



Application to **dispute that a fine has been filed in court**

SECTION 78B OF THE SUMMARY PROCEEDINGS ACT 1957

When to use this form

Use this form if:

- the court is requiring you to pay a fine **but**
- you believe that the prosecuting authority made a mistake when they sent the fine to the court.

This form cannot be used to cancel your fine.
The court cannot cancel your fine.
Only the prosecuting authority can do this.

Submitting your application

You can either:

- Scan your evidence and application form and email it to **disputefine@justice.govt.nz**
- Post your evidence and application form to **Ministry of Justice, Dispute Fine, DX SX10099, Wellington**
- Hand in your evidence and application form to **your nearest District Court**
See justice.govt.nz or the blue pages of your phonebook for details.

Getting more information

If you need further help completing this form, please call **0800 4 FINES** (0800 434 637) or visit **fines.govt.nz**

KEY WORDS

Below are explanations of some of the words we use in this application form.

CRN The reference number of an infringement notice.

Complied Followed the prosecuting authority's instructions.

Dispute Disagree with something. In this case, you disagree with your infringement notice being sent to court.

Enforcement action An action the court may take to ensure the fine is paid by the person who broke the law.

Evidence Something, like a document, that is used to prove a fact.

Fine What an infringement notice becomes when it is filed in court.

Hearing A formal session at court overseen by a judge or justice of the peace. At a hearing you can say why you should not have been fined and the prosecuting authority can say why they think you should be fined. The judge will then decide whether or not you should have been fined.

Infringement Breaking the law, where the law breaking is minor, like speeding or parking where you aren't supposed to.

Infringement notice The original document sent or given to someone by a prosecuting authority to say that they've broken the law, like a parking ticket or speeding ticket.

Offence An action (or a failure to act) that has been outlawed by Parliament and can be punished.

Prosecuting authority An agency that can legally issue an infringement notice, like the police or a city council.

Reminder notice Letter sent by the prosecuting authority to remind you to pay your fine.

Step 1 Give us your details

Full name

Date of birth

Current address

Postal address (if different)

Contact phone numbers

day

evening

Email address

Step 2 Give us the details of the infringements

We need the date, offence type and CRN number of each infringement you are disputing. You can find this information in the 'Fine details' box on your Notice of Court Fine.

DATE OF INFRINGEMENT

OFFENCE TYPE

CRN

EXAMPLE

04 April 2012

No evidence of vehicle inspection

1234 567 890

Step 3 Tell us why you believe the prosecuting authority made a mistake and how you can prove it

Please tick the reason that describes the mistake that you believe the prosecuting authority made.

You can choose more than one reason. These are the only reasons allowed by law, as listed in section 78B(1) of the Summary Proceedings Act. If none of these reasons describe your situation, your fine cannot be returned to the prosecuting authority and you will need to pay the fine. **You must send us evidence to prove your reasons.** There are examples of what evidence you might want to use next to each reason. You don't have to use these examples. Use evidence that proves your case.

