

**CHAPTER 176**

**TRAFFIC**

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**AN ACT TO CONSOLIDATE AND AMEND THE LAW RELATING  
TO TRAFFIC AND THE CONTROL OF TRANSPORT**

[29 October 1965]

**PART I—PRELIMINARY**

*Short title*

1. This Act may be cited as the Traffic Act.

*Interpretation*

2. In this Act, unless the context otherwise requires—

“authorised examiner” means—

- (a) any certifying officer appointed under the provisions of Part V;
- (b) any person appointed by the Authority to be an authorised examiner;

“Authority” means the Central Traffic Authority established by this Act;

“Board” means the Transport Control Board;

“Contracting State” means a state which is a party to the Convention;

“controlled by a pedestrian”, in relation to a mechanically propelled vehicle, means that such vehicle either—

- (a) is constructed or adapted for use only under such control; or
- (b) is constructed or adapted for use either under such control or under the control of a person carried on it but is not for the time being in use under, or proceeding under, the control of a person carried on it;

“Convention” means the Convention on Road Traffic signed at Geneva on 19 September 1949;

“Convention driving permit” means either—

- (a) a driving permit in the prescribed form issued under the authority of a country outside Fiji; or
- (b) a driving permit in the prescribed form issued by a country outside Fiji which is a party to the Convention on Motor Traffic of 1926;

“domestic driving permit”, in relating to a country outside Fiji, means a document issued under the law of that country and authorising the holder to drive motor vehicles in that country, and includes a driving permit issued by the armed forces of any country outside Fiji for use in some other country outside Fiji;

- “driver” means the driver of a vehicle, and includes the rider of a motor cycle or powered cycle or of a bicycle, and also includes a person in control of a motor vehicle which is being towed, and where a separate person acts as steersman of a motor vehicle includes that person as well as any other person engaged in the driving of the vehicle; and “drive” has a corresponding meaning;
- “driving licence” includes a temporary licence granted under the provisions of this Act;
- “goods vehicle” means a motor vehicle which is constructed or adapted for the conveyance of goods, merchandise or any burden of any description and is primarily used for that purpose in connection with trade, business or agriculture, and, for the purposes of this definition, the performance by the Government or a local authority of any of its functions shall be deemed to be the carrying on of a business: Provided that, for the purposes of licensing fee for motor vehicles, a goods vehicle shall be deemed to be a private motor vehicle;
- “Government” includes such statutory bodies performing functions of Government in relation to Fiji as a whole as may be specified by the Minister by notice in the Gazette;
- “gross weight” means the net weight of the vehicle together with the weight of its load;
- “highway authority” means in relation to any place within the boundaries of any town or city to which the provisions of the Local Government Act apply, the council of that town or city; (Cap. 125)
- “hire car” means a light public service vehicle regularly let on hire with a driver, not being a taxi or a rental car;
- “invalid carriage” means a motor vehicle specially designed and constructed for the use of persons suffering from some physical defect or disability;
- “load” includes passengers;
- “motor cycle” means a motor vehicle designed to travel on not more than 3 wheels and the net weight of which does not exceed 410 kilograms;
- “motor tractor” means a motor vehicle adapted or constructed for the purpose of hauling, lifting, moving or pushing but which is not itself designed to carry goods or passengers, and includes ancillary equipment mounted on or affixed to such vehicle forming part thereof;
- “motor vehicle” means any vehicle propelled by mechanical power and constructed for use on roads and not on rails or specially prepared ways, and shall include any vehicle riding on a cushion of air, a trailer, and any other vehicles of a class declared by the Minister by notice in the Gazette to be motor vehicles:
- Provided that—
- (a) a mechanically propelled vehicle, being an implement for cutting grass, which is controlled by a pedestrian and is not capable of being used or adapted for any other purpose; and
  - (b) any other mechanically propelled vehicle controlled by a pedestrian which may be specified by the Minister by notice in the Gazette,

- shall be deemed not to be a motor vehicle;
- “net weight” means the weight of the vehicle itself together with a full supply of fuel, water, tools, spare wheels or rims and tyres usually carried on the vehicle and every other means of energy used in its propulsion;
- “owner”, in relation to a vehicle which is the subject of a hiring agreement or a hire purchase agreement or a bill of sale, includes a person in possession of the vehicle under that agreement or in apparent possession of the vehicle under that bill of sale;
- “prescribed” means prescribed by this Act or by any subsidiary legislation made thereunder;
- “private motor vehicle” means a motor vehicle other than a goods vehicle, motor tractor or public service vehicle;
- “public service vehicle” means a motor vehicle which—
- (a) is carrying passengers for hire or reward whether on an isolated occasion or otherwise; or
  - (b) plies for the carrying of passengers for hire or reward whether on an isolated occasion or otherwise; or
  - (c) is licensed under Part V to carry passengers for hire or reward;
- “rental car” means a motor vehicle regularly let on hire or available to be let on hire, without a driver, not being a taxi;
- “road” means any highway and any other road to which the public has access, and includes bridges over which a road passes;
- “taxi” means a public service vehicle licensed to carry not more than 6 passengers excluding the driver;
- “track-laying motor vehicle” means a motor vehicle designed and constructed so that the weight thereof is transmitted to the road surface either by means of continuous tracks or by a combination of wheels and continuous tracks in such circumstances that the weight transmitted to the road surface by the tracks is not less than half the weight of the vehicle;
- “traffic sign” means any object or device whether fixed or portable or any line or mark on a road for conveying to traffic on roads or any specified description of traffic, warnings, information, requirements, restrictions or prohibitions of any description which are prescribed by the Authority;
- “trailer” means a vehicle without motive power, other than a side-car attached to a motor cycle, designed solely or principally for the carriage of persons or goods and drawn by a motor vehicle;
- “vehicle” means a contrivance that is equipped with wheels or revolving runners upon which it moves or is moved; but does not include a push-cart, wheel-barrow, perambulator, mowing machine or any other contrivance which is normally operated only by a person on foot, whether or not the same be power driven;
- “visitor’s motor vehicle” means a motor vehicle which is temporarily imported into Fiji by a visitor, and includes a trailer lawfully towed by a visitor’s motor vehicle.

*(Amended by Ordinance 7 of 1966, s. 40; 37 of 1966, s. 104; 10 of 1967, s. 2; 33 of 1969, s. 2; Legal Notice 112 of 1970; Act 14 of 1975, s. 40; 9 of 1978, s. 2; Legal Notice 49 of 1979; Act 17 of 1979, s. 2.)*

PART II—CENTRAL TRAFFIC AUTHORITY AND  
PRINCIPAL LICENSING AUTHORITY*Establishment of Central Traffic Authority*

3.—(1) There is hereby established a Central Traffic Authority which shall consist of a chairman and 6 other members, of whom 3 shall be persons not holding an office of emolument under the Crown at the date of their appointment, all of whom shall be appointed by the Minister. (*Amended by Legal Notice 112 of 1970.*)

(2) The Minister shall appoint a suitable person to be the secretary to the Authority. (*Amended by Legal Notice 112 of 1970.*)

(3) At all meetings of the Authority the chairman, or in his absence such member as the other members present may select, shall preside.

(4) Four members of the Authority shall constitute a quorum at any meeting of the Authority.

(5) At all meetings of the Authority, the decision of the majority of members present shall prevail.

In the case of any equality of votes on any decision, the person presiding shall have a second or casting vote.

(6) Subject to the provisions of this Act, the Authority may regulate its own procedure.

(7) The Authority shall cause proper records of its proceedings to be kept.

*Powers, duties and functions of the Authority*

4.—(1) The powers, duties and functions of the Authority shall be—

(a) to advise the Minister and any highway authority in relation to all matters concerning roads, road traffic and traffic signs;

(b) to consider and determine any matter relating to roads, road traffic or traffic signs which may be referred to it by the Minister;

(c) to co-ordinate and formulate aims and objects of highway and road traffic legislation and to secure the improvement, co-ordination and development and the better regulation and control of all means of and facilities for road transport and all matters incidental thereto; and

(d) to perform all powers, functions and duties imposed upon it under the provisions of this or any other Act.

(2) In the exercise of its powers, duties and functions aforesaid, the Authority shall act in accordance with any general or special directions given to it by the Minister.

(*Amended by Legal Notice 112 of 1970.*)

*Appointment of officers*

5.—(1) The Minister may appoint a Principal Licensing Authority who shall be charged with the licensing of motor vehicles and drivers and matters incidental thereto.

(2) The Principal Licensing Authority may appoint such licensing authorities and designate such licensing areas as may be necessary for carrying out the provisions of Part III.

(3) The Principal Licensing Authority may appoint such inspectors, enforcement officers and examining officers as may be necessary for carrying out the provisions of this Act. (*Amended by Act 9 of 1978, s. 3.*)

(4) All appointments made under the provisions of this section shall be made by notice in the Gazette.

(5) In the exercise of its powers, duties and functions under this Act, the Principal Licensing Authority shall act in accordance with any general or special directions given to it by the Minister. (*Inserted by Act 17 of 1979, s. 2.*)

*Register of motor vehicles*

6. The Principal Licensing Authority shall keep or cause to be kept a register of all vehicles registered under the provisions of this Act and of current driving licences and the holders thereof.

*Application to Government vehicles*

7.—(1) Except where otherwise provided by this Act, the provisions of this Act shall apply to all vehicles and persons in Government service.

(2) The provisions of section 14 relating to licence stickers shall not apply to any motor vehicle which is the property of the Government or is allotted for use by the Governor-General and the provisions of section 15 relating to registration shall not apply to any motor vehicle allotted for use by the Governor-General. (*Substituted by Ordinance 33 of 1969, s. 3; amended by Act 4 of 1976, s. 7.*)

### PART III—REGULATION OF MOTOR VEHICLES

#### *Division 1—Classification of Motor Vehicles*

*Prohibition of motor vehicles not complying with regulations as to construction*

8.—(1) Subject as hereinafter provided, it shall not be lawful to use on any road a motor vehicle or trailer which does not comply with the regulations applicable to the class or description of vehicle to which the vehicle belongs, as to construction, weight and equipment thereof.

(2) If a motor vehicle is used on a road in contravention of this section, any person who so uses the vehicle or causes or permits the vehicle to be so used shall be guilty of an offence.

#### *Division 2—Licensing and Registration of Motor Vehicles*

*Motor vehicles to be licensed*

9.—(1) Subject to the provisions of section 10 no person shall drive or being the owner shall permit any other person to drive a motor vehicle upon any road unless such vehicle is duly licensed under the provisions of this Part.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

*Exemption*

10. The provisions of section 9 shall not apply to an authorised examiner testing a motor vehicle or to any person who, with the permission in writing of the Principal Licensing Authority or a person authorised by the Principal Licensing Authority in that behalf and upon payment of the prescribed fee, drives a motor vehicle along a road for the purpose of—

- (a) taking the vehicle to a licensing authority for registration; or
- (b) taking the vehicle to a motor garage for repairs; or
- (c) taking the vehicle to a place where it is intended to be used otherwise than on a road; or

- (d) taking the vehicle to a certifying officer to obtain a certificate of fitness;  
or
  - (e) for any purpose specified in such permission.
- (Amended by Ordinance 33 of 1969, s. 4.)*

*Application for motor vehicle licence*

**11.—(1)** Application for a motor vehicle licence shall, on the first application for a licence, be made on the prescribed form and, in every case including an application for the renewal of a licence, shall be made to a licensing authority who shall, on payment of the prescribed fee, issue to the applicant a licence in a form prescribed by the Principal Licensing Authority by direction published in the Gazette:

Provided that—

- (a) vehicles which are the official property of the armed forces of friendly powers shall be exempt from the provisions of this section;
- (b) the Minister may exempt any person or class of persons or any vehicle or class of vehicles from the payment of such fee;
- (c) such licensing authority shall not issue a licence for a public service vehicle unless there shall first have been produced to him a certificate of fitness in relation to such vehicle issued by a certifying officer under the provisions of section 60 and valid for a period not less than the period of validity of the licence issued by him;
- (d) the licensing officer shall not issue a licence for a motor vehicle unless he is satisfied that the vehicle is insured against third party risks in accordance with the provision of the Motor Vehicles (Third Party Insurance) Act during the currency of such licence. *(Cap. 177.)*

*(Amended by Legal Notice 112 of 1970; Act 17 of 1979, s. 4.)*

(2) Before issuing a licence in respect of any vehicle, a licensing officer may require the applicant for a licence to produce a certificate from a certifying officer that the vehicle conforms in all respects with the provisions of any law for the time being in force in relation to the construction and equipment of such vehicle.

*Fee payable where motor vehicle belongs to two or more classes, etc.*

**12.—(1)** Where any motor vehicle is within 2 or more of the classes prescribed, one licence only shall be issued and one licence fee only shall be paid for any period in respect thereof and, if different fees are fixed for such classes, the licence shall be issued in respect of that class for which the highest fee is payable.

(2) Any person who uses a motor vehicle for which a licence fee has been paid as a motor vehicle of a class for which a higher licence fee is payable and has not been paid and any person who permits any motor vehicle to be so used commits an offence.

*Period of licence*

**13.** A motor vehicle licence shall, unless revoked under the provisions of section 13A, remain in force for 3 months of 12 months, in the case of a new licence, from the date of issue or, in the case of a renewal of a licence, from the day immediately succeeding the date of expiry of the previous licence:

Provided that—

- (a) any such licence for a motor vehicle which is the property of the Government shall remain in force for so long as the vehicle remains the property of the Government;

- (b) where the Principal Licensing Authority is satisfied that a motor vehicle has not been used on a road after the date of expiry of the previous licence, it may, in its discretion, grant a licence to take effect from such date as it may determine.

*(Substituted by Ordinance 33 of 1969, s. 5.)*

*Power to revoke private motor vehicle licences*

13A.—(1) Subject to the provisions of subsections (2) and (3), the Principal Licensing Authority may revoke a licence issued in respect of a private motor vehicle under section 11 if he is satisfied that the owner has used such vehicle, or permitted it to be used, as a public service vehicle.

(2) Where the Principal Licensing Authority has reason to believe that a private motor vehicle is being used as aforesaid, he shall issue to the owner of such motor vehicle a written notice indicating the reason for his belief and warning such owner that, unless such use of the motor vehicles ceases immediately, his motor vehicle licence shall be liable to be revoked and the Principal Licensing Authority shall not exercise his power under subsection (1) unless he is satisfied that the owner has, after the receipt of such notice, used such motor vehicle, or permitted it to be used, as a public service vehicle.

(3) The Principal Licensing Authority shall, before revoking a motor vehicle licence under the provisions of this section, give the owner of such motor vehicle due opportunity to be heard.

(4) (a) Any owner aggrieved by the decision of the Principal Licensing Authority to revoke his motor vehicle licence under the provisions of this section may, not later than 14 days after the date of such decision, appeal to the Board whose decision shall be final.

(b) An appeal under the provisions of this subsection shall be made in writing and addressed to the Principal Licensing Authority for transmission to the Board.

(5) Where any motor vehicle licence has been revoked under the provisions of this section, the owner of such motor vehicle may, after the expiry of 6 months from the date of such revocation, apply for a new motor vehicle licence and the provisions of section 11 shall then apply to such application.

(6) The Principal Licensing Authority shall not be required to issue a notice under the provisions of subsection (2) to the owner of a motor vehicle who has applied for and obtained a motor vehicle licence under the provisions of subsection (5). *(Inserted by Ordinance 10 of 1967, s. 4.)*

*Affixing of licence*

14.—(1) The licence issued under section 11 shall at all times be affixed to and exhibited upon the near side of the windscreen of the licensed vehicle or, where a motor vehicle is so constructed as not to have a windscreen, such licence shall be affixed to a convenient position on the near foresaid of the licensed vehicle so that in either case it is immediately discernible by a person standing at the near side of the vehicle and which, at all times when the vehicle is in use upon a road, be maintained in a clearly legible condition.

(2) In the event of a licence becoming lost, discoloured, defaced or illegible, the holder may obtain a duplicate licence upon payment of the prescribed fee.

(3) Any person who uses a motor vehicle on a road or causes or permits a motor vehicle to be so used without having the licence affixed in the manner provided by subsection (1) shall be guilty of an offence.

*(Amended by Act 17 of 1979, s. 5.)*

*Registration*

15.—(1) Upon the first issue of a motor vehicle licence, the licensing authority shall register the applicant as the owner of the vehicle and shall enter in the register the particulars of the vehicle and shall assign a registration number to the vehicle and may issue registration plates therefor.

(2) The registration number shall consist of such figures or a combination of such figures and letters as the licensing authority may determine.

(3) Any person who uses any motor vehicle on any road or causes or permits any motor vehicle to be so used without having the assigned registration number affixed thereto in the prescribed manner shall be guilty of an offence.

