which the infringement fee may be paid; and
  - “(f) A summary of the provisions of subsections (4) and (7) of this section; and
  - “(g) In the case of an alleged infringement offence that is a parking offence, a summary of the provisions of section 42 of this Act; and
  - “(h) Where the notice, or a copy thereof, is sent to a person by post, the date the notice or copy is posted; and
  - “(i) Such other particulars as the Governor-General in Council thinks fit.
- “(6) Different forms of infringement notices may be prescribed in respect of different kinds of infringement offences.
- “(7) It shall be a defence to proceedings taken under the Summary Proceedings Act 1957 for an infringement offence if the defendant proves that an infringement notice has been issued in respect of that offence and the infringement fee specified in the notice has been paid to the enforcement authority before the commencement of the proceedings.
- “(8) In any proceedings taken against a person under the Summary Proceedings Act 1957 for an infringement offence for which an infringement notice has been issued, it shall be presumed, unless the contrary is proved, that—
- “(a) The notice, or a copy thereof, has been delivered personally to the person, or sent to him by post addressed to him at his last known or usual place of residence or business; and
  - “(b) The infringement fee specified in the notice has not been paid to the enforcement authority within 21 days of the date the notice, or copy, was so delivered or sent.



“(9) Where an infringement fee is paid to an enforcement authority—

“(a) Where the enforcement authority is not the Department, the authority shall send to the Secretary such particulars of the infringement and of the payment as the Secretary requires; and

“(b) Sections 44 to 51 of this Act shall apply as if the person to whom the infringement notice, or a copy thereof, was delivered or sent had been convicted of the infringement offence on the date on which the payment is made.

“43. **Entitlement to infringement fees**—(1) Subject to subsection (2) of this section, all infringement fees received by an enforcement authority under section 42A of this Act shall be paid into the Public Account to the credit of the Consolidated Account.

“(2) A local authority that is an enforcement authority shall be entitled to retain—

“(a) All infringement fees received by it in respect of offences involving—

“(i) Parking in breach of a bylaw of the local authority in any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of the local authority; or

“(ii) Parking in any other portion of a road in breach of a bylaw of the local authority prohibiting parking for a period in excess of the period fixed by the bylaw; and

“(b) All towage fees received by it; and

“(c) Such portion of all other infringement fees received by it as the Minister of Finance from time to time approves as being the expenses of the local authority in respect of enforcement relating to the infringement offences and the collection of the fees.

“(3) The Department shall from time to time, out of money appropriated by Parliament for the purpose, pay to a local authority amounts equal to—

“(a) The infringement fees (other than towage fees) received by the Department in respect of the offences specified in subsection (2) (a) of this section that involve breaches of the local authority’s bylaws; and

“(b) Such portion as the Minister of Finance from time to time approves, of the infringement fees (other than towage fees) received by the Department in respect of other offences that involve breaches of the local authority’s bylaws (not being offences that are also offences against an Act or regulation).

“(4) For the purposes of subsections (2) (c) and (3) (b) of this section, the Minister of Finance may approve different portions for different local authorities and different categories of infringement offences.”

**8. Amendments, repeals, and revocations consequential upon section 7—**(1) Section 194A of the principal Act (as inserted by section 27 (1) of the Transport Amendment Act 1968) is hereby repealed.

(2) The following enactments are hereby consequentially repealed:

(a) Section 27 of the Transport Amendment Act 1968:

(b) Section 21 of the Transport Amendment Act (No. 2) 1969:

(c) Section 21 of the Transport Amendment Act 1970:

(d) Section 7 of the Transport Amendment Act 1971:

(e) Section 5 of the Transport Amendment Act 1972:

(f) Sections 2 (4), 9, and 10 of the Transport Amendment Act 1974:

(g) The Transport Amendment Act (No. 2) 1975:

(h) The Transport Amendment Act (No. 2) 1979.

(3) The Transport Amendment Act Commencement Order 1971 is hereby consequentially revoked.

