

**Reprint
as at 4 October 2013**



**Land Transport (Infringement and
Reminder Notices) Regulations
2012**

(SR 2012/111)

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 5th day of June 2012

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 167 of the Land Transport Act 1998, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

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) Regulations 2012.
- 2 Commencement**
These regulations come into force on 1 August 2012.

3 Infringement offences

An infringement notice in respect of an infringement offence, other than a moving vehicle offence, a special vehicle lane offence, an overloading offence, a toll offence, or a stationary vehicle offence, must be in the form set out in Schedule 1.

4 Moving vehicle offences

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

5 Special vehicle lane offences

- (1) An infringement notice for a special vehicle lane offence that is served by delivering it, or a copy of it, personally to the person who appears to have committed the offence must be in the form set out in Schedule 8.
- (2) An infringement notice for a special vehicle lane offence served otherwise than as described in subclause (1) must be in the form set out in Schedule 2.

6 Overloading offences

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

7 Stationary vehicle offences

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

8 Toll offences

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

9 Reminder notice

- (1) If an infringement notice is issued in a form set out in Schedule 1, 2, 3, 4, or 8, 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.

10 Revocation

The Land Transport (Infringement and Reminder Notices) Regulations 1998 (SR 1998/447) are revoked.

Schedule 1
Infringement notice

r 3

Form

Infringement notice

(Issued under the Land Transport Act 1998)

Notice No:

Enforcement authority:

Address for correspondence and payment:

To user of vehicle

Full name: *[first name(s), family name]*

Full address:

Occupation:

Date of birth:

Driver licence No:

Sex:

Telephone No:

Alleged infringement offence(s) details

Date:

Time:

Day of week:

Vehicle type:

Vehicle make:

Reg. No:

TSL No:

Road/Street:

Locality:

Offence No	Offence
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Infringement fee payable (\$)
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1

2

3

Form—*continued***Details of speeding offence (if applicable)**Speed limit: [*specify*] km/hAlleged speed: [*specify*] km/hLimit exceeded by: [*specify*] 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*]

Procedures for payment of penalty[*Payment verification stamp*][*Specify method(s) of payment.*]**Information**

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

Payment

- 1 If you pay the infringement fee(s) (including any towage fees) within 28 days after the service of this notice, no further enforcement action will be taken against you.

Defence

- 2 You will have a complete defence against proceedings relating to an alleged offence if the infringement fee (including any towage fees) is paid to the enforcement authority and received at the address shown on this notice within 28 days after the service of this notice.

Form—*continued*

- 3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Note: Demerit points apply to a range of traffic offences. If the offence alleged against you is an offence to which demerit points apply, they will be recorded against you upon payment of the infringement fee (or upon conviction for the offence). However, demerit points take effect from the date the offence was committed. If 2 or more offences arising out of the same set of circumstances are committed, demerit points will be recorded in respect of the offence carrying the highest number.

Further action

- 4 You must write to the enforcement authority if you wish to do any of the following things:
- (a) raise a matter concerning the circumstances of an alleged offence for consideration by the enforcement authority; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the offence, but have the court consider submissions as to penalty or otherwise. In your letter you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the enforcement authority will then, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the enforcement authority 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.

Form—*continued*

If the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

Note: If the offence alleged against you is an offence against section 10(2) of the Road User Charges Act 2012, you should not make written submissions as to penalty because the penalty for the offence is fixed and may not be reduced by the court.

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.

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 this notice.

Next steps

If you do not request a hearing and you do not pay the infringement fee (including any towage fees) within the 28 days after the service of this notice, a reminder notice will be sent to you. Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs.

Note: All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the address shown on this notice. When writing, please include the date of the alleged infringement offence, the vehicle registration number (if shown on this form), and your address for replies.

