



**THE TRANSPORT (INFRINGEMENT NOTICES) REGULATIONS  
1990, AMENDMENT NO. 3**

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CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 13th day of September 1993

Present:

THE RIGHT HON. D. C. MCKINNON PRESIDING IN COUNCIL

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

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REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Transport (Infringement Notices) Regulations 1990, Amendment No. 3, and shall be read together with and deemed part of the Transport (Infringement Notices) Regulations 1990\* (hereinafter referred to as the principal regulations).

(2) Except as provided in subclause (3) of this regulation, these regulations shall come into force on the 15th day of October 1993.

(3) Regulation 4 of these regulations shall come into force on the 1st day of November 1993.

**2. Infringement notice for infringement offence other than stationary vehicle offence, moving vehicle offence, or overloading offence**—The principal regulations are hereby amended by revoking regulation 2 (as substituted by regulation 2 of the Transport (Infringement Notices) Regulations 1990, Amendment No. 2), and substituting the following regulation:

\*S.R. 1990/246  
Amendment No. 1: (Revoked by S.R. 1993/165)  
Amendment No. 2: S.R. 1993/165

“2. Every infringement notice under section 42A of the Transport Act 1962, other than an infringement notice in respect of a stationary vehicle offence, a moving vehicle offence, or an overloading offence, shall be in the form set out in the First Schedule to these regulations.”

**3. Infringement notice for moving vehicle offence**—The principal regulations are hereby amended by inserting, after regulation 3, the following regulation:

“3A. Every infringement notice under section 42A of the Transport Act 1962 in respect of a moving vehicle offence shall be in the form set out in Schedule 2A to these regulations.”

**4. First Schedule amended**—(1) The First Schedule to the principal regulations is hereby amended by omitting from the infringement notice the words “Demerit points to be recorded for speeding offence if fee paid: 35”.

(2) The First Schedule to the principal regulations is hereby amended by inserting in the infringement notice, after the item headed “Details of speeding offence (if applicable)”, the following item:

“Demerit points to be recorded for speeding offence if fee paid:

If speed limit fixed exceeded by (km/h)	Not more than 10 km/h	More than 10 km/h but not more than 20 km/h	More than 20 km/h but not more than 30 km/h	More than 30 km/h but nor more than 35 km/h	More than 35 km/h
Demerit points to be recorded:	10	20	35	40	50.”

(3) The First Schedule to the principal regulations is hereby amended by revoking the summary of rights set out in that Schedule, and substituting the summary of rights set out in the First Schedule to these regulations.

**5. New Schedules substituted**—The principal regulations are hereby amended by revoking the Second Schedule (as substituted by regulation 4 (1) of the Transport (Infringement Notices) Regulations 1990, Amendment No. 2), and substituting the Schedules set out in the Second Schedule to these regulations.

**6. Revocations**—The Transport (Infringement Notices) Regulations 1990, Amendment No. 2 are hereby consequentially amended by revoking regulation 4 and the Schedule.

**7. Saving**—Notwithstanding the revocation of the Second Schedule to the principal regulations by regulation 5 of these regulations, until the close of the 31st day of August 1994, a stationary vehicle infringement notice in the form set out in that revoked Schedule (being the form set out in the Schedule to the Transport (Infringement Notices) Regulations 1990, Amendment No. 2) may be used instead of the appropriate form set out in the Second Schedule to these regulations.

## SCHEDULES

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### FIRST SCHEDULE

Reg. 4 (3)

#### NEW SUMMARY OF RIGHTS SUBSTITUTED IN FIRST SCHEDULE TO PRINCIPAL REGULATIONS

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#### “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.

#### Payments

2. If you pay the infringement fee within 28 days of the issue of this notice no further action will be taken. Payments may be made at places indicated on the front of this notice.

3. 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.