*Alteration of vehicle*

16. If any vehicle licensed under this Part is altered so as to cause the vehicle to require a higher or a lower licence fee or to be licensed in a different class, the licence shall thereby become void and the holder shall surrender the licence to the licensing authority for cancellation. In such a case, the holder, upon furnishing the prescribed particulars, shall, subject to the other provisions of this Part, be entitled to receive a new licence to have effect for the period for which the surrendered licence would have remained in force if not surrendered, and shall—

(a) if a higher fee is payable in respect of such alteration, pay a proportionate sum as represents the difference between the fee prescribed and the fee paid for the amended licence in respect of the unexpired period of the licence;

(b) if a lower fee is payable in respect of such alteration, be entitled to a proportionate refund of such amount as represents the difference between the fee paid for the surrendered licence and the fee prescribed for the new licence in respect of the unexpired period of the licence.

*Owner to notify destruction or removal from Fiji of vehicle*

17.—(1) The registered owner of any motor vehicle which has been destroyed or rendered permanently unserviceable or has been permanently removed from Fiji shall notify the Principal Licensing Authority of such fact within 30 days of the happening of such event.

(2) Any person who fails to comply with the provisions of this section shall be guilty of an offence.

*Licence not transferable*

18. No motor vehicle licence issued under the provisions of this Part shall be transferable except as provided in section 19.

*Change of possession*

19.—(1) (a) No motor vehicle the ownership of which has been transferred by the registered owner shall be used on a road for more than 7 days after the date of such transfer unless the new owner is registered as the owner thereof.

(b) Upon the transfer of ownership of a motor vehicle, the registered owner thereof shall, within 7 days from the date of such transfer, inform the licensing authority of the area in which the vehicle is registered in writing of the name and address of the new owner, and the date of change of ownership of the motor vehicle.

(2) Subsection (1) shall not apply to a change of possession consequent on a contract of hiring where the period of hiring does not exceed 6 months, or where the registered owner continues to employ and pay the driver of the vehicle.

(3) Application for registration of a new owner may be made before the actual transfer of the motor vehicle, but the registration of a new owner shall not be effective until the old motor vehicle licence has been surrendered to the licensing authority and transferred to the new owner or a new licence issued to him.

(4) In the case of the death of the registered owner, the personal representative of the deceased in Fiji or, in the absence of any personal representative in Fiji, the person into whose possession the motor vehicle shall lawfully come shall be deemed to be the registered owner and such personal representative or other person as aforesaid shall notify the licensing authority of the death of the registered owner within one month of the happening of such event.

(5) Subsections (1) and (3) shall not apply to any change of possession of a motor vehicle which occurs by reason of the vehicle being lawfully seized under a hire purchase agreement or bill of sale but, in such event, the following provisions shall apply:—

(a) the registered owner or his representative shall, within 7 days of the seizure, deliver the motor vehicle licence to the person who has seized the motor vehicle, and inform the licensing authority in writing of the change of possession;

(b) such person shall, within 7 days of receiving the motor vehicle licence, apply to the licensing authority to be registered as the owner thereof in place of the registered owner, and shall, on payment of the prescribed fee, be registered accordingly.

(6) On the application of the new owner and the payment by him of the prescribed fee, the licensing authority shall make the necessary alterations to the motor vehicle licence and shall deliver the amended licence to the new registered owner.

(7) Where, in any case, the registered owner of a motor vehicle has failed to comply with the provisions of this section, the licensing authority, on being satisfied that such registered owner has died or has left Fiji or cannot be traced or refuses to comply with the provisions of this section, may, on payment of the prescribed fee, cause the motor vehicle to be registered in the name of the new owner.

(8) The person in whose name a motor vehicle is registered shall, unless the contrary be proved, be deemed to be the owner of such motor vehicle.

*Dealer's general licence*

20.—(1) Any person being a dealer in motor vehicles or a garage owner may, upon making application in the prescribed form to the Principal Licensing Authority and upon payment of the prescribed fee, be issued with a general licence, subject to such conditions as the Principal Licensing Authority shall think fit, in respect of all vehicles kept by him in lieu of taking out a licence for each such vehicle.

(2) Any licence issued under this section shall expire on 31 December of the year in which it is issued.

(3) The holder of any licence issued under the provisions of this section shall not be entitled by virtue of that licence to use more than one vehicle at any one time, except in the case of a vehicle drawing a trailer and used for the prescribed purpose, or to use any vehicle for any purpose other than such purposes as may be prescribed.

(4) Nothing in this section shall operate to prevent a person entitled to take out a general licence from holding 2 or more such licences.

(5) Any person driving a motor vehicle under such general licence shall prominently display on the back and front of such vehicle a special plate in the prescribed form which shall be issued by the Principal Licensing Authority on payment of the prescribed fee.

*Documents for vehicles going abroad*

21.—(1) On the application of any person entitled thereto, the Principal Licensing Authority shall issue for use outside Fiji a document in the prescribed form, for any motor vehicle registered under the provisions of section 15, containing the following particulars in respect of such motor vehicle :—

- (a) the registration number;
- (b) the date of first registration;
- (c) the name or trade mark of the maker;
- (d) the maker's identification or serial number;
- (e) the full name of the applicant for the document;
- (f) the permanent address of the said applicant;
- (g) the weight of the maximum load which it is to be permitted to carry; and
- (h) the permissible maximum weight, that is to say the weight of the vehicle when ready for the road and carrying the maximum load so specified.

(2) The Principal Licensing Authority may assign to any motor vehicle or trailer an identification mark to be carried on the motor vehicle or trailer when outside Fiji.

(3) The Principal Licensing Authority may charge the prescribed fee for any document issued under this section or for the assignment of any identification mark.

(4) The Principal Licensing Authority may, for the purpose of its functions under this section, carry out examinations of motor vehicles.

*Exemption of visitors' motor vehicles from registration and licensing requirements*

22.—(1) Every visitor's motor vehicle shall be exempt from the requirements as to registration and licensing specified in this Part, provided—

- (a) it is registered in a Contracting State or subdivision thereof in the manner provided by its legislation, and there is carried on the vehicle a registration certificate or other sufficient evidence of that registration;
- (b) it displays on the back thereof on a special plate, or on the body of the vehicle a registration number, issued or allotted in each case by the Contracting State or subdivision thereof or by a competent authority so authorised by it, and the distinguishing sign (as specified in the Convention) of the place of registration of the motor vehicle; and
- (c) the visitor is insured against third party risks in Fiji in respect of such motor vehicle.

(2) The exemption conferred by subsection (1) shall continue until—

- (a) the expiration of 6 months from the date on which the vehicle was last brought into Fiji; or
- (b) the visitor's motor vehicle is sold or otherwise disposed of by the visitor to any other person,

whichever first occurs:

Provided that the exemption granted to any person in any one calendar year shall not exceed 6 months in all

*Licensing of drivers*

23.—(1) Subject to the provisions of section 24, it shall be an offence for any person to drive a motor vehicle of any class upon a road unless he is the holder of a driving licence valid in respect of such class under the provisions of this Part or to employ or permit any other person so to drive a motor vehicle of any class unless such other person is the holder of such a driving licence. (*Amended by Ordinance 33 of 1969, s. 6; Act 9 of 1978, s. 4.*)

(2) Driving licences shall be in the prescribed form and shall be issued on payment of the prescribed fee.

(3) A driving licence shall, unless previously revoked or surrendered, remain in force for 1, 2 or 3 years from the date of issue, but shall not have effect until it has been signed by the holder thereof in the place provided thereon. (*Substituted by Act 9 of 1978, s. 4.*)

(4) For the purposes of this section, the work "sign" and its grammatical variations means, in the case of a person who is unable to write, the making of a mark by means of a thumb print.

(5) Any person driving a motor vehicle on a road shall, on being so required by any police officer, produce his driving licence or learner's permit for examination so as to enable the police officer to ascertain the name and address of the holder and the date of issue and, if he fails so to do, shall be guilty of an offence:

Provided that, if within 5 days after the production of his licence or permit was so required, the holder produces the licence or permit in person at such police station as may be specified by him at the time its production was required, he shall not be convicted of an offence under this subsection.

(6) Any person who shall have been required to produce his driving licence for examination under the provisions of subsection (5) shall, upon being so required in that behalf by the police officer who so required him to produce his driving licence, or by any police officer at the police station mentioned in the proviso to that subsection, make his signature in the same script as it appears on such driving licence, or, as the case may be, make his thumbprint. If any person shall fail so to make his signature or thumbprint, it shall be presumed, until the contrary is proved, that such person was not, at the time when he was required to produce his driving licence, the holder of a valid driving licence.

(7) In any proceedings, the fact that a driving licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he was not disqualified from holding or obtaining the licence.

*Learners*

24.—(1) For the purpose of enabling a person over the age of 16 years and 6 months to learn to drive a motor vehicle with a view to passing a prescribed test, the Principal Licensing Authority may, if so requested by such applicant in the prescribed form and on payment of the prescribed fee, grant him permission in writing to drive an unladen motor vehicle upon any road on condition that—

(a) in the case of a motor vehicle other than a motor cycle he is accompanied for the purpose of instruction by a licensed driver sitting next to him; and

(b) in any case, there is exhibited on the front and the back of the vehicle a plate bearing the letter "L" in red on a white background in such a manner as to be easily discernible to other users of the road; and

(c) in no case, is any person carried in or on the vehicle other than the one licensed driver required under the provisions of paragraph (a).

(2) A learner's permit shall remain in force for a period of 6 months from the date of issue:

Provided that, where the holder of a learner's permit is disqualified from holding or obtaining a driving licence, his permit shall thereupon cease to have effect.

(3) A learner's permit may be renewed after the expiry of 6 months on payment of the prescribed fee:

Provided that—

(a) the holder of the permit has taken at least one prescribed test during the validity of the initial permit;

(b) if no prescribed test has been taken during the validity of the permit, a further permit shall not be issued unless the applicant can demonstrate to the licensing officer good cause for his failure to take such prescribed test.

(4) Any permit obtained under this section by a person who at the time of obtaining it is disqualified from holding or obtaining a driving licence shall be of no effect.

(5) If any person to whom a learner's permit is granted fails to comply with any of the conditions thereof, he shall be guilty of an offence.

*Grant and refusal of driving licences*

25.—(1) Subject to the provisions of this section, the licensing authority shall, on payment by the applicant of the prescribed fee, grant a licence to any person to drive a motor vehicle of the class or classes for which he desires a licence to drive who applies for it in the prescribed manner and makes a declaration in the prescribed form to the satisfaction of the licensing authority—

(a) that he is not, under the provisions of this Act, disqualified by reason of age or otherwise from obtaining the licence for which he is applying; and

(b) as to whether or not he is suffering from any such disease or physical disability as may be prescribed or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle being a vehicle of such a class or description as he would be authorised by the licence to drive, to be a source of danger to the public; and either

(c) that he has at some time passed the prescribed test of competence or a test of competence carried out by a competent authority in the United Kingdom or any other part of the Commonwealth to drive the class or classes of vehicle for which he desires a licence to drive; or

(d) that, at some time before 29 October 1965, he held a licence authorising him to drive a vehicle of such class or description as he would be authorised by the licence applied for to drive:

Provided that—

(i) subject to the provisions of this Act, a temporary driving licence valid for one month may be issued to any person;

(ii) any such temporary licence shall only entitle the applicant to drive vehicles of the class or classes for which he has already held a licence except that, in the case of a

visitor to Fiji, no such temporary licence may be granted to drive a vehicle of a class specified in paragraphs (c), (dd), (ddd) and (e) of section 27.

*(Amended by Ordinance 33 of 1969, s. 7.)*

(2) If from the declaration it appears that the applicant is in any way disqualified under the provisions of subsection (1), the licensing authority shall refuse to grant the licence:

Provided that—

(a) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive and, if he passes the prescribed test and is not otherwise disqualified, the licence shall not be refused by reason only of the provisions of this subsection so, however, that, if the test proves his fitness to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles; and

(b) if, on the application for the grant of a licence the applicant makes a declaration that, on the occasion of a previous application by him, a licence was granted to him after passing such a test as aforesaid, or making such a declaration as is mentioned in subsection (1), a further test shall not be required, unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the licensing authority, it appears that the disease or physical disability from which the applicant is suffering has become more acute, or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.

(3) A licensing authority may suspend, for such period as it may think fit, or cancel any licence at any time during the currency thereof if, for any reason whatsoever, it is satisfied that any person who holds a driving licence is not a fit and proper person to be the holder of a licence or is not capable of driving a motor vehicle with safety to the public.

(4) An application for a licence or for the renewal of a licence to drive a public service vehicle shall be refused by the licensing authority if the licensing authority, by reason of the nature of any conviction of the applicant, or for other good cause, is of opinion that the applicant is not a fit and proper person to drive a public service vehicle.

(5) If any person is aggrieved by the decision of a licensing authority made under subsection (3) or (4), he may, after giving to the authority notice of his intention so to do, appeal to a magistrates' court in the district in which the said person resides and, on any such appeal, the court may make such order as it thinks fit, and any order so made shall be binding on the licensing authority.

At the hearing of an appeal, the licensing authority may be represented by a police officer or person authorised in writing by the Principal Licensing Authority.

(6) For the purposes of this section, the authority granting or renewing public service vehicle licences or refusing or cancelling the same shall be the Principal Licensing Authority and no other person.

(7) The Principal Licensing Authority or any licensing authority authorised by him may attach to a driving licence such conditions as he may deem necessary to restrict the licence holder to driving a particular type of motor vehicle or a motor vehicle which is fitted with special equipment. (*Inserted by Ordinance 33 of 1969, s. 7.*)

(8) Where a licensing authority has suspended or cancelled a licence under the provisions of subsection (3), the licensing authority shall so notify the holder of the licence, and such holder shall, within 14 days from the date of such notification, cause the licence to be delivered to the Principal Licensing Authority. Any person who fails to cause his licence to be so delivered shall be guilty of an offence. (*Inserted by Ordinance 33 of 1969, s. 7.*)

*Documents for drivers going abroad*

26.—(1) The Principal Licensing Authority may issue for use outside Fiji a driving permit in the prescribed form to a person who has attained the age of 18 years and satisfies the Principal Licensing Authority—

- (a) that he is competent to drive motor vehicles of the classes or descriptions for which the permit is to be issued, and
- (b) that he is resident in Fiji:

Provided that a permit in the said form which is restricted to motor cycles or invalid carriages may be issued to a person under 18 years of age.

(2) The Principal Licensing Authority may, for the purpose of its functions under this section, cause tests to be carried out of the competency of applicants for driving permits.

*Classification of motor vehicles*

27. For the purposes of sections 23, 25, 26 and 86 of this Ordinance, motor vehicles are classified as follows:—

- (a) motor cycles;
- (b) private motor vehicles, and very light goods vehicles, that is to say, goods vehicles not exceeding 1,525 kg net weight;
- (c) taxis;
- (d) rental cars;
- (dd) light public service vehicles, that is to say, public service vehicles not exceeding 1,525 kg net weight and constructed or adapted to carry not more than 12 passengers excluding the driver;
- (ddd) hire cars;
- (e) heavy public service vehicles, that is to say, public service vehicles other than light public service vehicles;
- (f) light goods vehicles, that is to say, goods vehicles exceeding 1,525 kg net weight but not exceeding 3,050 kg net weight;
- (g) heavy goods vehicles, that is to say, goods vehicles exceeding 3,050 kg net weight;
- (h) wheeled motor tractors;
- (i) invalid carriages;
- (j) vehicles riding on a cushion of air;
- (k) motor vehicles other than those already specified.

(*Amended by Ordinance 10 of 1967, s. 5; 33 of 1969, s. 8; Legal Notice 49 of 1979.*)

*Driving licences, renewals and replacements*

28.—(1) A driving licence may be renewed upon payment of the prescribed fee. Every renewal shall be endorsed on the licence.

(2) The licensing authority may issue a duplicate driving licence to any person on payment of the prescribed fee who satisfies the licensing authority that his licence had become lost, destroyed, defaced or mutilated. In any such case, the licensing authority may require the applicant to make a statutory declaration as to the particulars of his licence and the circumstances under which it was lost, destroyed, defaced or mutilated. (*Substituted by Act 5 of 1975, s. 2.*)

(3) It shall be an offence for any person to continue to use a driving licence which has been so defaced or mutilated as to render it difficult to read or its contents difficult to understand or recognise. (*Inserted by Act 5 of 1975, s. 2.*)

*Disqualification for offences and endorsement of convictions*

29.—(1) Any court before which a person is convicted of any offence specified in sections 24, 35, 36, 37, 38, 39 or 43 or of the offences of manslaughter or homicide arising out of the driving of a motor vehicle on a road or of the offence of causing death by dangerous driving—

(a) may, in any case, and shall, when so required by this Part, order him to be disqualified from holding or obtaining a driving licence for such period as the court thinks fit;

(b) may, in any case, and shall, where a person is by virtue of a conviction disqualified from holding or obtaining a driving licence, or where an order so disqualifying any person is made or when so required by this Part, order that particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any driving licence held by the offender:

Provided that, if the court thinks fit, any disqualification under this section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed; and

(c) may, in any case where a person is by virtue of a conviction disqualified from holding a driving licence for a period exceeding 12 months, order that person to undergo a driving test before he shall again be permitted to drive a vehicle on a road. No fee shall be payable for such test and, subject to a satisfactory pass being obtained, a certificate of competency shall be issued.

