



Traffic compliance scheme

Version : 10.0

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Summary

This section contains the following topics:

- [What is traffic compliance?](#)
- [Who can offer traffic compliance?](#)

What is traffic compliance?

Traffic compliance is an alternative to paying a traffic infringement fine or prosecuting for minor offences that fall within the [qualification criteria](#). It is similar to the Police diversion scheme, but to avoid confusion with court-ordered diversion, it is referred to as traffic compliance.

It involves waiving a prosecution if the offender (owner or driver) supplies evidence to Police, through the Police Infringement Bureau (PIB) that a defect has been remedied or a requirement has been met. Traffic compliance allows the offender to redirect the fine that would have been payable, into fixing the faults or problems that caused the offence.

Who can offer traffic compliance?

Constables and authorised officers issuing an infringement offence notice (ION) have the discretion to offer traffic compliance subject to the [qualification criteria](#).



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Qualification criteria for traffic compliance

Constables and authorised officers issuing an (Infringement Offence Notice) ION can offer traffic compliance subject to the offender meeting the qualification criteria listed in this table.

Offence	Compliance may be offered for...	Compliance conditions	Do not offer compliance for...
Child safety restraints	failing to use an approved child safety restraint for a child under seven years, if one is not fitted or the one fitted is not approved	Allow 14 days to correct the fault. Offender must provide proof of hire or purchase to ensure item is not borrowed.	failing to use an approved child safety restraint for a child under seven in a vehicle that has one fitted.
Warrant of fitness (WOF)	a WOF expired by up to one month	Allow 14 days to correct the fault.	<ul style="list-style-type: none"> • WOF has expired by over one month • no WOF is displayed.
Minor vehicle defects	<ul style="list-style-type: none"> • minor vehicle defects • worn tyre • light fitted but not working • noise or smoke 	Allow 14 days to correct the fault.	serious vehicle defects.
Driver licences	<ul style="list-style-type: none"> • drivers licence expired less than 12 months ago • never held an appropriate drivers licence • breach of graduated driver licence conditions (where the offender is eligible to progress GDLS licence classes) • wrong licence class. 	Allow 28 days to gain appropriate licence. If a licence test appointment is not available in this timeframe, PIB may extend.	a graduated licence breach if the driver is ineligible to progress GDLS licence classes. A serious breach of a graduated drivers licence conditions.
Cycle helmets	<ul style="list-style-type: none"> • failure to wear an approved helmet • no helmet available. 	Allow 14 days to correct the fault. Offender must provide proof of purchase to ensure item is not borrowed.	approved helmet is available but not worn.
Cycle lighting	<ul style="list-style-type: none"> • light fitted but not working • no light fitted. 	Allow 14 days to correct the fault.	
Vehicle licensing	<ul style="list-style-type: none"> • vehicle licence expired less than 12 months ago. 	Allow 14 days to comply.	



Offering traffic compliance

This section contains the following topics:

- [No traffic compliance if under 14 years of age](#)
- [Factors to consider](#)
- [Compliance procedure](#)

No traffic compliance if under 14 years of age

Do not offer traffic compliance to people under the age of 14 years (infringements must not be issued to people under 14 years of age).

Factors to consider

To assist in the use of discretion and to make an appropriate decision, you should consider these factors:

- Is this the first offence of this nature or has the offender come to notice for similar offences?
- Does the offender appear genuinely apologetic and responsive?
- Does the explanation given appear reasonable?
- Are there any aggravating factors?
- How long has the offender been aware of the fault or problem?
- What is their explanation why nothing has been done in the interim?
- Is the vehicle booked for repairs?

Compliance procedure

Once the decision is made to offer traffic compliance, these steps should be taken.

Step	Action
1	Complete the ION as normal - see 'ION procedure' in the ' Offence notices ' chapter.
2	<p>Advise the offender traffic compliance is being offered and explain exactly what they must do to obtain compliance and avoid paying a fine.</p> <p>Complete a copy of the Infringement Notice Compliance Form POL 1165 (available the Road Policing section of Police Forms in Word®) and hand to offender.</p> <p>Be specific, explain:</p> <ul style="list-style-type: none"> • what has to be fixed; • when it has to be fixed by; • that evidence of the fault being fixed must be sent to the PIB (address supplied on the POL 1165); • what to send to the PIB to prove the fault has been fixed; and • the consequences of failing to comply.
3	Make it clear to the offender that traffic compliance does not allow them to continue committing the offence. It simply allows time (and money saved by not paying the fine) to correct a fault or defect.
4	<p>Once the offender understands their obligations, write the following details in the notes section of the ION:</p> <ul style="list-style-type: none"> • the expiry date of the vehicle's WOF (if relevant); • the words "compliance offered" on the front of the ION and the number of days the offer of compliance is valid for (14 or 28 days depending on the offence); and • if there is more than one offence, the traffic compliance notation must clearly indicate which offence is applicable.
5	Give the offender the opportunity to ask final questions.



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Police Infringement Bureau role

This section contains the following topics:

- [PIB procedure](#)
- [Traffic compliance scheme breaches](#)

PIB procedure

For traffic compliance the PIB follows these steps.

Step	Action									
1	An ION with traffic compliance details is received.									
2	The ION details are entered in the appropriate database like any other ION, and the final due date for fines payment is included.									
3	When an offender accepts the compliance offer and sends PIB proof that the fault has been rectified before the final due date, the PIB refers the ION to an adjudicator. <table border="1" data-bbox="322 763 1401 1350"> <thead> <tr> <th>If the adjudicator...</th> <th>the offence...</th> <th>and...</th> </tr> </thead> <tbody> <tr> <td>is satisfied with the rectification proof</td> <td>will be waived</td> <td>a standard waiver letter is sent to the offender.</td> </tr> <tr> <td>is not satisfied with the rectification proof</td> <td>will not be waived</td> <td>a standard non-waiver letter is sent to the offender requiring fine payment by the original final due date (NB The adjudicator has discretion and may extend this period if the original due date does not allow a reasonable time for the offender to pay the infringement after the non-waiver decision has been made).</td> </tr> </tbody> </table>	If the adjudicator...	the offence...	and...	is satisfied with the rectification proof	will be waived	a standard waiver letter is sent to the offender.	is not satisfied with the rectification proof	will not be waived	a standard non-waiver letter is sent to the offender requiring fine payment by the original final due date (NB The adjudicator has discretion and may extend this period if the original due date does not allow a reasonable time for the offender to pay the infringement after the non-waiver decision has been made).
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4	If an offender who has been sent a non-waiver letter, does not pay the fine by the final due date, PIB refer the matter to the Ministry of Justice for fines enforcement.									

Traffic compliance scheme breaches

If the PIB detects breaches of the traffic compliance policy, they must:

- notify the relevant District Commander to guide staff in correctly applying the policies and procedures;
- maintain a record of notifications to District Commanders; and
- provide the National Manager: Road Policing with quarterly reports of these notifications.