Schedule 2

rr 4, 5(2)

**Moving vehicle offence or special vehicle
lane offence infringement notice**

Form

Moving vehicle offence or special vehicle lane
offence infringement notice

(Issued under the Land Transport Act 1998)

Notice No:

Enforcement authority:

Address for correspondence and payment:

ICN:

To

Full name: *[first name(s), family name]*

Date of birth:

Full address:

Sex:

Occupation:

Driver licence No:

Telephone No:

Alleged infringement offence details

Date:

Time:

Day of week:

Vehicle type:

Vehicle make:

Reg No:

TSL No:

Road/Street:

Locality:

Site reference number (location):

Offence:

The infringement fee payable is: \$*[amount]*

Form—*continued*

This infringement fee is payable within 28 days after: [*Earliest date notice delivered personally or posted*]

Details of speeding offence (if applicable)

Speed limit: [*specify*] km/h

Alleged speed: [*specify*] km/h

Limit exceeded by: [*specify*] km/h

Procedures for payment of penalty

[*Payment verification stamp*]

[*Specify method(s) of payment.*]

Information

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

Payment

- 1 If you pay the infringement fee (including any towage fees) within 28 days after the service of this notice, no further enforcement action will be taken against you.

Defence

- 2 You will have a complete defence against proceedings relating to the alleged offence if the infringement fee (including any towage fees) is paid to the enforcement authority and received at the address shown on this notice within 28 days after the service of this notice.
- 3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Further action

- 4 You must write to the enforcement authority if you wish to do any of the following things:

Form—*continued*

- (a) raise a matter concerning the circumstances of the alleged offence for consideration by the enforcement authority; or
- (b) deny liability for the alleged offence and request a court hearing; or
- (c) admit liability for the offence, but have the court consider submissions as to penalty or otherwise. In your letter you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the enforcement authority will then, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and the time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the enforcement authority 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 the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

Information about moving vehicle offences and special vehicle lane offences

5 Section 133 of the Land Transport Act 1998 provides that proceedings for a moving vehicle offence or a special vehicle lane offence may be taken against 1 or more of the following persons:

- (a) the person who allegedly committed the offence;
- (b) the person who, at the time of the alleged offence, was registered under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or Part 17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence:

Form—*continued*

- (c) a 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, if item (b) or (c) applies, the person is an individual or was the driver or person in charge of the vehicle at the time the alleged offence was committed.

- 6 Where proceedings in respect of a moving vehicle offence or a special vehicle lane offence are taken against you not as the person who allegedly committed the offence but as a person referred to in paragraph 5(b) or (c), the acts or omissions of the driver or person in charge of the vehicle at the time of the alleged offence are presumed to be your acts or omissions unless you establish the defence described in paragraph 8.

Defences relating to moving vehicle offences and special vehicle lane offences

- 7 You have a defence if another person has, by virtue of an order under the Criminal Procedure Act 2011 or the Summary Proceedings Act 1957, become liable to pay a fine or costs, or both, in respect of the offence.
- 8 Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 6), you may have a complete defence (in addition to those indicated in paragraphs 2 and 7) to any proceedings against you for the moving vehicle offence or the special vehicle lane offence if you prove that,—
- (a) at the time the alleged offence was committed,—
- (i) you were not lawfully entitled to possession of the vehicle (either jointly with any other person or as an individual); 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—

Form—*continued*

- (i) identifying the driver, by giving the full name and full address of the driver and any other identifying particulars, so far as they are within your knowledge, such as the driver's date of birth, occupation, and telephone number; or
- (ii) establishing that you could not identify the driver, after taking all reasonable steps to do so.

Next steps

If you do not request a hearing and you do not pay the infringement fee (including any towage fees) within 28 days after the service of this notice, a reminder notice will be sent to you. Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs.

Note: All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the address shown on this notice. When writing, please include the date of the alleged infringement offence, the vehicle registration number (if shown on this form), and your address for replies.