(4) The following notices are hereby consequentially revoked:

(a) The Transport (Speeding Infringements) Notice 1974:

(b) The Transport (Speeding Infringements) Notice 1974, Amendment No. 1:

(c) The Transport (Speeding Infringements) Notice 1974, Amendment No. 2:

(d) The Transport (Parking Infringements) Notice 1975:

(e) The Transport (Parking Infringements) Notice 1975, Amendment No. 2.

(5) Section 30 of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby consequentially amended by omitting from subsection (4) the

words “subsection (9) of section 42 or” and the words “or subsection (8) of section 194A”.

(6) Section 44 (1) of the principal Act (as substituted by section 2 of the Transport Amendment Act 1970) is hereby amended by inserting, after the words “section 69B of this Act”, the words “or an offence, other than a speeding offence, in respect of which an infringement notice has been issued under section 42A of this Act”.

(7) Section 67 (1) of the principal Act (as substituted by section 11 (1) of the Transport Amendment Act 1971) is hereby consequentially amended by omitting the words “or of any parking infringement within the meaning of section 194A of this Act” and the words “in the case of an offence”.

(8) Section 72 of the principal Act is hereby amended by inserting, after subsection (6), the following subsection:

“(6A) Every person who—

“(a) Parks in breach of a bylaw of a local authority in any portion of a road where parking is for the time being governed by the location of parking meters placed pursuant to a bylaw of the local authority; or

“(b) Parks in any other portion of a road in breach of a bylaw of a local authority prohibiting parking for a period in excess of the period fixed by the bylaw—

commits an offence, and (where no penalty is prescribed in respect thereof in the bylaws of the local authority) is liable to a fine not exceeding \$20.”

(9) Section 192 of the principal Act is hereby amended by adding the following subsection:

“(3) This section shall not apply in respect of an infringement notice or a copy thereof.”

(10) The principal Act (as amended by section 29 (2) of the Road User Charges Act 1977) is hereby further amended by inserting, after the First Schedule, the Second Schedule set out in the Schedule to this Act.

**9. Powers of constables and traffic officers to move vehicles—**(1) Section 68B of the principal Act (as inserted by section 8 (1) of the Transport Amendment Act (No. 2) 1967) is hereby amended by repealing paragraph (c) of subsection (1), and substituting the following paragraph:

“(c) If the constable or traffic officer believes on reasonable grounds that a vehicle on a road causes an obstruction in the road or to any vehicle entrance to any property or that the removal of the vehicle is desirable in the interests of road safety or for the convenience or in the interests of the public,—

“(i) Enter, or authorise another person to enter, the vehicle for the purpose of moving it or preparing it for movement; and

“(ii) Move, or authorise another person to move, the vehicle to any place of safety:”.

(2) Section 68B of the principal Act (as so inserted) is hereby further amended by adding the following subsections:

“(4) Any person who is authorised by a constable or traffic officer to—

“(a) Enter a vehicle for the purpose of moving it or preparing it for movement; or

“(b) Move a vehicle to a place of safety—  
may do so, but shall do everything reasonably necessary to ensure that the vehicle is not damaged in the course thereof.

“(5) Any person who—

“(a) Has possession of a vehicle as a result of its being moved under subsection (1) (c) of this section; and

“(b) When requested at any reasonable time to do so by a person who produces satisfactory evidence to the effect that he was lawfully entitled to possession of the vehicle immediately before it was moved, fails to deliver possession of the vehicle to that person forthwith—

commits an offence against this Act, and is liable to a fine not exceeding \$1,000.”

**10. Jurisdiction of traffic officers**—Section 68D of the principal Act (as inserted by section 8 (1) of the Transport Amendment Act (No. 2) 1967) is hereby amended by adding the following paragraph:

“(c) A traffic officer who is not an officer of the Department shall be entitled to exercise any power or authority conferred on a traffic officer by, or for the purposes of, sections 57A to 58F of this Act on any road, where he has good cause to suspect that an offence against section 58 of this Act has been committed by the driver or person in charge of a motor vehicle on a road that is under the

control of the local authority or other authority by which he has been appointed as a traffic officer.”

