

**Reprint
as at 1 May 2011**



**Land Transport (Infringement and
Reminder Notices) Regulations
1998**

(SR 1998/447)

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 14th day of December 1998

Present:

His Excellency the Governor-General in Council

Pursuant to section 42A of the Transport Act 1962 and section 167 of the Land Transport Act 1998, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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.

Contents

		Page
1	Title and commencement	2
2	Infringement offences	2
3	Moving vehicle offences	3
4	Overloading offences	3
5	Stationary vehicle offences	3
5A	Toll offences	3
6	Reminder notice	3
7	Revocations	3
	Schedule 1	4
	Infringement notice	
	Schedule 2	7
	Moving vehicle offence infringement notice	
	Schedule 3	10
	Overloading offence infringement notice	
	Schedule 4	13
	Stationary vehicle offence infringement notice	
	Schedule 5	16
	Reminder notice in respect of infringement offence	
	Schedule 6	23
	Toll offence infringement notice	
	Schedule 7	26
	Toll offence infringement reminder notice	

Regulations

- 1 Title and commencement**
- (1) These regulations may be cited as the Land Transport (Infringement and Reminder Notices) Regulations 1998.
- (2) These regulations come into force on 1 March 1999.
- 2 Infringement offences**
- Every infringement notice in respect of an infringement offence, other than a moving vehicle offence, an overloading offence, or a stationary vehicle offence, must be in the form set out in Schedule 1.

3 Moving vehicle offences

An infringement notice for a moving vehicle offence must be in the form set out in Schedule 2.

4 Overloading offences

An infringement notice for an overloading offence must be in the form set out in Schedule 3.

5 Stationary vehicle offences

An infringement notice for a stationary vehicle offence must be in the form set out in Schedule 4.

5A Toll offences

An infringement notice for a toll offence must be in the form set out in Schedule 6.

Regulation 5A: inserted, on 23 January 2009, by regulation 4 of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2008 (SR 2008/454).

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.

Regulation 6: substituted, on 23 January 2009, by regulation 5 of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2008 (SR 2008/454).

7 Revocations

The following regulations are revoked:

- (a) Transport (Infringement Notices) Regulations 1990 (SR 1990/246):
- (b) Transport (Infringement Notices) Regulations 1990, Amendment No 2 (SR 1993/165):
- (c) Transport (Infringement Notices) Regulations 1990, Amendment No 3 (SR 1993/297).

Schedule 1

Infringement notice

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Infringement notice

(Issued under the authority of the Land Transport Act 1998)

Notice No:

Enforcement authority: *[specify]*

Address for correspondence: *[specify]*

TO USER OF VEHICLE	Forename(s)		Family name
Full name:			
Full address:			
Occupation:	Date of birth:	Driver licence No:	
Alleged infringement offence(s) details			
Date:	Time:	Day of week S M T W T F S	
Vehicle type:	Vehicle make:	Reg. No:	
TSL No:			
Road/Street:			Locality:
<i>Offence No</i>	<i>Offence</i>	<i>Infringement fee payable</i>	
1		\$	
2		\$	
3		\$	

Details of speeding offence (if applicable)

Speed limit:	km/h	Alleged speed:	km/h	Limit exceeded by:	km/h
If speed limit fixed exceeded by:	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 not more than 35 km/h	More than 35 km/h
Demerit points to be recorded:	10	20	35	40	50

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)
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Procedures for payment of penalty

Payment
verification
stamp

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

Remittance advice must accompany all payments.

Cheques should be crossed and marked “not negotiable”.

Important—Please read the information printed on this form.

Information

- 1 If you pay the infringement fee(s) (including, *if applicable*, any towage fees) within 28 days after the issue of this notice, no proceedings in respect of the infringement offence will be taken. However, if the offence is one to which demerit points apply, demerit points will be recorded against you upon payment of the infringement fee. Payment should be made to the enforcement authority at the address shown in this notice.
Note: Demerit points are recorded in respect of some offences other than speeding offences.
- 2 You should write to the enforcement authority 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
 - (c) admit liability for the offence, but make written submissions to the court.
- 3 Each offence 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.
- 4 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.
- 5 If you don't 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.

Schedule 1: amended, on 1 October 2007, by regulation 4 of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2007 (SR 2007/234).

