



Tuvalu

TRAFFIC ACT

2022 Revised Edition

CAP. 50.10



Tuvalu

TRAFFIC ACT

Arrangement of Sections

Section

PART I - PRELIMINARY	5
1 Short title.....	5
2 Interpretation.....	5
3 Classification of motor vehicles.....	6
4 Application to Government and Army	6
PART II - REGISTRATION AND LICENSING OF VEHICLES	6
5 Appointment of vehicle licensing officers	6
6 Motor vehicles to be licensed	7
7 Exemption.....	7
8 Application for and grant of motor vehicle and bicycle licences.....	7
9 Period of licence	8
10 Registration.....	8
11 Vehicle examiner	8
11A Offence.....	9
PART III - LICENSING OF DRIVERS	9
12 Appointment of licensing officers	9
13 Driving licences	9
14 Provisional driving licences.....	9
15 Ages at which persons may be licensed to drive	10
16 Grant and refusal of driving licences	10
17 General provisions regarding driving licences. Register of driving licences.....	11
18 Extension of driver's licence to other classes of vehicles.....	12
19 Foreign driving licences.....	12
PART IV - OFFENCE, PENALTIES, APPEAL, FEES, ETC.	12
20 Careless driving	12
21 Reckless driving.....	12

22	Taking vehicles without authority	12
23	Driving etc whilst driving efficiency impaired by drink or drug	13
24	<i>Repealed</i>	14
25	Disqualification of driver	14
26	Removal of disqualification	14
27	General penalty	14
28	Appeal	14
29	Fees Schedule	15
30	Regulations	15

PART V – IMPOUNDING VEHICLES **16**

31	Impounding vehicles	16
32	Penalties not affected by impounding	17
33	Releasing impounded vehicle	17
34	Disposal of impounded vehicles	18
35	Liability for impounded vehicles	18

PART VI - DEFECT NOTICES **18**

36	Interpretation for Part VI	18
37	Examining vehicles for deficiencies	19
38	Defect warning	19
39	Defect notice	20

SCHEDULE **22**

FEES	22
BICYCLE LICENCE	23
MOTOR VEHICLE LICENCE	23
REGISTER OF MOTOR VEHICLES	24
IMPOUND NOTICE	25
DEFECT WARNING	26
DEFECT NOTICE	27
CERTIFICATE OF EXAMINATION	28



Tuvalu

TRAFFIC ACT

AN ACT TO MAKE PROVISION FOR THE CONTROL OF TRAFFIC AND THE LICENSING OF MOTOR VEHICLES, BICYCLES AND DRIVERS¹

PART I - PRELIMINARY

1 Short title

This Act may be cited as the Traffic Act.

2 Interpretation

In this Act unless the context otherwise requires —

“**bicycle**” includes tricycle;

“**hand cart**” means a wheeled cart designed or adapted for use by pedestrians;

“**load**” includes passengers;

“**motor cycle**” means a motor vehicle designed to travel on not more than 3 wheels the weight of which unladen does not exceed 5 hundredweight;

“**motor vehicle**” means a vehicle propelled by means of mechanism contained within itself and constructed for use on roads and not on specially prepared ways and unless the context otherwise requires the term includes a trailer drawn by any such vehicles;

“**owner**” in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement means the person in possession of a vehicle under that agreement;

“**road**” or “**public road**” means any road to which the public has access;

“**trailer**” means a vehicle drawn by a motor vehicle but not so articulated to it as to form an essential part of it;

“**vehicle**” includes bicycle.

3 Classification of motor vehicles

For the purposes of this Act vehicles are divided into the following classes —

- A. Commercial Motor Vehicles. A commercial motor vehicle is a motor vehicle used exclusively for the carriage of goods for hire or reward or used in the course of trade or agriculture and includes any motor vehicles of a net weight exceeding 50 hundredweight;
- B. Public Service Vehicles. A public service vehicle is a vehicle used for the carrying of passengers or passengers and goods for hire or reward, and includes a taxi;²
- C. Private Motor Vehicles. A private motor vehicle is any motor vehicle, other than a motor cycle, which is neither a commercial nor a public service vehicle;
- D. Motor Cycles;
- E. Trailers;
- F. Hand carts;
- G. Bicycles.