**11. Overloading infringement fees**—Section 69B (3) of the principal Act (as substituted by section 9 (1) of the Transport Amendment Act 1970) is hereby amended by omitting the expression “\$500”, and substituting the expression “\$1,000”.

**12. Regulations relating to alternative fuel systems**—Section 77 of the principal Act (as amended by section 26 (1) (b) of the Road User Charges Act 1977) is hereby further amended by adding the following subsection:

“(2) Without limiting the general power to make regulations conferred by section 199 of this Act, regulations may be made under that section for the purpose of regulating the fitting, inspection, or repair of alternative fuel systems, or components thereof, in vehicles, and the use of vehicles fitted with such systems, and, without limiting the generality of the foregoing provisions, for all or any of the following purposes:

“(a) Prohibiting the fitting in any vehicle, or in any vehicle of a specified class, of an alternative fuel system, or a component thereof, that has not been approved for that purpose by the regulations or the Secretary (either specifically or as a system or component of a class of systems or components so approved):

“(b) Prohibiting the fitting in any vehicle, or in any vehicle of a specified class, of an alternative fuel system, or a component thereof, or the inspection or repair of such a system or component, by a person who has not been authorised for that purpose by the regulations or the Secretary (either personally or as a member of a class of persons so authorised):

“(c) Requiring the inspection, at specified times, of alternative fuel systems fitted in vehicles, or vehicles of a specified class; providing for the issue by specified persons of certificates to the effect that an alternative fuel system is in a safe and efficient working condition; and prohibiting the use of a vehicle where such an inspection has not been made or such a certificate has not been issued:

- “(d) Approving, or empowering the Secretary to approve (by notice in the *Gazette*), on such terms and conditions as are specified in the regulations or as the Secretary thinks fit, alternative fuel systems, and components thereof, and classes of such systems and components, for the purposes of fitting in vehicles:
- “(e) Authorising, or empowering the Secretary to authorise (by notice in the *Gazette*), on such terms and conditions as are specified in the regulations or as the Secretary thinks fit, persons, or classes of persons, to fit, inspect, or repair alternative fuel systems or components thereof:
- “(f) Exempting, or empowering the Secretary to exempt (by notice in the *Gazette*), on such terms and conditions as are specified in the regulations or as the Secretary thinks fit, any person or vehicle, or class of persons or vehicles, from any of the provisions of regulations made for the purposes specified in this subsection:
- “(g) Empowering the Secretary to revoke or vary (by notice in the *Gazette*), in whole or in part, any approval, authorisation, or exemption given by him pursuant to regulations made for the purposes specified in this subsection, or the terms and conditions relating thereto.”

**13. Application for transport licence to be forwarded to Secretary for Transport—**(1) Section 116 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Except as provided in subsection (4) of this section, every application for a transport licence shall be in the prescribed form and shall, unless the Minister otherwise directs, be forwarded to the Secretary for Transport, accompanied by the prescribed fee.”

(2) Section 116 (4) of the principal Act is hereby amended by adding the words “and any application so made may be made either orally or in the prescribed form”.

**14. Evidence of length of road—**Section 183 of the principal Act is hereby amended by repealing paragraph (f), and substituting the following paragraph:

“(f) A certificate purporting to be signed by or on behalf of a Chief Surveyor in the Department of Lands and Survey and stating—

“(i) The length of any specified road; and

“(ii) That the length has been measured from a map published by the Department of Lands and Survey—

shall be sufficient evidence of the length of the road until the contrary is proved.”

*Amendments to Summary Proceedings Act 1957*

**15. Interpretation—**(1) Section 2 (1) of the Summary Proceedings Act 1957 is hereby amended by repealing the definitions of the terms “defendant” and “informant”, and substituting the following definitions:

“‘Defendant’ means any person charged with an offence; and includes—

“(a) Any person against whom an order is sought in proceedings commenced by way of complaint; and

“(b) Any person on whom a notice of prosecution has been served pursuant to section 20A of this Act; and

“(c) Any person on whom a notice of traffic prosecution has been served pursuant to section 21 of this Act:

“‘Informant’ means the person by whom an information is laid; and includes—

“(a) In respect of any charge where an information has not been laid, the person responsible for bringing the charge; and

“(b) A person who files a notice of prosecution pursuant to section 20A (2) of this Act; and

“(c) A person who files a notice of traffic prosecution pursuant to section 21 (1) of this Act.”