#### Defences

4. You have a complete defence against proceedings if the infringement fee has been paid to the [*Enforcement authority*] at any of the places for payment shown on the front page of this notice before or within 28 days after you have been served with a reminder notice. NOTE that late payment or payment at any other place will not be a defence.

#### Further Action

5. If you wish to—

- (a) Raise any matter relating to the alleged offence for consideration by the [*Enforcement authority*]; OR
- (b) Deny liability for the offence and request a Court hearing (refer to paragraphs 6 and 10 below); OR
- (c) Admit liability for the offence, but wish to have a Court consider written submissions as to penalty or otherwise (refer to paragraphs 7 and 10 below),—

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.

6. If you deny the offence and request a hearing, the [*Enforcement authority*] will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless it decides not to start Court proceedings).

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

7. If you admit the offence but want the Court to consider your submissions as to penalty or otherwise, you should in your letter—

- (a) Ask for a hearing; AND
- (b) Admit the offence; AND

FIRST SCHEDULE—*continued*NEW SUMMARY OF RIGHTS SUBSTITUTED IN FIRST SCHEDULE TO PRINCIPAL  
REGULATIONS—*continued*

- (c) Set out the written submissions you wish to be considered by the Court.

The [*Enforcement authority*] will then file your letter with the Court (unless it decides not to commence Court proceedings). 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.

**Non-payment of Fee**

8. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice you will be served with a reminder notice (unless the [*Enforcement authority*] decides otherwise).

9. If you do not pay the infringement fee and do not request a hearing 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).

**Queries/Correspondence**

10. When writing or making payment please include—

- (a) The date of the infringement; 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.

11. 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.

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTION 42A OF THE TRANSPORT ACT 1962 AND SECTION 21 (10) OF THE SUMMARY PROCEEDINGS ACT 1957.

NOTE: ALL QUERIES AND ALL CORRESPONDENCE REGARDING THIS INFRINGEMENT MUST BE DIRECTED TO THE [*ENFORCEMENT AUTHORITY*] AT THE ADDRESS SHOWN."

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SECOND SCHEDULE

Reg. 5

NEW SECOND SCHEDULE AND SCHEDULE 2A SUBSTITUTED IN PRINCIPAL  
REGULATIONS

“SECOND SCHEDULE

STATIONARY VEHICLE INFRINGEMENT NOTICE

Reg. 3

**STATIONARY VEHICLE OFFENCE  
INFRINGEMENT NOTICE**

(ISSUED UNDER AUTHORITY OF THE TRANSPORT ACT 1962)

Enforcement Authority : [Specify]

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

The infringement fee is payable within 28 days of this Notice.

Notice No. : \_\_\_\_\_  
 Registration : \_\_\_\_\_  
 Type : \_\_\_\_\_  
 Make : \_\_\_\_\_  
 Date : \_\_\_\_\_ Day : \_\_\_\_\_  
 Time : \_\_\_\_\_  
 Officer : \_\_\_\_\_  
 Street : \_\_\_\_\_  
 Suburb : \_\_\_\_\_  
 Locality : \_\_\_\_\_  
 Side of Street: \_\_\_\_\_  
 Distance from Sign: \_\_\_\_\_  
 Restriction : \_\_\_\_\_ Meter No : \_\_\_\_\_  
 From : \_\_\_\_\_ To : \_\_\_\_\_  
 Offence : [Specify]

Infringement Fee \$ \_\_\_\_\_  
 Towage Fee (Including GST) \$ \_\_\_\_\_  
 TOTAL FEE PAYABLE \$ \_\_\_\_\_

The Infringement Fee may be posted to: [Specify]

Please make cheques payable to: [Specify]

Payments by cheque should be crossed NOT NEGOTIABLE.  
Payments may be made at any \_\_\_\_\_ Service Centre.

