

**Reprint  
as at 1 September 2006**



**Litter (Infringement Notices)  
Order 2006**  
(SR 2006/249)

Anand Satyanand, Governor-General

**Order in Council**

At Wellington this 28th day of August 2006

Present:  
His Excellency the Governor-General in Council

Pursuant to section 14(4) of the Litter Act 1979, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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**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.

**The Litter (Infringement Notices) Order 2006 is administered by the Ministry of Justice.**

## **Contents**

	Page
1 Title	2
2 Commencement	2
3 Form of infringement notices	2
4 Revocation	2
<b>Schedule</b>	<b>3</b>
<b>Form of infringement notice</b>	

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## **Order**

- 1 Title**  
This order is the Litter (Infringement Notices) Order 2006.
  
  - 2 Commencement**  
This order comes into force on 10 October 2006.
  
  - 3 Form of infringement notices**  
Every infringement notice under section 14 of the Litter Act 1979 must be in the form set out in the Schedule.
  
  - 4 Revocation**  
The Litter (Infringement Notices) Order 1987 (SR 1987/310) is revoked.
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**Cheques must be made out to [specify] and crossed not negotiable.**

Name of officer who issued notice: [specify]

Officer No: [if applicable]

**Queries or other correspondence related to the offence must be directed to [specify enforcement authority] at the address specified above.**

Please include in all written correspondence the date of the alleged infringement offence, the infringement notice number, and your name and address for replies.

**Please read summary below—if you do not understand it, you should consult a lawyer immediately.**

### Summary of rights

#### Payment of infringement fee by due date or by installments

- 1 If you pay the infringement fee to the enforcement authority on whose behalf this notice was issued (the **enforcement authority**) on or before the date on which that fee is payable (the **due date**), no further enforcement action will be taken against you.
- 2 If it has the necessary systems, the enforcement authority may, but is not required to, enter into a time-to-pay arrangement allowing you to pay the infringement fee to it by installments.  
**Note:** If you pay the infringement fee, or enter into a time-to-pay arrangement with the enforcement authority allowing you to pay the infringement fee to it by instalments, there is no provision—
  - for you to give written notice requesting a hearing and, in that notice, to deny liability, in respect of the alleged offence; or
  - for the court to hear or consider oral or written submissions by you or on your behalf.

### **Other options on or before due date**

#### *Seeking further information or raising any matter*

- 3 If you wish to seek further information, or raise any matter, relating to the circumstances of the alleged offence, you should do so by writing to the enforcement authority, at the address specified above, on or before the due date.

#### *Denying liability and requesting hearing*

- 4 If you wish to deny liability in respect of the alleged offence, you should write to the enforcement authority, at the address specified above, on or before the due date, requesting a 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, date, 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.

#### *Admitting liability but making written submissions on penalty, etc*

- 5 If you admit liability in respect of the alleged offence and wish to have the court consider submissions as to penalty or otherwise, you should write to the enforcement authority, at the address specified above, on or before the due date, 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.

That authority will then, if it decides to commence court proceedings in respect of the offence, file your letter in the court.

**Note:** If you follow this course of action, there is no provision for the court to hear oral submissions by you or on your behalf.

**Note:** Court costs will be imposed in addition to any penalty.

**If fee not paid and hearing not requested on or before due date**

*Reminder notice may be served if you fail to respond to this notice*

6 If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence on or before the due date, you may be served with a reminder notice in respect of the alleged offence.

*Proceedings may follow if you fail to respond to reminder notice*

7 If you do not pay the infringement fee and do not request a hearing before the expiration of 28 days after the date of service of the reminder notice, you will, unless the enforcement authority decides not to commence court proceedings against you, become liable to pay court costs in addition to the infringement fee.

**Defence to proceedings: timely payment of infringement fee**

8 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 specified above, before or within 28 days after a reminder notice in respect of the alleged offence is served on you. Late payment or payment made to any other address will not constitute a defence to proceedings in respect of the alleged offence.

Diane Morcom,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the order, but is intended to indicate its general effect.*

This order prescribes a new form for notices for infringement offences under the Litter Act 1979. Along with other updating, the new form recognises changes (made by the Summary Proceedings

Reprinted as at  
1 September 2006 **Litter (Infringement Notices) Order 2006**

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Amendment Act 2006) to the summary procedure for infringement offences in section 21 of the Summary Proceedings Act 1957.  
This order comes into force on 10 October 2006.

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Issued under the authority of the Acts and Regulations Publication Act 1989.  
Date of notification in *Gazette*: 31 August 2006.

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## 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)
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## Notes

### **1** *General*

This is a reprint of the Litter (Infringement Notices) Order 2006. The reprint incorporates all the amendments to the Litter (Infringement Notices) Order 2006 as at 1 September 2006, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that have yet to come into force or that contain relevant transitional or savings provisions are also included, after the principal enactment, in chronological order.

### **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/legislation/reprints.shtml>  
or Part 8 of the *Tables of 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)*

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