(2) Section 2 (1) of the Summary Proceedings Act 1957 is hereby further amended by inserting, after the definition of the term “indictable offence”, the following definition:

“‘Minor traffic offence’ means an offence against any of the provisions of Parts II to V of the Transport Act 1962, or against any regulation or bylaw made under that Act, or against any regulation or bylaw made under any other enactment and relating to the use of vehicles or parking places

or transport stations, that is punishable on summary conviction by a fine of any amount not exceeding \$500 and that is not punishable by imprisonment.”.

**16. Summary procedure for minor traffic offences—**The Summary Proceedings Act 1957 (as amended by section 7 (1) of the Summary Proceedings Amendment Act 1973 and section 4 (1) of the Summary Proceedings Amendment Act 1976) is hereby further amended by inserting, after section 20A, the following section:

“21. (1) Subject to the provisions of this section but notwithstanding any other provision of this Act, proceedings under this Act for a minor traffic offence may be commenced either in accordance with section 12 of this Act or by the informant filing in a Court a notice of traffic prosecution.

“(2) A copy of a notice of traffic prosecution may be served on a person at any time (whether before or after the notice is filed in a Court). Where a copy of a notice of traffic prosecution is served on a person before the notice is filed in a Court, the informant shall ensure that either—

“(a) The notice is so filed; or

“(b) A letter to the effect that the matter will not be proceeded with is delivered to the person, or sent to him at his last known or usual place of residence or business—

not later than the end of the 21st day after the day the copy is served.

“(3) Where a notice of traffic prosecution is filed in a Court, every person who serves or has served a copy of the notice on a person for the purposes of this section shall ensure that the date of service and the date specified in the copy in accordance with subsection (5) of this section is notified to the Registrar of the Court—

“(a) Forthwith after service, if the copy is served after the notice is filed in the Court; or

“(b) In any other case, when the notice is so filed.

“(4) A notice of traffic prosecution shall be in the prescribed form and shall—

“(a) Specify the date and nature of the alleged offence; and

“(b) Contain a summary of the facts on which the informant bases his allegation that an offence has been committed, being a summary that is sufficient to fairly inform the defendant of the allegations against him; and



- “(c) State the name and location of the Court to which written advice or notice is to be given under subsection (5) or subsection (6) of this section; and
  - “(d) State whether proof of the offence could or would result—
    - “(i) In the defendant being disqualified from holding or obtaining a driver’s licence; or
    - “(ii) In demerit points being recorded under the Transport Act 1962 in respect of the defendant; and
  - “(e) Inform the defendant of the effect of the provisions of subsections (5) to (8) of this section; and
  - “(f) Contain such other matters as the informant considers relevant to the alleged offence or the imposition of a penalty; and
  - “(g) Set out the full name of the informant and, for the purposes of subsection (10) of this section, the capacity in which he is acting; and
  - “(h) Be signed by the informant who shall certify that he believes that he has just cause for his allegation and that, to the best of his knowledge and belief, his summary of the facts and the other particulars relating to the offence or to the defendant are true and correct; and
  - “(i) Contain such other information or advice as may be required by or pursuant to this Act, or for the purposes of this section.
- “(5) If a defendant wishes to deny that he committed (or, in the case of a parking offence, is liable in respect of) the alleged offence or wishes to appear before the Court for that or any other purpose he shall deliver, or send by post, to the Registrar of the Court written advice to that effect by a date specified in the copy of the notice of traffic prosecution served upon him, being a date not earlier than 35 days after the date of service. Any such advice shall be sufficient for the purposes of this section if, however expressed, it indicates the defendant’s wishes.
- “(6) The defendant may plead guilty in accordance with section 41 of this Act and may, when giving notice in writing in accordance with that section,—
- “(a) State matters which he wishes the Court to take into consideration:
  - “(b) Make submissions with regard to the appropriate penalty.

