



THE LITTER (INFRINGEMENT NOTICES) ORDER 1987

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 5th day of October 1987

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Litter Act 1979, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. Title and commencement—(1) This order may be cited as the Litter (Infringement Notices) Order 1987.

(2) This order shall come into force on the 1st day of November 1987.

2. Form of infringement notices—Every infringement notice under section 14 of the Litter Act 1979 shall be in the form set out in the Schedule to this order.

Reg. 2

SCHEDULE
FORM OF INFRINGEMENT NOTICE

LITTER INFRINGEMENT NOTICE

NOTICE NUMBER:.....

(Issued under section 14 of the Litter Act 1979)

The following are the details of the litter infringement alleged to have been committed by *[Name of person]* of *[Place of residence]*

Nature of infringement:
.....
.....

Location:.....

Date: Approximate time:

THE FEE FOR THIS INFRINGEMENT IS \$

The fee is payable within 28 days after *[Date on which notice delivered personally or sent by post]*

The fee may be paid to:..... *[Name of territorial authority]*
at *[Address at which fee may be paid]*

Name of officer who issued notice:

Officer No.: *[If applicable]*

PAYMENTS BY CHEQUE OR MONEY ORDER SHOULD BE CROSSED
NOT NEGOTIABLE

PLEASE READ SUMMARY OF RIGHTS PRINTED OVERLEAF

SCHEDULE—*continued*

SUMMARY OF RIGHTS

1. If you pay the infringement fee within 28 days after the issue of this notice, no further enforcement action will be taken.
2. If you wish to raise any matter relating to the circumstances of the alleged offence, you should do so by writing to the territorial authority at the address shown on the front page of this notice within 28 days after the issue of this notice.
3. If you wish to deny liability in respect of the alleged offence, you should, within 28 days after the issue of this notice, write to the territorial authority at the address shown on the front page of this notice requesting a hearing in respect of the offence. The territorial authority will then, if it decides to commence court proceedings in respect of the offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court.

NOTE that if the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

4. If you admit liability in respect of the alleged offence but wish to have the Court consider submissions as to penalty or otherwise, you should, within 28 days after the issue of this notice, write to the territorial authority at the address shown on the front page of this notice requesting a hearing in respect of the offence AND in that same letter admit liability in respect of the offence AND set out the submissions that you would wish to be considered by the Court. The territorial authority will then, if it decides to commence court proceedings in respect of the offence, file your letter with the Court. There is no provision for an oral hearing before the Court if you follow this course of action.

NOTE that costs will be imposed in addition to any penalty.

5. If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after the issue of this notice, you will, unless the territorial authority decides otherwise, be served with a reminder notice.
6. If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after being served with the reminder notice, you will, unless the territorial authority decides not to commence court proceedings against you, become liable to pay COSTS IN ADDITION TO A FINE.
7. You will have a complete defence against proceedings relating to the alleged offence if the infringement fee is paid to the territorial authority at the address shown on the front page of this notice before or within 28 days after a reminder notice in respect of the alleged offence is served on you. Late payment or payment made to any other address will not constitute a defence to proceedings in respect of the alleged offence.
8. When writing please include the date of the infringement, the infringement notice number, and your address for replies.

NOTE: ALL PAYMENTS, QUERIES AND/OR CORRESPONDENCE REGARDING THIS INFRINGEMENT MUST BE DIRECTED TO THE TERRITORIAL AUTHORITY NAMED IN THIS NOTICE AT THE ADDRESS SHOWN.

C. J. HILL,
Acting for Clerk of the Executive Council.

EXPLANATORY NOTE

This note is not part of the order, but is intended to indicate its general effect.

This order prescribes a new form for notices for infringement offences under the Litter Act 1979. The new form is required as a result of changes made to the procedures for infringement offences by the Summary Proceedings Amendment Act 1987.

The order comes into force on 1 November 1987.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 8 October 1987.

This order is administered in the Department of Justice.