Where a person has been ordered to take such a test, the period of disqualification shall be deemed to remain in effect, notwithstanding the fact that the period of disqualification may have been exceeded, until such time as that person shall have produced to a licensing authority a certificate of competency.

(*Amended by Ordinance 21 of 1965, s. 2; 33 of 1969, s. 9.*)

(1A) Where a person is convicted of driving a vehicle when disqualified from holding or obtaining a driving licence, the court by which he is convicted may, in addition to any other penalty, order that the period of such disqualification be extended for such further period as it deems appropriate. (*Inserted by Ordinance 33 of 1969, s. 9.*)

(2) Any person who, by virtue of an order of a court under the provisions of this section, is disqualified from holding or obtaining a driving licence may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

*Provisions as to disqualifications and suspensions*

30.—(1) Where a person who is disqualified by virtue of a conviction or order under the provisions of this Part is the holder of a driving licence, the driving licence shall be suspended so long as the disqualification continues in force.

(2) A driving licence suspended by virtue of this Part shall, during the time of suspension, be of no effect.

(3) Any person who, by virtue of a conviction or order under the provisions of this Part, is disqualified from holding or obtaining a driving licence may, at any time after the expiration of 6 months from the date of the conviction or order, and from time to time, apply to the court by which he was convicted or by which the order was made to remove the disqualification and, on any such application, the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application:

Provided that, where an application under the provisions of this subsection is refused, a further application thereunder shall not be entertained if made within 3 months after the date of the refusal.

If the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant.

(4) If any person who, under the provisions of this Part, is disqualified from holding or obtaining a driving licence applies for or obtains a driving licence while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, on a road, that person shall be liable on conviction to imprisonment for a term not exceeding 6 months or, if the court thinks that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine not exceeding \$100, or to both such imprisonment and such fine, and a driving licence obtained by any person disqualified as aforesaid shall be of no effect.

(5) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under subsection (4) may be brought—

(a) within a period of 6 months from the date of the commission of the alleged offence; or

(b) within a period which exceeds neither 3 months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

(6) For the purposes of this section, references to orders and convictions under the provision of this Part include references to orders and convictions under the corresponding provisions of any enactment repealed by this Act.

*Provisions as to endorsements*

31.—(1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any

driving licence held by the offender shall, whether the offender is at the time the holder of a driving licence or not, operate as an order that any driving licence he may then hold, or may subsequently obtain, shall be so endorsed until he becomes entitled under the provisions of this section to have a driving licence issued to him free from endorsements.

(2) Where any person holding a driving licence or permit is charged with any offence specified in subsection (1) of section 29, he shall—

(a) have the licence or permit with him at the hearing by the court of the charge; or

(b) in the event of his not appearing in person at the hearing, either cause the licence or permit to be delivered to the clerk of the court not later than the day before the hearing, or send the licence or permit by registered mail duly addressed to the clerk of the court and posted at such time that, in the ordinary course of delivery, it would be delivered not later than the day immediately preceding the hearing.  
(*Substituted by Ordinance 33 of 1969, s. 10.*)

(3) On the issue of a new driving licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new driving licence, unless he has previously become entitled under the provisions of this section to have a driving licence issued to him free from endorsements.

(4) If any person whose driving licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a driving licence issued to him free from endorsement, applies for or obtains a driving licence without giving particulars of the order, he shall be liable on conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$100, and any driving licence so obtained shall be of no effect.

(5) Where a person in respect of whom an order has been made under the provisions of this Part, or the corresponding provisions of any enactment repealed by this Act requiring the endorsement of any driving licence held by him has, during a continuous period of 3 years or upwards since the order was made, had no such order made against him, he shall be entitled, either on applying for the grant of a driving licence under the provisions of this Part, or, subject to payment of the prescribed fee, and subject to surrender of any subsisting driving licence, at any time, to have issued to him a new driving licence free from endorsements:

Provided that, in reckoning the said period of 3 years, any period during which the person was, by virtue of the order, disqualified from holding or obtaining a driving licence shall be excluded.

(6) Where a court orders particulars to be endorsed on a driving licence held by any person, or where, by a conviction or order of a court, a person is disqualified from holding or obtaining a driving licence, the court shall send notice of the conviction or order to the licensing authority by which the driving licence was granted and to the licensing authority in whose area that person resides, and, in a case where a person is so disqualified, shall also, on the production of the driving licence for the purpose of endorsement, retain the driving licence and forward it to the authority by which it was granted, and that authority shall keep the driving licence until the disqualification has expired or been removed and the person entitled to the driving licence has made a demand in writing for its return to him.

Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the licensing authority to whom that person's driving licence has been forwarded under this

subsection shall, forthwith after the receipt thereof, issue to that person a new driving licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the driving licence is not thereby authorised to drive, and the driving licence so issued shall remain in force either for the unexpired period of the original driving licence or for the period of the disqualification, whichever is the shorter.

(7) Where, on an appeal against any such order, the appeal is allowed, or where any such conviction is quashed, the court by which the appeal is allowed or the conviction is quashed shall send notice thereof to the licensing authority in whose area the person affected by the order or conviction resides and to the authority who issued the driving licence.

(8) Particulars of a conviction endorsed on a driving licence may be produced as *prima facie* evidence of the conviction.

*Convention driving permits*

32.—(1) Subject to the provisions of this section, it shall be lawful for a person resident outside Fiji who holds—

(a) a Convention driving permit; or

(b) a domestic driving permit issued in a country outside Fiji,

during a period of 12 months from the date of his last entry into Fiji to drive, and be employed in driving, in Fiji a motor vehicle of any class or description which he is authorised by that permit to drive, notwithstanding that he is not the holder of a driving licence under the provisions of this Part.

(2) The foregoing provisions of this section shall be without prejudice to the provisions of subsection (1) of section 35 (which imposes age limits on young persons driving motor vehicles) but subsection (2) of that section (which prohibits a person under 21 to drive certain public service and heavy vehicles) shall not apply in relation to a person driving in pursuance of this section a motor vehicle brought temporarily into Fiji if he has attained the age of 18 years.

(3) This section shall not authorise a person to drive a motor vehicle of any class or description if, in consequence of a conviction or of the order of a court, he is disqualified from holding a licence under the provisions of this Part.

(4) The Minister may, by order published in the *Gazette*, withdraw the right conferred by paragraph (b) of subsection (1) either in the case of all domestic driving permits or in the case of domestic driving permits of a description specified in the order or held by persons of a description so specified.

*(Amended by Legal Notice 112 of 1970.)*

(5) The provisions of this section which authorise the holder of a permit to drive a motor vehicle during a specified period shall not be construed as authorising the driving of a motor vehicle at a time when the permit has ceased to be valid.

*Procedure on conviction of holder of Convention driving permit*

33.—(1) In this section and in section 34, "driving permit" means a driving permit which by virtue of section 32 authorises a person to drive a motor vehicle without holding a driving licence under the provisions of this Part and "driving licence" means a driving licence issued under the provisions of this Part.

(2) A court by which the holder of a driving permit is convicted shall—

(a) if in consequence of the conviction or the order of the court he is disqualified from obtaining or holding a driving licence; or

(b) if the court orders particulars of the conviction to be endorsed on any driving licence held by him, send particulars of the conviction to the Principal Licensing Authority.

(3) A court shall in no circumstances enter any particulars in a driving permit.

(4) The holder of a driving permit who is disqualified in consequence of a conviction or of the order of a court from holding a driving licence shall, if so required by the court, produce his driving permit within 5 days, or such longer terms as the court may determine, and the court shall forward it to the Principal Licensing Authority.

(5) The Principal Licensing Authority, on receiving a driving permit forwarded under subsection (4)—

(a) shall record particulars of the disqualification on the driving permit; and

(b) send the holder's name and address, together with the said particulars, to the authority by whom the driving permit was issued; and

(c) shall retain the driving permit until the holder leaves Fiji or until the period of disqualification expires, whichever is the earlier.

(6) A person failing to produce a driving permit in compliance with this section shall be guilty of an offence.

(7) A court, on ordering the removal, under the provisions of subsection (3) of section 30, of a disqualification from holding or obtaining a driving licence, shall, if it appears that particulars of the disqualification have been forwarded to the Principal Licensing Authority under the provisions of subsection (2), cause particulars of the order also to be forwarded to the Principal Licensing Authority, and the Principal Licensing Authority shall transmit the particulars to the authority who issued the driving permit which the person whose disqualification is removed is shown as holding in the Principal Licensing Authority's records.

(8) The Principal Licensing Authority shall, where appropriate, enter any particulars so forwarded to him under the provisions of subsection (7) in any driving permit held by him in pursuance of the provisions of subsection (4) and shall then return the driving permit to the person whose name is endorsed therein as the holder thereof.

*Application of sections 23(5) and 83(1) and (3) to driving permits*

34. In the following provisions, references to a driving licence shall include references to a driving permit:—

(a) subsection (5) of section 23 (which authorises a police officer to require the production of a driving licence by a person who is driving a vehicle);

(b) subsections (1) and (3) of section 83 (which relate to the use of a driving licence by a person other than the holder and to forgery of such a licence).

*Division 3—Provisions as to driving and offences in connection therewith*

*Restriction on driving by young persons, etc.*

35.—(1) Save in the case of any person learning to drive in accordance with the provisions of section 24, a person under 17 years of age shall not drive a motor vehicle on a road.

(2) A person under 21 years of age shall not drive on a road any motor vehicle the net weight of which exceeds 3,050 kg or any public service vehicle.

(3) A person prohibited by this section by reason of his age from driving a motor vehicle or a motor vehicle of any class shall, for the purposes of this Part, be deemed to be disqualified under the provisions of this Part from holding or obtaining any driving licence other than a licence to drive such motor vehicle, if any, as he is not by this section forbidden to drive.

(4) A person shall not drive on a road any motor vehicle of a class other than that which he is entitled to drive by virtue of the terms of a licence issued to him.

(5) Any person who drives or causes or permits any person to drive a motor vehicle in contravention of this section shall be guilty of an offence.

*Speed limit*

36. If any person drives a motor vehicle on a road at a speed greater than the speed prescribed by the Authority for such vehicle or class of vehicle under the provisions of section 86, or by a highway authority under the powers conferred upon it by the provisions of section 88, he shall be guilty of an offence:

Provided that—

- (a) a person prosecuted for the offence of driving a motor vehicle at a speed greater than the speed prescribed as aforesaid shall not be liable to be convicted solely on the evidence of one witness to the effect that, in the opinion of the witness, the person charged was driving the vehicle at such greater speed;
- (b) the provisions of this section shall not apply in respect of the driving of any motor vehicle on an occasion when it is being used for ambulance, fire brigade or police purposes if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

*Careless driving*

37. If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road, he shall be guilty of an offence.

*Reckless or dangerous driving*

38.—(1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case, including the nature, condition and use of the road and the amount of traffic which is actually at the time or which might reasonably be expected to be on the road, he shall be guilty of an offence and shall be liable upon conviction to imprisonment for 2 years or to a fine or to both such imprisonment and fine.

(2) The court shall order particulars of any such conviction to be endorsed on any driving licence held by the person convicted.

(3) On a second or subsequent conviction under the provisions of this section, the convicting court shall exercise the power conferred by this Part of ordering that the offender shall be disqualified from holding or obtaining a driving licence unless the court, having regard to the lapse of time since the date of the previous or last previous conviction or for any other special reason, thinks fit to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

(4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and it is proved that he

was present in the vehicle at the time of the commission of the offence, the court by which he is convicted may order him to be disqualified from holding or obtaining a driving licence for such period as the court thinks fit. (*Amended by Ordinance 21 of 1965; s.3*)

*Driving when drunk or drugged*

39.—(1) Any person who, when driving or attempting to drive or when in charge of a motor vehicle on a road or other public place, is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle shall be guilty of an offence and shall be liable upon conviction to imprisonment for 2 years or to a fine or to both such imprisonment and fine.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise, and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of 12 months from the date of conviction from holding or obtaining a driving licence.

(3) Any police officer may arrest without a warrant any person reasonably suspected by him of committing an offence under this section.

*Taking a motor vehicle without the owner's consent*

40.—(1) Every person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority is guilty of an offence and shall be liable to imprisonment for a term not exceeding 12 months or to a fine not exceeding \$200 or to both such imprisonment and to such fine:

Provided that, if the court is satisfied that the accused acted in a reasonable belief that he had lawful authority, or in the reasonable belief that the owner would have given his consent if he had been asked, the accused shall not be liable to be convicted.

(2) If, on the trial of any information for stealing a motor vehicle, the court is of the opinion that the defendant was not guilty of stealing the motor vehicle but was guilty of an offence under this section, the court may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(3) Any police officer may arrest without a warrant any person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

*Restriction on prosecutions*

41. Where a person is prosecuted for an offence under any of the provisions of this Part relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving, he shall not be convicted unless either—

- (a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the provisions aforesaid would be taken into consideration; or
- (b) within 14 days of the commission of the offence, a summons for the offence was served on him; or
- (c) within the said 14 days, a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered

post to him or the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that—

- (a) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that—
  - (i) neither the name and address of the accused nor the name and address of the registered owner of the vehicle, could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or
  - (ii) the accused by his own conduct contributed to the failure; and
- (b) the requirement of this section shall, in every case, be deemed to have been complied with unless and until the contrary is proved.

*Limitation of time for which drivers of certain vehicles may remain continuously on duty*

42.—(1) It shall not be lawful in the case of—

- (a) any public service vehicle;
- (b) any goods vehicle, the net weight of which exceeds 3,050 kg; or
- (c) any motor tractor,

for any person to drive or cause or permit any person employed by him or subject to his orders to drive—

- (i) for any continuous period of more than 6½ hours;
- (ii) for periods amounting in the aggregate to more than 13 hours in any one day;
- (iii) so that the driver has not at least 10 consecutive hours for rest in any period of 24 hours calculated from the commencement of any period of driving:

Provided that it shall be a sufficient compliance with the provisions of paragraph (iii) if the driver has at least 9 consecutive hours for rest in any such period of 24 hours, provided that he has an interval of at least 12 consecutive hours for rest in the next following period of 24 hours.

(2) For the purposes of this section—

- (a) any 2 or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half an hour in which the driver is able to rest;
- (b) any time spent by a driver on other work in connection with the vehicle or the load carried thereby, including in the case of a public service vehicle any time spent on a vehicle while on a journey in any capacity other than as a passenger, shall be reckoned as time spent in driving;
- (c) in the case of a vehicle which is being used in the course of operations of agriculture or forestry, a person shall not be deemed to be driving the vehicle or to be spending time on work in connection with the vehicle or the load carried thereby so long as the vehicle is elsewhere than on a road.

(3) If any person acts in contravention of the provisions of this section, he shall be guilty of an offence:

Provided that a person shall not be convicted under this section if he satisfies the court that the contravention was due to unavoidable delay in the completion of any journey arising out of circumstances which he could not reasonably have foreseen.

*Reporting of accidents*

43.—(1) If, in any case, owing to the presence of a motor vehicle on a road—

(a) an accident occurs whereby personal injury is caused to a person other than the driver of that vehicle; or

(b) damage is caused to a vehicle other than the motor vehicle or a trailer driven thereby or to an animal other than an animal in or on that motor vehicle or a trailer driven thereby,

the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable ground for so requiring, give his name and address and also the name and address of the owner and the registration number.

(2) In the case of any accident specified in paragraph (a) of subsection (1) and in addition to the requirements therein specified, the driver of the motor vehicle shall report the accident to a police station or to a police officer as soon as reasonably practicable and in any case within 24 hours of the occurrence thereof but, in the case of any accident specified in paragraph (b) of subsection (1), the driver of a motor vehicle shall only report the accident in accordance with the provisions of this subsection if he does not give his name and address to any such person as aforesaid.

(3) In this section, "animal" means any horse, cattle, sheep, pig or goat.

(4) Any person who—

(a) fails to comply with the provisions of subsection (1), in a case where personal injury has been caused, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding \$400 or to imprisonment for a term not exceeding 2 years;

(b) fails to comply with the provisions of subsection (1), in a case where personal injury has not been caused, shall be guilty of an offence and on conviction shall be liable to a fine not exceeding \$200 or to imprisonment for a term not exceeding 6 months;

(c) fails to comply with the provisions of subsection (2) shall be guilty of an offence:

Provided that no offence shall be committed where such person is so maimed or otherwise disabled in the accident that compliance with the provisions of this section is unreasonable or impossible. (*Substituted by Ordinance 21 of 1965, s.4.*)

*Inspection of vehicle involved in an accident*

44. Where an accident arises out of the presence of a motor vehicle on a road, any police officer or authorised examiner may inspect any vehicle in connection with which the accident arose and, for that purpose, may enter at any reasonable time any premises where the vehicle is and, if any person obstructs such police officer or authorised examiner in the performance of his duty under this section, he shall be guilty of an offence.