4 Application to Government and Army

- (1) Subject to any exemptions which may be granted under regulations, the provisions of this Act shall apply to all vehicles and persons whether or not such vehicles are used or such persons employed in Government service.
- (2) The provisions of this Act relating to the licensing and registration of motor vehicles and the licensing of drivers shall not apply to vehicles the property of His Majesty’s Forces or of the Forces of any allied power nor to members of such forces whilst engaged in driving such vehicles.

PART II - REGISTRATION AND LICENSING OF VEHICLES

5 Appointment of vehicle licensing officers

The executive officer shall be the vehicle licensing officer for the area of authority of the local government council to which he is appointed.

6 Motor vehicles to be licensed

- (1) No person shall drive or being the owner shall permit any other person to drive a motor vehicle upon a public road unless such vehicle is duly licensed, under the provisions of this Part, for the area of authority of the local government council in which the public road is located.
- (2) No person shall take or being the owner permit any other person to take any bicycle upon a public road unless such bicycle is duly licensed, under the provisions of this Part, for the area of authority of the local government council in which the public road is located.
- (3) Any person who uses a vehicle that is licensed as a public service vehicle or a commercial motor vehicle unless the vehicle has also been licensed as either a public service vehicle or a commercial motor vehicle.³

7 Exemption

- (1) The provisions of section 6(1) shall not apply to any person who, with the permission in writing of any vehicle licensing officer, drives a motor vehicle along a public road for the purpose of —
 - (a) taking the vehicle to a vehicle licensing officer 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 public road.
- (2) The provisions of section 6(2) shall not apply to any person who takes any bicycle upon a public road with the permission in writing of any vehicle licensing officer.

8 Application for and grant of motor vehicle and bicycle licences

Any person desiring to obtain a licence for a motor vehicle or for a bicycle shall make application in the prescribed form to the vehicle licensing officer of the area within which such motor vehicle is to be driven or such bicycle is to be taken on a public road who shall, upon receipt of payment of the prescribed fee, issue to the applicant a licence in the prescribed form in respect of the motor vehicle or the bicycle:

Provided that the vehicle licensing officer may attach to any licence issued by him in respect of any motor vehicle such conditions as to the load which the motor vehicle may carry as may to him seem necessary having regard to the design of the motor vehicle and the safety and convenience of the public.

9 Period of licence

- (1) Every bicycle licence issued under this Part shall expire 1 year after the day on which it was issued.
- (2) A motor vehicle licence under this Part shall be a yearly or half-yearly licence and every yearly licence shall expire 1 year after the day on which it was issued and every half-yearly licence shall expire 6 months after the day on which it was issued.

10 Registration

- (1) Every vehicle licensing officer shall keep a register of licences issued by him in respect of vehicles under the provisions of this Part.
- (2) Upon first issuing a licence in respect of any motor vehicle the vehicle licensing officer shall enter in the register the name of the applicant as the owner of the motor vehicle and particulars of the class, type, make, colour and maker's engine number of the motor vehicle, and shall assign a registration number to the motor vehicle.
- (3) The registration number shall consist of such letters and numbers as the vehicle licensing officer, subject to the directions of the Minister, may determine.
- (4) Every register kept under this section shall at all reasonable times be available for inspection by a police officer acting on the authority of the Chief of Police and shall be admissible in any court as evidence of the matters therein contained.

11 Vehicle examiner

- (1) The Minister may by notice, appoint vehicle examiners.
- (2) A police officer of the rank of inspector or above or any police officer in charge of a police station may serve written notice upon any motor vehicle driver or user that the motor vehicle shall be produced to a named motor vehicle examiner within such time as may be specified in the notice.
- (3) A vehicle examiner to whom a motor vehicle is produced pursuant to a notice under subsection (2) shall examine that vehicle and shall certify in the prescribed form whether he considers the vehicle fit for use on the roads in Tuvalu.
- (4) If a motor vehicle is certified under subsection (3) as not being fit for use on the roads of Tuvalu then any person who drives such vehicle before it has been certified by a vehicle examiner as being fit for such use other than —
 - (i) from the place of examination to the place where the vehicle is ordinarily kept or;

- (ii) to a vehicle examiner for a further examination with a view to obtaining a certificate that the vehicle is fit for use on the roads of Tuvalu; or
 - (iii) to a vehicle repairer to have repair works commencement;
- shall commit an offence and be liable to a fine of \$100.00 and to imprisonment for 6 months.

