

THE TERRITORY OF NAURU

No. 5 of 1967

A N O R D I N A N C E

To amend the Motor Traffic Ordinance 1937-1960

(Assented to: **06 MAR 1967**)

Be it ordained by the Legislative Council for the Territory of Nauru, in pursuance of the powers conferred by the Nauru Act 1965, as follows:-

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- 1.-(1.) This Ordinance may be cited as the Motor Traffic Ordinance 1967.
- (2.) The Motor Traffic Ordinance 1937-1960\* is in this Ordinance referred to as the Principal Ordinance.
- (3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the Motor Traffic Ordinance 1937-1967.
2. This Ordinance shall come into operation on a date to be fixed by the Administrator by notice in the Gazette.
3. Section three of the Principal Ordinance is repealed and the following section inserted in its stead:-
- "3. This Ordinance is divided into Parts, as follows:-
- PART I. - Preliminary (Sections 1-5).
  - PART II. - Registration of, and Licences to Drive, Motor Vehicles (Sections 6-15).
  - PART IIA. - Traders (Sections 15A-15H).
  - PART III. - Rules of the Road (Section 16).
  - PART IV. - Offences (Sections 17-33A).
  - PART V. - Miscellaneous (Sections 34-44)".

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\* Ordinance No.11 of 1937, as amended by No. 1, 1939; No. 2, 1959; and No. 3, 1960.

4. Section four of the Principal Ordinance is amended --

(a) by omitting the definition "licence" and inserting in its stead the following definition:-

" 'licence' means a licence to drive or a permit licence issued under section 7 and section 10 of this Ordinance, respectively;"

(b) by inserting after the definition of "learner's permit" the following definition:-

" 'motor cycle' means a motor vehicle that has less than four wheels and is steered by means of handle bars;"

(c) by inserting after the definition of "motor vehicle" the following definition:-

" 'motor vehicles trader's licence' means a licence granted under Part IIA;"

(d) by omitting the definition of "trailer" and inserting in its stead the following definitions:-

" 'trader' means a person to whom a motor vehicles trader's licence has been granted or transferred and includes -

(i) in the case of a trader being a company - a director, manager or officer of the company; and

(ii) in the case of a trader being a firm or partnership - a member or partner of the firm or partnership;

'trader's plate' means a number plate issued to the holder of a motor vehicles trader's licence under Part IIA;

'trailer' means a vehicle without motive power designed for attachment to a motor vehicle, but does not include a side-car;" and

(e) by adding at the end thereof the following sub-section:-

"(2.) Unless the contrary intention appears, a reference in this Ordinance to a motor vehicle shall be deemed to include, where a trailer is attached to a motor vehicle, a reference to the motor vehicle and trailer."

5. Section eleven of the Principal Ordinance is amended by omitting the word "four" and inserting in its stead the words "not less than three".

6. After Part II of the Principal Ordinance the following Part is inserted:-

"PART IIA.- TRADERS

"15A.- (1.) The Registrar may grant a motor vehicles trader's licence to an applicant who satisfies the Registrar that he is engaged in the business of manufacturing, dealing in or repairing motor vehicles.

"(2.) The Registrar may grant a motor vehicles trader's licence in respect of motor vehicles (other than motor cycles) or in respect of motor cycles.

"(3.) An application for a motor vehicles trader's licence shall be in writing setting out the applicant's place of business, the nature of his business, the type of motor vehicles trader's licence required and the number of trader's plates required.

"(4.) The holder of a motor vehicles trader's licence in respect of motor vehicles (other than motor cycles) may apply in writing to the Registrar at any time while the licence is in force for the issue to him of one or more pairs of trader's plates of a type determined by the Registrar for use under such a licence.

"(5.) The holder of a motor vehicles trader's licence in respect of motor cycles may apply in writing to the Registrar at any time while the licence is in force for the issue to him of one or more trader's plates of a type determined by the Registrar for use under such a licence.

"(6.) An application for trader's plates under either of the last two preceding sub-sections shall be accompanied by the appropriate deposit prescribed by section 37 of this Ordinance to the number and type of trader's plates applied for.

"(7.) A motor vehicles trader's licence is, unless sooner cancelled or suspended, in force until and including the thirty-first day of December of the year in respect of which the licence is granted.

"15B.- (1.) A motor vehicles trader's licence in respect of motor vehicles (other than motor cycles) entitles the holder, while the licence is in force, to attach, in accordance with section 26B of this Ordinance, a pair of trader's plates issued to him to any motor vehicle (other than a motor cycle) that is in his possession or the possession of his employee and is being used bona fide for a purpose connected with the manufacture, repair, painting, testing, demonstration, sale or exchange of the vehicle or its delivery to another trader, a purchaser or the owner.