*Prohibition against leaving vehicles in dangerous position*

45. If any person in charge of a vehicle causes or permits it to remain at rest on any road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence.

*Prohibition against stretching ropes, etc., across roads*

46. Any person who, for any purpose, places or causes to be placed any rope, wire or other apparatus across a road or any part thereof in such a manner as to be

likely to cause danger to persons using the road shall, unless he proves that he had taken all necessary means to give adequate warning of the danger, be guilty of an offence.

*Examination of motor vehicles*

47.—(1) A police officer may examine any motor vehicle on a road or public place, for the purpose of ascertaining whether the condition of such vehicle and its equipment comply with the provisions of this Act and any regulations made thereunder; and, for the purposes of this subsection, a police officer may enter a vehicle.

(2) If, as a result of such examination and the replies or absence of replies to questions, or because of other circumstances, such as the happening of an accident, known to such police officer, he considers that the vehicle ought to be tested by an authorised examiner, he may, in accordance with the provisions of subsection (3), require such vehicle to be taken to an authorised examiner to be tested; if he does not so consider, he shall allow the vehicle to depart.

(3) (a) If it appears to the police officer that the motor vehicle or its equipment are so defective that the test ought to be carried out at once, he may so require, and may require that the vehicle shall not be taken away by the driver until tested by an authorised examiner, or may require the driver to take the vehicle to any authorised examiner.

(b) In any other case, the police officer may require the driver to take the vehicle at any time within 7 days to any authorised examiner:

Provided that, if the driver is not the owner of the motor vehicle, he shall supply the police officer with the name and address of the owner, and such owner, on being so required by a police officer, shall cause the vehicle to be taken within 7 days to an authorised examiner.

(4) An authorised examiner may do all things necessary to a vehicle or its equipment to enable him to test them, including driving the vehicle.

(5) (a) The owner or driver of a motor vehicle shall not be liable for any expenses in connection with the testing of a vehicle under this section, except the expense of taking the vehicle to and from the examiner.

(b) Neither the authorised examiner, nor any police officer, nor the Crown shall be liable to any person for any damages in connection with the detention of any vehicle for testing but, if the authorised examiner is not able to test such vehicle within 24 hours of its receipt by him, he shall, if required by the owner, allow the owner to remove it:

Provided that—

(i) the authorised examiner may before allowing such removal require the vehicle to be brought to him again for testing at such time within 7 days as the owner may specify; and

(ii) if the vehicle or its equipment is in such a condition that the authorised examiner considers that its use would be dangerous, he may refuse to release such vehicle until it has been tested.

(6) If, as the result of examination of tests, an authorised examiner considers that any repairs, alterations or additions are required to a motor vehicle or its equipment before it can safely be used, he shall notify the owner of such repairs,

alterations or additions in writing and, until such repairs, alterations or additions have been completed, it shall be an offence for any person to use such vehicle on a road or public place except for the purpose of taking it for such repairs, alterations or additions to be done.

(7) Where an authorised examiner is of the opinion that a motor vehicle cannot safely be used and so notifies the owner under the provisions of subsection (6), such owner may make application to the Authority to have the vehicle examined by another authorised examiner appointed by the Authority and, where any such application is made and on payment of the prescribed fee, such authorised examiner on the matter being referred to him shall, if he considers that no repairs, alterations or additions are required to the motor vehicle and that it can safely be used, permit the motor vehicle to be used and revoke the notification of the first authorised examiner, whereupon the fee paid at the time of application shall be refunded to the owner.

(8) Any person who obstructs an authorised examiner acting under the provisions of this section or fails to comply with any requirement of or under this section shall be guilty of an offence.

[48. \* \* \* \* (Repealed by Ordinance 33 of 1969, s.11.)]

#### PART IV—ROADS, BRIDGES AND TRAFFIC SIGNS

##### *Power of Permanent Secretary for Works temporarily to prohibit or restrict traffic on roads*

49.—(1) If the Permanent Secretary for Works is satisfied that traffic on any road, outside the boundaries of any city or town to which the provisions of the Local Government Act apply, or on any road within the boundaries of such city or town which is being wholly or partly maintained by the Government, or on any road under which there are pipes or other works maintained by the Government, should by reason of works or repair or reconstruction being required or being in progress on the road or works, be restricted or prohibited or that the speed of traffic should be restricted, he may by notice restrict by the introduction of one-way traffic or otherwise or prohibit the use of that road or any part of that road by motor vehicles or by motor vehicles of any particular class or description, or restrict the speed of motor vehicles, to such an extent and subject to such conditions and for such period as he may consider necessary. (Cap. 125.)

Any such notice shall state the nature of the restriction or prohibition and the maximum speed, if any, for vehicles or different classes of vehicles and shall describe the alternative route or routes, if any, available for traffic, and shall be kept posted by the Permanent Secretary for Works in a conspicuous manner at each end of the section of road to which the notice relates.

(2) So long as any prohibition or restriction under the provisions of this section is in force, a notice stating the effect of the order and describing the alternative route or routes, if any, available for traffic shall also be kept posted by the Permanent Secretary for Works in a conspicuous manner at the points, if any, at which it will be necessary for vehicles to diverge from the road.

(3) The powers exercisable by the Permanent Secretary for Works under the provisions of subsection (1) may be exercised by a district officer in respect of any road in his Division which has not been declared under the Roads Act and, where such powers are so exercised by a district officer, subsection (2) shall also apply.

Exercise of such powers by a district officer shall not prevent the Permanent Secretary for Works exercising such powers in respect of the same road. (*Amended by Act 14 of 1975, s.40.*)

(4) Any person using or permitting the use of a vehicle in contravention of any restriction or prohibition imposed under this section shall be guilty of an offence.

*Restriction on the use of bridges*

50.—(1) If the Permanent Secretary for Works is satisfied that in the interests of safety it is necessary to limit the weight or speed of vehicles passing over a bridge, he may by a conspicuous notice so placed as to be easily seen by the drivers of vehicles approaching the bridge, limit the use of the bridge to vehicles of a specified gross weight and to vehicles proceeding at not more than a specified speed.

(2) The Permanent Secretary for Works may, by the same or a similar notice prohibit vehicles from standing on the bridge or passing each other thereon.

(3) If any person drives a motor vehicle across or permits or causes a motor vehicle to stand on a bridge where a notice has been so placed as aforesaid in contravention of the notice, he shall be guilty of an offence, without prejudice however to any civil liability of that person in the case of damage being caused to the bridge.

(4) If any damage be caused to a bridge by any contravention of the provisions of this section, the Permanent Secretary for Works may make good such damage and recover the cost thereof with full cost of suit from the owner of the vehicle, or the driver thereof:

Provided that no such cost shall be recoverable from the owner where, at the time of causing such damage as aforesaid, the driver of the vehicle—

(a) is not the owner's servant or agent; or

(b) is driving without the consent of the owner.

(5) For the purposes of this section, "owner," in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement or a bill of sale, means the person in possession of the vehicle under that agreement or in apparent possession of the vehicle under that bill of sale.

*Prescription of traffic signs*

51.—(1) Traffic signs shall be of the size, colour and type prescribed by the Authority except where the Authority authorises the erection of a sign of another character.

(2) After 29 October 1965, no traffic sign shall be placed on or near any road except under and in accordance with the provisions of this section.

(3) The Authority shall be responsible for the cost of erection, maintenance and removal of traffic signs, other than signs erected under the provisions of subsection (4), in any area not controlled by a highway authority. In any area controlled by a highway authority, such authority shall be responsible for the cost of erection, maintenance and removal of traffic signs. (*Inserted by Ordinance 33 of 1969, s.12.*)

(4) The Authority may, in its discretion, and subject to any conditions which it may deem necessary to impose, authorise such other bodies or persons as it may determine, to erect traffic signs within specified areas; and, in such cases, the bodies or persons so authorised shall be responsible for the cost of erection, maintenance and removal of such signs. (*Inserted by Ordinance 33 of 1969, s.12.*)

*Temporary signs for dealing with traffic congestion and danger*

52.—(1) Notwithstanding the provisions of subsection (1) of section 51, a police officer, or any person acting under the instructions (whether general or specific) of the highway authority concerned or the Permanent Secretary for Works, may place on or near any road, or on any structure on any road, traffic signs of any size, colour and type, being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances.

(2) The power to place signs conferred by this section shall include power to maintain any sign for as long as the circumstances continue which necessitated the placing of such sign, and no longer.

*Neglect of traffic directions*

53.—(1) Where a police officer is for the time being engaged in the regulation of traffic on a road, or where any traffic sign, being a sign regulating the movement of traffic or indicating the route to be followed by any traffic, has been lawfully placed on or near any road in accordance with the provisions of section 51 or 52, any person who—

- (a) neglects or refuses to stop a vehicle under his control to proceed in or keep to a particular line of traffic when directed to do so by the police officer in the execution of his duty; or
- (b) being on foot, neglects or refuses to stop or proceed when directed as aforesaid; or
- (c) fails to conform to the indication given by the sign, shall be guilty of an offence.

(2) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by any police officer in uniform, and, if he fails to do so, shall be guilty of an offence. (*Amended by Ordinance 7 of 1966, s. 40.*)

(3) A police officer may require any person committing an offence under this section to give his name and address and, if that person fails to do so, he shall be guilty of an offence against this section and liable on conviction to a fine not exceeding \$10.

(4) For the purposes of this section, a traffic sign placed on or near a road shall be deemed to be of the prescribed size, colour and type or of another character authorised by the Authority under the provisions of section 51, and to have been lawfully so placed, unless the contrary is proved.

(5) The Minister may direct the Commissioner of Police to regulate traffic for such purpose as may be specified by him by notice in the Gazette and any police officer regulating traffic for such purpose shall be deemed to be acting in the execution of his duty for the purposes of this or any other Act. (*Amended by Legal Notice 112 of 1970.*)

## PART V—TRANSPORT CONTROL

*Division 1—Transport Control Board**Transport Control Board*

54.—(1) The Transport Control Board constituted by the Traffic Ordinance (repealed by this Act) shall continue in being and shall consist of a chairman and 4 other members to be appointed by the Minister by notice in the Gazette. (*Amended by Legal Notice 112 of 1970.*) (*Cap 235 1955 Edition.*)

(2) Not less than 2 of the other members of the Board shall be persons not holding an office of emolument under the Crown at the date of their appointment.

(3) A member of the Board may receive such remuneration in respect of his services on the Board and may be paid and receive such allowances for travelling and subsistence and in such circumstances as may be from time to time be determined by the Minister. (*Amended by Legal Notice 112 of 1970.*)

*Quorum and proceedings of the Board*

55.—(1) Three members of the Board shall constitute a quorum at any meeting of the Board.

(2) At all meetings of the Board, the chairman or, in his absence, such member as the other members present may select shall preside.

(3) All acts, matters and things authorised and required to be done by the Board shall be decided by resolution at any meeting at which a quorum is present, and, in the case of an equality of votes, the person presiding at such meeting shall have a second or casting vote:

Provided that, in an emergency, the chairman may, without convening a meeting of the Board, perform any act and make any decision which the Board is authorised to perform or to make. Any such act or decision shall cease to have effect on the expiry of 14 days unless, in the meantime, it shall have been ratified by the Board.

*Functions of the Board*

56.—(1) The Board shall—

(a) advise the Minister on all matters concerning the operation of public service vehicles;

(b) consider applications for licences forwarded to it under the provisions of this Part and deal with such applications in accordance with the provisions of this Part;

(c) consider and determine any matter which may be referred to it under the provisions of this Act;

(d) exercise such further and additional functions as may be prescribed.

(2) In the exercise of its powers, duties and functions aforesaid, the Board shall act in accordance with any general or special directions given to it by the Minister.

(*Amended by Legal Notice 112 of 1970.*)

*Extraordinary member of Board*

57.—(1) The Board may, where it considers it desirable so to do, from time to time co-opt any person as an extraordinary member of the Board for any meeting or for a specified time or matter.

(2) Notwithstanding the other provisions of this Act, a person co-opted as an extraordinary member of the Board shall be deemed to be a member of the Board for the meeting, period or matter for which he is co-opted.

*Power to appoint secretary and servants*

58.—(1) The Minister\* may appoint a secretary and such other servants as he considers requisite to enable the Board to discharge its duties under this Act.

\* For delegation to the Chairman of the Transport Control Board, see Legal Notice No. 94 of 1968.

*Division 2—Public Service Vehicles**Classification of public service vehicles*

59.—(1) Public service vehicles shall, for the purposes of this Part and the regulations made thereunder, be divided into the following classes:—

- (a) stage carriages, that is to say, motor vehicles other than taxis or hire cars carrying passengers for hire or reward at separate fares and not being express carriages as hereinafter defined;
- (b) express carriages, that is to say, motor vehicles other than taxis or hire cars carrying passengers for hire or reward at separate fares none of which is less than such sum as may be fixed by the Board by notice in the Gazette:

Provided that, for the purposes of this paragraph—

- (i) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount;
  - (ii) no account shall be taken of any fare which is charged in the case of children, or of workmen, or of students, if a fare of not less than that fixed by the Board as aforesaid, is charged in the case of all passengers not falling within any of these descriptions:
- (c) contract carriages, that is to say, motor vehicles other than taxis carrying passengers for hire or reward under a contract express or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum;
  - (d) taxis, that is to say, motor vehicles carrying passengers for hire or reward either at separate fares or under a contract, express or implied, for the use of the vehicle as a whole at or for a fixed or agreed rate or sum.

(Amended by Ordinance 10 of 1967, s. 6; 33 of 1969, s. 13; Act 9 of 1978, s. 5.)

(2) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as stage carriage or an express carriage, when used in circumstances in which either of the following conditions is fulfilled:—

- (a) (i) the arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made by some person, other than the driver of the vehicle or the holder of the vehicle licence in respect of the vehicle, or a person acting on behalf of such driver or licence holder; and
- (ii) the journey must be made without previous advertisement to the public of the arrangements therefor; and
- (iii) all the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey; and
- (iv) no differentiation of fares for the journey on the basis of distance or time must be made; and
- (v) in the case of a journey to a particular destination, the passengers must not include any person who frequently, or as a matter of routine, travels, at or about the time of day at which the journey is

- made, to or to the vicinity of that destination from a place from or through which the journey is made; or
- (b) each of the passengers making the journey must, at the time of concluding his arrangements for making the journey, have been outside Fiji or have been on board a vessel in Fiji on a voyage from outside Fiji.

*(Substituted by Act 9 of 1978, s. 5.)*

(3) For the purposes of subsection (2), the expression "special occasion" shall be deemed to include an occasion special to the person making the journey.

(4) Where, in any proceedings under the provisions of this Act, it is proved that money has passed from a passenger in any vehicle to the conductor, driver or person in charge of such vehicle or to some person on behalf of any of them, it shall be presumed, until the contrary be proved, that such vehicle was operated for hire or reward by such conductor, driver or person in charge, as the case may be.

*Certificates of fitness of vehicles*

60.—(1) A motor vehicle shall not be used as a stage carriage, express carriage, contract carriage, taxi or rental car unless a certificate (hereinafter called a certificate of fitness) has been issued by a certifying officer that the prescribed conditions as to fitness are fulfilled in respect of the vehicle and such a certificate is in force in respect of the vehicle and affixed to the inside thereof above the windscreen.

(2) (a) A certificate of fitness shall state—

- (i) the number of seated passengers which the vehicle is fit to carry;
- (ii) the number of additional standing passengers, if any, which the vehicle is fit to carry on occasions when standing passengers are permitted.

(b) A public service vehicle shall not be licensed to carry a greater number of passengers than the number specified under subparagraph (i) of paragraph (a):

Provided that, in such areas and at such times as the Transport Control Board from time to time may specify by notice in the Gazette, a public service vehicle shall be deemed to be licensed to carry a number of passengers not greater than the combined total of the number of passengers specified in the certificate of fitness under sub-paragraphs (i) and (ii) of paragraph (a).

(c) A certifying officer may, on inspection of a public service vehicle, vary a certificate of fitness in respect of the number of passengers which the vehicle is certified to carry:

Provided that, if a variation is made so as to reduce the number of passengers aforesaid, the provisions of subsection (8) shall apply.  
*(Amended by Ordinance 10 of 1967, s. 6.)*

(3) A certificate of fitness shall, unless previously revoked or cancelled, continue in force for 2 years or, if the certifying officer thinks fit, for such shorter period, not being less than one year, as may be specified in the certificate.

