



**THE TRANSPORT (INFRINGEMENT NOTICES) REGULATIONS
1990**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 10th day of September 1990

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 42A of the Transport Act 1962, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Transport (Infringement Notices) Regulations 1990.

(2) These regulations shall come into force on the 1st day of December 1990.

2. Infringement notice for infringement offence other than a parking or overloading offence—Every infringement notice under section 42A of the principal Act other than a notice in respect of a parking or an overloading offence shall be in the form set out in the First Schedule to these regulations.

3. Infringement notice for parking offence—Every infringement notice under section 42A of the principal Act in respect of a parking offence shall be in the form set out in the Second Schedule to these regulations.

4. Infringement notice for overloading offence—Every infringement notice under section 42A of the principal Act in respect of an overloading offence shall be in the form set out in the Third Schedule to these regulations.

5. Revocation—The following regulations are hereby consequentially revoked:

- (a) The Transport (Infringement Offences Notices) Regulations 1987 (S.R. 1987/274);
 - (b) The Transport (Infringement Offences Notices) Regulations 1987, Amendment No. 1 (S.R. 1987/314).
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SCHEDULES

FIRST SCHEDULE
INFRINGEMENT NOTICE

Reg. 2

INFRINGEMENT NOTICE

(ISSUED UNDER AUTHORITY OF THE TRANSPORT ACT 1962)

NOTICE NUMBER

ENFORCEMENT AUTHORITY

[Specify]

Your receipt may be machine printed here

TO USER OF VEHICLE Name: Address:	Forenames		Surname
Occupation:			
Date of Birth:		Driver's Licence Number:	

ALLEGED INFRINGEMENT OFFENCE(S) DETAILS

Date:	Time:	Day of Week: S M T W T F S
Vehicle Type:	Vehicle Make:	Reg. No.
Road/Street:		Locality:

Offence Number	Offence	Infringement Fee Payable
1.		\$
2.		\$
3.		\$

Details of speeding offence (if applicable):

Speed Limit:	km/h	Speed alleged:	km/h	Limit exceeded by:	km/h	Demerit points to be recorded for speeding offence if fee paid:
						35

FIRST SCHEDULE—*continued*
INFRINGEMENT NOTICE—*continued*

PAYMENT OF INFRINGEMENT FEE(S)

The infringement fee(s) is/are payable within 28 days after:	(Earliest date notice attached to vehicle, delivered personally, or posted)	
OFFICER NUMBER:	INFRINGEMENT FEES MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE CROSSED AND MARKED "NOT NEGOTIABLE".	

THE INFRINGEMENT FEE(S) MAY BE PAID TO:

DO NOT DETACH
Please present both
copies of this notice
when making payment**IMPORTANT**—PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

SUMMARY OF RIGHTS

1. This notice sets out 1 or more alleged infringement offences. 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.

2. If you pay the infringement fee for an alleged offence within 28 days of the issue of this notice, no further enforcement action will be taken for that offence.

BUT NOTE that if the offence is a speeding offence, the number of demerit points shown on the front page of this notice will be recorded against you.

3. If you wish to—

- (a) Raise any matter relating to the circumstances of an alleged offence for consideration by the enforcement authority; or
- (b) Deny liability for the offence and request a Court hearing; or
- (c) Admit liability for the offence, but also wish to have a Court consider written submissions as to penalty or otherwise,—

you should write to the enforcement authority at the address shown on the front page of this notice. Any such letter should be personally signed.

4. If you deny liability and request a hearing, the enforcement authority will, unless it decides not 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.

FIRST SCHEDULE—*continued*INFRINGEMENT NOTICE—*continued*SUMMARY OF RIGHTS—*continued*

5. If you admit liability but want the Court to consider your submissions as to penalty or otherwise, you should in your letter request a hearing AND admit liability AND set out the written submissions you would wish to be considered by the Court. The enforcement authority will then, unless it decides not 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.

6. If you do not pay the infringement fee and do not request a hearing in respect of an alleged offence within 28 days after the issue of this notice you will (unless the enforcement authority decides otherwise) be served with a reminder notice.