"(2.) A motor vehicles trader's licence in respect of motor cycles entitles the holder, while the licence is in force, to attach, in accordance with section 26B of this Ordinance, a trader's plate issued to him to any motor cycle that is in his possession or in the possession of his employee and is being used bona fide for a purpose connected with the manufacture, repair, painting, testing, demonstration, sale or exchange of the vehicle or its delivery to another trader, a purchaser or the owner.

"(3.) A trader shall not attach a trader's plate or permit it to be attached otherwise than to a vehicle to which he is entitled to attach that trader's plate under this section.

"15C.-(1.) Where for any reason a trader ceases to carry on or to be engaged in the business of a trader in respect of which he is licensed under this Part, he shall, within fourteen days after so ceasing to carry on or to be interested in that business, notify the Registrar in writing of that fact and return to the Registrar the motor vehicles trader's licence and the trader's plates issued to him.

"(2.) Upon the application in writing of the person to whom the business of a trader has been sold or in whom the business of a trader is vested and upon the payment by him to the Registrar of the prescribed fee the Registrar may transfer the motor vehicles trader's licence in respect of the business to that person for the unexpired period of the licence.

"15D. Where the Registrar is satisfied that a trader has ceased to be engaged in the business of a trader, he may demand the return of any trader's plate issued to the trader and the person holding the plate shall within fourteen days return the plate to the Registrar.

"15E. Where a trader does not intend to apply for the renewal of his motor vehicles trader's licence, he shall, not later than fourteen days after the date on which the licence was due for renewal, notify the Registrar in writing of that fact and return to the Registrar the licence issued to him and the trader's plates held by him.

"15F. A trader shall -

- (a) within twenty-four hours after the time any vehicle to which a trader's plate

is attached leaves his premises, make a record, in accordance with the form in the Third Schedule to this Ordinance, of the date on which the vehicle departed from his premises, the number of the trader's plate attached to the vehicle, the make of the vehicle, the name of the driver of the vehicle, the times at which the vehicle departed from and returned to his premises and the purpose for which the vehicle was used; and

- (b) on request, at any reasonable time, furnish the record to the Registrar or to a member of the Police Force for inspection.

"15G.-(1.) A trader shall, on or before the fourteenth day in each month, furnish to the Registrar a list of the names and addresses of all persons to whom he has sold, or from whom he has purchased, motor vehicles during the last preceding month together with particulars of the type, manufacture, horsepower, engine number, chassis number, weight and registration number of each such vehicle.

"15H.-(1.) Where the Registrar -

- (a) refuses to grant, to renew or to transfer a motor vehicles trader's licence to a person; or  
 (b) refuses an application for the issue of trader's plates under sub-section (4.) of section 15A of this Ordinance,

the person aggrieved by the refusal may within fourteen days after the refusal appeal to the District Court.

(2.) The decision of the District Court on an appeal under this section is final."

7. After section twenty-six of the Principal Ordinance the following sections are inserted:-

"26A.--(1.) A person shall not, upon a public highway, drive a motor vehicle having a trader's plate attached unless -

- (a) any person in or upon the vehicle is being carried otherwise than for hire or consideration and is bona fide interested in, or employed for, a purpose referred to in the section 15B of this Ordinance;
- (b) the driver or person in charge of the vehicle is -
  - (i) the trader, or his employee; or
  - (ii) a bona fide prospective purchaser of the vehicle or his employee or agent, and, except where the vehicle is a motor cycle, is accompanied by the trader, or an employee of the trader; and
- (c) any loading in or upon the vehicle is being conveyed solely for the purpose of demonstrating the weight-carrying capacity of the vehicle to a bona fide prospective purchaser.

"(2.) A trader shall not permit a person to drive a vehicle to which a trader's plate issued to him is attached in contravention of this section.

"26B.--(1.) A person shall not drive upon a public highway a motor vehicle having a trader's plate attached unless -

- (a) the trader's plate is properly affixed to the vehicle in accordance with the next succeeding sub-section; and
- (b) all of the provisions of this Ordinance relating to trader's plates are complied with.

"(2.) A pair of trader's plates used on a motor vehicle (other than a motor cycle) shall be so affixed that one is clearly visible to the front

of the motor vehicle and the other is clearly visible to the rear of the motor vehicle, and a trader's plate used on a motor cycle shall be so affixed that it is clearly visible to the rear of the vehicle".