IMPORTANT - PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

SECOND SCHEDULE—*continued*NEW SECOND SCHEDULE AND SCHEDULE 2A SUBSTITUTED IN PRINCIPAL  
REGULATIONS—*continued*“SECOND SCHEDULE—*continued*”STATIONARY VEHICLE INFRINGEMENT NOTICE—*continued*

## SUMMARY OF RIGHTS

**Payments**

1. If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payments may be made at places indicated on the front of this notice.

**Stationary Vehicle Offences**

2. This notice deals with stationary vehicle offences. These are—
- (a) A parking offence; or
  - (b) Parking a goods service vehicle during the hours of darkness without a visible rear red light; or
  - (c) Using a worn, smooth or damaged tyre; or
  - (d) Operating a vehicle without a current warrant of fitness or certificate of fitness; or
  - (e) Using or permitting to be used on a road a vehicle that is not licensed and registered; or
  - (f) Using or permitting to be used on a road a motor vehicle that has unauthorised, deceptive, or obscured registration plates or an unauthorised licence.

**Driver Liability**

3. Under Section 41A (2) of the Transport Act 1962, the [*Enforcement authority*] may proceed against you for a stationary vehicle offence if you are the person who allegedly committed the offence.

**Owner Liability**

4. Section 41A (2) also provides that proceedings can be taken against you if, at the time the alleged offence occurred, you—

- (a) Were the registered owner, or one of the registered owners, of the vehicle involved in the offence; OR
- (b) Were lawfully entitled to possession of the vehicle at the time of the alleged offence—

whether or not you are an individual or were the driver, person in charge, or user of the vehicle at the time.

5. Where proceedings in respect of a stationary vehicle offence are taken against you as a person referred to in paragraph 4 above, the acts or omissions of the driver, person in charge, or user of the vehicle at that time are conclusively presumed to be your acts or omissions unless you establish one of the defences described below.

**Defences**

6. You have a complete defence against proceedings if—

- (a) The infringement fee has been paid to the [*Enforcement authority*] at any of the places of payment shown on the front page of this

SECOND SCHEDULE—*continued*

NEW SECOND SCHEDULE AND SCHEDULE 2A SUBSTITUTED IN PRINCIPAL  
REGULATIONS—*continued*

“SECOND SCHEDULE—*continued*

STATIONARY VEHICLE INFRINGEMENT NOTICE—*continued*

notice before or within 28 days after you have been served with a reminder notice. NOTE that late payment or payment at any other place will not be a defence; OR

- (b) A Court has imposed a fine or costs, or both upon another person, in respect of the offence.

7. Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 5 above), you also have a complete defence if—

- (a) You prove that, at the time the alleged offence occurred,—  
(i) You were not a person lawfully entitled to possession of the vehicle; or  
(ii) Another person was unlawfully in charge of the vehicle;  
AND  
(b) You told the [*Enforcement authority*] in writing immediately after becoming aware of the alleged offence; AND  
(c) You did everything you reasonably could to help the [*Enforcement authority*] find out who was lawfully entitled to possession of the vehicle, or who was in charge of the vehicle, at the time.

**Further Action**

8. If you wish to—

- (a) Raise any matter relating to the alleged offence for consideration by the [*Enforcement authority*]; OR  
(b) Deny liability for the offence and request a Court hearing (refer to paragraphs 9 and 13 below); OR  
(c) Admit liability for the offence, but wish to have a Court consider written submissions as to penalty or otherwise (refer to paragraphs 10 and 13 below),—

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.

9. If you deny liability for the offence and request a hearing, the [*Enforcement authority*] will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless it decides not to start Court proceedings).

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

10. If you admit liability for the offence but want the Court to consider your submissions as to penalty or otherwise, you should in your letter—

- (a) Ask for a hearing; AND  
(b) Admit the offence; AND  
(c) Set out the written submissions you wish to be considered by the Court.

SECOND SCHEDULE—*continued*NEW SECOND SCHEDULE AND SCHEDULE 2A SUBSTITUTED IN PRINCIPAL  
REGULATIONS—*continued*“SECOND SCHEDULE—*continued*”STATIONARY VEHICLE INFRINGEMENT NOTICE—*continued*

The [*Enforcement authority*] will then file your letter with the Court (unless it decides not to commence Court proceedings). 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.

