



Litter (Infringement Notices) Order 2006

Anand Satyanand, Governor-General

Order in Council

At Wellington this 28th day of August 2006

Present:

His Excellency the Governor-General in Council

Pursuant to section 14(4) of the Litter Act 1979, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

- 1 Title**
This order is the Litter (Infringement Notices) Order 2006.
- 2 Commencement**
This order comes into force on 10 October 2006.

3 Form of infringement notices

Every infringement notice under section 14 of the Litter Act 1979 must be in the form set out in the Schedule.

4 Revocation

The Litter (Infringement Notices) Order 1987 (SR 1987/310) is revoked.

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Schedule
Form of infringement notice

Litter Infringement Notice
(*Litter Act 1979, section 14*)

Infringement Notice No:

This notice is issued under section 14 of the Litter Act 1979—

- to a person (**you**), details of whom are set out below; and
- in respect of an alleged infringement offence, details of which are set out below (**the offence**).

Details of person to whom notice issued

Full name: _____ Date of birth: _____
Full address: _____ Gender: _____
Occupation: _____

Telephone No(s): _____

Vehicle Registration No: _____

Details of alleged infringement offence

The informant alleges that you committed an infringement offence:

On: [*date*] _____ At: [*time*] _____

At: [*place*] _____

In that you: [*specify details of offence*].

The offence is one against *section 15(1)(a)* or section 15(1)(b)** of the Litter Act 1979.

* Delete whichever is inapplicable.

The amount of the infringement fee for the offence is \$ [*specify amount*].

The fee is payable on or before [*specify day 28 days after date on which notice delivered personally or sent by post*].

The fee may be paid to [*specify enforcement authority*] at: [*specify enforcement authority's address*].

Cheques must be made out to [*specify*] and crossed not negotiable.

Name of officer who issued notice: [*specify*]

Officer No: [*if applicable*]

Queries or other correspondence related to the offence must be directed to [*specify enforcement authority*] at the address specified above.

Please include in all written correspondence the date of the alleged infringement offence, the infringement notice number, and your name and address for replies.

Please read summary below—if you do not understand it, you should consult a lawyer immediately.

Summary of rights

Payment of infringement fee by due date or by installments

- 1 If you pay the infringement fee to the enforcement authority on whose behalf this notice was issued (the **enforcement authority**) on or before the date on which that fee is payable (the **due date**), no further enforcement action will be taken against you.
- 2 If it has the necessary systems, the enforcement authority may, but is not required to, enter into a time-to-pay arrangement allowing you to pay the infringement fee to it by installments.

Note: If you pay the infringement fee, or enter into a time-to-pay arrangement with the enforcement authority allowing you to pay the infringement fee to it by instalments, there is no provision—

- for you to give written notice requesting a hearing and, in that notice, to deny liability, in respect of the alleged offence; or
- for the Court to hear or consider oral or written submissions by you or on your behalf.

Other options on or before due date

Seeking further information or raising any matter

- 3 If you wish to seek further information, or raise any matter, relating to the circumstances of the alleged offence, you should do so by writing to the enforcement authority, at the address specified above, on or before the due date.

Denying liability and requesting hearing

- 4 If you wish to deny liability in respect of the alleged offence, you should write to the enforcement authority, at the address specified above, on or before the due date, requesting a hearing in respect of the offence. The enforcement 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, date, and time at which the matter will be heard by the Court.

Note: If the Court finds you guilty of the offence, costs will be imposed in addition to any penalty.

Admitting liability but making written submissions on penalty, etc

- 5 If you admit liability in respect of the alleged offence and wish to have the Court consider submissions as to penalty or otherwise, you should write to the enforcement authority, at the address specified above, on or before the due date, requesting a hearing in respect of the offence, and in the same letter—
- admit liability in respect of the offence; and
 - set out the submissions that you would wish to be considered by the Court.

That authority will then, if it decides to commence court proceedings in respect of the offence, file your letter in the Court.

Note: If you follow this course of action, there is no provision for the Court to hear oral submissions by you or on your behalf.

Note: Court costs will be imposed in addition to any penalty.

If fee not paid and hearing not requested on or before due date

Reminder notice may be served if you fail to respond to this notice

- 6 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence on or before the due date, you may be served with a reminder notice in respect of the alleged offence.

Proceedings may follow if you fail to respond to reminder notice

- 7 If you do not pay the infringement fee and do not request a hearing before the expiration of 28 days after the date of service of the reminder notice, you will, unless the enforcement authority decides not to commence court proceedings against you, become liable to pay court costs in addition to the infringement fee.

Defence to proceedings: timely payment of infringement fee

- 8 You will have a complete defence against proceedings relating to the alleged offence if the infringement fee is paid to the enforcement authority, at the address specified above, 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.

Diane Morcom,
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. Along with other updating, the new form recognises changes (made by the Summary Proceedings Amendment Act 2006) to the summary procedure for infringement offences in section 21 of the Summary Proceedings Act 1957.

This order comes into force on 10 October 2006.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 31 August 2006.

This order is administered by the Ministry of Justice.
