

**Reprint  
as at 1 August 2012**



**Land Transport (Infringement and  
Reminder Notices) Amendment  
Regulations 2008**

(SR 2008/454)

Land Transport (Infringement and Reminder Notices) Amendment Regulations 2008: revoked, on 1 August 2012, pursuant to regulation 10 of the Land Transport (Infringement and Reminder Notices) Regulations 2012 (SR 2012/111).

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 17th day of December 2008

Present:

His Excellency the Governor-General in Council

Pursuant to section 167(1)(l) of the Land Transport Act 1998, 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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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**These regulations are administered by the Ministry of Transport.**

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## Regulations

- 1 Title**  
These regulations are the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2008.
- 2 Commencement**  
These regulations come into force on 23 January 2009.
- 3 Principal regulations amended**  
These regulations amend the Land Transport (Infringement and Reminder Notices) Regulations 1998.
- 4 New regulation 5A inserted**  
The following regulation is inserted after regulation 5:
- “5A Toll offences**  
An infringement notice for a toll offence must be in the form set out in Schedule 6.”
- 5 New regulation 6 substituted**  
Regulation 6 is revoked and the following regulation substituted:

**“6 Reminder notice**

- “(1) If an infringement notice is issued in a form set out in Schedule 1, 2, 3, or 4, a reminder notice must be in the form set out in Schedule 5.
- “(2) If an infringement notice is issued in the form set out in Schedule 6, a reminder notice must be in the form set out in Schedule 7.”

**6 New Schedules 6 and 7 added**

The Schedules 6 and 7 set out in the Schedule of these regulations are added.

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**Schedule** r 6  
**New Schedules 6 and 7 added**

**Schedule 6** r 5A  
**Toll offence infringement notice**

Form

Toll offence infringement notice  
*Section 139, Land Transport Act 1998*

Toll road: [*name of toll road*]

Enforcement authority:

Address for correspondence:

Infringement notice No:

Issue date:

**To driver of vehicle/owner of vehicle\***

\*Select one.

Forenames:

Family name:

Full address:

Date of birth:

Driver licence No:

**Alleged infringement offence details**

Owner of vehicle/Driver of vehicle\*

\*Select one.

Date of offence:

Time:

Day:

Vehicle: [*type and make*]

Vehicle registration No:

Toll road: [*name of toll road*]

Location:

Offence:

Infringement fee payable: \$[*amount*]

Enforcement officer:

Form—*continued*

**Procedures for payment of infringement fee**

Cheques should be made out to [*name of enforcement authority*] and crossed and marked “not negotiable”. Cheque payments must be made to the enforcement authority at the address shown above. Remittance advice must accompany all cheque payments. Refer to the remittance advice section below for other payment options.

The last day for payment is [*date*], being 28 days after service of this notice.

**Remittance advice**

Infringement notice No:

Enforcement authority’s name:

Enforcement authority’s address:

Toll road: [*name of toll road*]

Vehicle registration No:

Payment options: [*specify payment options*]

Amount paid:

**Important**

Please read the following information section of this form.

**Information**

- 1 If you pay the infringement fee within 28 days after the service of this notice, no proceedings in respect of the infringement offence will be taken. Payment should be made to the enforcement authority at the address shown in this notice.
- 2 You should write to the enforcement authority within 28 days after the service of this notice, if you wish to do any of the following things:
  - (a) raise a matter concerning the circumstances of the offence for consideration by the enforcement authority; or
  - (b) deny liability for the offence and request a court hearing; or

Form—*continued*

- (c) admit liability for the offence, but make written submissions to the District Court.
- 3 If you do not do anything when you receive this notice, a reminder notice explaining fully how to defend the charge and containing a statement of your rights will be issued to you.

**Note**

All queries and all correspondence regarding this infringement notice must be directed to the enforcement authority at the address shown for correspondence.

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**Schedule 7**

r 6

**Toll offence infringement reminder notice**

Form

Infringement reminder notice  
*Section 140, Land Transport Act 1998*

Toll road: *[name of toll road]*

Informant:

Address for correspondence:

Reminder notice No:

Issue date:

**To defendant**

Forenames:

Family name:

Full address:

Date of birth:

Driver licence No:

Vehicle: *[type and make]*

Vehicle registration No:

The informant shown above alleges that you committed an infringement offence on *[specify date and time of offence]* at *[name of toll road]* in that you, being—

- (a) the driver of the vehicle described in this notice failed to pay the prescribed toll; or
- (b) the registered owner of the vehicle at the time that the driver failed to pay the toll, failed to pay the toll and did not, within 28 days after being notified of the non-payment of the toll, supply to the toll operator, in a sworn statement in writing or a statutory declaration,—
  - (i) the name and address of the driver of the vehicle at the time of the offence, or any other particulars within your knowledge that may have lead to the identification of the person who was in charge or control of the vehicle at the relevant time; or
  - (ii) a statement that the vehicle was a stolen vehicle at the relevant time.

Form—*continued*

This is an offence against section 54(1) of the Land Transport Management Act 2003, being a toll offence.