**Non-payment of Fee**

11. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice you will be served with a reminder notice (unless the [*Enforcement authority*] decides otherwise).

12. If you do not pay the infringement fee and do not request a hearing 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).

**Queries/Correspondence**

13. When writing or making payment please include—

- (a) The date of the infringement; AND
- (b) The infringement notice number; AND
- (c) The vehicle registration number; AND
- (d) Your address for replies.

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTION 42A OF THE TRANSPORT ACT 1962 AND SECTION 21 (10) OF THE SUMMARY PROCEEDINGS ACT 1957.

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



SECOND SCHEDULE—continued

NEW SECOND SCHEDULE AND SCHEDULE 2A SUBSTITUTED IN PRINCIPAL  
REGULATIONS—continued

“SCHEDULE 2A

Reg. 3A

MOVING VEHICLE INFRINGEMENT NOTICE

**Moving Vehicle Offence  
Infringement  
Notice**

(Issued under authority of the Transport Act 1962)  
ENFORCEMENT AUTHORITY

Notice Number

[Specify]

ICN

TO:  
Name:

Date of Birth:

Address:

Driver Licence Number

Being:

**Alleged Infringement Offence Details**

Date:

Time:

Day of Week:

Type of vehicle:

Vehicle Make:

Registration Number:

Road/Street:

Locality:

Site Reference Number (location):

Offence:

The Infringement fee payable is: \$	This infringement fee is payable within 28 days after:	(Earliest date notice delivered personally or posted)
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**Details of Speeding Offence:**

Speed Limit;  km/h	Alleged Speed:  km/h	Limit Exceeded by:  km/h
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**Demerit points are not recorded in respect of moving vehicle infringement offences**

**PROCEDURES FOR PAYMENT OF PENALTY**

Payment  
Verification  
Stamp

[Specify method(s) and place(s) of payment]

REMITTANCE ADVICE MUST ACCOMPANY ALL PAYMENTS.

CHEQUES SHOULD BE CROSSED AND MARKED NOT NEGOTIABLE.

**IMPORTANT - PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF**

SECOND SCHEDULE—*continued*NEW SECOND SCHEDULE AND SCHEDULE 2A SUBSTITUTED IN PRINCIPAL  
REGULATIONS—*continued*"SCHEDULE 2A—*continued*MOVING VEHICLE INFRINGEMENT NOTICE—*continued*

## SUMMARY OF RIGHTS

**Payments**

1. If you pay the infringement fee within 28 days of the issue of this notice, no further action will be taken. Payments may be made at places indicated on the front of this notice.

**Moving Vehicle Offences**

2. This notice deals with a moving vehicle offence. This is either—

- (a) A speeding offence; or
- (b) An offence of not complying with the directions given by a traffic signal—

that is detected by approved vehicle surveillance equipment (a speed camera or red light camera).

**Driver Liability**

3. Under section 41B (2) of the Transport Act 1962, the [*Enforcement authority*] may proceed against you for a moving vehicle offence if you are the person who allegedly committed the offence.

**Owner Liability**

4. Section 41B (2) also provides that proceedings may be taken against you if, at the time the alleged offence occurred, you—

- (a) Were the registered owner, or one of the registered owners, of the vehicle involved in the offence; OR
- (b) Were lawfully entitled to possession of the vehicle—

whether or not you are an individual or were the driver, person in charge, or user of the vehicle at the time.

5. Where proceedings in respect of a moving vehicle offence are taken against you as a person referred to in paragraph 4 above, the acts or omissions of the driver, person in charge, or user of the vehicle at that time are conclusively presumed to be your acts or omissions unless you establish one of the defences described below.