(4) If, on the inspection or testing of a public service vehicle, it appears to a certifying officer that the vehicle does not comply with the prescribed conditions as to fitness, he may revoke or suspend the certificate of fitness of that vehicle and thereupon the vehicle shall cease to be a vehicle in respect of which a certificate of

fitness is in force unless or until a new certificate is obtained or the suspension is removed:

Provided that, where in the opinion of the certifying officer inspecting the vehicle, the defects in the vehicle are such as can be remedied within 48 hours and are not defects which involve danger to the public, he may give notice to the owner of the vehicle that the suspension of the certificate of fitness shall not operate before the expiration of 48 hours nor operate after that time if the holder of the certificate, before the expiration of that time, furnishes evidence to the satisfaction of the officer that the defects have been remedied.

(5) A suspension of a certificate of fitness under this section shall remain in force until it is removed or ceases in accordance with the provisions of this section.

(6) When a certifying officer suspends or revokes a certificate of fitness under this section, he shall forthwith give notice to the Board and to the owner of the vehicle specifying in what respects he has found the vehicle to be unfit.

(7) A suspension of a certificate of fitness may be removed by any certifying officer and, where any certifying officer removes any suspension, he shall forthwith give notice of the removal to the Board and to the owner of the vehicle.

(8) Where a certifying officer refuses to grant a certificate of fitness or to remove the suspension of any certificate of fitness, the owner of the vehicle may make application to the Principal Licensing Authority to have the vehicle examined by another certifying officer appointed by the Principal Licensing Authority and, where any such application is made, a certifying officer, on the matter being referred to him, shall, if he considers that the prescribed conditions as to fitness are fulfilled in respect of the vehicle, issue a certificate of fitness or remove the suspension as the case may be. (*Amended by Ordinance 33 of 1969, s. 14.*)

(9) An applicant under the provisions of subsection (8) shall pay in respect of the application the prescribed fee. If, upon examination, the certifying officer issues a certificate of fitness or removes the suspension, the fee shall be returned to the applicant.

(10) If any person uses a motor vehicle or causes or permits a motor vehicle to be used in contravention of this section, he shall be guilty of an offence.

*Certifying officers*

61.—(1) For the purposes of the provisions of this Part with respect to the certificate of fitness of vehicles, the Principal Licensing Authority may appoint such officers (in this Part referred to as "certifying officers") as it thinks fit and those officers shall perform such duties in relation to the examination of vehicles, the issue of certificates of fitness and otherwise as the Principal Licensing Authority may require. (*Amended by Ordinance 33 of 1969, s. 15.*)

(2) Any certifying officer shall, at any time, on production, if so required, of his authority, be entitled to inspect and test any public service vehicle and, for that purpose, may require any public service vehicle to be stopped and may, at any time which is reasonable having regard to the circumstances, enter any premises in which he has reason to believe that a public service vehicle is kept and, if any person obstructs any such certifying officer in the performance of his duty or, when required so to do, fails to stop the vehicle, he shall be guilty of an offence.

*Notice to be given of failure in, damage to, or alteration of vehicle*

62.—(1) It shall be the duty of the holder of the certificate of fitness, on the happening to the vehicle in respect of which the certificate was granted, of any

failure or damage of a nature calculated to affect the safety of the passengers or of persons using the road, to report the matter in writing to a certifying officer within 48 hours of such happening.

(2) It shall be the duty of the holder of a certificate of fitness on any alteration otherwise than by way of replacement of parts being made in the structure or fixed equipment of the vehicle forthwith to give notice in writing of the alteration to the Board.

(3) If any person fails to comply with the provisions of this section, he shall be guilty of an offence.

### *Division 3—Road Service and Contract Carriage Licences*

#### *Road Service licences*

63.\*—(1) Subject to the provisions of this section, no person shall use or cause or permit to be used any motor vehicle as a stage carriage or express carriage except under a licence granted by the Board (in this Act referred to as a "road service licence") and in accordance with the terms and conditions thereof.

(2) For the purposes of this section, a vehicle used as a stage carriage or express carriage shall not be deemed to be so used under a road service licence unless it is so used by the holder of the licence and in accordance with the provisions thereof.

(3) If any person uses a vehicle or causes or permits it to be used in contravention of this section or, being the holder of a road service licence, wilfully or negligently fails to comply with any of the conditions attached to that licence, he shall be guilty of an offence:

Provided that, upon the death of any holder of a road service licence, notice thereof shall be given by a relative or by the person upon whom responsibility for running the vehicles has devolved to the Board within 7 days of such death, whereupon the Board shall take such action as in its discretion it considers advisable in all the circumstances to issue from time to time a temporary road service licence, or to permit the transfer or transmission of the road service licence, to any person who in the opinion of the Board shall be entitled thereto and, in this respect, the Board shall not incur any liability if it subsequently transpires that the person to whom the licence was granted, transferred or transmitted was not legally entitled thereto. (*Amended by Ordinance 33 of 1969, s. 16.*)

#### *Application for road service licences or amendments thereof*

64.\*—(1) An application for a road service licence or for the renewal, transfer or amendment thereof shall be made in the prescribed form and shall be forwarded to the Board, accompanied by the prescribed fee. The Board may require any applicant to submit such further particulars as may be reasonably necessary to enable it to discharge its duties in relation to the application.

\* Section 23 of the Traffic (Amendment) Ordinance, 1969 (No. 33 of 1969) reads as follows:

"23. Notwithstanding the provisions of section 16 to 20, inclusive, of this Ordinance, sections 63 to 74, inclusive, of the principal Ordinance are hereby repealed:

Provided that such repeal shall not come into force until a date to be notified by the Governor in the Gazette."

As at 31 December 1985, no such notification had been published.

(2) Notwithstanding the provisions of subsection (1), the Authority may by order provide restrictions in respect of the occasions upon which, or the periods within which, applications for the amendment of road service licences may be made. (*Inserted by Ordinance 33 of 1969, s. 17.*)

*Grant and refusal of road service licences*

65.\*—(1) On receipt of an application for a road service licence or for the renewal, transfer or amendment of a road service licence, being an application complying with the provisions of section 64 and which in the opinion of the Board is not frivolous, scandalous or vexatious, the Board shall give notice in a newspaper published and circulating in Fiji specifying the details of the application and stating that within the next 10 days following the date of the notice, it will receive representations in writing for or against the application and, if the application is for a road service licence or for the renewal thereof, stating also that, within the next 10 days following the date of the notice, it will receive other applications in respect of the proposed service:

Provided that—

- (a) where the application is for a road service licence or for an amendment thereof which, in the opinion of the Board, should not be granted because the needs of the area of the proposed service are already adequately served or because the route proposed is unsuitable for the regular passage of a public service vehicle or for other good cause, the Board may refuse the application without giving any public notice of the application; and
- (b) the provisions of this subsection shall not apply to any amendment of a road service licence which, in the opinion of the Board, is not substantial and does not seriously affect the public or any other holder of a road service licence.

(2) If no written representations against the application and, in a case where other applications may be received, no other application in respect of the service are received by the Board within the time specified in the notice, the Board may, subject to the provisions of this Part and in its discretion, grant the application upon payment by the applicant of the prescribed fee.

(3) If any written representations against the granting of the licence or, in a case where other applications may be received, any other application in respect of the proposed service are received by the Board within the time specified in the notice the Board shall, by public notice, specify the name of any applicant for the proposed service and appoint a day, not less than 14 days after the date of the notice, and place for the purpose of receiving in public evidence for or against any application in respect of the proposed service and shall give notice of such time and place to any applicant in respect of the proposed service. Every representation against the granting of the service or other application in respect of such service shall state the grounds in support thereof and, in the case of any other application, the conditions desired to be attached to the proposed licence shall be specified. The Board shall, when giving notice to the applicant as hereinbefore required, furnish the applicant with a copy of the written representations received by the Board.

(4) After receiving any evidence and any representations for or against any application in respect of the proposed service, the Board may, subject to the

\* See footnote to s. 63.

provisions of this Act and in its discretion, grant or refuse any application in respect of the proposed licence or may grant a provisional road service licence stating the terms and conditions upon which a road service licence will be granted and compliance with those terms and conditions within a period of 3 months of the issue of the provisional road service licence shall entitle the applicant to receive a road service licence. (*Amended by Act 9 of 1978, s. 7.*)

(5) The Board may, in granting an application under this section, make such variations in the route, time-table and fare-table applied for as to it seem desirable:

Provided that—

- (a) the Board shall not make such variations in the route as would in the opinion of the Board make it a substantially different route; and
  - (b) the Board shall not make any substantial alteration in the time-table unless the existing licensees on the route applied for have had an opportunity of making representations in respect of the proposed alterations.
- (6) Where the Board grants an application, the secretary shall, upon payment of the appropriate fee, issue the road service licence as granted by the Board.
- (7) (a) A licensee shall deliver up his road service licence to the secretary within 10 days of being requested to do so by him.
- (b) Such request shall be in writing and served personally upon the licensee or shall be deemed to be served if despatched by registered post to his last known address.

*Matters to be considered before determining application for licence*

66.\*—(1) The Board shall not grant a road service licence or make an amendment to a road service licence in respect of any route if it appears to it from the particulars furnished in pursuance of section 64 that any provision restricting the speed of any motor vehicle or class of motor vehicle or of all motor vehicles in any area made under this Act or under the regulations is likely to be contravened.

(2) In exercising its discretion to grant or refuse a road service licence in respect of any route and its discretion to attach any conditions to any such licence, the Board shall have regard to the following matters:—

- (a) the extent to which the proposed service is necessary or desirable in the public interest;
- (b) the extent to which the needs of the area through which the proposed route will pass are already met;
- (c) the desirability of encouraging the provision of adequate and efficient services and eliminating unnecessary and unremunerative services;
- (d) the applicant's reliability, financial stability and the facilities at his disposal for carrying out the proposed services;
- (e) the number, type and design of vehicles which the applicant proposes to use under the licence;
- (f) any evidence and representation received by it at any public sitting held in accordance with the provisions of section 65 and any representations otherwise made by local authorities, public bodies or any persons carrying on transport services of any kind likely to be affected.

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\* See footnote to s. 63.

*Conditions of road service licence*

67\* Subject to the provisions of any regulation made by the Authority, the Board may attach to a road service licence such conditions as it thinks fit with respect to the matters to which it is required to have regard under section 66 and, in particular, conditions—

- (a) for securing that copies of time-tables and fare-tables shall be carried in the vehicle in a position easily available to passengers in that vehicle ;
- (b) for securing that passengers shall not be taken up or set down except at specified points or shall not be taken up or set down between specified points;
- (c) prescribing—
  - (i) in the case of regular service, the time-tables and fare-tables of the services which it is proposed to provide under the licence;
  - (ii) in any other case, such particulars as to the frequency of the services and the times to be taken on the journeys included in these services as the Board may require;
- (d) where the Board considers it desirable in the public interest, fixing fares or fixing minimum or maximum fares;
- (e) for securing that, where fares are fixed, fares shall not be charged otherwise than as so fixed and, where minimum or maximum fares are fixed, fares shall not be charged under such minimum or in excess of such maximum;
- (f) for securing that the vehicle shall be maintained in a fit and serviceable condition;
- (g) for securing that—
  - (i) there is delivered to a passenger by the driver or conductor of a vehicle used under the licence, or in such other manner as shall be specified in the licence, upon payment by the passenger of the appropriate fare for the journey he is making, a ticket, in such form as the Board shall determine, evidencing the payment of that fare; and
  - (ii) there is exhibited in such vehicle, in a conspicuous position so as to be easily legible by all passengers in the vehicle, a notice in such form as shall be specified in the licence to the effect that tickets are required to be so delivered to passengers;

and generally for securing the safety and security of the public; and the Board may, from time to time, vary in such manner as it thinks fit the conditions attached to a road service licence.

*(Amended by Act 10 of 1982, s. 2.)*

*Power to revoke, vary or suspend licences*

68.\*—(1) A road service licence may be revoked, varied or suspended by the Board on the ground that any condition to which the licence was granted has not been complied with:

Provided that the Board shall not revoke, vary or suspend such a licence unless, owing to the frequency of the breach of such conditions or to the breach having been committed wilfully or to the danger to the public involved in the

\* See footnote to s. 63.

breach, the Board is satisfied that the licence should be revoked, varied or suspended.

(2) If any licensee abandons or curtails any service in respect of which he has been granted a road service licence without the prior permission of the Board, the Board may, in its discretion, revoke, vary or suspend the licence for that service and all other road service licences held by the licensee or any of them.

(3) The Board shall, before revoking, varying or suspending any road service licence, give the licensee a due opportunity to be heard.

(4) (a) Any licensee aggrieved by the decision of the Board to revoke or suspend his road service licence may, not later than 14 days after the date of such decision, appeal to the Minister whose decision shall be final.

(b) An appeal under the provisions of this subsection shall be made in writing, addressed to the person charged by the Minister with responsibility in relation to traffic, and a deposit of such sum as may be prescribed shall be lodged with the Principal Licensing Authority prior to or at the time of making such appeal.

(c) The Minister when deciding the appeal shall make such order concerning the return or disposal of such deposit as he shall think fit.

(Amended by Legal Notice 112 of 1970.)

*Duration of licences*

69.\*—(1) Subject to the provisions of this section, every road service licence shall, unless it is sooner revoked, expire on a date to be specified by the Board on the licence not later than 10 years from the date of issue of the licence. (Amended by Ordinance 33 of 1969, s. 18.)

(2) When application is made for the renewal of a licence in accordance with the provisions of section 70, the licence, if the application for renewal is not disposed of before the date of expiry of the licence, shall continue in force until the application is disposed of, unless the Board otherwise directs.

*Renewal of licences*

70.\*—(1) Every application for the renewal of a road service licence shall be made in the prescribed form not less than 28 days before the expiry of the licence.

(2) Every application for a renewal of a licence shall be deemed to be an application for a new licence and shall be made and dealt with accordingly.

*Transfer of licences*

71.\*—(1) Subject to the provisions of this section, any road service licence may be transferred to any person.

(2) Application for the transfer of a road service licence shall be made in the prescribed form and forwarded to the Board accompanied by the prescribed fee.

(3) Subject to the provisions of section 65, the Board may refuse the transfer of the licence or may grant the transfer of the licence either unconditionally or upon or subject to such conditions as it thinks fit but it shall not in any case grant a transfer unless it is satisfied that the proposed transferee is financially able to carry on the service and is likely to carry it on satisfactorily.

\* See footnote to s. 63.

(4) Any licensee aggrieved by the refusal of the Board to transfer a licence under the provisions of this section may appeal to the Minister against such refusal and, in this respect, the provisions of subsection (4) of section 68 shall apply to such an appeal. (*Amended by Legal Notice 112 of 1970.*)

*Amendment of licences*

72.\*—(1) During the currency of any road service licence, the Board may, of its own motion or on the application of the licensee, amend the licence by altering or revoking any of the terms or conditions of the licence or by adding any new terms or conditions that, in its opinion, are necessary in the public interest.

(2) In the exercise of its powers under subsection (1), the Board may, in particular, require the licensee to effect such improvements in the service to which the licence relates, whether by way of extension or amendment of the routes authorised, the improvement of the time-table or frequency of service, or in any other manner, as the Board considers desirable in the public interest.

[(3) \* \* \* \* \* (*Repealed by Ordinance 33 of 1969, s. 19.*)]

(4) Where the Board intends of its own motion to amend any licence under this section, the provisions of section 65 shall, with the necessary modifications apply, as if the Board had received an application for the proposed amendment. In any such case, a copy of the public notice given under that section shall be given to the licensee not less than 7 clear days before the expiry of the time specified in the public notice for the receipt of written representations against the proposed amendment.

*Temporary amendment of licence*

73.\*—(1) (a) Where an application has been made to the Board for amendment of a road service licence, the secretary may, if he considers it desirable in the interests of the public, by an endorsement in writing thereon, amend at the request of the applicant the road service licence by the deletion or addition of a vehicle.

(b) Any amendment made by the secretary under this subsection shall have effect until the date of the meeting of the Board next after the date the amendment is made.

(2) Any person authorised in writing by the Board may amend the conditions of any road service licence relating to fares, time-tables and routes:

Provided that such amendment shall remain in force for such period as the Board may order not exceeding 6 months. (*Amended by Ordinance 7 of 1966, s. 40.*)

*Temporary licence and amendments by the Board*

74.\*—(1) Where the Board considers that the public interest necessitates the immediate establishment of a new service or the immediate amendment of an existing road service licence, the Board may issue a new road service licence for such service or may amend such existing road service licence without complying with the provisions of section 65.

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\* See footnote to s. 63.

(2) A new road service licence issued under this section shall expire 3 months after the date of issue:

Provided † that a temporary licence issued under the provisions of the proviso to subsection (3) of section 63 may be granted for such period as the Board may determine and the provisions of the next succeeding subsection shall not apply to such temporary licence. (*Amended by Ordinance 33 of 1969, s. 20.*)

(3) Where the Board issues under this section a new road service licence, it shall as soon as practicable thereafter publish a notice in a newspaper published and circulating in Fiji stating that a new road service licence has been granted under this section, specifying the service and the date upon which the licence will expire and stating that application may be made under the provisions of section 65, not later than the expiry of 4 weeks from the date of such notice, for a road service licence to take effect after the expiry of the licence granted under this section.