Schedule 1: amended, on 10 October 2006, by regulation 5(a) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 1: amended, on 10 October 2006, by regulation 5(b) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 2

r 3

**Moving vehicle offence infringement
notice**

Moving vehicle offence infringement notice

(Issued under the authority of the Land Transport Act 1998)

Enforcement authority: *[specify]* **Notice No**

Address for correspondence: *[specify]* ICN:

To:

Full name: Date of birth:

Full address: Driver licence No:

Being:

Alleged infringement offence details

Date: Time: Day of week:

Type of vehicle: Vehicle make: Reg No:

TSL No:

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)
\$		

Details of speeding offence (if applicable)

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 places(s) of payment]

Remittance advice must accompany all payments.

Cheques should be crossed and marked "not negotiable".

Important—Please read the information printed on this form.

Information

- 1 If you pay the infringement fee (including, *if applicable*, any towage fees) within 28 days after the issue 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 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
 - (c) admit liability for the offence, but make written submissions to the court.
- 3 The person registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle (the **registered person**) described in this notice is responsible for any moving vehicle offences committed with the vehicle unless one of the relevant statutory defences can be established. One statutory defence which applies only to moving vehicle offences is set out in paragraph 4.
- 4 You have a complete defence if you are being prosecuted as the registered person or person entitled to possession of the vehicle, and you prove—
- (a) that, at the time of the alleged offence,—
 - (i) you were not lawfully entitled to possession of the vehicle (either jointly with any other person or severally); or
 - (ii) another person was driving the vehicle; and
 - (b) you advised the enforcement authority in writing of this immediately after becoming aware of the alleged offence; and
 - (c) you gave to the enforcement authority a statutory declaration—
 - (i) identifying the driver, by giving the name and address of the driver or such other particulars within your knowledge as may lead to the identification of the driver; or
 - (ii) establishing that you could not identify the driver, after taking all reasonable steps to do so.

Note: This paragraph does not set out all of the relevant statutory defences.

5 If you don't 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.

Schedule 2: amended, on 1 May 2011, by section 35(5) of the Land Transport Amendment Act 2009 (2009 No 17).

Schedule 2: amended, on 1 October 2007, by regulation 5 of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2007 (SR 2007/234).

Schedule 2: amended, on 10 October 2006, by regulation 5(a) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 2: amended, on 10 October 2006, by regulation 5(b) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 3

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Overloading offence infringement notice

Overloading offence infringement notice

(Issued under the authority of the Land Transport Act 1998)

Notice No

Enforcement authority: *[specify]*Address for correspondence: *[specify]*

TO HEAVY MOTOR VEHICLE USER

Full name:	Forename(s)	Family name	Date of birth (where applicable): Driver licence No:
	Full address:		

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:	TSL No:
Vehicle type 2:	Reg. No 2:	Vehicle type 3:	Reg. No 3:
Vehicle type 4:	Reg. No 4:	Vehicle type 5:	Reg. No 5:
Offence number	Offence		Infringement fee payable
1	EXCEEDING PERMITTED		\$
	Weight limit kg	Weight measured: kg	
2	EXCEEDING PERMITTED		\$
	Weight limit kg	Weight measured: kg	
3	EXCEEDING PERMITTED		\$
	Weight limit kg	Weight measured: kg	

Payment of overloading infringement fee(s)

The infringement fee(s) is/are payable within 28 days after:	(Earliest date notice attached to vehicle, delivered personally or posted)
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Procedures for payment of penalty



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

Remittance advice must accompany all payments.

Cheques should be crossed and marked "not negotiable".

Important—Please read the information printed on this form.

Information

- 1 If you pay the infringement fee(s) (including, *if applicable*, any towage fees) within 28 days after the issue 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 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
 - (c) admit liability for the offence, but make written submissions to the court.

Note: If you admit liability, the penalty imposed by the court will be the same as the applicable infringement fee.
- 3 Each offence 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.
- 4 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.

- 5 If you don't 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.

Schedule 3: amended, on 1 October 2007, by regulation 6 of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2007 (SR 2007/234).