Schedule 2: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Schedule 3

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Overloading offence infringement notice

Form

Overloading offence infringement notice

(Issued under the Land Transport Act 1998)

Notice No:

Enforcement authority:

Address for correspondence and payment:

To heavy motor vehicle user

Full name: *[first name(s), family name]*

Full address:

Date of birth:

Driver licence No:

Sex:

Occupation:

Telephone No:

Alleged overloading infringement offence(s) details

Date:

Time:

Day of week:

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:

Form—*continued*

Reg No 5:

Offence number 1

Offence: Exceeding permitted weight limit

Weight limit: [*specify*] kg

Weight measured: [*specify*] kg

Limit exceeded by: [*specify*] kg

Infringement fee payable: \$[*amount*]

Offence number 2

Offence: Exceeding permitted weight limit

Weight limit: [*specify*] kg

Weight measured: [*specify*] kg

Limit exceeded by: [*specify*] kg

Infringement fee payable: \$[*amount*]

Offence number 3

Offence: Exceeding permitted weight limit

Weight limit: [*specify*] kg

Weight measured: [*specify*] kg

Limit exceeded by: [*specify*] kg

Infringement fee payable: \$[*amount*]

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*]

Procedures for payment of penalty

[*Payment verification stamp*]

[*Specify method(s) of payment.*]

Form—*continued*

Information

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

Payment

- 1 If you pay the infringement fee(s) (including any towage fees) within 28 days after the service of this notice, no further enforcement action will be taken against you.

Defence

- 2 You will have a complete defence against proceedings relating to the alleged offence if the infringement fee (including any towage fees) is paid to the enforcement authority and received at the address shown on this notice within 28 days after the service of this notice.
- 3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Further action

- 4 You must write to the enforcement authority if you wish to do any of the following things:
 - (a) raise a matter concerning the circumstances of the alleged offence for consideration by the enforcement authority; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the offence, but have the court consider submissions. In your letter you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the enforcement authority will then, if it decides to commence court pro-

Form—*continued*

ceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and the time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the enforcement authority 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 the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

Note: You should not make written submissions as to the penalty, because the penalty for the offence is fixed and may not be reduced by the court.

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 the same way in respect of all alleged offences or in different ways in respect of different alleged offences.

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

Next steps

If you do not request a hearing and you do not pay the infringement fee (including any towage fees) within 28 days after the service of this notice, a reminder notice will be sent to you. Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs.

Note: All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the address shown on this notice. When writing, please include the date of the alleged infringement offence, the vehicle registration number (if shown on this form), and your address for replies.

Schedule 4

r 7

**Stationary vehicle offence infringement
notice**

Form

Stationary vehicle offence infringement notice

(Issued under the Land Transport Act 1998)

Enforcement authority:

Address for correspondence and payment:

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 after the service 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/Park No*:

From:

To:

Offence:

Infringement fee: \$[amount]

Towage fee (including GST): \$[amount]

Total fee payable: \$[amount]

Form—*continued*

[Specify method(s) of payment.]

*If applicable, select one.

Information

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

Payment

- 1 If you pay the infringement fee (including any towage fees) within 28 days after the service of this notice, no further enforcement action will be taken against you.

Defence

- 2 You will have a complete defence against proceedings related to the alleged offence if the infringement fee (including any towage fees) is paid to the enforcement authority and received at the address shown on this notice within 28 days after the service of this notice.
- 3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Further action

- 4 You must write to the enforcement authority if you wish to do any of the following things:
 - (a) raise a matter concerning the circumstances of the alleged offence for consideration by the enforcement authority; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the offence, but wish to have the court consider submissions as to penalty or otherwise. In your letter you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

Form—*continued*

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the enforcement authority will then, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the enforcement authority 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 the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