7. 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 become liable to pay COSTS IN ADDITION TO THE INFRINGEMENT FEE, unless the enforcement authority decides not to commence proceedings against you.

8. You have a complete defence against proceedings for an alleged offence if the infringement fee for that offence has been paid to the enforcement authority at the address shown on the front page of this notice (or any alternative location at which this notice indicates payments will be received) before or within 28 days after service on you of a reminder notice. Late payment or payment made to any other address will not constitute a defence.

9. When writing or making payment of an infringement fee, please indicate—

- (a) The date of the infringement offence; AND
- (b) The infringement notice number; AND
- (c) The identifying number of each alleged offence and the course of action you are taking in respect of it, if this notice sets out more than 1 offence and you are not paying all the infringement fees for all the alleged offences; AND
- (d) Your address for replies, if you are not paying all the infringement fees for all the alleged offences.

If it is not clear which alleged offence any payment relates to, your payment may be treated as relating to the alleged offences in the order in which they are set out on the front page of this notice.

NOTE: ALL QUERIES AND/OR CORRESPONDENCE REGARDING THE INFRINGEMENT OFFENCE(S) MUST BE DIRECTED TO THE ENFORCEMENT AUTHORITY NAMED IN THIS NOTICE AT THE ADDRESS SHOWN.

PAYMENTS OF INFRINGEMENT FEES MAY ALSO BE MADE AT ALTERNATIVE LOCATIONS INDICATED IN THIS NOTICE (IF ANY).

Reg. 3

SECOND SCHEDULE PARKING INFRINGEMENT NOTICE

PARKING INFRINGEMENT NOTICE (ISSUED UNDER AUTHORITY OF THE TRANSPORT ACT 1962) ENFORCEMENT AUTHORITY

[Specify]

NOTICE NUMBER

Your receipt may be machine printed here

To: The user or registered owner or person entitled to possession of the following vehicle:

Vehicle Type: Registration Number: Vehicle Make: Details of Addressee (where known) Forenames Surname Address

ALLEGED PARKING INFRINGEMENT OFFENCE

Date: Time: Side of Road/Street Road/Street: Locality:

At expired meter number: In excess of a time limit Limit: Distance from sign: In excess of maximum meter time Max. time:

a.m. p.m. a.m. p.m. being an excess period of from to

Not more than 30 mins More than 30 mins but not more than 1 hour More than 1 hour but not more than 2 hours More than 1 hour but not more than 4 hours More than 4 hours

On a broken yellow line On a loading zone In a no stopping area On a bus stop Double parked On a clearway

Near a fire hydrant In a mall Contrary to a bylaw Fee payable in respect of offence: \$

OTHER: Towage fee incurred (including GST): \$

Total infringement fee payable: \$

SECOND SCHEDULE—continued
PARKING INFRINGEMENT NOTICE—continued

The infringement fee is payable within 28 days after:	(Earliest date notice attached to vehicle, delivered personally, or posted)
THIS INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. PAYMENTS BY CHEQUE OR MONEY ORDER SHOULD BE CROSSED NOT NEGOTIABLE.	Officer No.:
THE INFRINGEMENT FEE MAY BE PAID TO: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> </div>	DO NOT DETACH Please present both copies of this notice when making payment.

IMPORTANT PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

SUMMARY OF RIGHTS

1. If you pay the infringement fee within 28 days of the issue of this notice no further enforcement action will be taken.

2. If you wish to—

- (a) Raise any matter relating to the circumstances of an alleged offence for consideration by the enforcement authority; or
- (b) Deny liability for the offence and request a Court hearing; or
- (c) Admit liability for the offence, but also wish to have a Court consider written submissions as to penalty or otherwise,—

you should write to the enforcement authority at the address shown on the front page of this notice. Any such letter should be personally signed.

3. If you deny liability and request a hearing, the enforcement authority will, unless it decides not 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 but want the Court to consider your submissions as to penalty or otherwise, you should in your letter request a hearing AND admit liability AND set out the written submissions you would wish to be considered by the Court. The enforcement authority will then, unless it decides not 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

SECOND SCHEDULE—*continued*

PARKING INFRINGEMENT NOTICE—*continued*

SUMMARY OF RIGHTS—*continued*

you will (unless the enforcement 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 become liable to pay COSTS IN ADDITION TO THE INFRINGEMENT FEE, unless the enforcement authority decides not to commence proceedings against you.