11A Offence⁴

Any person who contravenes any of the provisions of this Part or who uses a motor vehicle or bicycle or being the owner permits such motor vehicle or bicycle to be used in contravention of such provisions or in contravention of any of the conditions of a licence issued in pursuance of any of the provisions of this Act is guilty of an offence.

PART III - LICENSING OF DRIVERS

12 Appointment of licensing officers

The Minister may appoint such persons, hereinafter in this Part referred to as “Licensing officers” in such areas as he may deem fit for the purpose of issuing licences to persons to drive vehicles under the provisions of this Part.

13 Driving licences

- (1) Subject to the provisions of section 14, it shall be an offence for any person to drive a motor vehicle upon a public road unless he is duly licensed or deemed to be duly licensed to drive such vehicle under the provisions of this Part or to employ any other person so to drive a motor vehicle unless such other person is so licensed.
- (2) It shall be an offence for any person to drive a motor vehicle upon a public road while that person’s driving license is expired or not renewed in accordance with section 17.⁵

14 Provisional driving licences

- (1) For the purpose of enabling any person over the age of 16 years to learn to drive a motor vehicle with a view to satisfying a licensing officer that he is competent to drive such vehicle a licensing officer may, if so requested by such person and on the payment of the prescribed fee, grant him a provisional driving licence to be in force for a period of 6 months.

- (2) A provisional driving licence must include the information specified in the Regulations and shall be granted subject to the prescribed conditions.⁶
- (3) If any person to whom a provisional licence is granted fails to comply with any of the conditions subject to which it is granted, he shall commit an offence and shall be liable to a fine of \$100 and to imprisonment for 6 months.
- (4) Where an applicant for a provisional driving licence holds such a licence or has held one during the period of 12 months ending on the date of coming into force of the licence applied for, and has held a previous provisional driving licence relating to a like class of motor vehicle within the period of 12 months ending on the date of the coming into force of the last provisional licence held by him, a licensing officer may refuse to grant the licence applied for unless the applicant satisfies the licensing officer that he has reasonable cause for applying for the provisional driving licence first hereinbefore mentioned.

15 Ages at which persons may be licensed to drive

No licensing officer shall grant to any person a licence to drive any motor vehicle unless such person first establishes to the reasonable satisfaction of such officer that he is of or over the age of —

- (a) 16 years, where the vehicle to which the licence relates is a motor cycle;
- (b) 17 years, where the vehicle to which the licence relates is a private motor vehicle;
- (c) 21 years, where the vehicle to which the licence relates is a commercial or public service motor vehicle.

16 Grant and refusal of driving licences

- (1) Every application for a driving licence shall contain particulars of —
 - (a) the name, age and address of the applicant; and
 - (b) any previous driving licence held by the applicant; and
 - (c) the class of motor vehicle in respect of which the applicant desires a driving licence.
- (2) On receipt of such application and of the prescribed fee the licensing officer shall, if he is satisfied that the applicant is competent to drive the class or classes of vehicle to which the application relates and is conversant with the traffic laws, issue to him a licence to drive the class or classes of vehicle specified in the licence:⁷

Provided that the licensing officer shall refuse to issue or to renew a licence in the case of any person who —

- (a) suffers from some disease or disability which would make it unsafe for him to drive the class of vehicle for which he applies for a licence;
- (b) is disqualified from obtaining a driver's licence by order of the court;
- (c) in the case of an application to drive a public service vehicle, is not considered by him to be a fit and proper person to drive that class of vehicle.

