

Example infringement notice form

What follows is a copy of the form of infringement notice prescribed in the Resource Management (Infringement Offences) Regulations 1999, Schedule 2. The summary of rights must be included in the infringement notices issued by enforcement officers. It is also a good idea to include it in the Reminder Notice to recall the infringements process and obligations and rights of the defendant.

INFRINGEMENT NOTICE

Notice Number.....

Issued under the authority of section 343C of the Resource Management Act 1991

ENFORCEMENT AUTHORITY

[Specify enforcement authority]

ENFORCEMENT OFFICER IDENTIFICATION

[Specify warranted officer's name/ identity number]

To: *[Full name]*

..... of

[Address]

.....

You are alleged to have committed an infringement offence against the Resource Management Act 1991, as follows:

Details of Alleged Infringement Offence

Section of Resource Management Act 1991 contravened:

Nature of infringement (particulars):

.....
.....
.....

Location:

Date: Approximate time:

THE FEE FOR THIS INFRINGEMENT IS \$.....

Payment of Infringement Fee

The infringement fee is payable to the enforcement authority within 28 days after:

.....
[Date notice is delivered personally or posted]

The infringement fee is payable to the enforcement authority at:

.....
[Address at which fee may be paid]

Payment by cheque should be crossed "Not Transferable".

.....
Signature of Enforcement Officer

IMPORTANT: PLEASE READ [SUMMARY OF RIGHTS](#) PRINTED OVERLEAF

INFRINGEMENT NOTICE: SUMMARY OF RIGHTS

Note: If, after reading this summary, you do not understand anything in it, you should consult a lawyer immediately.

Payment

1. If you pay the infringement fee within 28 days after the service of this notice, no further action will be taken against you in respect of this infringement offence. Payments should be made to the enforcement authority at the address shown on the front of this notice.

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.

Further Action

2. If you wish to raise any matter relating to circumstances of the alleged offence, you should do so by writing to the enforcement authority at the address shown on the front of this notice within 28 days after the service of this notice.

3. If you deny liability and wish to request a hearing in the District Court in respect of the alleged offence, you must, within 28 days after the service of this notice, write to the enforcement authority at the address shown on the front page of this notice requesting a Court hearing in respect of the offence. The enforcement authority 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 enforcement authority at the address shown on the front page of this notice requesting a hearing in respect of the offence AND in the 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 enforcement authority will then, if it decides to commence court proceedings in respect of the offence, file your letter with the Court. There is no provision for an oral hearing before the Court if you follow this course of action.

Note: Costs will be imposed in addition to any penalty

Non-payment of Fee

5. If you do not pay the infringement fee and do not request a hearing within 28 days after the issue of this notice, you will be served with a reminder notice (unless the enforcement authority decides otherwise).

6. If you do not pay the infringement fee and do not request a hearing in respect of the alleged infringement offence within 28 days after the service of the reminder notice, you will become liable to pay COSTS IN ADDITION TO THE INFRINGEMENT FEE (unless the enforcement authority decides not to commence court proceedings against you).

Defence

7. You will have a complete defence against proceedings relating to the alleged offence if the infringement fee is paid to the enforcement authority at the address shown on the front page of this notice within 28 days after the date of 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.

[8. (1) This paragraph describes a defence additional to the one described in paragraph 7. This defence is available if you are charged with an infringement offence against any of sections 9, 11, 12, 13, 14, and 15 of the Resource Management Act 1991.

(2) You must prove either of the following to have the defence:

(a) that—

- (i) the action or event to which the infringement notice relates was necessary for the purposes of saving or protecting life or health, or preventing serious damage to property, or avoiding an actual or likely adverse effect on the environment; and
- (ii) your conduct was reasonable in the circumstances; and
- (iii) you adequately mitigated or remedied the effects of the action or event after it occurred; or

(b) that—

- (i) the action or event to which the infringement notice relates was due to an event beyond your control, including natural disaster, mechanical failure, or sabotage; and
- (ii) you could not reasonably have foreseen or provided against the action or event; and
- (iii) you adequately mitigated or remedied the effects of the action or event after it occurred.

(3) Subparagraph (2) does not apply unless—

(a) you deliver a written notice to the enforcement agency; and

(b) in the notice, you—

- (i) state that you intend to rely on subparagraph (2)(a) or (b); and
- (ii) specify the facts that support your reliance on subparagraph (2)(a) or (b); and

(c) you deliver the notice—

- (i) within 7 days after you receive the infringement notice; or
- ii) within a longer period allowed by a District Court

(4) If you do not comply with subparagraph (3), you may ask the District Court to give you leave to rely on subparagraph (2)(a) or (b).]

8A (1) This paragraph describes a defence additional to those described in paragraphs 7 and 8. This defence is available if—

(a) you are—

- (i) a principal; or
- (ii) an employer; or
- (iii) the owner of a ship; and

(b) you may be liable for an offence alleged to have been committed by—

- (i) your agent; or
- (ii) your employee; or
- (iii) the person in charge of your ship.

(2) If you are a natural person, including a partner in a firm, it is a good defence if you prove:

(a) that you—

- (i) did not know, and could not reasonably be expected to have known, that the offence was to be, or was being, committed; or
 - (b) that you took all reasonable steps to—
 - (i) prevent the commission of the offence; and
 - (ii) remedy any effects of the act or omission giving rise to the offence.
- (3) If you are a person other than a natural person, it is a good defence if you prove:
- (a) that—
 - (i) neither the directors (if any) nor any person involved in the management of the defendant knew, or could reasonably be expected to have known, that the offence was to be, or was being, committed; or
 - (b) that you took all reasonable steps to—
 - (i) prevent the commission of the offence; and
 - (ii) remedy any effects of the act or omission giving rise to the offence.]

Queries/Correspondence

9. When writing or making payment of an infringement fee, please indicate—

- (a) The date of the infringement offence; AND
- (b) The infringement notice number; AND
- (c) The identifying number of each alleged offence and the course of action you are taking in respect of it (if this notice sets out more than 1 offence and you are not paying all the infringement fees for all the alleged offences); AND
- (d) Your [full address] for replies (if you are not paying all the infringement fees for all the alleged offences).

Full details of your rights and obligations are set out in [sections 340] to 343D of the **Resource Management Act 1991** and section 21 of the **Summary Proceedings Act 1957**.

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