- | | |
|---|---|
| <input type="checkbox"/> 1. My identity was mistaken
I am not the person who was issued with this infringement notice
or I did not own the vehicle when the infringement notice was issued. | EXAMPLE OF EVIDENCE
Information from the motor vehicle register showing you did not own the vehicle on the date of the infringement. |
| <input type="checkbox"/> 2. I did not get a reminder notice
My postal address was different from where the reminder notice was sent, at the time it was sent
and my address was up to date on my vehicle registration
and I was not given the infringement notice in person
and I have not previously used this reason to dispute this fine. | EXAMPLE OF EVIDENCE
An official letter showing your address at the time of the offence, like a power bill or bank statement. |
| <input type="checkbox"/> 3. I did not get a notice of hearing
The prosecuting authority granted me a hearing to dispute this infringement notice
but I did not get a notice about when the hearing would be held. | EXAMPLES OF EVIDENCE
A copy of a letter or email from the prosecuting authority showing where the hearing notice was sent – ask them for this – and an official letter, like a bank statement or power bill, showing your address at the time. |
| <input type="checkbox"/> 4. I asked for a hearing
I had asked the prosecuting authority in writing for a hearing to dispute this infringement notice,
but the authority did not respond to my request. | EXAMPLE OF EVIDENCE
Your dated letter or email asking for a hearing. |
| <input type="checkbox"/> 5. I complied with the prosecuting authority's instructions
The prosecuting authority said I would not have to pay the fine if I complied with their instructions, like getting a warrant of fitness,
and I complied with the prosecuting authority's instructions
and told the prosecuting authority within the required timeframe. | EXAMPLE OF EVIDENCE
A copy of the infringement notice showing what you had to do, and a letter or email showing that you told the prosecuting authority you had done what they asked. |
| <input type="checkbox"/> 6. I had more time to ask for a hearing
The prosecuting authority gave me extra time to ask for a hearing to dispute the infringement notice,
but they sent the infringement notice to the court before this time expired. | EXAMPLE OF EVIDENCE
A copy of the letter or email from the prosecuting authority showing that they gave you extra time. |
| <input type="checkbox"/> 7. I asked for more information
I asked the prosecuting authority for more information about the infringement, like a speed camera photo, within a reasonable timeframe
and they did not refuse – they just failed to provide it. | EXAMPLE OF EVIDENCE
A dated copy of your letter or email requesting more information. |
| <input type="checkbox"/> 8. I paid the prosecuting authority on time
The prosecuting authority received my full payment for the infringement notice by the due date they gave. | EXAMPLE OF EVIDENCE
A bank statement or receipt showing details of the payment. |
| <input type="checkbox"/> 9. There was another procedural error
There was something else wrong with the process of filing the fine in court. Call us to talk through your case – 0800 4 FINES (0800 434 637). | EXAMPLE OF EVIDENCE
This will vary from case to case – these cases are very rare. |

Step 4 **Confirm the reason you believe the prosecuting authority made a mistake**

EXAMPLE

Write the reason and its number (from Step 3) 1. My identity was mistaken

List your evidence A copy of the change of ownership papers

Write the reason and its number (from Step 3)

List your evidence

Step 5 **Tell us anything else we might need to know**

Please provide any further information you think will support your application.

Step 6 **Sign and date the form**


Signature

Date

Step 7 **Do a quick check**

Before sending in your application check

Have you followed steps 1 to 6?

 Have you attached a copy of your evidence to prove your reason(s) for disputing that the prosecuting authority has filed the fine in court?

If you have any questions, please call **0800 4 FINES** (0800 434 637) or visit fines.govt.nz

Step 8 Send in your application

email

Scan your evidence and application form and email it to

disputefine@justice.govt.nz

post

Post your evidence and application form to

**Ministry of Justice Dispute Fine
DX SX10099
Wellington**

hand in

Hand in your evidence and application form to

your nearest District Court

See justice.govt.nz or the blue pages of your phonebook for details.

Tear off this page and keep it for your records

I sent the form on

Details of the fine(s) I was disputing

The reason(s) I used (from Step 3)

What happens next?

A registrar will consider your application and will send you a letter with their decision. Please note it may take several weeks for your application to be processed.

If your application is accepted

The court will usually return the fine to the prosecuting authority, but they may make a different decision, like ordering a rehearing.

The fine is not cancelled. You still need to talk to the prosecuting authority about what will happen with the fine.

The prosecuting authority could send you a new reminder or hearing notice (at the address you have supplied on this form), or they may choose to withdraw the fine completely. If you do not hear from them within 2–3 weeks, we strongly recommend you contact them, or the fine could end up back with the court for enforcement.

If your application is not accepted

You can pay the fine online at fines.govt.nz or call us on **0800 4 FINES** (0800 434 637) to discuss payment options. If you do not pay on time, we will take enforcement action to get payment from you, such as making deductions from your wages or bank account. You may be charged a fee if we have to do this.