7. You have a complete defence against proceedings for an alleged offence if the infringement fee for that offence has been paid to the enforcement authority at the address shown on the front page of this notice (or any alternative location at which this notice indicates payments will be received) before or within 28 days after service on you of a reminder notice. Late payment or payment made to any other address will not constitute a defence.

8. You also have a complete defence if—

- (a) A reminder notice in respect of the offence has been filed in Court under section 21 (3) of the Summary Proceedings Act 1957 in respect of another person; or
- (b) A Court has imposed a fine in respect of the offence under section 21 (9) of the Summary Proceedings Act 1957 in respect of another person.

Owner Liability for Parking Offences

9. Section 42 (2) of the Transport Act 1962 provides that proceedings for a parking offence may be taken against 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, in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986:

(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 the person was the driver, person in charge, or user of the vehicle at the time of the alleged offence and whether or not the person is a company or other body.

10. Where proceedings in respect of a parking offence are taken against you not as the person who allegedly committed the parking offence but as a person who, at the time of the alleged offence, was—

(a) The registered owner or one of the registered owners of the vehicle; or

(b) A person lawfully entitled to possession of the vehicle (whether jointly with any other person or not)—

the acts or omissions of the driver, person in charge, or user of the vehicle at the time of the alleged offence are conclusively presumed to be your acts

SECOND SCHEDULE—*continued*PARKING INFRINGEMENT NOTICE—*continued*SUMMARY OF RIGHTS—*continued*

or omissions unless you establish the defence described in paragraph 11 below.

11. Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 10 above) you may overcome the presumption referred to in that paragraph and have a complete defence to any court proceedings against you for the parking offence if you prove—

- (a) That, at the time of the alleged offence,—
 - (i) You were not lawfully entitled to possession of the vehicle (either jointly or with any other person); or
 - (ii) Another person was unlawfully in charge of the vehicle; and
- (b) You advised the enforcement authority of this forthwith after becoming aware of the alleged offence; and
- (c) You did everything reasonably possible on your part to comply with all requests of the enforcement authority to supply information to that authority regarding the person who was lawfully entitled to possession, or who was in charge, of the vehicle, at the time of the alleged offence.

Queries/Correspondence

12. When writing please include the date of the infringement, the infringement notice number, the vehicle registration number, and your address for replies.

NOTE: ALL QUERIES AND/OR CORRESPONDENCE REGARDING THIS INFRINGEMENT MUST BE DIRECTED TO THE ENFORCEMENT AUTHORITY AT THE ADDRESS SHOWN.

PAYMENTS OF INFRINGEMENT FEES MAY ALSO BE MADE AT ALTERNATIVE LOCATIONS INDICATED IN THIS NOTICE (IF ANY).

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Reg. 4

**THIRD SCHEDULE
OVERLOADING INFRINGEMENT NOTICE**

OVERLOADING INFRINGEMENT NOTICE

(ISSUED UNDER AUTHORITY OF THE TRANSPORT ACT 1962)

NOTICE NUMBER**ENFORCEMENT AUTHORITY****TO HEAVY MOTOR VEHICLE USER**

Your receipt may be machine printed here

	Forenames	Surname
Name:		
Address:		Date of Birth (where applicable):

ALLEGED OVERLOADING INFRINGEMENT OFFENCE(S) DETAILS

Date:	Time:	Day of Week: S M T W T F S
Road/Street:		Locality:
Vehicle Type 1:	Vehicle Make:	Reg. No. 1:
Vehicle Type 2:	Reg. No. 2:	Vehicle Type 3:
		Reg. No. 3:
Vehicle Type 4:	Reg. No. 4:	Vehicle Type 5:
		Reg. No. 5:

THIRD SCHEDULE—continued
OVERLOADING INFRINGEMENT NOTICE—continued

Offence Number	Offence			Infringement Fee Payable
1.	EXCEEDING PERMITTED			\$
	Weight Limit:	Weight Measured:	Limit exceeded by:	
	kg	kg	kg	
2.	EXCEEDING PERMITTED			\$
	Weight Limit:	Weight Measured:	Limit exceeded by:	
	kg	kg	kg	
3.	EXCEEDING PERMITTED			\$
	Weight Limit:	Weight Measured:	Limit exceeded by:	
	kg	kg	kg	