**17 General provisions regarding driving licences.
Register of driving licences**

- (1) Every driving licence must include the information specified in the regulations and is valid for a period of either 1 year, 3 years or 5 years as specified on the licence from the day on which it was issued.⁸
- (1A) A person may renew their licence at any time during a 2 month period before the licence expires by paying the prescribed fee to a licensing officer.⁹
- (1B) On renewal of a driver's licence, the licensing officer must either –
 - (a) record the renewal on the licence; or
 - (b) issue a new licence.¹⁰
- (2) The driver of a motor vehicle shall, on being so required by any police officer in uniform, produce his driving licence for examination so as to enable such police officer to ascertain any particulars therein contained and if he fails to do so shall be guilty of an offence:

Provided that if within 48 hours after the production of his driving licence being so required, the driver produces his licence in person at such police station as may have been specified by him at the time production of the licence was required, he shall not be convicted under this subsection.
- (3) A licensing officer may, upon payment being made of the prescribed fee issue a duplicate driving licence to any person who satisfies him that his licence has become lost or accidentally destroyed; and in such a case the licensing officer may require the applicant to make a statutory declaration as to the particulars on his licence and the circumstances under which it was lost or destroyed.
- (4) Every licensing officer shall keep in the prescribed form a register of driving licences issued by him.
- (5) Every register kept under this section shall at all reasonable times be available for inspection by a police officer acting on the authority of the Chief of Police and shall be admissible in any court as evidence of the matters therein contained.

18 Extension of driver's licence to other classes of vehicles

At any time during the validity of a driver's licence, the holder may apply to a licensing officer for an addition to the classes of vehicle which the holder is permitted to drive, and the licensing officer, if satisfied that the applicant is competent to drive such additional class or classes of vehicle, shall, subject to the other provisions of this Act, make such further addition by endorsement on the licence.

19 Foreign driving licences

Any person being a visitor to Tuvalu who on any occasion drives a motor vehicle within 2 weeks of his arrival in Tuvalu shall be deemed to be duly licensed under this Part provided the Chief of Police is satisfied that he holds a licence valid in any country authorising him then to drive such a motor vehicle.

PART IV - OFFENCE, PENALTIES, APPEAL, FEES, ETC.**20 Careless driving**

Any person who drives a motor vehicle or bicycle without due care and attention or without reasonable consideration for other persons shall be liable to a fine of \$100 and imprisonment for 6 months.

21 Reckless driving

- (1) Any person who drives a motor vehicle recklessly shall be liable to a fine of \$200 and to imprisonment for 1 year.
- (2) Any person who causes the death of another person by driving a motor vehicle recklessly shall be liable to imprisonment for 5 years.

22 Taking vehicles without authority

- (1) Any person who takes and drives away a vehicle without having either the consent of the owner thereof or other lawful authority shall be liable to a fine of \$100 and to imprisonment for 6 months.
- (2) If on proceedings under this section the court is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

- (3) If on the trial of a charge of stealing a vehicle the court is of the opinion that the defendant was not guilty of stealing the 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.
- (4) A police officer may arrest without warrant any person whom he suspects upon reasonable grounds of having committed an offence under this section.

23 Driving etc whilst driving efficiency impaired by drink or drug

- (1) Any person who drives or attempts to drive or is in charge of a motor vehicle whilst his efficiency as a driver is impaired by drink or a drug shall be liable to a fine of \$200 and to imprisonment for 1 year.
- (1A) For the purposes of subsection (1) a person's efficiency as a driver is impaired by drink or drug if the concentration of alcohol in the person's blood exceeds 0.08%.¹¹
- (2) Any police officer may arrest without warrant any person whom he reasonably suspects is committing an offence under this section.
- (3) Where in any proceeding for an offence under this section in connexion with drink it is proved that the accused person drove or attempted to drive or was in charge of the motor vehicle in question within 2 hours after consuming any liquid containing alcohol and it is further proved that within that same period —
 - (a) the accused person committed any offence under this Act in connexion with the manner in which he drove any motor vehicle (whether the motor vehicle in question or any other motor vehicle); or
 - (b) the accused person was involved in an accident in circumstances which give the court reasonable ground to believe that the manner in which he drove any motor vehicle (whether the motor vehicle in question or any other motor vehicle) contributed to the accident,the court shall presume that the accused person drove or attempted to drive or was in charge of the motor vehicle in question, as the case may be, whilst his efficiency as a driver was impaired by drink, unless the contrary is proved.
- (4) Where in any proceedings for an offence against this section in connection with drink it is proved that the accused person consumed any liquid in circumstances which give the court reasonable ground to believe that the liquid contained alcohol the court shall presume that the liquid did contain alcohol, unless the contrary is proved.

