



**THE TRANSPORT (INFRINGEMENT OFFENCES NOTICES)
REGULATIONS 1987**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 14th day of September 1987

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 Offences Notices) Regulations 1987.

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

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 this notice.

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 Transport (Infringement Offences Notices) Regulations 1985* are hereby revoked.

*S.R. 1985/35

SCHEDULES

FIRST SCHEDULE

INFRINGEMENT OFFENCE NOTICE

Reg. 2

INFRINGEMENT OFFENCE NOTICE

NOTICE NUMBER

(ISSUED UNDER AUTHORITY OF THE TRANSPORT ACT 1962)

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:	
Vehicle Type:	Vehicle Make:	Reg. No.	
Road/Street:			Locality:

ALLEGED INFRINGEMENT OFFENCE DETAILS

Date:			
Time:			
DAY OF WEEK			
S M T W T F S			

ALLEGED SPEEDING OFFENCE INFORMATION Speeding offences incur 15 demerit points

Speed Limit:	km/h	Speed alleged:	km/h	Limit exceeded by:	km/h	THE FEE FOR THIS INFRINGEMENT IS: \$
The infringement fee is payable within 28 days after:			(Earliest date notice delivered personally or posted)			
OFFICER NUMBER:		THIS INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. PAYMENTS BY CHEQUE OR MONEY ORDER SHOULD BE CROSSED NOT NEGOTIABLE.				

THE INFRINGEMENT FEE MAY BE PAID TO:

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.....
.....

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

FIRST SCHEDULE—continued**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. You have 28 days after the issue of this notice to write to THE ENFORCEMENT AUTHORITY NAMED IN THIS NOTICE if you wish to—
 - (a) Raise any matter relating to the circumstances of the alleged offence.
 - (b) Admit liability and make any submissions that you wish to have referred to the Court. Costs will be imposed in addition to any other penalty.
 - (c) Request a court hearing. If the Court finds you are guilty, costs in addition to any other penalty will be imposed.
3. If you request a court hearing, the enforcement authority may serve you with a Notice of Hearing.
4. If you wish to make written submissions pursuant to paragraph 2 (b) above, the enforcement authority will send the submissions to the Court. There is no provision for an oral hearing when you admit liability.
5. You have a complete defence against proceedings relating to the alleged offence if the infringement fee has been paid to the enforcement authority before the due date.
6. If you do nothing the District Court may be asked to enforce payment.
7. Payment after the date shown on this notice is not a defence against proceedings.
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 ENFORCEMENT AUTHORITY NAMED IN THIS NOTICE AT THE ADDRESS SHOWN.

SECOND SCHEDULE

Reg. 3

PARKING INFRINGEMENT OFFENCE NOTICE

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

NOTICE NUMBER

[Specify]

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

Not more than 30 mins	More than 30 mins but not more than 1 hr.	More than 1 hr. but not more than 2 hrs.	More than 2 hrs. but not more than 4 hrs.	More than 4 hours
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On a broken yellow line	On a loading zone	In a no stopping area	On a bus stop	Double parked	On a clearway
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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: \$

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:	DO NOT DETACH Please present both copies of this notice when making payment.
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SECOND SCHEDULE—*continued***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. You have 28 days after the issue of this document to write to THE ENFORCEMENT AUTHORITY NAMED IN THIS NOTICE if you wish to—
 - (a) Raise any matter relating to the circumstances of the alleged offence.
 - (b) Admit liability and make any submissions that you wish to have referred to the Court. Costs will be imposed in addition to any other penalty.
 - (c) Request a court hearing. If the Court finds you are guilty, costs in addition to any other penalty will be imposed.
3. If you request a court hearing, the enforcement authority may serve you with a Notice of Hearing.
4. If you wish to make written submissions pursuant to paragraph 2 (b) above, the enforcement authority will send the submissions to the Court. There is no provision for an oral hearing when you admit liability.
5. If you do nothing the District Court may be asked to enforce payment.
6. You have a complete defence against proceedings relating to the alleged offence if—
 - (a) The infringement fee has been paid to the enforcement authority before the due date.
 - (b) 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.
 - (c) 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

7. 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.
8. 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—

SECOND SCHEDULE—*continued*

- (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 or omissions unless you establish the defence described in paragraph 9 below.
9. Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 8 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.
10. Payment after the date shown on this notice is not a defence against proceedings.
11. When writing please include the date of the infringement, the infringement notice number, the vehicle registration number, and your address for replies.

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

Reg. 4

THIRD SCHEDULE
OVERLOADING INFRINGEMENT OFFENCE NOTICE

OVERLOADING INFRINGEMENT OFFENCE NOTICE

(ISSUED UNDER AUTHORITY OF THE TRANSPORT ACT 1962)

NOTICE NUMBER

ENFORCEMENT AUTHORITY

[Specify]

TO HEAVY MOTOR VEHICLE USER

Your receipt may be machine printed here

Name:	Forenames	Surname
Address:		

Date of Birth (where applicable):	ALLEGED OVERLOADING INFRINGEMENT OFFENCE DETAILS
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Vehicle Type 1:	Vehicle Make:	Reg. No. 1:
Vehicle Type 2:	Reg No. 2:	Vehicle Type 3:
Vehicle Type 4:	Reg No. 4:	Vehicle Type 5:
		Reg No. 5:

Road/Street:	Locality:
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Date:	EXCEEDING PERMITTED
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Time:	
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DAY OF WEEK	
S M T W T F S	

Weight Limit:	Weight Measured:	Limit exceeded by:	THE FEE FOR THIS OVERLOADING INFRINGEMENT IS: \$
kgs	kgs	kgs	

The infringement fee is payable within 28 days after:

(Earliest date notice delivered personally, or posted)

OFFICER NUMBER:	THIS INFRINGEMENT FEE MAY BE PAID AT THE ADDRESS SHOWN BELOW. PAYMENTS BY CHEQUE OR MONEY ORDER SHOULD BE CROSSED NOT NEGOTIABLE.
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THE INFRINGEMENT FEE MAY BE PAID TO:

<p>.....</p> <p>.....</p> <p>.....</p>
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DO NOT DETACH
Please present both copies of this notice when making payment.

PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

THIRD SCHEDULE—*continued***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. You have 28 days after the issue of this notice to write to THE ENFORCEMENT AUTHORITY NAMED IN THIS NOTICE if you wish to—
 - (a) Raise any matter relating to the circumstances of the alleged offence.
 - (b) Request a court hearing.
3. If you request a court hearing, the enforcement authority may serve you with a Notice of Hearing. If the Court finds you are guilty, costs in addition to any other penalty will be imposed. (NOTE: The infringement fee cannot be altered or varied unless the Court finds you not guilty of the alleged infringement offence.)
4. You have a complete defence against proceedings relating to the alleged offence if the infringement fee has been paid to the enforcement authority before the due date.
5. If you do nothing the District Court may be asked to enforce payment.
6. Payment after the date shown on this notice is not a defence against proceedings.
7. 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 ENFORCEMENT AUTHORITY AT THE ADDRESS SHOWN.

P. G. MILLEN,
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 prescribe new forms of notices for infringement offences, including parking offences and overloading offences. The changes are consequential upon changes made to infringement procedures by the Transport Amendment Act 1987 and the Summary Proceedings Amendment Act 1987.

Issued under the authority of the Regulations Act 1936.
Date of notification in *Gazette*: 17 September 1987.
These regulations are administered in the Ministry of Transport.