(4) Where the Board amends under this section an existing road service licence, it shall, as soon as practicable, deal with the matter as if no amendment had been made under the provisions of subsection (1).

(5) As soon as the Board has dealt with the matter in pursuance of the provisions of subsection (4), the amendment made under subsection (1) shall cease to have effect.

*Contract carriage licence*

74A.—(1) No person shall use or cause or permit to be used any motor vehicle as a contract carriage unless he is—

- (a) the holder of a road service licence issued in terms of section 65; or
- (b) the holder of a contract carriage licence issued in terms of section 74B.

(2) Any person who contravenes the provisions of this section or who, being the holder of a road service licence or contract carriage licence uses a motor vehicle as a contract carriage other than in accordance with section 59, shall be guilty of an offence.

(3) Any person who contravenes any conditions attached to any contract carriage licence shall be guilty of an offence.

(4) If a person commits an offence under this section, the Board may—

- (a) if he is the holder of a road service licence, direct that any motor vehicle which is the subject of that licence shall no longer be used as a contract carriage; or
- (b) if he is the holder of a contract carriage licence, revoke or suspend that licence.

*(Inserted by Act 9 of 1978, s. 8.)*

*Application for contract carriage licence*

74B.—(1) An application for a contract carriage licence or for the renewal thereof shall be made in the prescribed form and shall be forwarded to the Board accompanied by the prescribed fee.

(2) The Board may require the applicant to submit such further particulars as may be reasonably necessary to enable it to discharge its duties in relation to the application.

† Section 20 of the Traffic (Amendment) Ordinance, 1969 (No. 33 of 1969) provided for the amendment of section 74 "by substituting a colon at the end and by inserting [this] proviso immediately thereafter". Subsection (2) appears to be its intended position.

(3) The Board may grant the applicant a contract carriage licence or a renewal thereof, with or without any conditions, on payment of the prescribed fee.

*(Inserted by Act 9 of 1978, s. 8.)*

*Matters to be considered before determining application for licence*

74C. Before the Board grants or refuses a contract carriage licence or a renewal thereof or attaches any conditions thereto, the Board shall have regard to—

- (a) the applicant's reliability, financial stability and the facilities at his disposal for carrying out the proposed services; and
- (b) the number, type and design of the vehicles which the applicant proposes to use under the licence.

*(Inserted by Act 9 of 1978, s. 8.)*

## PART VI—PARKING METERS

*Applications*

75. The provisions of this Part shall apply to such cities or towns as the Minister may direct.

*(Amended by Legal Notice 112 of 1970; Act 14 of 1975, s. 40.)*

*Provision of parking places where charges made*

76.—(1) A highway authority may apply to the Authority for authority to make an order in accordance with the provisions of this section designating parking places, on roads in any city or town for vehicles or vehicles of any classes or description specified in the order, of or in which parking places the highway authority shall have charge and control and may make charges for vehicles left therein. *(Amended by Act 14 of 1975, s. 40; 22 of 1976, s. 2.)*

(2) Upon receipt of such an application, the Authority shall further cause to be published once in the Gazette and once in a newspaper published in Fiji and circulating in the city or town to which the proposed order relates an advertisement—

- (a) stating the general effect of the proposed order, the whereabouts of the parking places to be designated thereby, the classes or descriptions of vehicles for which they are to be designated, the charges to be made for the use of the parking places, and the provisions of the proposed order as to the times when the parking places may be used;
- (b) specifying a place or places where a copy of the proposed order, and a plan showing the precise location of the parking places to be designated, may be inspected at reasonable times specified in the advertisement during a period so specified of not less than 28 days from the publication or first publication of the advertisement and stating that any person wishing to object to the making of the order may do so by representation to the Authority, in writing, stating the grounds of his objection, within such time as may be prescribed.

(3) After compliance with the provisions of subsection (2), the Authority may authorise the making of an order, either as applied for or with such modifications as it thinks fit, or may refuse to authorise the making of an order. *(Amended by Act 22 of 1976, s. 2.)*

(4) In determining what parking places are to be designated under this section, the Authority shall consider both the interests of traffic and those of the owners and occupiers of adjoining property and, in particular, the matters to which it shall have regard shall include—

- (a) the need for maintaining the free movement of traffic; and
- (b) the need for maintaining reasonable access to premises; and
- (c) the extent to which parking accommodation (whether open or covered) otherwise than on roads is available in the neighbourhood or the provision thereof is likely to be encouraged there by the designation of parking places under this section.

(5) The exercise by a highway authority of its functions under this section shall not render such authority subject to any liability in respect of the loss of or damage to any vehicle in parking place or the contents or fittings of any such vehicle.

(6) The Authority, on the grounds set forth in subsection (7), may revoke any order designating a parking place under this section:

Provided that no such order shall be revoked until after the highway authority responsible for the maintenance of the parking place to which such order relates shall have had an opportunity of making such representations to the Authority as it may wish to make as to why such revocation ought not to be made.

(7) The grounds on which an order designating a parking place may be revoked are that—

- (a) such parking place is no longer required;
- (b) the highway authority has failed to maintain or operate such parking place efficiently;
- (c) any other good cause.

#### *Charges*

76A.—(1) There shall be a prescribed standard period for each parking place and the amount of the charge for a vehicle left in the parking place for a time not exceeding the standard period (hereinafter referred to as the "initial charge") shall be such amount as may be prescribed and the initial charge shall be payable on the leaving of the vehicle in the parking place.

(2) If a vehicle is left in a parking place for longer than the period for which payment was made by the initial charge, the amount of the charge shall be the amount of the initial charge together with such amount (hereinafter referred to as the "excess charge") as may be prescribed and the excess charge shall be payable in such manner and at such time as may be prescribed.

(3) In this section, "prescribed" means prescribed by an order of the highway authority under the provisions of section 76.

*(Inserted by Act 22 of 1976, s. 3.)*

#### *Method of paying charges for parking*

77.—(1) There shall be apparatus of a type and design approved in writing by the Authority (such apparatus being hereinafter referred to as a "parking meter") for indicating in a manner approved by the Authority, as respects each space provided for the leaving of vehicles in a parking place designated under section 76, whether the initial charge has been paid and whether the period for which payment has been made by the initial charge has expired. *(Substituted by Act 9 of 1978, s. 9.)*

(2) Payment of the initial charge payable in respect of a vehicle left in such a parking place shall be made by the insertion of a coin or coins in the parking meter

and the doing of any other thing necessary for the purpose of operating the apparatus. (*Amended by Act 22 of 1976, s. 4; 9 of 1978, s. 9.*)

[(3) \* \* \* \* (*Repealed by Act 22 of 1976, s. 4.*)]

(4) It shall be the duty of the highway authority to erect, maintain and keep parking meters in a proper state of repair and to take reasonable steps for the periodical inspection thereof, and to deal with any found to be out of order, and to secure the testing of the meters (both before they are brought into use and from time to time thereafter), and to record the date on which and the persons by whom a meter has been tested.

(5) The highway authority may raise loans by temporary loan on overdraft from a bank or otherwise for the purpose of carrying out its duties under subsection (4).

*Exemption of certain vehicles from payment for parking*

78. The provisions of this Act and of any regulations made thereunder relating to the payment of charges in respect of vehicles left in a parking place designated under section 76 shall not apply to—

- (a) vehicles operated by the Fiji Police Force;
- (b) vehicles operated by any fire brigade;
- (c) ambulances;
- (d) any other vehicle or class of vehicle which the Minister may by order exempt.

(*Amended by Legal Notice 112 of 1970.*)

*Offences relating to parking meters*

79.—(1) A person who, being the driver of a vehicle, leaves the vehicle in a parking place otherwise than as authorised by an order of the highway authority made under the provisions of section 76 or fails duly to pay any charge payable under the provisions of section 76A, or contravenes or otherwise fails to comply with any provision of an order of the highway authority relating to the parking place, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$50 or in the case of a second or subsequent conviction to a fine not exceeding \$100.

(2) In subsection (1), the reference to the driver of a vehicle shall be construed as a reference to the person driving the vehicle at the time it was left in the parking place.

(3) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than current coins of the appropriate denomination shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

(4) Where, in any proceedings for an offence under this section of failing to pay any charge, it is proved that the amount which has become due, or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid, and any sum ordered to be paid by virtue of this subsection shall be recoverable as a penalty.

(5) In any proceedings for an offence under this section, it shall be presumed, unless the contrary is shown, that—

- (a) a parking meter provided in a parking place designated under section 76 is of a type and design approved by the Authority; and
- (b) the parking meter was in proper working order at the time the vehicle was left in the parking place.

(6) Where, in any proceedings for an offence under this section of failing to pay an excess charge, it is not proved that the excess charge had become due, but is proved that the initial charge has not been paid, the defendant may be convicted of an offence under this section of failing to pay the initial charge.  
(Substituted by Act 22 of 1976; subsection (5) amended by Act 9 of 1978, s. 10.)

*Liability of vehicle owner*

**79A.**—(1) This section applies where—

- (a) an excess charge has been incurred under the provisions of section 76A; and
  - (b) notice of the incurring of the excess charge has been given or affixed as provided in an order of the highway authority made under the provisions of section 76; and
  - (c) the excess charge has not been duly paid in accordance with such order.
- (2) Subject to the provisions of subsection (3)—
- (a) for the purpose of the institution of proceedings for the offence of failing to pay an excess charge against any person as being the owner of the vehicle at the relevant time; and
  - (b) in any proceedings in respect of the offence of failing to pay an excess charge brought against any person as being the owner of the vehicle at the relevant time,

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at that time and accordingly, that acts or omissions of the driver of the vehicle were his acts or omissions.

(3) The presumption in subsection (2) shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved—

- (a) that, at the relevant time, the vehicle was in the possession of some other person without the consent of the owner; or
- (b) that the person accused was not the owner of the vehicle at the relevant time; or
- (c) that such person had at the relevant time disposed of his ownership of the vehicle by executing the appropriate form of transfer.

(4) In this section, "relevant time", in relation to an excess charge, means the time the vehicle was left in the parking place, notwithstanding that the period in which the excess charge was incurred did not begin at that time.

(Inserted by Act 22 of 1976, s. 6.)

*Institution of proceedings*

**79B.** A highway authority may institute proceedings for an offence under this Part in connection with a parking place and, in any such proceedings, a highway authority may appear before a court by its clerk or by any officer authorised for the purpose by resolution of such highway authority.

(Inserted by Act 22 of 1976, s. 6.)

*Destination of fines, etc.*

**79C.** All fines and penalties recovered under this Part shall be paid into the general revenue of the highway authority.

(Inserted by Act 22 of 1976, s. 6.)

*Parking places: financial provisions*

80.—(1) A highway authority shall keep an account of its income and expenditure in respect of parking places designated under the provisions of section 76 for which it is the local authority.

(2) At the end of each financial year, any deficit in the account shall be made good out of the general rate fund and any surplus shall be applied first to the expenses of maintenance and control of existing parking places and any surplus remaining after such expenses have been met shall be applied to the improvement of parking places and the acquisition and administration of new parking places.

(3) The provisions of Part VIII of the Local Government Act (which provide for audit of the accounts of city and town councils) shall apply *mutatis mutandis* to the accounts required to be kept under the provisions of this section.

(Cap. 125.)

[81. \* \* \* \* \* (Repealed by Act 22 of 1976, s. 7.)]

## PART VII—GENERAL

*Removal of vehicles from road*

82.—(1) Where any vehicle has been left on any road or other public place in such circumstances as to make it appear that such vehicle has been abandoned or should be removed to a place of safety, or where any vehicle has been left on a road in a position which causes or is likely to cause danger to other road users and the owner or driver cannot readily be found, it shall be lawful for any police officer or any authorised examiner to take the vehicle or cause the same to be taken to a police station or other place of safety by such method, route and under such conditions as he may consider necessary having regard to all the circumstances of the case.

(2) Where, under the provisions of subsection (1), it is considered necessary to have a vehicle towed, transported, driven or otherwise removed, or where it is considered necessary to carry out emergency repairs or to adjust or off-load any part of the load of such vehicle, any expense incurred thereby shall be payable by the owner of the vehicle and no such vehicle shall be released from the police station or other place of safety until either—

- (a) such expenses have been paid to the person to whom they are due; or
- (b) such person certifies in writing that he is willing to allow the vehicle to be removed before he receives such expenses due to him.

(3) A police officer or authorised examiner who orders the removal of a vehicle under the provisions of this section shall not be held liable for any damage to or loss of any item from such vehicle during its removal to or detention at a police station or other place of safety.

(4) Any police officer or authorised examiner, if he is of the opinion that any vehicle is being used in contravention of the provisions of this Act or in contravention of any regulations relating to the construction, use and equipment of vehicles, may, by order, prohibit the use of such vehicle, under such conditions and for such purposes as he may consider necessary for the safety of the public or to ensure that such vehicle does comply with the aforementioned provisions. Any such order shall remain in force until the repairs specified therein have been satisfactorily completed and the vehicle has been certified as complying with the aforesaid conditions with respect to construction, use, equipment and weight.

(5) Any person who permits the use of, or drives, any vehicle in respect of which any prohibition or restriction is in force other than in conformity with any conditions or for such purpose as may have been specified shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding \$400 or to imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.

(6) Any order issued under the provisions of this section shall be in writing.

(7) Any person who fails to comply with any instruction or order given under the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100.

(8) It shall be lawful for any police officer to detain at a police station or other place of safety any vehicle which has been removed from a road or other public place under the provisions of this section until such inquiries have been made by the police as they may think necessary in the circumstances of the case.

*Forgery, etc., of licences and certificates*

83.—(1) If, with intent to deceive, any person—

(a) forges, within the meaning of the Penal Code, or alters or uses or lends to or allows to be used by any other person a licence under any Part of this Act; or

(b) makes or has in his possession any document so closely resembling such a licence or certificate as to be calculated to deceive,

he shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding 2 years or to a fine not exceeding \$200 or to both such imprisonment and fine.

(2) If any person, for the purpose of obtaining the grant of any licence to himself or any other person or the variation of any licence or for the purpose of preventing the grant or variation of any licence or for the purpose of procuring any condition or limitation in relation to a licence, knowingly makes any false statement, he shall be guilty of an offence and upon conviction shall be liable to a fine not exceeding \$100 or to imprisonment not exceeding 6 months or to both such fine and imprisonment.

(3) If any police officer has reasonable cause to believe that any licence produced to him in accordance with the provisions of this Act by the driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document and retain the same until the matter has been investigated.

*Duty to give information*

84. Where the driver of a vehicle is alleged to be guilty of an offence under this Act or of any offence involving dishonesty towards a passenger or with respect to any goods or freight carried on the vehicle, the owner of the vehicle shall, on demand by any police officer, give such information as he can as to the identity of the driver and, if he fails to do so, shall be guilty of an offence.

*General penalty*

85. Any person convicted of an offence under this Act for which no special penalty is provided shall be liable in the case of the first offence to a fine not exceeding \$50 and in the case of a second or subsequent conviction to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months.