Schedule 3: amended, on 10 October 2006, by regulation 5(a) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 3: amended, on 10 October 2006, by regulation 5(b) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 4

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**Stationary vehicle offence infringement
notice**

Stationary vehicle offence infringement notice
(Issued under section 42A of the Transport Act 1962 and
section 139 of the Land Transport Act 1998)

Enforcement authority: *[specify]*

Address for correspondence: *[specify]*

To: the user or person entitled to possession of, or the person registered under Part 17 of the Land Transport Act 1998 in respect of, the vehicle described below:

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

Notice No:	_____
Registration No:	_____
TSL No:	_____
Type:	_____
Make:	_____
Date:	_____ Day: _____
Time:	_____
Officer:	_____
Street:	_____
Suburb:	_____
Locality:	_____
Side of street:	_____
Distance from sign:	_____
Restriction:	Meter No: _____
From:	To: _____
Offence: <i>[specify]</i>	_____
Infringement fee	\$ _____
Towage fee (including GST)	\$ _____
TOTAL FEE PAYABLE	\$ _____

The total 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 information printed on this form.

Information

- 1 If you pay the infringement fee (including, *if applicable*, any towage fees) within 28 days after the issue 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 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
 - (c) admit liability for the offence, but make written submissions to the court.
- 3 The person registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle (the **registered person**) described in this notice is responsible for any stationary vehicle offences committed with the vehicle unless one of the relevant statutory defences can be established. One statutory defence which applies only to stationary vehicle offences is set out in paragraph 4.
- 4 You have a complete defence if you are being prosecuted as the registered person or person entitled to possession of the vehicle, and you prove—
 - (a) that, at the time of the alleged offence,—
 - (i) you were not lawfully entitled to possession of the vehicle (either jointly with any other person or severally); or
 - (ii) another person was unlawfully in charge of the vehicle; and
 - (b) you advised the enforcement authority in writing of this immediately 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.

Note: This paragraph does not set out all of the relevant statutory defences.

- 5 If you don't 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.

Schedule 4: amended, on 1 May 2011, by section 35(5) of the Land Transport Amendment Act 2009 (2009 No 17).

Schedule 4: amended, on 1 October 2007, by regulation 7 of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2007 (SR 2007/234).

Schedule 5

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Reminder notice in respect of
infringement offenceReminder notice in respect of infringement
offence*(Section 42A(7) of the Transport Act 1962, section 140 of
the Land Transport Act 1998)*

INFORMANT

Notice No:

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CR No:

TO DEFENDANT

Full name:	Date of birth:
Full address:	Sex:
	Occupation:
	Driver licence No:

<p>THE INFORMANT SHOWN ABOVE ALLEGES THAT YOU COMMITTED AN INFRINGEMENT OFFENCE ON [date] AT [time] AT [place] IN THAT YOU [here set out details of offence, including the registration number of any vehicle used in the offence]</p> <p>THIS IS AN OFFENCE AGAINST [here set out enactment and provision applicable.] [In the case of a speeding offence, here set out the applicable speed limit and the speed at which the driver was travelling at the time of the offence.] [In the case of an infringement offence (other than a speeding offence) in respect of which a scale of infringement fees is prescribed depending on the extent of the offence, here set out the extent of the infringement offence alleged.]</p>	
<p>THE PENALTY FOR THE OFFENCE IS:</p> <p>Infringement fee or the amount of the infringement fee remaining unpaid (excluding towage fee): \$</p> <p>Towage fee: \$</p> <p>Other (specify): \$</p> <p>Total payable: \$</p> <p>Demerit points:</p> <p>OTHER PENALTIES:</p>	<p>BEING:</p> <p>1 A moving vehicle infringement offence <input type="checkbox"/></p> <p>2 An overloading infringement offence <input type="checkbox"/></p> <p>3 A stationary vehicle infringement offence <input type="checkbox"/></p> <p>4 Any offence (other than a moving vehicle infringement offence, overloading infringement offence or stationary vehicle infringement offence) specified in Schedule 2 of the Transport Act 1962 <input type="checkbox"/></p> <p>5 Any other offence specified as an infringement offence against the Land Transport Act 1998 <input type="checkbox"/></p> <p>[Mark box beside relevant offence]</p>
<p>THE LAST DAY FOR PAYMENT IS 28 DAYS AFTER SERVICE OF THIS NOTICE</p>	<p>INFRINGEMENT NOTICE ISSUED BY: [Name or number, if any, of officer who issued notice]</p>
<p>CHEQUES, ETC, SHOULD BE MADE OUT TO THE INFORMANT AND CROSSED "NOT NEGOTIABLE". PAYMENT MUST BE MADE TO THE INFORMANT AT THE ADDRESS SHOWN ABOVE.</p>	<p>SERVICE DETAILS [To be provided for filing in court] INFRINGEMENT NOTICE Served by [method of service*] on [date of service]</p> <p>REMINDER NOTICE Served by [method of service*] at [address**] on [date of service] *Attaching to vehicle [infringement notice only] Personal Service Registered post or ordinary post **Full address at which the reminder notice was served</p>
<p>IF YOU WISH TO DENY THE OFFENCE OR WISH TO HAVE A COURT CONSIDER SUBMISSIONS IN RESPECT OF THE OFFENCE, FOLLOW THE DIRECTIONS CONTAINED IN PARAGRAPHS 2 TO 4 PRINTED OVERLEAF</p>	<p>COURT RECORD</p>

