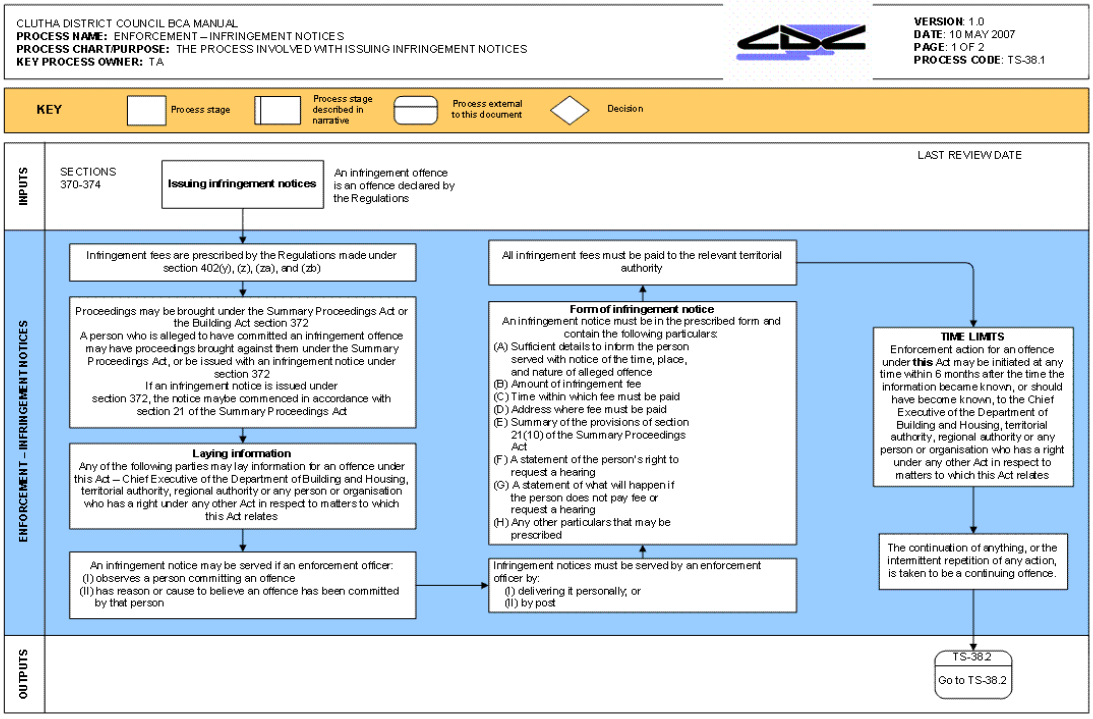
CLUTHA DISTRICT COUNCIL BCA MANUAL
PROCESS NAME: ENFORCEMENT – INFRINGEMENT NOTICES
PROCESS CHART/PURPOSE: THE PROCESS INVOLVED WITH ISSUING INFRINGEMENT NOTICES
KEY PROCESS OWNER: TA
VERSION: 1.0
DATE: 10 MAY 2007
PAGE: 1 OF 2
PROCESS CODE: TS-38.1
KEY
Process stage
Process stage described in narrative
Process external to this document
Decision
INPUTS
LAST REVIEW DATE
SECTIONS 370-374
Issuing infringement notices
An infringement offence is an offence declared by the Regulations
ENFORCEMENT – INFRINGEMENT NOTICES
Infringement fees are prescribed by the Regulations made under section 402(y), (z), (za), and (zb)
Proceedings may be brought under the Summary Proceedings Act or the Building Act section 372
A person who is alleged to have committed an infringement offence may have proceedings brought against them under the Summary Proceedings Act, or be issued with an infringement notice under section 372
If an infringement notice is issued under section 372, the notice maybe commenced in accordance with section 21 of the Summary Proceedings Act
Laying information
Any of the following parties may lay information for an offence under this Act – Chief Executive of the Department of Building and Housing, territorial authority, regional authority or any person or organisation who has a right under any other Act in respect to matters to which this Act relates
An infringement notice may be served if an enforcement officer:
(I) observes a person committing an offence
(II) has reason or cause to believe an offence has been committed by that person
Infringement notices must be served by an enforcement officer by:
(I) delivering it personally; or
(II) by post
Form of infringement notice
An infringement notice must be in the prescribed form and contain the following particulars:
(A) Sufficient details to inform the person served with notice of the time, place, and nature of alleged offence
(B) Amount of infringement fee
(C) Time within which fee must be paid
(D) Address where fee must be paid
(E) Summary of the provisions of section 21(10) of the Summary Proceedings Act
(F) A statement of the person's right to request a hearing
(G) A statement of what will happen if the person does not pay fee or request a hearing
(H) Any other particulars that may be prescribed
All infringement fees must be paid to the relevant territorial authority
TIME LIMITS
Enforcement action for an offence under this Act may be initiated at any time within 6 months after the time the information became known, or should have become known, to the Chief Executive of the Department of Building and Housing, territorial authority, regional authority or any person or organisation who has a right under any other Act in respect to matters to which this Act relates
The continuation of anything, or the intermittent repetition of any action, is taken to be a continuing offence.
OUTPUTS
TS-38.2
Go to TS-38.2