*Regulations*

86.—(1) The Authority may make regulations for any purpose for which regulations may be made under this Act and for prescribing anything which may be prescribed thereunder and otherwise for the purpose of carrying this Act into effect and, in particular but without prejudice to the generality of the foregoing, may make regulations with respect to any of the following matters:—

- (1) the nature of tests of competence to drive any class or classes of vehicles;
- (2) the qualifications, selection and appointment of persons by whom such tests may be conducted;
- (3) evidence of the results of such tests;
- (4) for requiring a person submitting himself for a test to provide a suitable vehicle for the purposes thereof;
- (5) for requiring a person submitting himself for a test to pay to the licensing authority a prescribed fee, and the regulations may specify different fees in respect of tests of competence to drive different classes of vehicle;
- (6) licences and, in particular, with respect to the records to be kept of licences, the form of stickers to denote the payment of a licence fee in respect of a motor vehicle, for preventing a person holding more than one driving licence, for facilitating the identification of holders of driving licences and the form of Convention driving permits;
- (7) the design, issue and sale of registration plates;
- (8) the design and construction of and the width, height and length of motor vehicles and of trailers and the load carried thereby, the diameter of wheels and the width, nature and condition of tyres of motor vehicles and of trailers;
- (9) dividing motor vehicles for the purposes of regulations under Part III into classes, whether according to weight, construction, nature of tyres, use or otherwise;
- (10) the emission of smoke, visible vapour, sparks, ashes and grit;
- (11) excessive noise due to the design or the condition of the vehicle or the loading thereof;
- (12) the maximum net weight of any motor vehicle and the maximum gross weight of motor vehicles and trailers and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such vehicle or trailer in contact with the road and the conditions under which and the manner in which the weight may be required to be tested;
- (13) the particulars to be marked on motor vehicles or trailers;
- (14) the towing or drawing of vehicles by motor vehicles;
- (15) the number and nature of brakes and for ensuring that brakes, silencers and steering gear shall be efficient and kept in proper working order and for empowering persons authorised by or under the regulations to test and inspect either on the road or subject to the consent of the owner of the premises, on any premises where the vehicle is, such brakes, silencers or steering gear;
- (16) the appliances to be fitted for signalling the approach of a motor vehicle or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any

- intended change of speed or direction of a motor vehicle and for the use of such appliances and for securing that they shall be efficient and kept in proper working order;
- (17) the kind of lamps that may be carried on motor vehicles, the carrying of such lamps and how and when the same shall be used;
  - (18) the registration of dealers' general licences, the assigning by the Principal Licensing Authority of registration plates and numbers in respect of dealers' general licences, the form and display of such plates and the conditions under which and the purposes for which a vehicle licensed under a dealer's general licence may be used;
  - (19) the speed limit of any vehicle or class of vehicles;
  - (20) the keeping of records by holders of licences for public service vehicles, goods vehicles of which the net weight exceeds 3,050 kg or motor tractors and, without prejudice to the generality of the foregoing, such regulations may make provision for requiring drivers of any such vehicles aforesaid to carry prescribed documents and to make prescribed entries therein and for the production of such documents;
  - (21) the issue of permits for motor vehicles brought temporarily into Fiji by visitors;
  - (22) the registration of vehicles for which permits are so issued, the assignment of registration marks (which expression shall, where appropriate, include references to nationality signs) to those vehicles and the issue of registration cards for those vehicles;
  - (23) the variation of or the granting of exemptions, either wholly or partially and subject to any conditions, from the requirements of the Traffic Regulations, or of any regulations superseding such Regulations, relating to the lighting of motor vehicles in the case of motor vehicles brought temporarily into Fiji by visitors or in the case of any class or description of such vehicles;
  - (24) the identification marks and plates to be assigned to motor vehicles and trailers for use in and outside Fiji;
  - (25) the application for and issue of certificates of fitness;
  - (26) the issue of copies of licences or certificates of fitness in the case of licences or certificates lost or destroyed;
  - (27) the application for and issue of road service licences and for the amendment and renewal thereof and generally with regard thereto;
  - (28) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;
  - (29) the determination of the number of passengers a public service vehicle is adapted to carry and the number who may be carried;
  - (30) the carriage of luggage and goods on public service vehicles;
  - (31) the safe custody and redelivery or disposal of any property accidentally left in a public service vehicle;
  - (32) the equipment to be carried by public service vehicles;
  - (33) the fixing of rates and fares in respect of passengers and goods carried by public service vehicles;
  - (34) the framing of time-tables and fare-tables and the publication of the same;
  - (35) the conduct of passengers, drivers and conductors in public service vehicles;

- (36) the use of taxi-meters;
  - (37) the design, construction and operation of parking meters;
  - (38) the manner whereby parking meters shall indicate whether or not any payment has been made and whether the time for which payment, if any, has been made has expired;
  - (39) prescribing the size, colour and type of traffic signs and regulating the erection, maintenance, removal and use thereof;
  - (40) generally for the regulation of the movement of traffic (including pedestrians);
  - (41) to control the use of vehicles operated by driving schools, for the documentation of such, the qualifications of driving instructors and generally with regard to the operation of driving schools;
  - (42) requiring persons riding on motor cycles on a road to wear safety helmets;
  - (43) the provision of safety devices for persons travelling in motor vehicles or in any class of motor vehicle. (*Amended by Ordinance 15 of 1968, s. 2; 33 of 1969, s. 21; Legal Notice 99 of 1979.*)
- (2) The Authority may, by order, exempt from all or any of the provisions of any regulations made under this Act—
- (a) any specified vehicle or class of vehicles; or
  - (b) the drivers of any specified class of vehicles.

*Regulations by Minister*

87.—(1) The Minister may make regulations with respect to the general control of taxis, hire cars and rental cars and, without prejudice to the generality of the foregoing, provisions may provide for the licensing of taxis, hire cars and rental cars and prescribing conditions to be contained in such licences and for the limitation of the number of such licences to be issued in Fiji or in any particular area thereof. (*Amended by Ordinance 33 of 1969, s. 22; Legal Notice 112 of 1970.*)

(2) Any regulations made by the Minister under the authority of subsection (1) shall not come into force unless and until confirmed by resolution of Parliament. (*Amended by Legal Notice 112 of 1970.*)

(3) The Minister may, by regulation, prescribe the fees to be charged for any permit, licence or test of competence or other matter for which fees are required to be prescribed under the provisions of this Act. (*Amended by Legal Notice 112 of 1970.*)

(4) Except in so far as may be otherwise directed by the Minister, all fees payable under this Act shall be paid into and shall form part of the Consolidated Fund. (*Amended by Legal Notice 112 of 1970.*)

(5) The Minister may, if he thinks fit, remit the whole or any portion of any fee payable in respect of a motor vehicle licence. (*Amended by Legal Notice 112 of 1970.*)

(6) No fees shall be charged for the licensing of a motor vehicle which is the property of the Governor-General or of the Government. (*Amended by Legal Notice 112 of 1970; Act 14 of 1975, s. 40.*)

(7) When a licensed motor vehicle is broken up, destroyed or exported permanently from Fiji and the unexpired period of the licence exceeds one quarter, the Principal Licensing Authority may direct that a refund of licence fees in respect of any complete quarterly period or periods, less 10 per cent, be made to the holder on surrender of such licence.

*Power of Authority to make traffic orders*

88.—(1) The Authority may, by notice in the Gazette, make traffic orders for any or all of the following purposes:—

- (a) prescribing speed limits in any specified place or on any specified route;
- (b) constituting one-way streets;
- (c) prohibiting or restricting the use of specified roads by motor vehicles of any specified class or weight either generally or during specified hours but not so as to prevent such access to premises as may reasonably be required;
- (d) appointing public stands, parking places and bus-stops and prescribing rules to be obeyed, and fees to be paid, by the drivers of motor vehicles and other persons using the same and parking places designated under the provisions of section 76;
- (e) controlling the plying for hire of public service vehicles and directing in what places such vehicles shall or shall not stop to put down or pick up passengers and on what routes or streets such vehicles may or may not ply for hire;
- (f) prescribing the times during which and the places at which goods vehicles may be parked for the purpose of loading or unloading goods;
- (g) prohibiting touting;
- (h) prohibiting the use of sound signals on any specified road between specified hours;
- (i) establishing crossings for pedestrians;
- (j) regulating the flow of traffic by the making of traffic lanes, the establishment of traffic islands and the control of turning in streets;
- (k) establishing traffic lights at crossings and providing for the observance of the signals given thereby, by vehicles and pedestrians;
- (l) regulating or restricting the parking of vehicles or classes of vehicles;
- (m) regulating the times at which vehicles may be parked in parking places designated under the provisions of section 76;
- (n) specifying the manner in which vehicles shall stand in parking places designated under the provisions of section 76.

*(Amended by Ordinance 15 of 1968, s. 3; Act 9 of 1978, s. 11.)*

- (2) (a) The Authority may delegate to any highway authority of a city or town all or any of the powers specified in subsection (1) and may at any time give directions relating to the manner or the area in which such powers shall be performed, and the highway authority shall comply with such directions.
- (b) All delegations and directions made in accordance with the provisions of this subsection shall be published in the Gazette.
- (c) Nothing in this subsection shall be deemed to permit the highway authority of a city or town to exercise any powers delegated to it under the provisions of this subsection outside the boundaries of such city or town.

*(Amended by Act 14 of 1975, s. 40.)*

(3) Any person contravening a traffic order made under this section is guilty of an offence and on conviction shall be liable to a fine not exceeding \$100.

*Highway Code*

89.—(1) Any person approved by the Authority may prepare a code (in this section referred to as the "highway code") comprising such directions as appear to be proper for the guidance of persons using roads and from time to time revise the highway code by revoking, varying, amending or adding to the provisions thereof.

(2) The highway code and any revocation, variation or amendment thereof or addition thereto may be approved by the Authority and authenticated in such manner as the Authority shall think fit.

(3) A failure on the part of any person to observe any provisions of the highway code approved by the Authority and authenticated in such manner as aforesaid shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may, in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liabilities which are in question in those proceedings.

*Procedure*

89A. Proceedings under Part III, V and VII or any subsidiary legislation made under this Act may be taken in a magistrate's court on the information of an enforcement officer, authorised in writing by the Principal Licensing Authority, and all such proceedings may be continued and conducted by the same or any other enforcement officer, similarly authorised, or any person permitted by the court to conduct the proceeding.

*(Inserted by Act 9 of 1978, s. 12.)*

*Removal of certain things*

90.—(1) Where any erection or structure has been built or placed on or in any road under or in pursuance of any law which, in the opinion of the Authority, is a danger or hazard to motor vehicles using such road, the Authority may, by notice in writing require the person responsible for such erection or structure under such law to remove, alter or reconstruct it within such time as may be specified in the notice.

(2) (a) For the purpose of securing that the vision of drivers using vehicles on a road is not impeded by obstructions in a manner which is likely to be dangerous, the Authority may, by notice in writing, require any person having the control or possession of any such obstruction on or near a road, other than a structure which has been erected or set up on a road under or in pursuance of any law, to remove it or part thereof within such time as may be specified in the notice.

(b) For the purposes of this subsection, "obstruction" means any object of such a nature as to be capable of impeding vision.

(3) Where any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign has been placed on any land, the Authority may, by notice in writing, require the owner or occupier of such land to remove it or replace it by any sign or type of sign designated by the Authority within such time as may be specified in the notice:

Provided that, if such traffic sign or object closely resembling a traffic sign was placed on such land prior to 29 October 1965, the reasonable expenses of removal or replacement shall be payable by the Authority and, in such a case, the right of appeal conferred by the provisions of subsection (4) shall not apply.

(4) Any person on whom any notice is served under this section may, within 21 days of the service of the notice, appeal in writing to the Minister and, if the

Minister considers that the removal of such erection, structure, obstruction, traffic sign or object is not justified, he may order that the notice shall be revoked whereupon such removal shall not be carried out or, if he is satisfied that such removal at the expense of the appellant would cause unnecessary hardship, he may order the Authority to pay the cost thereof or may make such other order as to him may seem just. (*Amended by Legal Notice 112 of 1970.*)

(5) The Minister may appoint any suitable person to hear and decide appeals made under the provisions of subsection (4) who shall have all the powers of the Minister specified in that subsection. (*Amended by Legal Notice 112 of 1970.*)

(6) Where any person has appealed under the provisions of subsection (4) the removal, alteration, reconstruction or replacement of such erection, structure, obstruction, traffic sign or object shall be deferred until the decision on the appeal has been made and declared to the appellant and, if it is decided that such erection, structure, obstruction, traffic sign or object shall be removed, altered, reconstructed or replaced, it shall be removed within 60 days after such decision unless it shall be ordered otherwise.

(7) If any obstruction in respect of which a notice has been served under this section is not removed, altered, reconstructed or replaced within the time specified in the notice, the Authority may themselves remove, alter, reconstruct or replace the obstruction and recover the expense of so doing summarily as a civil debt from the person having the control or possession of the obstruction:

Provided that the power of the Authority under this subsection shall not be exercised until the expiration of one month after the date of the service of the notice or, if an appeal has been made to the Minister against the notice, until after the appeal has been determined. (*Amended by Legal Notice 112 of 1970.*)

(8) A notice under this section may be served either personally or by post.

*Non-liability of Government or local authority*

91. Neither the Government nor any city or town council shall be liable in respect of any injury, damage or loss which may occur to any person or property through the failure of any road to sustain the weight of any motor vehicle. (*Amended by Act 14 of 1975, s. 40.*)

*Avoidance of contracts restrictive of liability*

92. Any contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to regulate or restrict the liability of any person in respect of any claim which may be made against that person in respect of the death of or bodily injury to the passenger while being carried in or entering or alighting from the vehicle or which purports to impose any conditions with respect to the enforcement of any such liability be void.

*Saving of rights*

93. Nothing in this Act shall affect the right of the Government or any person to recover compensation from the owner or driver of any vehicle for any injury, damage or loss which may be sustained by the Government or by such person by reason of the use of such vehicle.

*Nuisances*

94. Nothing in this Act shall authorise any person to use on any road any vehicle so constructed or used as to cause a public nuisance or shall affect the civil liability of the driver or owner so using such a vehicle.

*Controlled by Ministry of Communications, Transport and Works*

CHAPTER 176

TRAFFIC

LEGISLATION OF GENERAL APPLICATION

- Section 11—Motor Vehicle Licence Fees (Exemption) Order.  
Section 51—Traffic (Signs) Regulations.  
Section 86—Traffic Regulations.  
    Traffic (Driving School) Regulations.  
    Traffic (Taxi Fares) Regulations.  
    Traffic (Use of Taxi Meters) Regulations.  
Section 87—Traffic (Fees) Regulations.  
    Traffic (Taxis and Rental Cars) Regulations.  
Section 88—Pedestrian Crossings (Establishment) Order.  
    Road Speed Limits Order.

SECTION 11—MOTOR VEHICLE LICENCE FEES (EXEMPTION) ORDER

TABLE OF PROVISIONS

PARAGRAPH

1. Short title.
2. Exemptions.

*Legal Notice No. 83 of 1977*

*Short title*

1. This Order may be cited as the Motor Vehicle Licence Fees (Exemption) Order.

*Exemptions*

2. The following Governments, institutions and persons shall be exempt from the payment of licensing fees on the registration of motor vehicles:—
  - (a) subject to the provisions of subsection (2) of section 11 of the Diplomatic Privileges and Immunities Act, any Government or person to which or to whom subsection (1) of that section, and any international organisation to which section 6 of that Act, applies;  
(Cap. 8.)

- (b) any local authority as defined in section 10 of the Public Health Act in respect of motor vehicles owned and operated by such authority;  
(Cap. 111.)
- (c) the Fijian Affairs Board or any provincial council in respect of motor vehicles owned and operated by such Board or council;
- (d) any Fire Brigade established under the provisions of any Act or by any city or town council in respect of motor vehicles operated by such fire brigade;
- (e) the Emperor Gold Mining Company Limited in respect of motor vehicles owned by that Company and operated—
  - (i) within the Company's freehold premises at Vatukoula;
  - (ii) otherwise than on public roads within any area specified in any prospecting licence, permit to mine or mining lease granted to the Company or its agent under the Mining Act or specified in any licence granted to the Company under the Forest Act; or  
(Cap. 146.), (Cap. 150.)
  - (iii) on any road owned and maintained by the Company connecting such premises with such areas or area.

SECTION 51—TRAFFIC (SIGNS) REGULATIONS

TABLE OF PROVISIONS

REGULATION

1. Short title
2. Interpretation
3. References to traffic signs and road markings appearing in the Schedules
4. Powers to erect or place traffic signs
5. Power of Authority to give directions and enforce compliance therewith
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7. Traffic signs—General
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9. Standard colours for use on traffic signs
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11. Variations in dimensions of traffic signs in First Schedule
12. Road markings—General
13. Road marking shown in Mark 104
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16. Traffic lights
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21. Light signals to indicate position of uncontrolled pedestrian crossing
22. Illumination of traffic signs
- 22A. Flashing stop lights
23. Flashing beacons
24. Guide posts
25. Offence to interfere, etc., with traffic signs

First Schedule—Traffic Signs

Second Schedule—Road Markings

*Legal Notices Nos. 1 of 1975; 12 of 1975; 59 of 1975; 115 of 1975; 44 of 1976;  
59 of 1977; 25 of 1978; 26 of 1979; 70 of 1981; 48 of 1984; 49 of 1984*

*Short title*

1. These Regulations may be cited as the Traffic (Signs) Regulations.

*Interpretation*

2. In these Regulations unless the context otherwise requires—  
“night” means the time between sunset and sunrise;

"road marking" means any traffic sign painted on or embedded in the surface of the carriage-way of any road and shall, except where the context otherwise so requires, be deemed also to be included in the term traffic sign;

"traffic lights" means light signals used for the control of vehicular traffic.

*References to traffic signs and road markings appearing in the Schedules*

3.—(1) Any reference in these Regulations to any traffic sign by the word "diagram" followed by a number is a reference to the traffic sign of that number appearing in the First Schedule and shall be construed as also including a reference to any such sign as varied in accordance with the provisions of these Regulations.

(2) Any reference in these Regulations to any road marking by the word "Mark" followed by a number is a reference to the road marking of that number appearing in the Second Schedule except where otherwise expressly provided and shall be construed as also including a reference to any such road marking as varied in accordance with the provisions of these Regulations.

*Powers to erect or place traffic signs*

4.—(1) The Authority, or subject to and in conformity with any directions that may be given by the Authority, any highway authority, may cause or permit—

(a) any road signs which comply with the provisions of the First Schedule to be erected or placed on or near any road; and

(b) any road markings which comply with the provisions of the Second Schedule to be painted on or embedded in the surface of the carriage-way of any road.

