



Liquor Offences (Infringement Notice) Regulations 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 229 of the Sale of Liquor Act 1989, and section 38E of the Summary Offences Act 1981, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title**
These regulations are the Liquor Offences (Infringement Notice) Regulations 2006.

2 Commencement

These regulations come into force on 10 October 2006.

3 Infringement notices

Every infringement notice issued under section 162C of the Sale of Liquor Act 1989 or section 38C of the Summary Offences Act 1981 must be in the form set out in the Schedule.

4 Revocation

The Summary Offences (Infringement Notice) Regulations 1999 (SR 1999/336) are revoked.

Schedule
Form of infringement notice

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Form 1
Infringement Notice

Date of notice:

Issued under—

**section 162C of the Sale of Liquor Act 1989*

**section 38C of the Summary Offences Act 1981*

**Delete if inapplicable.*

Infringement notice No:

Address for correspondence and queries: [*insert address*].

To—

Forenames

Surname

Full name:

Full address:

.....

Occupation: Date of birth:

Issuing officer name:

Issuing officer number: Date of notice:

Offence date: Time: Day of week: SMTWTFS

Details of premises/location (specific):

Street/road: Town/city:

Offence number:

Form 1—*continued*

- *1 Being a person under the age of 18 years, you purchased liquor on or from licensed premises in breach of section 162 of the Sale of Liquor Act 1989.
- *2 Being a person under the age of 18 years, you were found in a restricted area on licensed premises in breach of section 163 of the Sale of Liquor Act 1989.
- *3 Being a person under the age of 18 years, you were found in a supervised area on licensed premises not accompanied by your parent or guardian in breach of section 163 of the Sale of Liquor Act 1989.
- *4 Being a person under the age of 18 years and not accompanied by a parent or legal guardian, you were in a public place drinking intoxicating liquor in breach of section 38(3) of the Summary Offences Act 1981.
- *5 Being a person under the age of 18 years and not accompanied by a parent or legal guardian, you were in a public place and had in your possession or under your control intoxicating liquor for consumption in that place in breach of section 38(3) of the Summary Offences Act 1981.

*Delete if inapplicable. The infringement notice may specify 1 or more infringement offences.

The infringement fee payable is [*insert amount*].

Infringement fees are payable within 28 days after [*earliest date notice delivered personally or posted*].

Infringement fees are payable at [*address where fees payable*]. This notice, or a copy of it, should be presented or forwarded when making payment. Cheques should be made out to the New Zealand Police, and should be crossed or marked “NOT TRANSFERABLE” or “ACCOUNT PAYEE ONLY”. If this notice sets out more than 1 infringement offence, the total amount of the infringement fees payable is \$ [*insert amount*].

Important

Please read the information printed on the reverse of this form.

Summary of rights

Note: If, after reading these notes, you do not understand anything in the notes, you should consult a lawyer immediately.

Form 1—*continued*

- 1 This notice sets out 1 or more alleged infringement offences. If this notice sets out more than 1 alleged infringement offence, each offence that is identified by a number is a separate infringement offence. You may decide what to do in respect of each alleged offence individually, and may act in the same way in respect of all alleged offences or in different ways in respect of different alleged offences, as set out below.

Payments

- 2 If you pay the infringement fee for an alleged infringement offence within 28 days after the service on you of this notice, no further action will be taken for the offence. Payment should be made at the address for payment specified in this notice. If this notice sets out more than 1 alleged infringement offence and it is not clear which alleged offence a payment relates to, your payment may be treated as relating to the alleged offences in the order in which they are set out in this notice.

Payment by instalments

- 3 The New Zealand Police may, but are not required to, enter into an arrangement allowing you to pay an infringement fee by instalments. See section 21(3A) to (3D) of the Summary Proceedings Act 1957.
- 4 If you wish to pay an infringement fee by instalments, you should ask the New Zealand Police by letter whether the New Zealand Police will agree to payment by instalments.
- 5 If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you arrange with the New Zealand Police to pay an infringement fee by instalments, you will not be entitled to request a hearing in respect of the offence and paragraphs 7(b), 7(c), 8, 9, and 10 below will not apply.