Information relating to stationary vehicle offences

- 5 Section 133A of the Land Transport Act 1998 provides that proceedings for a stationary vehicle offence may be taken against 1 or more of the following persons (whether or not, if item (b) or (c) applies, the person is an individual or was the driver, person in charge, or user of the vehicle at the time the alleged offence was committed):
- (a) the person who allegedly committed the offence:
 - (b) the person who, at the time of the alleged offence, was registered under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or Part 17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence:
 - (c) the 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).
- 6 Where proceedings in respect of a stationary vehicle offence are taken against you not as the person who allegedly committed the offence but as a person referred to in paragraph 5(b) or (c), the acts or omissions of the driver, person in charge, or

Form—*continued*

user of the vehicle at the time of the alleged offence are presumed to be your acts or omissions unless you establish the defence described below in paragraph 8.

Defences related to stationary vehicle offences

- 7 You have a defence if you prove another person has, by virtue of an order under the Criminal Procedure Act 2011 or the Summary Proceedings Act 1957, become liable to pay a fine or costs, or both, in respect of the offence.
- 8 Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 6), you may have a complete defence (in addition to those indicated in paragraphs 2 and 7) to any proceedings against you for the stationary vehicle offence if you prove that—
- (a) at the time the alleged offence was committed,—
 - (i) you were not lawfully entitled to possession of the vehicle (either jointly with any other person or as an individual); or
 - (ii) another person was unlawfully in charge of the vehicle; and
 - (b) you advised the enforcement authority in writing of this as soon as practicable after becoming aware of the alleged offence; and
 - (c) you gave the enforcement authority a statutory declaration—
 - (i) identifying another person who was, at the time of the alleged offence, lawfully entitled to possession, or was unlawfully in charge of the vehicle by providing the full name and full address and any other identifying particulars of the other person that you know, for example, the other person's date of birth, occupation, and telephone number; or
 - (ii) establishing that you could not identify the other person after taking all reasonable steps to do so.

*Form—continued***Next steps**

If you do not request a hearing and you do not pay the infringement fee (including any towage fees) within 28 days after the service of this notice, a reminder notice will be sent to you. Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs.

Note: All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the address shown on this notice. When writing, please include the date of the alleged infringement offence, the vehicle registration number (if shown on this form), and your address for replies.

Schedule 4: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Schedule 5
**Reminder notice in respect of
infringement offence**

r 9(1)

Form
**Reminder notice in respect of infringement
offence**

(Issued under the Land Transport Act 1998)

Notice No:

CR No:

Enforcement authority:

Address for correspondence and payment:

ICN:

To defendant

Full name: *[first name(s), family name]*

Full address:

Date of birth:

Sex:

Occupation:

Driver licence No:

Telephone No:

The enforcement authority shown above alleges that you committed an infringement offence on *[date]* at *[time]* at *[place]* in that you *[details of the offence, including the vehicle registration number of any vehicle used in the offence]*.

This is an offence against *[specify enactment and provision applicable.]*

[In the case of a speeding offence, 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.]

Being:

*1 A moving vehicle infringement offence

Form—*continued*

- *2 A special vehicle lane offence
- *3 An overloading infringement offence
- *4 A stationary vehicle infringement offence
- *5 Any offence (other than those listed above or a toll offence) specified in Schedule 1 of the Land Transport (Offences and Penalties) Regulations 1999
- *6 Any other offence specified as an infringement offence against the Land Transport Act 1998
- *7 An offence against section 10(2) of the Road User Charges Act 2012

*Specify.

Infringement notice issued by: [*name or number, if any, of officer who issued notice*]

Penalty for offence

Infringement fee/amount of the infringement fee remaining unpaid (excluding towage fee): \$[*amount*]

Towage fee: \$[*amount*]

Other: \$[*amount*]

Total payable: \$[*amount*]

Demerit points:

Other penalties:

You must pay the infringement fee within 28 days after the service of this notice. The last date for payment is [*date*].

[*Specify method(s) of payment.*]

Service details

(To be provided for filing in court)

Infringement notice served by attaching to vehicle/personal service/prepaid post/electronically (if permitted)*.

