

NORTHERN TERRITORY OF AUSTRALIA

SUMMARY OFFENCES REGULATIONS

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NORTHERN TERRITORY OF AUSTRALIA

Regulations 1994, No. 51 *

Regulations under the *Summary Offences Act*

I, KEITH JOHN AUSTIN ASCHE, the Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, hereby make the following Regulations under the *Summary Offences Act*.

Dated 16 December 1994.

K.J.A. ASCHE
Administrator

SUMMARY OFFENCES REGULATIONS

1. CITATION

These Regulations may be cited as the Summary Offences Regulations.

2. DEFINITIONS

In these Regulations, unless the contrary intention appears, "infringement notice" means a notice issued under regulation 3.

3. SERVICE OF INFRINGEMENT NOTICE

Where a member of the Police Force believes a person has contravened or failed to comply with a direction given under section 53A or 53B of the Act, the member may serve an infringement notice on the person by -

- (a) personally handing it to the person;
- (b) posting it to the person at the person's last known postal address, place of residence or business; or

* Notified in the *Northern Territory Government Gazette* on 16 December 1994.

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- (c) leaving it for the person at the person's last known place of residence or business with some other person apparently resident or employed there and apparently not less than 16 years of age.

4. PARTICULARS TO BE SHOWN ON INFRINGEMENT NOTICE

(1) An infringement notice shall have clearly shown on it -

- (a) the date, time and place of the offence;
- (b) the nature of the offence or offences and the penalty or penalties payable;
- (c) the place or places at which a penalty may be paid;
- (d) the date of the infringement notice and a statement that the penalty may be paid within 28 days after that date;
- (e) a summary of the provisions relating to the withdrawal of an infringement notice;
- (f) a statement to the effect that, if the appropriate amount specified in the infringement notice as the penalty for the offence is tendered at the place referred to in the notice within the time specified in the notice, no further action will be taken unless a notice is given by a member of the Police Force that the infringement notice has been withdrawn; and
- (g) such other particulars and instructions as the Commissioner may approve.

(2) The penalty payable under these Regulations in lieu of the penalty that may otherwise be imposed in respect of an offence against section 53A or 53B of the Act is \$95.

5. WITHDRAWAL OF NOTICE

(1) An infringement notice may be withdrawn at any time within 28 days after the service of the notice, by serving under subregulation (2), on a person to whom an infringement notice was issued, a notice of withdrawal -

- (a) signed by the member of the Police Force who served the notice or a member of the Police Force authorised for that purpose by the Commissioner; and

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(b) stating that the infringement notice is withdrawn and any money paid as a consequence of the service of the notice will be refunded.

(2) A notice of withdrawal under subregulation (1) may be served on the person to whom the infringement notice was issued by -

- (a) personally handing it to the person;
- (b) posting it to the person at the person's last known postal address or place of residence or business; or
- (c) leaving it for the person at the person's last known place of residence or business with some other person apparently resident or employed there and apparently not less than 16 years of age.

(3) In a prosecution of a person for an offence against section 53A or 53B of the Act, the production of a certificate signed by a member of the Police Force stating that -

- (a) the member is a member of the Police Force and is authorized by the Commissioner to sign notices of withdrawal; and
- (b) on a specified date the member signed a notice of withdrawal of a specified infringement notice,

is evidence of the matters stated in the certificate.

6. PAYMENT BEFORE EXPIRY DATE OF INFRINGEMENT NOTICE

(1) Subject to regulation 7, where, before the expiration of the period specified in an infringement notice for the payment of a penalty, the amount of the penalty shown on the notice is paid at a place specified in the notice, the person to whom the infringement notice was issued shall be deemed to have expiated the offence by payment of the penalty and no further proceedings shall be taken in relation to the offence, unless the notice is, in accordance with regulation 5, withdrawn.

(2) Where a person tenders a cheque in payment of a penalty under this regulation at, or sends it by post to, a place specified in an infringement notice as a place where the penalty may be paid, payment shall be deemed not to be made unless the cheque is honoured on presentation.

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7. GENERAL

Nothing in this Part -

- (a) prevents the service of more than one infringement notice in relation to the same offence but it is sufficient for the application of regulation 6 to a person on whom more than one such notice has been served for that person to pay the amount of the penalty in accordance with any one notice so served on that person;
 - (b) prejudices or affects (except as provided by regulation 6) the institution or prosecution of proceedings, or limits the amount of the fine that may be imposed by a court, in relation to an offence; or
 - (c) shall be construed as requiring the serving of an infringement notice or as affecting the liability of a person to be prosecuted in a court in relation to an offence in respect of which an infringement notice has not been served.
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