“(7) If a defendant pleads guilty in accordance with section 41 of this Act or does not send written advice to the Registrar of the Court in accordance with subsection (5) of this section, a District Court Judge may, on the basis of the summary of facts contained in the notice of traffic prosecution, deal with the person as if he had appeared before a Court and pleaded guilty:

“Provided that a District Court Judge who deals with a defendant under this subsection may not disqualify him from holding or obtaining a driver’s licence.

“(8) If—

“(a) The defendant indicates in accordance with subsection (5) of this section that he wishes to deny that he committed, or is liable in respect of, the alleged offence or that he wishes to appear before the Court for that or any other purpose; or

“(b) In any case a District Court Judge so directs (whether or not the defendant has pleaded guilty in accordance with section 41 of this Act),—  
a notice of time and place of hearing, in the prescribed form, shall be posted to the defendant at his last known or usual place of residence or business by a Registrar, and subsequent proceedings shall be had on the notice of traffic prosecution as if it were an information and as if the notice of time and place of hearing were a summons that had been served on the defendant.

“(9) Sections 14, 16, 17, 18, 34, 36, 71, 75, 204, 205, and 208 of this Act, Part IV of this Act, and the Costs in Criminal Cases Act 1967, and the Wanganui Computer Centre Act 1976 shall apply, with such modifications as are necessary, to every notice of traffic prosecution filed under subsection (1) of this section as if it were an information.

“(10) A notice of traffic prosecution may be filed under subsection (1) of this section only by—

“(a) A member of the Police:

“(b) A traffic officer within the meaning of the Transport Act 1962:

“(c) A person acting in the course of his official duties as an officer or employee of any of the State Services or a local authority.

“(11) Every certificate given by an informant under subsection (4) (h) of this section shall be deemed to be a

statement for the purposes of section 111 of the Crimes Act 1961 (which relates to false statements) notwithstanding that it is not required to be made before any person.

“(12) Subject to the provisions of any other enactment, where an order is made under section 78A (1) of this Act following proceedings under this section the entry in Criminal Records relating to that order and the summary of facts contained in the notice of traffic prosecution shall be open to inspection by the public.

“(13) Any 2 or more Justices may exercise the powers conferred on a District Court Judge by this section in any case where the minor traffic offence with which the defendant is charged is one in respect of which a Court presided over by a Justice or 2 or more Justices would have jurisdiction if a summons to the defendant were issued in the first instance.”

#### 17. Amendments consequential upon section 16—

(1) Section 12 (1) of the Summary Proceedings Act 1957 (as amended by section 7 (2) of the Summary Proceedings Amendment Act 1973) is hereby further amended by omitting the words “, subject to section 20A of this Act,” and substituting the words “, subject to sections 20A and 21 of this Act,”.

(2) Section 20A of the Summary Proceedings Act 1957 (as inserted by section 7 (1) of the Summary Proceedings Amendment Act 1973) is hereby amended—

(a) By inserting in subsection (9), after the words “Costs in Criminal Cases Act 1967”, the words “, and the Wanganui Computer Centre Act 1976”;

(b) By adding to subsection (12) the words “; but does not include a minor traffic offence”.

(3) Section 75 of the Summary Proceedings Act 1957 is hereby amended by repealing subsection (1A) (as inserted by section 3 of the Summary Proceedings Amendment Act 1968 and amended by section 7 (3) of the Summary Proceedings Amendment Act 1973), and substituting the following subsection:

“(1A) Where a registered letter has been used for the service on a defendant of any summons, copy of a notice of prosecution under section 20A of this Act, or copy of a notice of traffic prosecution under section 21 of this Act, or a notice of time and place of hearing has been posted to a defendant under section 21 of this Act, and on the hearing of the matter the defendant has been convicted or, as the case may be,

an order has been made against him, in his absence, a District Court Judge or the Registrar (not being a constable) shall, if he is satisfied that the defendant did not receive the summons or notice or copy of the notice:

“(a) Grant a rehearing of the matter and set it down for hearing at a later date; and

“(b) Issue another summons, or require another copy of the notice to be served on the defendant, or require a copy of the notice of time and place of hearing to be served on the defendant, as the case may be; and, in any such case, the summons or copy shall not be served by registered letter.”