*Select one.

Form—*continued*

Reminder notice served by personal service/prepaid post/electronically (if permitted)* at [*full address at which the reminder notice was served*].

*Select one.

Court record

Information

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

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

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.

Defence

- 2 You will have a complete defence against proceedings relating to the alleged offence if you can show the infringement fee or the amount of the infringement fee remaining unpaid (including any towage fees) has been paid to the enforcement authority and received at the address shown on the front of this notice within 28 days after the service of this notice.
- 3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Note: Demerit points apply to a range of traffic offences. If the offence alleged against you is an offence to which demerit points apply they will be recorded against you upon payment of the infringement fee (or upon conviction for the offence). However, demerit points take effect from the date the offence was committed. If 2 or more offences arising out of the same set of circumstances are committed,

Form—*continued*

demerit points will be recorded in respect of the offence carrying the highest number.

Further action

- 4 You must write to the enforcement authority if you wish to do any of the following things:
- (a) raise a matter concerning the circumstances of the alleged offence for consideration by the enforcement authority; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the offence, but have the court consider submissions as to penalty or otherwise. In your letter you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the enforcement authority will then, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the enforcement authority 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 the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

Note: If the offence alleged against you is an overloading offence or an offence against section 10(2) of the Road User Charges Act 2012, you should not make written submissions as to penalty because the penalty for the offence is fixed and may not be reduced by the court.

Form—*continued*

Information about moving vehicle offences and special vehicle lane offences

5 Section 133 of the Land Transport Act 1998 provides that proceedings for a moving vehicle offence or a special vehicle lane offence may be taken against 1 or more of the following persons:

- (a) the person who allegedly committed the offence:
- (b) the person who, at the time of the alleged offence, was registered under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or Part 17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence:
- (c) a 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, if item (b) or (c) applies, the person is an individual or was the driver or person in charge of the vehicle at the time the alleged offence was committed.

6 Where proceedings in respect of a moving vehicle offence or a special vehicle lane offence are taken against you not as the person who allegedly committed the offence but as a person referred to in paragraph 5(b) or (c), the acts or omissions of the driver or person in charge of the vehicle at the time of the alleged offence are presumed to be your acts or omissions unless you establish the defence described in paragraph 8.

Defences relating to moving vehicle offences and special vehicle lane offences

7 You have a defence if another person has, by virtue of an order under the Criminal Procedure Act 2011 or the Summary Proceedings Act 1957, become liable to pay a fine or costs, or both, in respect of the offence.

8 Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 6) you may have a complete defence (in addition to those indicated in paragraphs 2 and 7)

Form—*continued*

to any proceedings against you for the moving vehicle offence or the special vehicle lane offence if you prove that,—

- (a) at the time the alleged offence was committed,—
 - (i) you were not lawfully entitled to possession of the vehicle (either jointly with another person or as an individual); 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 full name and full address of the driver and any other identifying particulars, so far as they are within your knowledge, such as the driver's date of birth, occupation, and telephone number; or
 - (ii) establishing that you could not identify the driver, after taking all reasonable steps to do so.

Information relating to stationary vehicle offences

9 Section 133A of the Land Transport Act 1998 provides that proceedings for a stationary vehicle offence may be taken against 1 or more of the following persons (whether or not, if item (b) or (c) applies, the person is an individual or was the driver, person in charge, or user of the vehicle at the time the alleged offence was committed):

- (a) the person who allegedly committed the offence:
- (b) the person who, at the time of the alleged offence, was registered under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or Part 17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence:
- (c) the 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).

Form—*continued*

- 10 Where proceedings in respect of a stationary vehicle offence are taken against you not as the person who allegedly committed the offence but as a person referred to in paragraph 9(b) or (c), the acts or omissions of the driver, person in charge or user of the vehicle at the time of the alleged offence are presumed to be your acts or omissions unless you establish the defence described below in paragraph 12.

Defences relating to stationary vehicle offences

- 11 You have a defence if you prove another person has, by virtue of an order under the Criminal Procedure Act 2011 or the Summary Proceedings Act 1957, become liable to pay a fine or costs, or both, in respect of the offence.
- 12 Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 10), you may have a complete defence (in addition to those indicated in paragraphs 2 and 11) to any proceedings against you for the stationary vehicle offence if you prove that,—
- (a) at the time the alleged offence was committed,—
 - (i) you were not lawfully entitled to possession of the vehicle (either jointly with any other person or as an individual); or
 - (ii) another person was unlawfully in charge of the vehicle; and
 - (b) you advised the enforcement authority in writing of this as soon as practicable after becoming aware of the alleged offence; and
 - (c) you gave the enforcement authority a statutory declaration—
 - (i) identifying another person who was, at the time of the alleged offence, lawfully entitled to possession, or was unlawfully in charge of the vehicle, by providing the full name and full address and any other identifying particulars of the other person that you know, for example, the other person's date of birth, occupation, and telephone number; or

Form—continued

- (ii) establishing that you could not identify the other person after taking all reasonable steps to do so.

Next steps

If you do not request a hearing and you do not 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, you will become liable to pay a fine and court costs.

Note: All payments, queries, and correspondence regarding this notice must be directed to the enforcement authority at the address shown on the front of this notice. When writing, please include the date of the alleged infringement offence, the reminder notice number, the vehicle registration number (if shown on the front of this form), and your address for replies.

Schedule 5: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Schedule 6

r 8

Toll offence infringement notice

Form

Toll offence infringement notice
(Issued under the Land Transport Act 1998)

Enforcement authority:

Address for correspondence and payment:

Infringement notice No:

Issue date:

To driver of vehicle/registered person of the vehicle*

*Select one.

Full name: [*first name(s), family name*]

Full address:

Date of birth:

Driver licence No:

Sex:

Occupation:

Telephone No:

The enforcement authority 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 person registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle (the **registered person**) at the time that the driver failed to pay the toll, also 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 led to the identification of the person who was in charge or control of the vehicle at the relevant time; or

Form—*continued*

- (ii) a statement that the vehicle was a stolen vehicle at the relevant time.

Alleged infringement offence details

Registered person of the vehicle/Driver of vehicle*

*Select one.

Date of offence:

Time:

Day of week:

Vehicle type:

Vehicle make:

Reg No:

Toll road: [*name of toll road*]

Location:

Offence:

Infringement fee payable: \$[*amount*]

Enforcement officer:

Procedures for payment of infringement fee[*Specify method(s) of payment.*]The infringement fee is payable within 28 days after: [*Earliest date notice delivered personally or posted*]**Information**

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

Information about toll offences

- 1 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

Form—*continued*

pay the toll to the toll operator, the registered person in respect of the motor vehicle is liable for payment unless they give a sworn statement in writing or a statutory declaration of the nature set out in this notice.

Payment

- 2 If you pay the infringement fee within 28 days after the service of this notice, no further enforcement action will be taken against you.

Defence

- 3 You will have a complete defence against any proceedings relating to the alleged offence if the infringement fee is paid to the enforcement authority and received at the address shown on this notice within 28 days after the service of this notice.
- 4 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Further action

- 5 You must write to the enforcement authority if you wish to do any of the following things:
 - (a) raise a matter concerning the circumstances of the alleged offence for consideration by the enforcement authority; or
 - (b) deny liability for the alleged offence and request a court hearing; or
 - (c) admit liability for the offence, but have the court consider submissions as to penalty or otherwise. In your letter you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the enforcement authority will then, if it decides to commence court pro-

Form—*continued*

ceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the enforcement authority 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 the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

Next steps

If you do not request a hearing and you do not pay the infringement fee within 28 days after the service of this notice, a reminder notice will be sent to you. Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs.