"26C. Where a trader is convicted for a breach of any of the conditions relating to the use of a trader's plate, the court may, in addition to imposing a penalty, revoke or suspend, for such period as the court thinks fit, his motor vehicles trader's licence."

8. Sub-section (2.) of section sixteen of the Principal Ordinance is repealed and the following sub-section is inserted in its stead:-

"(2.) Notwithstanding the provisions of paragraphs (e), (f) and (g) of the last preceding sub-section, a driver may indicate his intention to stop, reduce speed or turn to the right by means of a mechanical or electrical signalling device of a type approved by the Director of Police."

9. Section seventeen of the Principal Ordinance is repealed and the following section is inserted in its stead:-

"17.-(1.) Any person who drives an unregistered motor vehicle upon a public highway shall be guilty of an offence.

(2.) For the purposes of this section a motor vehicle which is being driven in accordance with section 26B of this Ordinance shall be deemed to be a registered motor vehicle."

10. Section nineteen of the Principal Ordinance is amended by inserting at the foot of sub-section (1.) the words -

"Penalty: Two hundred dollars or imprisonment for six months or both."

11. Section twenty-one of the Principal Ordinance is repealed and the following section is inserted in its stead:-

"21.--(1.) Any person who drives a motor vehicle while he is under the influence of intoxicating liquor or of a drug shall be guilty of an offence. Penalty: Two hundred dollars or imprisonment for six months, or both.

"(2.) Any person who is in charge of a motor vehicle while he is under the influence of intoxicating liquor or of a drug shall be guilty of an offence.

Penalty: One hundred dollars or imprisonment for three months, or both.

"(3.) Any person convicted of an offence under this section shall, upon conviction, cease to be a licensed driver and shall not, except with the consent of the court in which he was convicted, be eligible to be licensed to drive a motor vehicle.

"(4.) Any person who is arrested for an offence under this section shall be entitled, upon request made by him or on his behalf, to be examined by a ~~med~~ical practitioner nominated by him and where any such request is made, the arresting officer shall afford reasonable facilities for the holding of the examination."

12. Section twenty-three of the Principal Ordinance is repealed and the following section is inserted in its stead:-

"23.--(1.) A person shall not drive, or permit another person to drive, a motor vehicle upon a public highway unless -

(a) the person or the other person is licensed to drive it;

(b) the motor vehicle complies with the requirements of the First Schedule;

- (c) the prescribed number plates are properly affixed to it; and
- (d) the numbers on the number plates are clearly visible.

"(2.) A person shall not be convicted of an offence under paragraph (c) of the last preceding sub-section if he proves to the satisfaction of the court that the vehicle was being driven for the purpose of effecting its registration."

"(3.) For the purposes of this section a person whose licence has been cancelled or suspended under this Ordinance shall be deemed not to be a person licensed to drive a motor vehicle."

13. Section twenty-seven of the Principal Ordinance is repealed and the following section is inserted in its stead:-

"27.--(1.) Where a person is convicted under this Ordinance or any other Ordinance of an offence involving the driving of a motor vehicle, the court may in addition to any penalty imposed -

- (a) if the person holds any licence, suspend or cancel that licence;
- (b) declare the person to be disqualified from obtaining any licence for such time as the court thinks fit; and
- (c) order that particulars of the conviction be endorsed upon any licence or renewal of licence held by the person during such period as the court thinks fit.

(2.) A licence suspended in accordance with this section shall, during the term of suspension, be of no effect, and a person whose licence is suspended or who is declared by the court to be disqualified from obtaining a licence, shall, during the period of suspension or disqualification, be disqualified from obtaining a licence.

14. Section twenty-eight of the Principal Ordinance is repealed and the following section inserted in its stead:-

"28. A person shall not drive a motor vehicle upon a public highway -

- (a) at a speed exceeding thirty miles per hour; or
- (b) at a speed exceeding fifteen miles per hour -
  - (i) while passing a school where children are entering or coming out of school;
  - (ii) while passing a church when the congregation is entering or coming out of church; or
  - (iii) along any portion of roadway specified by the Administrator in Council, by notice in the Gazette, as being a reduced speed zone."

15. Section thirty-two A. of the Principal Ordinance is repealed and the following section inserted in its stead:-

"32A.- A person shall not, upon any public highway, ride a bicycle between sunset and sunrise unless -

- (a) lighted lamps are attached to the bicycle so that a bright white light is shown to traffic approaching from the front and a bright red light is shown to traffic approaching from the rear; and
- (b) a red reflector is attached to the bicycle so that the lights of any vehicle approaching from the rear are reflected."

16. After section thirty-three of the Principal Ordinance the following section is inserted:-

"33A.--(1.) A person driving a motor cycle upon a public highway shall not carry more than one other person on the motor cycle.

"(2.) A person driving a motor cycle fitted with a side-car upon any public highway shall not carry more than one adult and one child in the side-car and one other person on the motor cycle."

17. Section thirty-seven of the Principal Ordinance is repealed and the following section inserted in its stead:-

"37.--(1.) The fees and deposits provided for in the Second Schedule to this Ordinance are payable to the Registrar--

- (a) upon the grant, renewal or transfer of any certificate of registration of any motor vehicles trader's licence;
- (b) upon the grant or renewal of a licence; and
- (c) upon the issue of any number plates or trader's plates.

"(2.) When a motor vehicle is registered or a motor vehicles trader's licence is granted for a period less than twelve months, the fee payable is a fee which bears the same proportion to the fee payable under the Second Schedule to this Ordinance as the period for which the registration is effected or the motor vehicles trader's licence is granted bears to a period of twelve months.

"(3.) For the purpose of calculation of a fee under the last preceding sub-section the motor vehicle shall be deemed to have been registered and the motor vehicles trader's licence shall be deemed to have been granted from and including the first day of the month in which the registration is effected.

"(4.) A fee shall not be payable by any member of the Public Service or Minister of Religion for the grant, renewal or transfer of any certificate of registration or for the grant or renewal of a licence which he requires for use in the performance of his duties."

18. Section forty-two of the Principal Ordinance is amended by inserting after sub-section (1.) the following sub-section:-

"(2.) A person guilty of an offence against this Ordinance for which no penalty is provided shall be liable to a penalty of One hundred dollars or to imprisonment for three months, or both."

19. The Principal Ordinance is amended by inserting after section forty-two the following sections:-

"43.-(1.) The Administrator may "

(a) cause traffic control signs to be installed upon or adjacent to any public highway; and

(b) by notice in the Gazette, specify the design and meaning of traffic control signs.

"(2.) A sign purporting to be a traffic control sign shall, in the absence of evidence to the contrary, be deemed to be a traffic control sign and to ~~have~~ been validly installed.

"(3.) Any person who fails to comply with the directions of a traffic control sign shall be guilty of an offence.

"44. The Administrator in Council may make regulations not inconsistent with this Ordinance prescribing all matters which are necessary or convenient to be prescribed for giving effect to this Ordinance, including the maintenance of road-safety, and in particular, prescribing penalties not exceeding one hundred dollars for offences against the regulations."

20. The First Schedule to the Principal Ordinance is amended -

(a) by omitting the words "Conditions to be complied with before a Motor Vehicle is registered.";

(b) by omitting paragraphs 1. and 2. and by inserting in their stead the following paragraphs:-

- "1.- The frame structure of the motor vehicle shall be sound.
- 2.- The motor vehicle shall be equipped with an accurate speedometer.
- 2A.- The motor vehicle (other than a motor cycle) shall be fitted with a front windscreen and an efficient windscreen wiper, unless the Registrar exempts the motor vehicle from the provisions of this clause.
- 2B.- The motor vehicle shall be equipped with a rear vision mirror placed so that vehicles approaching from the rear can be clearly seen by the driver.
- 2C.- The motor vehicle shall be fitted with tyres free from obvious casing defects and with a clearly defined tread."

21. The Principal Ordinance is amended by omitting the Second Schedule thereto and by inserting in its stead the following Schedules:-

" SECOND SCHEDULE.

Section 37.

Scale of Fees and Deposits payable to the Registrar.

1.	Registration or renewal of registration of any motor vehicle, other than a motor cycle.	\$6.00
2.	Registration or renewal of registration of a motor cycle.           ..           ..           ..	\$3.00
3.	Licence or renewal of licence to drive a motor vehicle                   ..           ..           ..	\$0.50
4.	Permit licence to learn to drive a motor vehicle.	\$0.25
5.	Motor vehicles trader's licence or renewal of licence -	
	(a) motor vehicles (other than motor cycles)	\$20.00
	(b) motor cycles           ..           ..	\$10.00
6.	Transfer of registration of a motor vehicle or of a motor vehicles trader's licence	\$0.50
7.	Deposits of trader's plates -	
	(a) motor vehicles (other than motor cycles) - per pair           ..           ..	\$5.00
	(b) motor cycles - each           ..           ..	\$3.00
8.	Deposit on other number plates - per pair           ..           ..	\$1.00"