(4) Section 203 (2) of the Summary Proceedings Act 1957 (as amended by section 18 of the Summary Proceedings Amendment Act 1976) is hereby further amended by adding the following paragraph:

“(k) A notice of traffic prosecution under section 21 of this Act may be issued, and a copy thereof may be served on any person.”

(5) The following enactments are hereby consequentially repealed:

(a) Section 3 of the Summary Proceedings Amendment Act 1968:

(b) Subsections (2) and (3) of section 7 of the Summary Proceedings Amendment Act 1973.

### **18. Special provisions relating to minor traffic offences—**

(1) The Summary Proceedings Act 1957 is hereby amended by inserting, after section 78, the following section:

“78A. (1) Notwithstanding any other provision of this Act or any other Act, where in proceedings for a minor traffic offence the Court would, but for this subsection, convict the person of the offence, the Court shall not convict the person but instead shall order that the person pay—

“(a) Such fine (if any) as the Court thinks fit; and

“(b) Where the offence is a parking offence and expenses have been incurred by an enforcement authority in respect of the movement or proposed movement of the vehicle under section 68B (1) (c) of the Transport Act 1962 (whether or not the vehicle is in fact moved), the amount of the appropriate towage fee; and

“(c) Such costs relating to the proceedings as the Court thinks fit.

“(2) Every reference in this Act or the Transport Act 1962 or any other Act or in a regulation or bylaw to conviction for an offence shall, in relation to a minor traffic offence, be deemed to be a reference to the making of an order under subsection (1) of this section in respect of that offence.

“(3) Where a person is ordered to pay a towage fee under subsection (1) of this section, the amount of the fee recovered from that person shall be paid to the enforcement authority that incurred the towage expenses.

“(4) In this section, the terms ‘enforcement authority’, ‘parking offence’, and ‘towage fee’ have the meanings assigned to them in section 2 (1) of the Transport Act 1962.”

(2) Section 85 (1) of the Summary Proceedings Act 1957 (as substituted by section 12 of the Summary Proceedings Amendment Act 1973) is hereby amended by omitting the words “If the Court”, and substituting the words “Subject to section 101 (2) of this Act, if the Court”.

(3) Section 101 of the Summary Proceedings Act 1957 (as substituted by section 12 of the Summary Proceedings Amendment Act 1973) is hereby amended by inserting, before the words “Subject to”, the expression “(1)”.

(4) Section 101 of the Summary Proceedings Act 1957 (as so substituted) is hereby further amended by adding, as subsection (2), the following subsection:

“(2) A District Court Judge shall not direct the issue of a warrant of commitment under section 100 of this Act or sentence the defendant to any form of detention under this Part of this Act for non-payment of a fine, towage fee, or costs ordered to be paid in proceedings for a minor traffic offence.”

(5) The Schedule to the Wanganui Computer Centre Act 1976 is hereby amended by omitting from the column headed “Description” the words “convictions for” where they occur in relation to the subject “Demerit points”.

---

## SCHEDULE

Section 8 (10)

## NEW SECOND SCHEDULE TO PRINCIPAL ACT

## "SECOND SCHEDULE

Section 42A

## INFRINGEMENT OFFENCES AND FEES

## PART I

## PARKING OFFENCES

Offence	Infringement fee (In addition to any towage fee—see below)
Any parking offence involving parking on a road in breach of a local authority bylaw in excess of a period fixed by a meter or otherwise, where the excess time is—	
Not more than 30 minutes .....	\$4 or such lesser amount as is fixed by the local authority
More than 30 minutes but not more than 1 hour	\$7 or such lesser amount fixed as aforesaid
More than 1 hour but not more than 2 hours	\$10 or such lesser amount fixed as aforesaid
More than 2 hours but not more than 4 hours	\$15 or such lesser amount fixed as aforesaid
More than 4 hours .....	\$17 or such lesser amount fixed as aforesaid
Any other parking offence .....	\$20

*Towage fee:* Where expenses are incurred by an enforcement authority in respect of the movement or proposed movement of the vehicle involved in the offence under section 68B (1) (c) of this Act (whether or not the vehicle is in fact moved), the infringement fee shall be the total of the amount specified above in respect of the offence and the amount of the appropriate towage fee.