Note: All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the address shown on this notice. When writing, please include the date of the alleged infringement offence, the vehicle registration number (if shown on this form), and your address for replies.

Schedule 7

r 9(2)

Toll offence infringement reminder notice

Form

Toll offence infringement reminder notice

(Issued under the Land Transport Act 1998)

Toll road: *[name of toll road]*

Enforcement authority:

Address for correspondence and payment:

Reminder notice No:

Issue date:

To defendant

Full name: *[first name(s), family name]*

Full address:

Date of birth:

Driver licence No:

Sex:

Occupation:

Telephone No:

Vehicle type:

Vehicle make:

Reg No:

The enforcement authority 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 person registered under Part 17 of the Land Transport Act 1998 in respect of the vehicle (the **registered person**) at the time that the driver failed to pay the toll, also 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 led to the identification of the

Form—*continued*

- 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.

Infringement offence details

Infringement notice No:

Infringement date:

Infringement time:

Infringement notice issued by:

Service details*[To be provided for filing in court]*Infringement notice served by personal service/prepaid post/electronically (if permitted)* on: *[date of service of infringement notice]*Reminder notice served by prepaid post/electronically (if permitted)* on: *[date of service of reminder notice]*At: *[address]*

*Select one.

Infringement feeThe infringement fee for this offence is: *[\$[amount]*Amount of infringement fee unpaid: *[\$[amount]*Total payable: *[\$[amount]***Procedure for payment of infringement fee***[Specify method(s) of payment.]*You must pay the infringement fee within 28 days after the service of this notice. The last date for payment is *[date]*.

Information

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

Form—*continued*

Information about toll offences

- 1 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 toll to the toll operator, the registered person in respect of the motor vehicle is liable for payment unless they give a sworn statement in writing or a statutory declaration of the nature set out on the front of this notice.

Payment

- 2 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.

Defences

- 3 You will have a complete defence against proceedings relating to the alleged offence if you can show the infringement fee or the amount of the infringement fee remaining unpaid has been paid to the enforcement authority and received at the address shown on the front page of this notice within 28 days after the service of this notice.
- 4 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Further action

- 5 You must write to the enforcement authority if you wish to do any of the following things:
 - (a) raise a matter concerning the circumstances of the alleged offence for consideration by the enforcement authority; or

Form—*continued*

- (b) deny liability for the alleged offence and request a court hearing; or
- (c) admit liability for the offence, but have the court consider submissions as to penalty or otherwise. In your letter you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the enforcement authority will then, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the enforcement authority 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 the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

Next steps

If you do not request a hearing and you do not pay the infringement fee or the amount of the infringement fee remaining unpaid within 28 days after the service of this notice, you will become liable to pay a fine and court costs.

Note: All payments, queries, and correspondence regarding this notice must be directed to the enforcement authority at the address shown on the front of this notice. When writing, please include the date of the alleged infringement offence, the reminder notice number, the vehicle registration number (if shown on the front of this form), and your address for replies.

Schedule 8

r 5(1)

**Special vehicle lane offence infringement
notice**

Form

Special vehicle lane offence infringement notice

(Issued under the Land Transport Act 1998)

Notice No:

Enforcement authority:

Address for correspondence and payment:

To user of vehicle

Full name: *[first name(s), family name]*

Full address:

Occupation:

Date of birth:

Driver licence No:

Sex:

Telephone No:

Alleged infringement offence(s) details

Date:

Time:

Day of week:

Vehicle type:

Vehicle make:

Reg No:

TSL No:

Road/Street:

Locality:

**Offence Offence
No**

**Infringement fee
payable (\$)**

1

2

3

Form—*continued***Payment of infringement fee(s)**

The infringement fee(s) is/are payable within 28 days after: [*Date notice delivered personally*]

Procedures for payment of penalty

[*Payment verification stamp*]

[*Specify method(s) of payment*]

Information

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

Payment

- 1 If you pay the infringement fee(s) (including any towage fees) within 28 days after the service of this notice, no further enforcement action will be taken against you.