IN YOUR OWN INTERESTS YOU SHOULD READ THE NOTES ON THIS FORM.

Notes to defendant

Information about all infringement offences
under the Transport Act 1962 and the Land
Transport Act 1998

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

Note: Infringement offence notices may be issued under the Transport Act 1962 or the Land Transport Act 1998 in respect of—

- moving vehicle offences:
- overloading offences:
- stationary vehicle offences:
- any offence (other than a moving vehicle offence, overloading offence, or stationary vehicle offence) specified in Schedule 2 of the Transport Act 1962:
- any other offence specified as an infringement offence against the Land Transport Act 1998.

Note: 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 below do not apply and you are not entitled either to request a hearing to deny liability or to ask the court to consider any submissions (as to penalty or otherwise) in respect of the infringement.

The type of infringement offence that *you* are alleged to have committed appears on the front of this form.

Paragraphs 1 to 6 and paragraph 8 below apply to *all* types of infringement offences under the Transport Act 1962 and the Land Transport Act 1998.

Paragraph 7 relates only to *stationary and moving* vehicle offences.

Payment

- 1 If you pay the infringement fee or the amount of the infringement fee remaining unpaid (including any towage fees) 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.

Note: If the offence alleged against you is an offence to which demerit points apply (other than an offence detected by approved vehicle surveillance equipment), demerit points will be recorded against you on payment of the infringement fee (or upon conviction for the offence). The number of demerit points that will be imposed is shown on the front of this notice.

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 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 on the front page of this notice 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 will 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, within 28 days after the service of this notice, write to the informant at the address shown on the front page of this notice requesting a hearing in respect of the offence **and** in that same letter admit liability in respect of the offence **and** set out the submissions that you would wish to be considered by the court. The informant will then, if it decides to commence court 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 will be imposed in addition to any penalty.

Note: If the offence alleged against you is an **overloading offence**, you should not make written submissions as to penalty as the penalty for the offence is fixed and may not be reduced by the court.

Non-payment of fee

- 5 If you do not pay the infringement fee or the amount of the infringement fee remaining unpaid (including any towage fees) and do not request a hearing in respect of the alleged 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.

Defence

- 6 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 (including any towage fees) 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.

Information about stationary and moving vehicle offences

- 7 The notes in this paragraph relate to **stationary and moving vehicle offences** only, and should be ignored if the offence alleged against you is not a stationary or moving vehicle offence.
- (1) Section 41A(2) of the Transport Act 1962 and section 133 of the Land Transport Act 1998 provide that proceedings for a stationary or moving vehicle offence may be taken against 1 or more of the following persons:
- (a) the person who allegedly committed the offence; or
 - (b) the person who, at the time of the alleged offence, was registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence (or, if the offence is alleged to have been committed before

- the commencement of section 242 of that Act, a person who, at the time of the alleged offence, was registered as the owner, or 1 of the owners, of that vehicle in a register kept under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986); or
- (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 (in the case of a person referred to in item (b) or item (c) of paragraph 7(1) above) the person was the driver, person in charge, or (in the case of a stationary vehicle offence) user of the vehicle at the time the alleged offence was committed and whether or not the person is an individual or a company or other body.