24 Repealed¹²**25 Disqualification of driver¹³**

- (1) On the conviction of a person of the offence of manslaughter arising out of the driving of a motor vehicle or of an offence under this Act, the court may make an order –
 - (a) that the person is disqualified from holding a driving licence for a specified length of time; or
 - (b) placing restrictions on the person's driving licence for a specified length of time.
- (2) A person who drives a vehicle in contravention of an order made under this section shall be liable for a fine of \$200 and imprisonment for 1 year.
- (3) If making an order made under this section, the court must cause notice of the order to be given to the Commissioner of Police.

26 Removal of disqualification

Unless a period of disqualification has been specified under section 25(1), Any person who has been disqualified from holding a licence under section 25 may at any time after the expiration of 6 months from the date of the order and from time to time, apply to the court by which the order was made to remove the disqualification; and on any such application the court may, if it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the 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 this section is refused a further application hereunder shall not be entertained if made within 3 months after the date of such refusal.¹⁴

27 General penalty

Any person who is guilty of an offence under this Act for which no special penalty is provided shall be liable to a fine of \$100 and to imprisonment for 6 months.

28 Appeal

Any person aggrieved by the decision of any officer appointed to issue licences under this Act may at any time within 30 days of the date of the decision appeal to the Minister whose decision shall be final.

29 Fees Schedule

- (1) The fees prescribed in the Schedule shall be paid in respect of the matters therein.
- (2) Except in so far as may be otherwise directed by the Minister all fees prescribed under this Act shall be paid into the Consolidated Fund:
- (3) The Minister may exempt any person or class of person from the payment of any fees payable under this Act and may by notice, subject to subsection (4), amend any of the fees set out in the Schedule.
- (4) A local government council may by resolution amend the fees in respect of items 1, 5, 6 and 8 of the Schedule but such amended fees shall only have effect for licences issued in respect of the area of authority of that local government council:

Provided that such amended fees shall only come into effect as and when the Minister has by notice approved such resolution.

30 Regulations

The Minister may make regulations for the better carrying out of the provisions of this Act and for all or any of the following purposes —

- (a) prescribing the minimum mechanical requirements of vehicles to ensure safety;
- (b) prescribing the use of sound, hand and mechanical signals;
- (c) prescribing the rules to be observed by foot passengers upon any road and by drivers of motor vehicles or bicycles whilst driving;
- (d) making provision for the erection and observance of traffic signs;
- (e) prescribing speed limits;
- (f) prescribing parking places and places where vehicles may not park;
- (g) prescribing tests of competence to drive motor vehicles, the qualifications and appointment of persons by whom such tests may be conducted, the eligibility of persons to submit themselves to such tests and the terms and conditions upon which they may so submit themselves;
- (h) prescribing the lights to be exhibited by vehicles on any public road during the period between sunset and sunrise;
- (i) prescribing the areas in which and the manner in which registration numbers shall be displayed on motor vehicles;
- (j) requiring, subject to such exception as may be specified in the regulations, persons driving or riding (otherwise than in side cars) on motor cycles of any class specified in the regulations to wear protective headgear of such description as may be so specified;

- (k) restricting the use of any road either temporarily or permanently and either generally or in respect of certain classes of vehicles;
- (l) establishing the fees payable in respect of any matter or thing the subject of the Regulation;
- (m) prescribing the forms of any notices licence or certificates to be used under the provisions of the Act or the Regulations and the conditions to be imposed thereon;
- (n) making of exemptions under section 4(1);
- (o) prescribing the use of any instrument for testing the concentration of alcohol present in a person's blood;¹⁵
- (p) prescribing the use of any instrument for ascertaining the speed of a vehicle;¹⁶
- (q) generally for carrying into effect any of the provisions of this Act.¹⁷