*Power of Authority to give directions and enforce compliance therewith*

5.—(1) The Authority may give directions to any highway authority—

(a) for the placing of any traffic sign specified in such directions;

(b) to replace any traffic sign specified in such directions by any other traffic sign specified in such directions;

(c) for the removal of any traffic sign specified in such directions;

(d) the variation of any traffic sign.

(2) If a highway authority fails to comply with any direction given by the Authority under paragraph (1), the Authority may itself carry out the work required by the direction and the expense incurred by it in so doing shall be recoverable by the Authority summarily as a civil debt from the highway authority in default.

*Power to vary traffic signs*

6. The Authority, or subject to and in conformity with any directions given by the Authority, any highway authority, may vary any figure, or the direction of any arrow, on any traffic sign to adapt such sign to the particular circumstances or to convey any particular restriction, prohibition, warning or information required to be conveyed thereby.

*Traffic signs—General*

7. Subject to any provision of these Regulations, a traffic sign for conveying to vehicular traffic on roads a warning, requirement, prohibition, restriction or information specified in or under a diagram in the First Schedule shall be of the size, colour and type shown in the diagram relating to that warning, requirement, prohibition, restriction or information.

*Requirements denoted by traffic signs 201 and 202 and road markings 102 and 103*

8.—(1) For the purpose of this regulation—

“minor road” means a road at a road junction on which road is placed the sign shown in diagram 201 or 202 and/or the transverse lines shown in Mark 103;

“major road” means the road at a road junction into which road emerges vehicular traffic from a minor road.

(2) The requirement conveyed by the sign shown in diagram 201 shall be that no vehicle shall proceed into a major road from a minor road past such one of the transverse lines shown in Mark 103 as is nearest to that major road or if the transverse lines shown in Mark 103 are not laid or are not for the time being visible shall enter into the said major road, in such a manner or at such a time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate the driver of any such other vehicle on the major road to change its speed or course in order to avoid an accident.

(3) The requirement conveyed by the said transverse lines shown in Mark 103, whether or not they are used in conjunction with the sign shown in diagram 201, shall also be that no vehicle shall proceed into a major road from a minor road past such one of those lines as is nearest to that major road in such a manner or at such a time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate the driver of any such other vehicle on the major road to change its speed or course in order to avoid an accident.

(4) The requirements conveyed by the sign shown in diagram 202 shall be that—

(a) every vehicle shall before entering the major road stop on the minor road before such one of the transverse lines shown in Mark 102 as is furthest from that major road or, if the transverse lines shown in Mark 102 are not laid or are not for the time being visible, immediately before the major road; and

(b) after so stopping, no vehicle shall proceed past such 1 of the said transverse lines as is nearest to the major road into that major road or, if those lines are not laid or are not for the time being visible shall enter into the major road, in such a manner or at such a time as is likely to cause danger to the driver of any other vehicle on the major road or as to necessitate the driver of any such other vehicle on the major road to change its speed or course in order to avoid an accident.

*Standard colours for use on traffic signs*

9. The colours to be used for signs, posts and fittings and generally in relation to traffic signs shall be in accordance with the following specification:—

<i>Colour</i>	<i>Specification</i>
Red .....	British Standard 381C No. 537
Yellow .....	British Standard 381C No. 355
Blue .....	British Standard 2660 No. 0-013
Black .....	British Standard 873 1959 Clause 3b
White.....	British Standard 873 1959 Clause 3c
Grey.....	British Standard 2660 No. 9-101

*Colour of posts and fittings for, and of the backs, of traffic signs*

10.—(1) Where a traffic sign shown in a diagram in the First Schedule is mounted on a post specially provided for the purpose, that part of the post which extends above ground level shall be coloured grey, except—

- (a) in a case where the post is constructed of metal, a plain galvanised finish shall be permitted;
- (b) in a case where the post is constructed of concrete, it shall remain in its natural colour;
- (c) in a case where the post is mounted by a traffic sign shown in a diagram in Part VI of the First Schedule, when the post shall be coloured black and white in alternate horizontal bands, each band being not less than 11 inches nor more than 13 inches in depth;
- (d) in a case where the post is not likely to be readily visible to pedestrians, when the post shall be coloured grey but with one white band of 6 inches in depth, the lower edge of the band being between 5 feet and 5 feet 6 inches above the level of the surface of the ground in the immediate vicinity.

(2) The back of any traffic sign shown in a diagram in the First Schedule and any fitting provided for the assembly of such a traffic sign, including any container enclosing apparatus for the illumination of the traffic sign, shall be coloured—

- (a) black, if the traffic sign is mounted on the same post as that on which traffic lights as prescribed by these Regulations are mounted; and
- (b) grey in any other case.

(3) Any variation from the provisions of this regulation in the colouring of any post or fitting or of the back of any traffic sign shall not render nor make any traffic sign invalid or unlawful.

*Variations in dimensions of traffic signs in First Schedule*

11. Any variation in any dimension or height of the traffic signs or of any part of them specified in any of the diagrams shown in the First Schedule shall be treated as being permitted by these Regulations if the variation does not exceed 5 per cent, of such dimension or height.

*Road markings—General*

12. Subject to the provisions of these Regulations, road markings shall be of the size and type shown in the Second Schedule.

*Road marking shown in Mark 104*

13.—(1) A road marking of the size and type shown in Mark 104 shall be used for conveying to vehicular traffic either the requirements specified in paragraph (2) or the warning specified in paragraph (5).

(2) The requirements shall be—

- (a) subject to the provisions of paragraph (3), no vehicle shall stop on any length of road along which the marking has been placed at any point between the 2 ends of the marking; and
- (b) subject to the provisions of paragraph (4), every vehicle, whilst proceeding on any length of road along which the marking has been placed so that, as viewed in the direction of travel of the vehicle, the continuous line is on the left of a broken line or a continuous line, shall be so driven as to keep the first-mentioned continuous line on the right hand or off side of the vehicle and shall not cross nor straddle the first-mentioned continuous line.

(3) Nothing in sub-paragraph (a) of paragraph (2) shall apply—

(a) so as to prevent a vehicle stopping on any length of road so long as may be necessary—

- (i) to enable a person to board or alight from the vehicle,
- (ii) to enable goods to be loaded on to or to be unloaded from the vehicle, or
- (iii) to enable the vehicle, if it cannot be used for such purpose without stopping on that length of road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or near to that length of road of any service installation:

Provided that it is not reasonably practicable for the vehicle to stop for any of the purposes at (i), (ii) or (iii) on a part of that length of road which is a lay-by or a road verge.

- (b) to a vehicle used for fire brigade, ambulance or police purposes;
- (c) to a pedal bicycle not having a side car attached thereto, whether additional means of propulsion by mechanical power are attached to the bicycle or not;
- (d) to a vehicle stopping in any case where the person in control of the vehicle is required by law to stop, or is obliged to do so in order to avoid an accident, or is prevented from proceeding by circumstances outside his control; or
- (e) to anything done with the permission of a police officer in uniform.

(4) Nothing in sub-paragraph (b) of paragraph (2) shall apply so as to prevent a vehicle crossing or straddling the continuous line first mentioned in that sub-paragraph for the purpose of obtaining access to any other road joining the length of road along which the line is placed or to land or premises situated on or adjacent to the said length of road or if it is necessary to do so—

- (a) in order to pass a stationary vehicle, or owing to circumstances outside the control of the driver or in order to avoid an accident; or
- (b) for the purpose of complying with any direction of a police officer in uniform.

(5) The warning conveyed by the road marking mentioned in paragraph (1) shall be that no vehicle while travelling next to a broken line placed on the left of a continuous line, as viewed in the direction of travel of the vehicle should cross or straddle the lines unless it is seen by the driver of the vehicle to be safe to do so.

*Colour of road markings*

14. The road markings shown in marks and listed in the Tables in the Second Schedule shall be white:

Provided that, with the approval of the Authority, any particular or individual road marking or type of road marking may be of such other colour, as in the opinion of the Authority, will effect a sufficient contrast to the colour of the surface of the carriage-way to which they are applied.

*Variations in dimension of road markings*

15. Any variation in a dimension specified in any of the Marks in the Second Schedule shall be treated as permitted by these Regulations if the variation lies within the tolerances given in Table D of that Schedule.

*Traffic lights*

16. Traffic lights shall be of the size, colour and type prescribed below:—

- (a) 3 lights shall be used, 1 red, 1 amber and 1 green and shall be so positioned as to face the stream of traffic which the signal is intended to control;
- (b) the lamps showing the coloured lights aforesaid shall be arranged vertically, the lamp showing the red light being the uppermost and that showing the green light shall be the lowermost;
- (c) each lamp shall be separately illuminated and the effective diameter of the lens thereof shall be not less than 8 inches nor more than 8½ inches;
- (d) the height of the centre of the green lens from the surface of the carriage-way in the immediate vicinity shall be in the case of signals placed at the side of the carriage-way or on a street refuge not less than 7 feet nor more than 11 feet 6 inches and in the case of signals placed elsewhere and over the carriage-way not less than 17 feet nor more than 20 feet;
- (e) the centres of the lenses shall be not more than 14 inches, and not less than 10 inches, apart;
- (f) the word "STOP" in black lettering may (but need not) be placed upon the lens of the lamp showing a red light and no other lettering shall be used upon the lenses or in connection with a traffic light;
- (g) the sequence of the signal lights shown for the purpose of controlling vehicular traffic shall be as follows:—
  - (i) red,
  - (ii) amber and red together,
  - (iii) green,
  - (iv) amber,
  - (v) red.

*Lighted directional arrows*

17. Lenses depicting illuminated directional arrows may be added to any traffic lights or substituted for any green light, referred to in regulation 16 and used in conjunction with them, and the signals shown by such lenses may be in such sequence in relation to the light signals to which such lenses are used as shall be approved in each particular case by the Authority, or subject to and in conformity with any directions that may be given by the Authority, by any highway authority.

*Portable traffic lights*

18.—(1) Portable traffic lights may be used for the control of vehicular traffic—

- (a) where, owing to roadworks being in progress or for some other reason, the width of the carriage-way is temporarily restricted so that it will carry only 1 line of traffic; or
  - (b) during the progress of temporary schemes of traffic control.
- (2) (a) 2 lights shall be used, 1 red and the other green;
- (b) the lamps showing the coloured lights aforesaid shall be arranged vertically, the lamp showing a red light being uppermost;
  - (c) each lamp shall be separately illuminated and the effective diameter of the lens thereof shall be not less than 8 inches nor more than 8½ inches;

- (d) the height of the centre of the green lens from the surface of the carriage-way in the immediate vicinity shall be not less than 5 feet nor more than 11 feet 6 inches;
- (e) the centres of the lenses shall be not more than 28 inches apart;
- (f) the word "STOP" in black lettering may (but need not) be placed upon the lens of the lamp showing a red light; and
- (g) the red and green lights shall not be shown together and 1 shall follow the other without any appreciable interval of time.

*Significance of traffic lights*

19.—(1) The significance of traffic lights shall be as follows:—

- (a) the red signal alone shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriageway provided in conjunction with the signals or, if that line is not for the time being visible or there is no stop line, beyond the signals;
- (b) the amber-with-red signal (where an amber signal is provided) shall be taken to denote an impending change in the indication given by the signals from red to green but shall not alter the prohibition conveyed by the red signal alone;
- (c) the green signal shall indicate that vehicular traffic may pass the signal and proceed straight on or to the left or to the right;
- (d) the amber signal (when provided) shall, when shown alone, convey the prohibition that vehicular traffic shall not proceed beyond the stop line or, if that line is not for the time being visible or there is no stop line, beyond the signals, except in the case of any vehicle which when the signal first appears is so close to the said line or signals that it can not safely be stopped before passing the line or signals;
- (e) any green arrow during such time as it is illuminated shall indicate that vehicular traffic may pass the signals and proceed in the direction indicated by the arrow notwithstanding any other indication given by the signals.

(2) Vehicular traffic passing any traffic lights in accordance with paragraph (1) shall proceed with due regard to the safety of other users of the road and subject to the direction of any police officer in uniform or other duly authorised person who may be engaged in the regulation of traffic.

(3) For the purpose of this regulation, the expression "Stop line" means the road marking shown in Mark 101 in the Second Schedule.

*Light signals for pedestrians*

20.—(1) Light signals for indicating to pedestrians the periods during which they may or may not cross the carriage-way may be used facing across the carriage-way of a road in conjunction with the traffic lights prescribed by regulation 16 and, if so used, shall be of the size, colour and type shown in diagram 503 in the First Schedule.

(2) The height of the lower edge of the container enclosing the light signals from the surface of the carriage-way in the immediate vicinity shall be not less than 7 feet nor more than 8 feet 6 inches.

(3) The said signals shall be so designed that when 1 signal is illuminated the other signal is not illuminated.

(4) An audible device may be used in conjunction with the aforesaid lights to indicate to pedestrians when they may start crossing the carriage-way.

(5) The period during which in the interests of safety—

(a) pedestrians should not start to cross the carriage-way shall be shown by the red figure during such time as it is illuminated;

(b) pedestrians should cross or start to cross the carriage-way shall be shown by the white figure during such time as it is illuminated. Such pedestrians should continue crossing to the opposite side of the carriage-way notwithstanding the illumination of the red figure before reaching the opposite side.

*(Amended by Legal Notice 49 of 1984.)*

*Light signals to indicate position of uncontrolled pedestrian crossing*

21. Light signals may be used to indicate the position of uncontrolled pedestrian crossings in which case such lights shall be of the size, colour, shape and type specified against diagram 504 in the First Schedule.

*Illumination of traffic signs*

22. The Authority or subject to and in conformity with any directions that may be given by the Authority any highway authority, may cause or permit a traffic sign or part thereof to be constructed of such material as will cause it to reflect light or be illuminated either externally or internally at night.

*Flashing stop lights*

22A.—(1) Light signals of the kind described in paragraph (2) (in this regulation referred to as 'flashing stop lights') may be used in places at which intermittent hazards posed to approaching traffic are such as to warrant the halting of that approaching traffic.

(2) Subject to paragraph (3), flashing stop lights shall be of the size, colour, shape and type shown in diagram 506 in the First Schedule.

(3) Flashing stop lights comply with the following requirements:—

(a) each lamp shall be separately illuminated;

(b) the height of the centre of the lower lens from the surface of the carriage-way in the immediate vicinity shall—

(i) in the case of flashing stop lights placed at the side of the carriage-way or on a street refuge—be not less than 2.1 metres and not more than 3.5 metres; and

(ii) in the case of flashing stop lights placed elsewhere and over the carriage-way—be not less than 5.2 metres and not more than 6.1 metres;

(c) the centres of the lenses shall be not more than 300 millimetres, and not less than 240 millimetres, apart;

(d) no lettering shall be used on the lenses except the word "STOP", which may be displayed in black lettering.

(4) When illuminated, flashing stop lights shall convey the prohibition that vehicular traffic shall not proceed beyond the stop line on the carriage-way provided in conjunction with them or, if that line is not for the time being visible or there is no such stop line, beyond those flashing stop lights.

(5) For the purposes of this regulation, the expression 'stop line' means the road marking shown in Mark 101 in the Second Schedule.

*(Inserted by Legal Notice 48 of 1984.)*

*Flashing beacons*

23. Beacons showing an intermittent amber light for conveying the warning that drivers of vehicles should take special care may be used in combination with or in conjunction with any of the signs shown in diagrams 10, 31, 33 and 37 to 40 of the First Schedule subject to the following conditions:—

- (i) the dimensions of the lenses shall be not less than 5 inches nor more than 8 inches measured in a straight line in any direction;
- (ii) the height of the centre of the lenses from the surface of the carriage-way in the immediate vicinity shall be not less than 4 feet nor more than 8 feet;
- (iii) the rate of flashing shall be not less than 50 flashes per minute and the period between flashes shall not exceed 6/10ths of a second.

*Guide posts*

24. Guide posts may be placed in series on 1 or both sides of any road to serve as effective guides to indicate the alignment of such road and may be fitted with panels constructed of such materials as will cause them to reflect light which panels, if fitted, shall reflect a red light to indicate to approaching traffic the left hand alignment of such road and a white light to indicate the right hand alignment.

*Offence to interfere, etc. with traffic signs*

25. Any person who, without the consent or direction of the Authority or of the relevant highway authority, damages, moves or interferes in any way with a traffic sign shall be guilty of an offence and shall be liable in the case of a first offence to a fine not exceeding \$50 and in the case of a second or subsequent offence to a fine not exceeding \$100 or to imprisonment for a term not exceeding 3 months.

FIRST SCHEDULE

(Regulation 4(a))

(Amended by Legal Notice 59 of 1975; 115 of 1975; 70 of 1981; 48 of 1984; 49 of 1984)

PART 1

WARNING SIGNS

1  
SERIES OF BENDS

