



Summary Proceedings Amendment Regulations 2012

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 212 of the Summary Proceedings Act 1957, Her Excellency the Administrator of the Government, acting on the advice and with the consent of the Executive Council, makes the following regulations.

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal regulations	2
4 Regulation 15B amended (Reminder notice for infringement offence)	2
5 Regulation 15D amended (Certain Court fees relating to infringement offences payable by local authorities, etc)	2
6 Regulation 15E revoked (Applications for correction of irregularities in proceedings for infringement offences)	2
7 Schedule 1 amended	2

3

- 1 Title**
These regulations are the Summary Proceedings Amendment Regulations 2012.
- 2 Commencement**
These regulations come into force on 1 August 2012.
- 3 Principal regulations**
These regulations amend the Summary Proceedings Regulations 1958 (the **principal regulations**).
- 4 Regulation 15B amended (Reminder notice for infringement offence)**
In regulation 15B(2)(c), after “full address”, insert “or, in the case of a reminder notice served electronically in accordance with section 24(1)(e) of the Act, the electronic address”.
- 5 Regulation 15D amended (Certain Court fees relating to infringement offences payable by local authorities, etc)**
In regulation 15D, replace “a local authority or a body or board other than a department of State” with “a local authority or other organisation that, under section 73 of the Public Finance Act 1989, is entitled to payment of a proportion of fines recovered”.
- 6 Regulation 15E revoked (Applications for correction of irregularities in proceedings for infringement offences)**
Revoke regulation 15E.
- 7 Schedule 1 amended**
(1) In Schedule 1, replace form 10 with the form 10 set out in the Schedule of these regulations.

- (2) In Schedule 1, revoke form 57.
-

Schedule
New form 10

r 7

Form 10

r 3

Reminder notice in respect of infringement
offence

*Section 21(2), (2AA), and (3C)(b), Summary Proceedings
Act 1957*

(Front page)

Reminder notice in respect of infringement
offence

Reminder notice number:

CR number:

Informant

Name:

Address:

Details of person to whom infringement notice issued

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

Full address:

Date of birth:

Gender:

Occupation:

Telephone number(s):

Details of alleged infringement offence

The informant shown above alleges that you committed an infringement offence:

On: *[date and time of offence]*

At: *[place]*

In that you: *[specify details of offence]*

Form 10—*continued*

The offence is one against [*specify enactment and provision contravened*].

Name or number, if any, of officer who issued notice: [*specify*]

Service details

(*To be provided for filing in court.*)

Infringement notice served by personal service/by prepaid post/electronically (if permitted)* on: [*date*]

Reminder notice served by personal service/by prepaid post/electronically (if permitted)* on: [*date*]

At: [*address*]

*Select one.

Infringement fee

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

Amount of infringement fee unpaid: \$[*amount*]

Other fees [*specify (if any)*]: \$[*amount*]

Total payable: \$[*amount*]

Other penalties [*specify (if any)*]:

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 day for payment is [*date*].

Information

If you wish to deny the alleged offence or wish to have a court consider submissions, follow the directions in paragraph 4 of the notes below.

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 the informant in respect of an infringement fee payable by you, paragraphs 4(b) and (c) below do not apply and you are not entitled

Form 10—*continued*

either to request a hearing to deny liability or to ask the court to consider any submissions in respect of the infringement.

Please read the notes below. If there is anything you do not understand in the notes, you should consult a lawyer.

(Back page)

Notes to defendant

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.

Defences

- 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 has been paid to the informant and received at the address shown on the front page 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.

Further action

- 4 You must write to the informant 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 informant; 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.

Form 10—*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 informant 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 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 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 reminder notice must be directed to the informant 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, and your address for replies.

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 August 2012, amend the Summary Proceedings Regulations 1958 (the **principal regulations**). The majority of the amendments are required in light of

amendments to the Summary Proceedings Act 1957 (the **Act**) by the Summary Proceedings Amendment Act 2011 that relate to fines enforcement. Section 24 of the Act (which relates to service of documents) is amended to provide for electronic service of notices on defendants who do not have a known place of residence in New Zealand.

Regulation 15B(2) of the principal regulations prescribes the particulars of reminder notices relating to service for the purposes of section 21(4) of the Act. *Regulation 4* amends regulation 15B(2) to refer to electronic service in accordance with section 24.

Regulation 5 updates the description of the public bodies that, despite section 207(3) of the Act, are required to pay certain court fees relating to infringement notices under regulation 15D of the principal regulations. The description is brought into line with section 73 of the Public Finance Act 1989.

Regulations 6 and 7(2) make revocations that are consequential on amendments to section 78B of the Act.

Regulation 7(1) replaces form 10 in the principal regulations with the *form 10* set out in the *Schedule*. The new form has been updated so that wording relating to the timing of requests for hearings is more consistent with the Act, to reflect the amendment to section 24, and to update the notes to defendant.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 7 June 2012.

These regulations are administered by the Ministry of Justice.