SCHEDULE—*continued*  
NEW SECOND SCHEDULE TO PRINCIPAL ACT—*continued*

PART II

SPEEDING OFFENCES

Offence	Infringement fee \$
Any speeding offence, where the speed exceeds the speed limit by—	
Not more than 10 kilometres an hour .....	10
More than 10 kilometres an hour but not more than 15 kilometres an hour	20
More than 15 kilometres an hour but not more than 20 kilometres an hour	30
More than 20 kilometres an hour but not more than 25 kilometres an hour	50
More than 25 kilometres an hour but not more than 30 kilometres an hour	60
More than 30 kilometres an hour but not more than 35 kilometres an hour	80
More than 35 kilometres an hour but not more than 40 kilometres an hour	100

PART III

OFFENCES AGAINST TRAFFIC REGULATIONS 1976

Offence against Regulation	Brief description of offence	Infringement fee \$
4 (3) .....	Failure to drive within a lane .....	25
6 .....	Failure to comply with lane-usage arrows	25
9 (1) (a) .....	Failure to stop at a stop sign .....	25
15 (1) (b), (c) .....	Failure to signal turn or move to right or left	25
18 (1) .....	Failure to comply with signals given by traffic lights	25
19 (2) .....	Towing without required lights .....	25
28 (1) .....	Excessive emission of smoke or vapour	25
29 (1) .....	Excessively noisy vehicle .....	25
29 (6) .....	Unreasonable use of warning device .....	25
30 (1) .....	Failure to wear securely fastened seat belt	25
31 (1) .....	Failure to wear securely fastened safety helmet	25
37 (2) .....	Driving without required lights .....	25
37 (5) .....	Failure to display red light on parked goods-service vehicle	25
40 .....	Riding abreast	15
42 (3) (a), (c) .....	Failure to display red light and reflector on cycle or power cycle	15
44 .....	Careless riding of cycle or power cycle	15
	Any offence involving a cycle or power cycle not specified above	15
51 to 56 .....	Any offence committed by a pedestrian	10

SCHEDULE—*continued*  
NEW SECOND SCHEDULE TO PRINCIPAL ACT—*continued*

Offence against Regulation	Brief description of offence	Infringement fee \$
58 (1) (c) .....	Motor cycle not equipped with required headlamp	25
60 (1) .....	No rearward-facing side lamps	15
69 (1) .....	Vehicle not equipped with required warning device	15
71 (1) .....	Using worn or damaged tyre	25
71 (2) .....	Using smooth tyre	25
73 (3) .....	Driving with obscured windscreen	25
74 (1) .....	Operating vehicle without rear-vision mirror	25
78 (1) .....	Operating vehicle without required seat belts	25
78 (4) .....	Motor cycle not provided with adequate footrests	25
81 .....	Operating vehicle without required exhaust system and silencer	25
85 (1) .....	Operating vehicle without current warrant or certificate of fitness	25
85 (5) .....	Operating vehicle not up to warrant or certificate of fitness standard	25

PART IV  
OTHER OFFENCES

Enactment offended against	Brief description of offence	Infringement fee \$
Section 7 (1), Transport Act 1962	Using, or permitting to be used, on a road an unlicensed motor vehicle or a motor vehicle that does not have registration plates or a licence affixed in the prescribed manner	25
Section 25 (1) (a), Transport Act 1962	Driving without holding a licence of the required class	25
Regulation 3B (2), Motorways Regulations 1950	Making U-turn on a motorway .....	25
Regulation 9, Motor Vehicles Registration and Licensing Regulations 1965	Failure to display licence .....	25

This Act is administered in the Ministry of Transport.