

## **SUMMARY OF RIGHTS**

1. If you pay the infringement fee within 28 days of the issue of this notice no further enforcement action will be taken.
2. If you wish to:
  - (a) Raise any matter relating to the circumstances of an alleged offence for consideration by the enforcement authority; or
  - (b) Deny liability for the offence and request a court hearing; or
  - (c) Admit liability for the offence, but also wish to have a Court consider written submissions as to penalty or otherwise;You should write to the enforcement authority at the address shown on the front page of this notice. Any such letter should be personally signed.
3. If you deny liability and request a hearing, the enforcement authority will, unless it decided not 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:** that if the court finds you guilty of the offence, costs will be imposed in addition to any penalty.
4. If you admit liability but want the court to consider your submission as to penalty or otherwise, you should in your letter request a hearing AND admit liability AND set out the written submissions you would wish to be considered by the court. The enforcement authority will then, unless it decides not 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:** That costs will be imposed in addition to any penalty.
5. If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after the issue of this notice you will (unless the enforcement authority decides otherwise) be served with a reminder notice.
6. If you do not pay the infringement fee and do not request a hearing in respect of the alleged offence within 28 days after being served with the reminder notice, you will become liable to pay **COSTS IN ADDITION TO THE INFRINGEMENT FEE**, unless the enforcement authority decides not to commence proceedings against you.
7. you have a complete defence against proceedings for an alleged offence if the infringement fee for that offence has been paid to the enforcement authority at the address shown on the front page of this notice (or any alternative location at which this notice indicates payments will be received) before or within 28 days after service on you of a reminder notice. Late payment or payment made to any other address will not constitute a defence.
8. You also have a complete defence if:
  - (a) A reminder notice in respect of the offence has been filed in Court under Section 21(3) of the Summary Proceedings Act 1957 in respect of another person; or
  - (b) A Court has imposed a fine in respect of the offence under Section 21(9) of the Summary Proceedings Act 1957 in respect of another person.

## **OWNER LIABILITY FOR STATIONARY VEHICLE**

9. Section 41A(2) of the transport Act 1962 provides that proceedings for stationary vehicle offence may be taken against one or more of the following persons.
  - (a) The person who allegedly committed the offence;
  - (b) Any person who, at the time of the alleged offence, was registered as the owner or one of the owners of the vehicle involved in the offence, in a register kept under Section 18 of the Transport (Vehicle and Driver Registration and Licensing) Act 1986;

- (c) Any person who, at the time of the alleged offence, was lawfully entitled to possession of the vehicle involved in the offence, (whether jointly with any other person or not), whether or not (in the case of a person or not), whether or not (in the case of a person referred to in paragraph (b) or paragraph (c) of this subsection) the person is an individual or was the driver, person in charge, or user of the vehicle at the time of the alleged offence was committed.
10. Where proceedings in respect of a stationary vehicle offence are taken against you not as the person who allegedly committed the stationary vehicle offence but as a person who, at the time of the alleged offence, was;
- (a) The registered owner or one of the registered owners of the vehicle or;
  - (b) A person lawfully entitled to possession of the vehicle (whether jointly with any other person or not) :
- The acts or omissions of the driver, person in charge, or user of the vehicle at the time of the alleged offence are conclusively presumed to be your acts or omissions unless you establish the defence described in paragraph 11 below.
11. Where the acts or omissions of another person are presumed to be yours (as set out paragraph 10 above) you may overcome the presumption referred to in that paragraph and have a complete defence to any Court proceedings against you for the stationary vehicle offence if you prove –
- (a) that, at the time of the alleged offence:
    - (i) You were not lawfully entitled to possession of the vehicle; and (either jointly or with any other person), or
    - (ii) Another person was unlawfully in charge of the vehicle; and
  - (b) You advised the enforcement authority of this forthwith after becoming aware of the alleged offence; and
  - (c) You did everything reasonably possible on your part to comply with all requests of the enforcement authority to supply information to that authority regarding the person who lawfully entitled to possession, or who as in charge, of the vehicle, at the time of the alleged offence.

### **QUERIES / CORRESPONDENCE**

12. When writing please include the data of the infringement notice number, the vehicle registration number and your address for replies.

**NOTE: ALL QUERIES AND/OR CORRESPONDENCE REGARDING THIS INFRINGEMENT MUST BE DIRECTED TO THE ENFORCEMENT AUTHORITY AT THE ADDRESS SHOWN.**

**Payments of Infringement Fees may also be made at alternative locations indicated in this notice (if any)**