PART V – IMPOUNDING VEHICLES¹⁸

31 Impounding vehicles

- (1) This section applies where any motor vehicle –
 - (a) is being used in connection with a specified offence;
 - (b) has been left on any road or other public place in such circumstances as to make it appear that such motor vehicle has been abandoned or should be moved to a place of safety; or
 - (c) 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.
- (2) A police officer may impound the vehicle by taking the motor vehicle, or causing the motor vehicle to be taken, to the police station or other place of safety by such method, route and other such conditions as considered necessary, having regard to all the circumstances of the case.
- (3) A police officer who impounds a vehicle under this section must –
 - (a) issue an impound notice to the driver of the motor vehicle;
 - (b) if the vehicle is unattended, deliver the impound notice to the owner (if known) within 48 hours after the vehicle is impounded.
- (4) An impound notice must –
 - (a) state the date the notice was issued;
 - (b) identify the police officer who issued the notice;
 - (c) identify the vehicle to which the notice relates;

- (d) state the reason the vehicle has been impounded; and
 - (e) state such other matters as may be prescribed by regulation.
- (5) The impound notice may also specify a period of time, not to exceed 30 days, for which the vehicle may be impounded.
- (6) If the driver of a vehicle who is given an impound notice is not the owner of the vehicle, the driver must cause the impound notice to be given to the owner.
- (7) In this section “specified offence” means–
- (a) section 13 (driving without licence);
 - (b) section 23 (driving whilst driving efficiency impaired by drink or drug);
or
 - (c) section 25(2) (disqualification of Driver).

32 Penalties not affected by impounding

The impounding of a vehicle under this Part does not affect or in any way limit a provision of this Act relating to the imposition of any penalty on a person convicted of an offence in respect of which the vehicle was impounded.

33 Releasing impounded vehicle

- (1) A police officer may release an impounded vehicle if –
- (a) the officer is satisfied that the reason for which the vehicle was impounded no longer exists;
 - (b) the person who allegedly committed the offence was not the lawful owner of the vehicle;
 - (c) a period of time for impounding the vehicle was specified in the impound notice – the period of time has expired.
- (2) A person collecting a vehicle impounded under this Part must present the police officer with a valid driving licence before the vehicle may be released.
- (3) Where, under section 31, it is considered necessary to have a vehicle towed, transported, driven, or otherwise removed, any expense reasonably incurred is payable by the owner and the vehicle will not be released from the police station or other place of safety until either –
- (a) such expenses have been paid; or
 - (b) a police officer provides written permission to the owner that the vehicle may be removed without such costs having been paid.
- (4) A person may also be required to pay a fee prescribed in the regulations for storage of the impounded vehicle before the vehicle is released.

34 Disposal of impounded vehicles

- (1) This section applies if the owner of a vehicle does not collect the vehicle within 30 days after the date the impound notice was issued on.
- (2) The Police Commissioner may deal with the vehicle in any way that does not cause an actual, or apparent, conflict of interest for the Commissioner (including, for example, sale or destruction).
- (3) The Police Commissioner must give at least 30 days notice to the owner of the vehicle that the vehicle will be disposed of.
- (4) If the owner of the vehicle is not known or cannot reasonably be found, notice may be given publicly by whatever means the Police Commissioner determines is appropriate in the circumstances.
- (5) If the vehicle is sold, it must be sold by public auction and the proceeds of the sale are to be paid in the following order –
 - (a) in payment of the expense of the sale;
 - (b) in payment of the expense of the removal and custody of the impounded vehicle;
 - (c) if the owner of the vehicle is known, to the owner of the vehicle;
 - (d) if the owner of the vehicle is not known or cannot reasonably be found, to the Tuvalu Police Service allocation held by the Ministry of Finance or Treasury Department.

35 Liability for impounded vehicles

A police officer who impounds a vehicle under this part is not to be held liable for any damage to, or loss of any item from, the vehicle that occurs honestly and without negligence during its removal to or detention at a police station or other place of safety.

PART VI - DEFECT NOTICES¹⁹

36 Interpretation for Part VI

In this Part:

“**deficiencies**” means deficiencies in the vehicle standards required under a law of Tuvalu;

“**Repairs**” means repairs, replacements, reconditioning, additions, adjustments or work of any kind for remedying deficiencies or defects;

“**safety risk**” means a risk –

- (a) to public safety; or
- (b) of harm to the environment.