**Defences**

6. You have a complete defence against proceedings if—

- (a) The infringement fee has been paid to the [*Enforcement authority*] at any of the places for payment shown on the front page of this notice before or within 28 days after you have been served with a reminder notice. NOTE that late payment or payment at any other place will not be a defence; OR
- (b) A Court has imposed a fine or costs, or both, upon another person, in respect of the offence.

7. Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 5 above), you also have a complete defence if—

**SECOND SCHEDULE—continued**

**NEW SECOND SCHEDULE AND SCHEDULE 2A SUBSTITUTED IN PRINCIPAL  
REGULATIONS—continued**

**“SCHEDULE 2A—continued**

**MOVING VEHICLE INFRINGEMENT NOTICE—continued**

- (a) You prove that, at the time the alleged offence occurred,—
- (i) You were not a person lawfully entitled to possession of the vehicle; or
  - (ii) Another person was driving the vehicle; AND
- (b) You told the [*Enforcement authority*] in writing immediately after becoming aware of the alleged offence; AND
- (c) You gave to the [*Enforcement authority*] a statutory declaration as described in paragraph 8 below.

**Statutory Declaration**

8. The statutory declaration must—

- (a) Identify the driver, by giving his or her name and address or such other details within your knowledge that may lead to the identification of the driver; OR
- (b) Establish that you could not identify the driver, after taking all reasonable steps to do so.

**Further Action**

9. If you wish to—

- (a) Raise any matter relating to the alleged offence for consideration by the [*Enforcement authority*]; OR
- (b) Deny liability for the offence and request a Court hearing (refer to paragraphs 10 and 14 below); OR
- (c) Admit liability for the offence, but wish to have a Court consider written submissions as to penalty or otherwise (refer to paragraphs 11 and 14 below),—

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.

10. If you deny liability for the offence and request a hearing, the [*Enforcement authority*] will serve you with a notice of hearing setting out the place and time at which the matter will be heard by the Court (unless it decides not to start Court proceedings).

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

11. If you admit liability for the offence but want the Court to consider your submissions as to penalty or otherwise, you should in your letter—

- (a) Ask for a hearing; AND
- (b) Admit the offence; AND
- (c) Set out the written submissions you wish to be considered by the Court.

The [*Enforcement authority*] will then file your letter with the Court (unless it decides not to commence Court proceedings). 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.

SECOND SCHEDULE—*continued*NEW SECOND SCHEDULE AND SCHEDULE 2A SUBSTITUTED IN PRINCIPAL  
REGULATIONS—*continued*“SCHEDULE 2A—*continued*”MOVING VEHICLE INFRINGEMENT NOTICE—*continued***Non-payment of Fee**

12. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the [Enforcement authority] decides otherwise).

13. If you do not pay the infringement fee and do not request a hearing 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).

**Queries/Correspondence**

14. When writing please include—

- (a) The date of the infringement; and
- (b) The infringement notice number; and
- (c) The ICN number appearing on the front page of this notice; and
- (d) The vehicle registration number; and
- (e) Your address for replies.

FULL DETAILS OF YOUR RIGHTS AND OBLIGATIONS ARE IN SECTION 42A OF THE TRANSPORT ACT 1962 AND SECTION 21 (10) OF THE SUMMARY PROCEEDINGS ACT 1957.

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

MARIE SHROFF,  
Clerk of the Executive Council.

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EXPLANATORY NOTE

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

These regulations amend the Transport (Infringement Notices) Regulations 1990, to—

- (a) Substitute a new summary of rights in respect of infringement offences other than stationary vehicle offences, moving vehicle offences, and overloading offences:
- (b) Amend the references to demerit points in the First Schedule:
- (c) Substitute new infringement offence notices for stationary vehicle offences and moving vehicle offences.

*Regulation 4* comes into force on 1 November 1993 and the remainder of the regulations come into force on 15 October 1993.

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

Date of notification in *Gazette*: 16 September 1993.

These regulations are administered in the Ministry of Transport.