- (2) Where proceedings in respect of a stationary or moving vehicle offence are taken against you not as the person who allegedly committed the stationary or moving vehicle offence but as a person referred to in item (b) or (c) of paragraph 7(1), the acts or omissions of the driver, person in charge, or (in the case of a stationary vehicle offence) 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 7(4) below (with respect to stationary vehicle offences) or paragraph 7(5) below (with respect to moving vehicle offences).

Defences relating to stationary and moving vehicle offences

- (3) You have a further defence (in addition to that indicated in paragraph 6 above) against proceedings relating to the alleged stationary or moving vehicle offence if—
- (a) a reminder notice in respect of the offence has been filed in court, or particulars of a reminder notice in respect of the offence have been provided for filing in court, under section 21(3) or 21(3D) of the Summary Proceedings Act 1957 in respect of another person; or
- (b) a court has imposed on another person a fine, or costs, or both, in respect of the offence under the Summary Proceedings Act 1957.

Further defence relating to *stationary* vehicle offences

- (4) Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 7(2) above) you may overcome the presumption and have a complete defence (in addition to those indicated in paragraph 6 or paragraph 7(3) above) to any court proceedings against you for the stationary vehicle 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 with any other person or severally); or
 - (ii) another person was unlawfully in charge of the vehicle; and
 - (b) you advised the enforcement authority in writing of this immediately 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.

Further defence relating to *moving* vehicle offences

- (5) Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 7(2) above) you may overcome the presumption and have a complete defence (in addition to those indicated in paragraph 6 or paragraph 7(3) above) to any court proceedings against you for the moving vehicle 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 with any other person or severally); or
 - (ii) another person was driving the vehicle; and
 - (b) you advised the enforcement authority in writing of this immediately after becoming aware of the alleged offence; and

- (c) you gave to the enforcement authority a statutory declaration—
- (i) identifying the driver, by giving the name and address of the driver or such other particulars within your knowledge as may lead to the identification of the driver; or
 - (ii) establishing that you could not identify the driver, after taking all reasonable steps to do so.

Note: Paragraph 7 above summarises section 41A of the Transport Act 1962 and section 133 of the Land Transport Act 1998. Those sections fully set out the law regarding liability for stationary and moving vehicle offences.

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.

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

Schedule 5: amended, on 1 May 2011, by section 35(5) of the Land Transport Amendment Act 2009 (2009 No 17).

Schedule 5: amended, on 1 November 2009, by regulation 4 of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2009 (SR 2009/289).

Schedule 5: amended, on 10 October 2006, by regulation 6(1)(a) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 5: amended, on 10 October 2006, by regulation 6(1)(b) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 5: amended, on 10 October 2006, by regulation 6(2)(a) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 5: amended, on 10 October 2006, by regulation 6(2)(b) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 5: amended, on 10 October 2006, by regulation 6(2)(c) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 5: amended, on 10 October 2006, by regulation 6(3)(a) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 5: amended, on 10 October 2006, by regulation 6(3)(b) of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244).

Schedule 6

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Toll offence infringement notice

Schedule 6: added, on 23 January 2009, by regulation 6 of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2008 (SR 2008/454).

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*]

Form — *continued*

Enforcement officer:

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

Form —*continued*

- (b) deny liability for the offence and request a court hearing; or
 - (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.

Schedule 7

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Toll offence infringement reminder notice

Schedule 7: added, on 23 January 2009, by regulation 6 of the Land Transport (Infringement and Reminder Notices) Amendment Regulations 2008 (SR 2008/454).

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

Form —*continued*

- 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.

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 ac-

Form —*continued*

company 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

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.

Form —*continued*

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.

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,

Form —*continued*

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 alleged 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.

Form —*continued*

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.

Note

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

Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 17 December 1998.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Land Transport (Infringement and Reminder Notices) Regulations 1998. The reprint incorporates all the amendments to the regulations as at 1 May 2011, 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) Amendment Regulations 2009 (SR 2009/289)

Land Transport Amendment Act 2009 (2009 No 17): section 35(5)

Land Transport (Infringement and Reminder Notices) Amendment Regulations 2008 (SR 2008/454)

Land Transport (Infringement and Reminder Notices) Amendment Regulations 2007 (SR 2007/234)

Land Transport (Infringement and Reminder Notices) Amendment Regulations 2006 (SR 2006/244)

Reprinted as at
1 May 2011

**Land Transport (Infringement and
Reminder Notices) Regulations 1998**

Notes