



Local Government (Alcohol Ban Breaches) Regulations 2013

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 29th day of October 2013

Present:

The Right Hon John Key presiding in Council

Pursuant to section 259(1)(b) and (c) of the Local Government Act 2002, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title**
These regulations are the Local Government (Alcohol Ban Breaches) Regulations 2013.
 - 2 Commencement**
These regulations come into force on 18 December 2013.
 - 3 Interpretation**
In these regulations, **alcohol ban** has the same meaning as in section 169(1) of the Local Government Act 2002.
 - 4 Infringement fee for alcohol ban**
The infringement fee for breaching an alcohol ban is \$250.
 - 5 Infringement notice and reminder notice**
 - (1) An infringement notice for an alleged breach of an alcohol ban must be in the form set out in Schedule 1.
 - (2) A reminder notice relating to an alleged breach of an alcohol ban must be in the form set out in Schedule 2.
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Schedule 1

r 5(1)

**Infringement notice for alleged breach of
alcohol ban imposed pursuant to section
147 of Local Government Act 2002**

Form

Infringement notice

Issued under section 245 of the Local Government Act 2002

Notice No:

Issuing officer: *[name or number]*

Address for correspondence and queries:

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

Full address:

Occupation:

Date of birth:

Gender:

Telephone No:

Alleged offence details

Date:

Time:

Day of week:

Details of public place where alleged infringement offence committed:

Act or omission that you are alleged to have committed:

This is an offence against *[refer to the provision creating the offence]*.*For each offence, specify the following:*

Offence No	Offence	Infringement fee payable (\$)
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Payment of infringement fee(s)The infringement fee is/fees are* payable within 28 days after *[specify earliest day notice delivered personally or posted]*.

*Select one.

Form—*continued*

Procedures for payment of infringement fee

[*Payment verification stamp*]

[*Specify method(s) of payment and address for 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) 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 any proceedings relating to an alleged offence if the infringement fee is paid to the enforcement authority and received at the address specified for payment within 28 days after the service of a reminder notice in respect of the alleged offence.
- 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 at the address specified for correspondence and queries 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;
 - (b) deny liability for the alleged offence and request a court hearing;
 - (c) admit liability for the alleged offence, but have the court consider submissions as to penalty or otherwise. In your letter, you must request a hearing, admit liability in re-

Form—*continued*

spect 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.

- 5 If you deny liability and request a court hearing, the enforcement authority will, 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.
- 6 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.
- 7 If the court finds you liable or if you admit liability and make submissions, costs will be imposed in addition to any penalty.
- 8 Each offence identified by a number is a separate infringement offence. You may decide what to do in respect of each alleged infringement offence individually, and may act in the same way in respect of all alleged infringement offences or in different ways in respect of different alleged infringement offences.
- 9 If it is not clear which alleged infringement offence any payment relates to, your payment may be treated as relating to the alleged infringement offences in the order in which they are set out in this notice.

Next steps

- 10 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 the infringement fee and court costs.

Note: All payments, queries, and correspondence regarding this infringement notice must be directed to the enforcement authority at the relevant address shown in this notice. When writing, please include the date of the alleged infringement offence, the number of this

Form—*continued*

notice (shown above), the full name of the notice recipient, and your address for replies.

Schedule 2
Reminder notice

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Form

Reminder notice relating to alleged breach of
alcohol ban imposed pursuant to section 147 of
Local Government Act 2002

Issued under section 245 of the Local Government Act 2002

Notice No:

Issuing officer: [*name or number*]

Address for correspondence and queries:

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

Full address:

Date of birth:

Gender:

Occupation:

Telephone No:

Alleged offence details

Date:

Time:

Day of week:

Details of public place where alleged infringement offence committed:

Act or omission that you are alleged to have committed:

This is an offence against [*refer to the provision creating the offence*].**Payment of infringement fee**

Infringement fee/Amount of the infringement fee* remaining unpaid:

\${*amount*}Total payable: \${*amount*}

*Select one.

Form—*continued*

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 and address for payment.*]

Service details

(*To be provided for filing in court*)

The infringement notice was served by personal service/prepaid post*.

*Select one.

The reminder notice was served by personal service/prepaid post* at [*full address at which 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.

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.

Defence

- 2 You will have a complete defence against proceedings relating to the alleged infringement offence if you can show that the infringement fee or the amount of the infringement fee remaining unpaid has been paid to the enforcement authority and received at the address specified for payment 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 infringement offence.

Form—*continued***Further action**

- 4 You must write to the enforcement authority at the address specified for correspondence and queries if you wish to do any of the following things:
- (a) raise a matter concerning the circumstances of the alleged infringement offence for consideration by the enforcement authority;
 - (b) deny liability for the alleged infringement offence and request a court hearing;
 - (c) admit liability for the infringement 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 infringement 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.
- 5 If you deny liability and request a court hearing, the enforcement authority will, if it decides to commence court proceedings in respect of the alleged infringement offence, serve you with a notice of hearing setting out the place and time at which the matter will be heard by the court.
- 6 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 infringement offence, file your letter with the court. You are not entitled to make oral submissions to the court.
- 7 If the court finds you guilty or if you admit liability and make submissions, costs will be imposed in addition to any penalty.

Next steps

- 8 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 the infringement fee and court costs.

Note: All payments, queries, and correspondence regarding this notice must be directed to the enforcement authority at the relevant address shown in this notice. When writing, please include the date of

Form—*continued*

the alleged infringement offence, the number of this notice (shown above), the full name of the notice recipient, 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 18 December 2013, prescribe an infringement fee of \$250 for breaching an alcohol ban. An alcohol ban is a bylaw made by a territorial authority that prohibits or regulates the consumption or possession of alcohol in a specified public place within the territorial authority's district.

The regulations also prescribe the infringement and reminder notices that will be issued for alleged breaches of alcohol bans.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 31 October 2013.

These regulations are administered by the Department of Internal Affairs.