**Important**

If you wish to deny the offence or wish to have a court consider submissions in respect of the offence, follow the directions in paragraphs 2 to 4 of the notes to defendant on this form.

**Infringement offence details**

Infringement notice No:

Infringement date:

Infringement time:

Infringement notice issued by:

**Service details**

Infringement notice served by ordinary post on: [*date of service of infringement notice*]

Reminder notice served by ordinary post on: [*date of service of reminder notice*]

At: [*address*]

**Infringement fee**

The infringement fee for this offence is: \$[*amount*]

Amount of infringement fee unpaid:

Total payable: \$[*amount*]

**Procedure for payment of infringement fee**

Cheques should be made out to [*name of informant*] and crossed and marked “not negotiable”. Cheque payments must be made to the informant at the address shown above. Remittance advice must accompany all cheque payments. Refer to the remittance advice section below for other payment options.

The last day for payment is [*date*], being 28 days after service of this notice.



Form—*continued*

**Remittance advice**

Reminder notice No:

Informant's name:

Informant's address:

Toll road: [*name of toll road*]

Vehicle registration No:

Payment options: [*specify payment options*]

Amount paid:

**Important**

In your own interests you should read the notes to defendant on this form.

Notes to defendant  
Information about toll infringement offences  
under the Land Transport Act 1998

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

Toll infringement offence notices may be issued under the Land Transport Act 1998.

If, under section 21(3A) or (3C)(a) of the Summary Proceedings Act 1957, you enter or have entered into a time-to-pay arrangement with an informant in respect of an infringement fee payable by you, paragraphs 3 and 4 do not apply and you are not entitled either to request a hearing to deny liability or to ask the District Court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

**Payment**

- 1 If you pay the infringement fee or the amount of the infringement fee remaining unpaid within 28 days after the service of this notice, no further enforcement action will be taken against you. Payments must be made to the informant at the address shown on the front page of this notice.

Form—*continued*

**Further action**

2 If you wish to raise any matter relating to the circumstances of the alleged offence, you should do so by writing to the informant at the address shown on the front page of this notice. Your submissions must be received by the informant within 28 days after the service of this notice.

3 If you wish to deny liability in respect of the alleged offence, you must write to the informant at the address shown above requesting a hearing in respect of the offence. Your request must be received by the informant within 28 days after the service of this notice. The informant 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 and time at which the matter will be heard by the court.

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

4 If you admit liability in respect of the alleged offence but wish to have the Court consider submissions as to penalty or otherwise, you must—

- (a) write to the informant at the address shown on the front page of this notice requesting a hearing in respect of the offence; and
- (b) in that same letter admit liability in respect of the offence; and
- (c) set out the submissions that you would wish to be considered by the Court.

Your submission must be received by the informant within 28 days after the service of this notice. The informant will then, if it decides to commence proceedings in respect of the offence, file your letter with the Court. You are not entitled to make oral submissions to the Court if you follow this course of action.

**Note:** Costs may be imposed in addition to any penalty.

**Non-payment of fee**

5 If you do not pay the infringement fee or the amount of the infringement fee remaining unpaid and the informant does not receive from you a request for a hearing in respect of the al-

Form—*continued*

leged infringement offence within 28 days after the service of this notice, you will become liable to pay **costs in addition to a fine** (unless the informant decides not to commence court proceedings against you). The fine will be equal to the amount of the infringement fee or the amount of the infringement fee remaining unpaid.

**Information about toll offences**

- 6 Section 54(1) of the Land Transport Management Act 2003 provides that a person commits an offence if the person, without reasonable excuse, refuses or fails to pay a toll payable by that person. Section 52 of that Act provides that the driver of the vehicle is liable for payment of the toll when the motor vehicle reaches the toll payment point and, if the driver fails to pay, the registered owner of the motor vehicle is liable for payment.

**Defences**

- 7 You will have a complete defence against proceedings relating to the alleged offence if the infringement fee or the amount of the infringement fee remaining unpaid is paid to the informant at the address shown on the front page of this notice before or within 28 days after the service of this notice on you. Late payment or payment made to any other address will not constitute a defence to proceedings in respect of the alleged offence.

**Correspondence**

- 8 When writing, please include the date of the infringement, the reminder notice number, the vehicle registration number (if shown on the front of this form), and your address for replies.

Form—*continued*

**Note**

All payments, all queries, and all correspondence regarding this reminder notice must be directed to the informant at the address shown for correspondence.

Rebecca Kitteridge,  
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, which come into force on 23 January 2009, add *new Schedules 6 and 7* to the Land Transport (Infringement and Reminder Notices) Regulations 1998. *New Schedules 6 and 7* respectively set out the forms of infringement notice and reminder notice for toll offences.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 18 December 2008.

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  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
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## **Notes**

### **1 *General***

This is a reprint of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2008. The reprint incorporates all the amendments to the regulations as at 1 August 2012, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### **2 *Status of reprints***

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### **3 *How reprints are prepared***

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not

included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

#### **4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint  
(most recent first)***

Land Transport (Infringement and Reminder Notices) Regulations 2012 (SR 2012/111): regulation 10

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