37 Examining vehicles for deficiencies

- (1) A police officer may direct the driver of a vehicle to stop the vehicle for:
 - (a) examination if the vehicle has deficiencies, or the officer suspects on reasonable grounds that the vehicle has deficiencies;
 - (b) determining whether the vehicle has deficiencies if the officer suspects on reasonable ground.
- (2) If a police officer, on reasonable grounds, suspects that a vehicle has deficiencies, the officer may direct the owner, the operator or the person in charge of the motor vehicle to produce it for examination at a specified time and place.
- (3) A person must comply with a direction given under this section.
- (4) An authorised officer may for the purposes of examining a vehicle under this section –
 - (a) cause the vehicle to be examined by any other qualified person; or
 - (b) test drive the motor vehicle; or
 - (c) cause any other person to drive or test, the vehicle.

38 Defect warning

- (1) If, on examination of a vehicle, a police officer on reasonable grounds suspects that the vehicle has deficiencies and further use of the vehicle on the road would give rise to a safety risk, the officer may issue a written defect warning to the driver of the vehicle or, if the vehicle is unattended, cause a written defect warning to be affixed to the vehicle.
- (2) A defect warning must –
 - (a) state the date the warning was issued; and
 - (b) identify the police officer who issued the warning; and
 - (c) identify the vehicle to which the warning relates; and
 - (d) state details of the vehicle's deficiencies and the repairs that should be made to the vehicle to remedy those deficiencies; and
 - (e) the date by which the repairs are required to be made to the vehicle; and
 - (f) state such other matters as may be prescribed by regulation.
- (3) If the driver of a vehicle who is given a defect warning is not the owner of the vehicle, the driver must cause the defect warning to be given to the owner.

- (4) A person who drives a vehicle with a deficiency listed in a defect warning after the date by which the repairs were required to be made shall be liable to a fine of \$200.

39 Defect notice

- (1) If, on examination of a vehicle, a police officer on reasonable grounds suspects that the vehicle has deficiencies and reasonably believes that further use of the vehicle on the road would give rise to a safety risk, the officer may issue a written defect notice in relation to the vehicle.
- (2) A defect notice must –
 - (a) state the date the notice was issued; and
 - (b) identify the police officer who issued the notice; and
 - (c) identify the vehicle to which the notice relates; and
 - (d) state details of the vehicle’s deficiencies and the repairs that are required to be made to the vehicle to remedy those deficiencies; and
 - (e) specify the means by which the vehicle must be moved to the place at which the repairs required by the notice are to be made; and
 - (f) direct that the vehicle must not, except as provided in the defect notice, stand or be driven on a road, or be sold or otherwise disposed of, after the issue of the defect notice until –
 - (i) the vehicle has been produced at a place specified in the notice for examination; and
 - (ii) a certificate has been issued by a police officer certifying that the repairs required by the defect notice have been made; and
 - (g) state such other matters as may be prescribed by regulation.
- (3) If the driver of a vehicle who is given a defect notice is not the owner of the vehicle, the driver must cause the defect notice to be given to the owner.
- (4) A police officer may examine a vehicle for the purpose of determining whether the repairs required by a defect notice issued in relation to the vehicle have been made and whether the vehicle has any other deficiencies.
- (5) A police officer may at any time vary or withdraw a defect notice upon approval of an officer in charge.
- (6) A person must not drive a vehicle, or cause or permit a vehicle to be driven or to stand, on a road, or sell or otherwise dispose of a vehicle, contrary to the terms of a defect notice.
- (7) It is a defence to a charge under subsection (6) of having sold or otherwise disposed of a vehicle contrary to the terms of a defect notice if the defendant satisfies the court that at the time of the sale or disposal he or she had reason

to believe that the vehicle was not intended to be used on a road after the sale or disposal.

- (8) A person who stands, drives, sells or otherwise disposes of a vehicle in contravention of a defect notice shall be liable to a fine of \$500 or an imprisonment of 2 years.

SCHEDULE

FEES

(Section 29)

1. Yearly Motor Vehicle Licences	\$	c
A. Commercial Vehicles —		
(i) Designed to carry load not exceeding 1 ton	25	
(ii) Designed to carry load exceeding 1 ton	37	
(iii) Tracked vehicles and Prime Movers	37	
(iv) Trailers with 2 wheels	5	
(v) Trailers with 4 wheels	10	
B. Public Service Vehicles —		
(vi) