

INFRINGEMENT OFFENCES

INFRINGEMENT OFFENCES INCLUDE PARKING, SPEEDING AND OVERLOADING OFFENCES, NOT HAVING A CURRENT WARRANT OR CERTIFICATE OF FITNESS OR VEHICLE REGISTRATION AND SOME LOWER-LEVEL DRINK-DRIVING OFFENCES. THESE ARE DEALT WITH UNDER THE INFRINGEMENT OFFENCE PROCEDURES WE DISCUSS IN THIS ISSUE OF TRUCKERS' GUIDE TO THE LAW.

Where an enforcement officer thinks that an infringement offence has been committed, she or he may issue an infringement offence notice (the ticket), by:

- Attaching a copy of the ticket to the vehicle to which the notice relates;
- Delivering a copy to the person who appears to have committed the infringement offence;
- Delivering a copy to the person who appears to be in charge of the vehicle to which the notice relates;
- Sending the ticket by post to the person who appears to have committed the infringement offence; or
- If the person is the holder of a land transport document (i.e. licences, permits, approvals and/or authorisations etc.) post to the person at their last address for service provided for the purposes of that document.

Infringement fees are payable within 28 days. If you accept that you committed the infringement offence, and simply want to pay the fine, this should be done within 28 days. If you do this, that will be the end of the matter.

After 28 days, a reminder notice will be sent to you if the fine is not paid. If you do nothing for 28 days after the reminder notice has been sent, then the Police will file copies of the document at the District Court and the fine becomes a Court fine. The Court will then proceed to enforce that fine if it remains unpaid, adding Court costs.

Options when you receive an Infringement Notice

If you receive an infringement notice, you may:

- Pay the instant fine (which is an admission of guilt) at any time until the reminder notice has been filed in Court. Once a reminder notice has been filed in Court, court costs are added to the amount payable, and you must pay the total amount to the Court. If the fine is filed in Court, you can no longer pay the instant fine to the Police.
- Accept liability and write a letter to the Court setting out the matters you would like taken into account by the Court in fixing penalty.
- Deny liability altogether by writing to the Police requesting a hearing. If you do this, a hearing date is allocated and the matter proceeds as though a normal Court summons has been issued.

The infringement fines for overloading offences, including axle infringements, are mandatory upon the charge being proven, and cannot be reduced by the Court. However, many other fines may be reduced by the Court. A Judge does not necessarily have to impose the instant fine specified on the infringement offence notice. They may also increase the fine.

A Judge may reduce the fine, sometimes quite significantly, after hearing your explanation in Court or reading your letter of explanation.

Consequences of Infringement Notices

By paying within 28 days of receiving the reminder notice, you avoid payment of Court costs. If you pay within that time, you have a complete defence against any enforcement proceedings for an infringement offence.

If you pay the infringement fine, you admit guilt and that is the end of the matter. Whether you pay the fine immediately or appear in Court to defend or explain the circumstances in which the offence occurred, no conviction is entered in your traffic conviction history. In dealing with infringement offences, the Court simply orders you to pay a fine (if any) and costs, but no conviction is entered.

The details of the infringement (but no conviction) will, however, be recorded against you in the traffic register, and may be taken into account as part of fitness and propriety assessments by the New Zealand Transport Agency.

If you have not received an infringement notice or the reminder, the notice will be filed with the Court, incurring further costs. If you genuinely did not receive the infringement notice or reminder notice, you may be able to correct this by swearing a declaration and having the notice reissued.

This summary is intended only as a guide. It is not a full summary of the law relating to infringement offences. If you have specific questions, or need legal advice on a particular issue, please contact Cathy Fisher or Shafraz Khan at Fortune Manning Lawyers. Cathy and Shafraz have extensive experience in all areas of the law relating to the transport industry.

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