Defence

- 2 You will have a complete defence against proceedings relating to an alleged offence if the infringement fee (including any towage fees) is paid to the enforcement authority and received at the address shown on this notice within 28 days after the service of this notice.
- 3 Late payment, or payment made to any other address, will not constitute a defence to proceedings in respect of the alleged offence.

Further action

- 4 You must write to the enforcement authority if you wish to do any of the following things:
 - (a) raise a matter concerning the circumstances of an alleged offence for consideration by the enforcement authority; or
 - (b) deny liability for the alleged offence and request a court hearing; or

Form—*continued*

- (c) admit liability for the offence, but have the court consider submissions as to penalty or otherwise. In your letter you must request a hearing, admit liability in respect of the offence, and set out the submissions that you would like the court to consider.

You must ensure that your request is received on or before the last day for payment.

If you deny liability and request a court hearing, the enforcement authority will then, if it decides to commence court proceedings in respect of the alleged offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.

If you admit liability but wish to have the court consider submissions, the enforcement authority 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 the court finds you guilty or you make submissions, costs will be imposed in addition to any penalty.

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.

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 this notice.

Information about special vehicle lane offences

5 Section 133 of the Land Transport Act 1998 provides that proceedings for a special vehicle lane offence may be taken against 1 or more of the following persons:

- (a) the person who allegedly committed the offence:
- (b) the person who, at the time of the alleged offence, was registered under section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986 or Part

Form—*continued*

17 of the Land Transport Act 1998 in respect of the vehicle involved in the offence:

- (c) a 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, if item (b) or (c) applies, the person is an individual or was the driver or person in charge of the vehicle at the time the alleged offence was committed.

- 6 Where proceedings in respect of a special vehicle lane offence are taken against you not as the person who allegedly committed the offence but as a person referred to in paragraph 5(b) or (c), the acts or omissions of the driver or person in charge of the vehicle at the time of the alleged offence are presumed to be your acts or omissions unless you establish the defence described in paragraph 8.

Defences relating to special vehicle lane offences

- 7 You have a defence if another person has, by virtue of an order under the Criminal Procedure Act 2011 or the Summary Proceedings Act 1957, become liable to pay a fine or costs, or both, in respect of the offence.
- 8 Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 6), you may have a complete defence (in addition to those indicated in paragraphs 2 and 7) to any proceedings against you for the special vehicle lane offence if you prove that—
- (a) at the time the alleged offence was committed,—
- (i) you were not lawfully entitled to possession of the vehicle (either jointly with another person or as an individual); 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—

Form—*continued*

- (i) identifying the driver, by giving the full name and full address of the driver and any other identifying particulars, so far as they are within your knowledge, such as the driver's date of birth, occupation, and telephone number; or
- (ii) establishing that you could not identify the driver, after taking all reasonable steps to do so.

Next steps

If you do not request a hearing and you do not pay the infringement fee (including any towage fees) within the 28 days after the service of this notice, a reminder notice will be sent to you. Please note that in some circumstances if you do not receive a reminder notice you may still become liable to pay a fine and court costs.

Note: All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the address shown on this notice. When writing, please include the date of the alleged infringement offence, the vehicle registration number (if shown on this form), and your address for replies.

Schedule 8: amended, on 4 October 2013, by regulation 3(2) of the Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409).

Rebecca Kitteridge,
Clerk of the Executive Council.

Issued under the authority of the Acts and Regulations Publication Act 1989.
Date of notification in *Gazette*: 7 June 2012.

Reprints notes

1 *General*

This is a reprint of the Land Transport (Infringement and Reminder Notices) Regulations 2012 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Criminal Procedure (Consequential Amendments) Regulations 2013 (SR 2013/409): regulation 3(2)