PAYMENT OF OVERLOADING INFRINGEMENT FEE(S)

The infringement fee(s) is/are payable within 28 days after:	(Earliest date notice delivered personally or posted)
OFFICER NUMBER:	INFRINGEMENT FEES MAY BE PAID AT THE ADDRESS SHOWN BELOW. CHEQUES OR MONEY ORDERS SHOULD BE CROSSED AND MARKED "NOT NEGOTIABLE".

THE INFRINGEMENT FEE(S) MAY BE PAID TO:

DO NOT DETACH
Please present both copies of this notice when making payment

IMPORTANT—PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

THIRD SCHEDULE—*continued*OVERLOADING INFRINGEMENT NOTICE—*continued*

SUMMARY OF RIGHTS

1. This notice sets out 1 or more alleged overloading infringement offences. Each offence that is identified by a number is a separate overloading 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.

2. If you pay the infringement fee for an alleged offence within 28 days of the issue of this notice, no further enforcement action will be taken for that offence.

3. If you wish to—

- (a) Raise any matter relating to the circumstances of an alleged offence for consideration by the enforcement authority; or
- (b) Deny liability for the offence and request a Court hearing; or
- (c) Admit liability for the offence, but also wish to have a Court consider written submissions as to the offence,—

you should write to the enforcement authority at the address shown on the front page of this notice. Any such letter should be personally signed.

4. If you deny liability and request a hearing, the enforcement authority will, unless it decides not 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.

5. If you admit liability but want the Court to consider your written submissions as to the offence, you should in your letter request a hearing AND admit liability AND set out the written submissions you would wish to be considered by the Court. The enforcement authority will then, unless it decides not 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.

6. If you do not pay the infringement fee and do not request a hearing in respect of an alleged offence within 28 days after the issue of this notice you will (unless the enforcement authority decides otherwise) be served with a reminder notice.

7. 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 become liable to pay **COSTS IN ADDITION TO THE INFRINGEMENT FEE**, unless the enforcement authority decides not to commence proceedings against you.

8. You have a complete defence against proceedings for an alleged offence if the infringement fee for that offence has been paid to the enforcement authority at the address shown on the front page of this notice (or any alternative location at which this notice indicates payments will be received) before or within 28 days after service on you of a reminder notice. Late payment or payment made to any other address will not constitute a defence.

THIRD SCHEDULE—*continued*OVERLOADING INFRINGEMENT NOTICE—*continued*SUMMARY OF RIGHTS—*continued*

9. When writing or making payment of an infringement fee, please indicate—

- (a) The date of the overloading infringement offence; AND
- (b) The overloading infringement notice number; AND
- (c) The identifying number of each alleged offence and the course of action you are taking in respect of it, if this notice sets out more than 1 offence and you are not paying all the infringement fees for all the alleged offences; AND
- (d) Your address for replies, if you are not paying all the infringement fees for all the alleged offences.

If it is not clear which alleged offence any payment relates to, your payment may be treated as relating to the alleged offences in the order in which they are set out on the front page of this notice.

NOTE: ALL QUERIES AND/OR CORRESPONDENCE REGARDING THE INFRINGEMENT OFFENCE(S) MUST BE DIRECTED TO THE ENFORCEMENT AUTHORITY NAMED IN THIS NOTICE AT THE ADDRESS SHOWN.

PAYMENTS OF INFRINGEMENT FEES MAY ALSO BE MADE AT ALTERNATIVE LOCATIONS INDICATED IN THIS NOTICE (IF ANY).

MARIE SHROFF,
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 revoke and replace the Transport (Infringement Offences Notices) Regulations 1987 with effect from 1 December 1990.

The new infringement notices and overloading infringement notices allow for up to 3 offences to be included on the same notice. These notices and the parking infringement notice (which is basically unchanged) contain amplified statements of rights.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 13 September 1990.
These regulations are administered in the Ministry of Transport.