Form 1—*continued***Defence**

- 6 You have a complete defence against proceedings for an alleged infringement offence if the infringement fee has been paid to the New Zealand Police, at the address for payment specified in this notice, within 28 days after service on you of a reminder notice in respect of the offence.

Note: Late payment or payment at any other place will not be a defence.

Further action

- 7 If you wish—
- (a) to raise any matter relating to an alleged offence for consideration by the New Zealand Police; or
 - (b) to deny liability for an alleged offence and request a District Court hearing (refer to paragraphs 8, 9, and 13 below); or
 - (c) to admit liability for an alleged offence, but wish to have a District Court consider written submissions as to penalty or otherwise (refer to paragraphs 10 and 13 below)—

you should write to the New Zealand Police at the address for correspondence specified in this notice. Any such letter should be personally signed.

- 8 You have a right to a District Court hearing. If you deny liability for an alleged offence and request a hearing in respect of it, the New Zealand Police will (unless the New Zealand Police decide not to commence court proceedings) serve you with a notice of hearing setting out the place and time at which the matter will be heard by a District Court.

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

- 9 A request for a hearing must—
- (a) be in writing and signed by you; and
 - (b) be delivered to the New Zealand Police at the address for correspondence specified in this notice; and
 - (c) be so delivered within 28 days after service on you of a reminder notice.

Form 1—*continued*

- 10 If you admit liability in respect of an alleged offence but want the District Court to consider your submissions as to penalty or otherwise, you should, in your letter,—
- (a) request a hearing; and
 - (b) admit liability for the offence; and
 - (c) set out the written submissions you wish to be considered by the District Court.

The New Zealand Police will then file your letter with the District Court (unless the New Zealand Police decide not to commence court proceedings). There will be no oral hearing before the District Court if you follow this course of action.

Note: Costs will be imposed in addition to any penalty.

Reminder notice

- 11 If, on the expiration of 28 days after the date of service of this notice, the infringement fee has not been paid to the New Zealand Police at the address for payment specified in this notice and the New Zealand Police have not received at the address for correspondence specified in this notice a notice requesting a hearing in respect of the offence, you will be served with a reminder notice (unless the New Zealand Police decide otherwise).
- 12 If, on the expiration of 28 days after the date of service of the reminder notice, the infringement fee has not been paid to the New Zealand Police at the address for payment specified in this notice and the New Zealand Police have not received at the address for correspondence specified in this notice a notice requesting a hearing,—
- (a) the New Zealand Police may file a copy of the reminder notice, or provide particulars of the reminder notice for filing, in a District Court; and
 - (b) you will become liable under section 21(5) of the Summary Proceedings Act 1957 to pay costs in addition to the infringement fee.

Queries and other correspondence

- 13 When writing or making payment, please include—
- (a) the date of the infringement; and
 - (b) the infringement notice number; and

Form 1—*continued*

- (c) the details of the alleged offence and the course of action you are taking in respect of it; and
- (d) your address for replies.

Notes:

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN—

- (A) SECTIONS 162B AND 162C OF THE SALE OF LIQUOR ACT 1989 AND SECTION 21 OF THE SUMMARY PROCEEDINGS ACT 1957 IF YOUR OFFENCE IS OFFENCE NUMBER 1, 2, OR 3 SPECIFIED ABOVE; OR
- (B) SECTIONS 38B AND 38C OF THE SUMMARY OFFENCES ACT 1981 AND SECTION 21 OF THE SUMMARY PROCEEDINGS ACT 1957 IF YOUR OFFENCE IS NUMBER 4 OR 5 SPECIFIED ABOVE.

ALL QUERIES AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT NOTICE MUST BE DIRECTED TO THE NEW ZEALAND POLICE AT THE ADDRESS FOR CORRESPONDENCE SPECIFIED IN THIS NOTICE.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 10 October 2006, replace the 2 infringement notices prescribed in the Sale of Liquor Regulations 1990 and the Summary Offences (Infringement Notice) Regulations 1999, with a standard infringement notice to be used for infringement offences under the Sale of Liquor Act 1989 and the Summary Offences Act 1981.

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

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

These regulations are administered by the Ministry of Justice.
