



TRANSPORT (INFRINGEMENT OFFENCES) REGULATIONS 1992

A.P. Short

Queen's Representative

ORDER IN EXECUTIVE COUNCIL

At Avarua, Rarotonga this 9th day of November 19 92

Present:

**HIS EXCELLENCY THE QUEEN'S REPRESENTATIVE
IN EXECUTIVE COUNCIL.**

PURSUANT to section 55II of the Transport Act 1966, His Excellency the Queen's Representative, acting by and with the advice and consent of the Executive Council, hereby makes the following Order:

ANALYSIS

- | | |
|----------------------------|--|
| 1. Title | 4. Form of infringement notice |
| 2. Identification of roads | 5. Conditions of employment of traffic wardens |
| 3. Infringement offences | Schedule |
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REGULATIONS

1. Title - These Regulations may be cited as the Transport (Infringement Offences) Regulations 1992.
2. Identification of roads - Every road or portion of road in respect of which there may be committed an infringement offence shall be identified either -
 - (a) by the display of a traffic sign or notice having such dimensions, shape, colours and working consistent with Part VII of the Act; or
 - (b) by markings of clear bold lines on the road surface in a colour contrasting with the colour of the road surface.

3. Infringement offences - Every person commits an infringement offence who either -
- (a) continuously parks in excess of the maximum number of minutes indicated by a traffic sign;
 - (b) parks in an area in respect of which parking is prohibited by a traffic sign, notice or marking;
 - (c) parks in an area contrary to any restriction or direction indicated by a traffic sign, notice or marking;
 - (d) parks in a manner contrary to a traffic sign, notice or marking on the road surface indicating the manner in which a vehicle shall be parked or the angle at which a vehicle shall be parked;
 - (e) parks in a manner that shall obstruct other traffic;
 - (f) parks in a manner that cause or is likely to cause damage to ornamental grass plants, shrubs or flower beds on, or adjacent to the road;
 - (g) parks without due cause or reasonable consideration for other persons using the road.
4. Form of infringement notice - An infringement notice shall be in the form set out in the Schedule.
5. Conditions of employment of traffic wardens - Every person appointed as a traffic warden shall receive such remuneration and be employed on such terms as if that person were a member of the Police appointed pursuant to the provisions of the Police Act 1981.

M. Taruia
Clerk of the Executive Council

These Regulations are administered by the Police Department

BY AUTHORITY:
P. PAUKA, Acting Government Printer, Rarotonga, Cook Islands - 1992

SCHEDULE

PARKING INFRINGEMENT OFFENCE NOTICE

(Issued under Section 55F of Transport Act 1966)

To: The User or registered owner or person entitled to possession of the following vehicle:

| | |
|------------------------------------|---|
| NOTICE NUMBER | |
| Your receipt will be printed here | |
| Vehicle Type: | Vehicle Make: |
| Registered Number: | |
| Details of Addressee (Where Known) | Forenames _____ Surname _____ _____ _____ Address _____ |

ALLEGED PARKING INFRINGEMENT OFFENCE

| | |
|-------|-------|
| Date: | Time: |
|-------|-------|

| | |
|--------------|-----------|
| Road/Street: | Locality: |
|--------------|-----------|

| | |
|---------------------------|---------------------|
| In excess of a time limit | |
| Limit: | Distance from sign: |

from _____ to _____ being a period of _____

| | | | | | |
|-------------------------|-------------------|-----------------------|--------------------|---------------|--------------------|
| On a broken yellow line | On a loading zone | In a no stopping area | On a bus/taxi stop | Double parked | On a reserved area |
|-------------------------|-------------------|-----------------------|--------------------|---------------|--------------------|

| | |
|--------|---|
| Other: | Infringement fee payable in respect of offence: \$10.00 |
| | Fine Court costs: \$..... |
| | Total payable: \$..... |

The infringement fee is payable within 24 hours of the time of service of this notice (Date notice given or posted)

| | |
|--|--------------------|
| Traffic Warden's name (Original to be signed): | Traffic Warden No: |
|--|--------------------|

| | |
|---|---|
| The Infringement fee may be paid to: Police Headquarters Main Road Avarua RAROTONGA | DO NOT DETACH Please present both copies of this notice when making payment |
|---|---|

PLEASE READ THE SUMMARY OF RIGHTS PRINTED OVERLEAF

SUMMARY OF RIGHTS

1. If you pay the infringement fee within the time shown in this notice, Court proceedings will not be taken against you for the alleged offence.
2. If -
 - (a) You wish to deny that you committed the offence; or
 - (b) For any other reason you wish to have the matter dealt with by the Court - DO NOT pay the infringement fee
3. If you wish to take up any matter relating to the alleged offence with the Police, you should do so within 24 hours of the terms of service of this notice to you. Reference should be made to both that time and the notice number.
4. If the infringement fee shown in this notice is not paid within the time shown in this notice, Court proceedings may be taken against you for the alleged offence.
5. You have a complete defence to any Court proceedings relating to the alleged offence if you prove -

That the infringement fee has been paid to the enforcement authority before the commencement of the Court proceedings.
6. Owner liability for parking offence - Section 55F of the Transport Act 1966 provides that proceedings for a parking offence may be taken against any 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.
 - (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 the person was the driver, person in charge, or user of the vehicle at the time of the alleged offence and whether or not the person is a company or other body.
7. Where proceedings in respect of a parking offence are taken against you not as the person who allegedly committed the parking offence but as a person who, at the time of the alleged offence, was -
 - (a) The registered owner or owner 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 8 below.
8. Where the acts or omissions of another person are presumed to be yours (as set out in paragraph 7 above), you may overcome the presumption referred to in that paragraph and will have, in addition to the defence mentioned in paragraph 5 above, a complete defence to any Court proceedings against you for the parking offence if you prove -
 - (a) That, at the time of the alleged offence, -

Another person was unlawfully in charge of the vehicle; and
 - (b) You advised the Police 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 a Traffic Warden to supply information regarding the person who was lawfully entitled to possession, or who was in charge, of the vehicle, at the time of the alleged offence.
9. Payments by cheque, money order, or postal note should be made out to the Police shown on the front of this notice and crossed "NOT NEGOTIABLE".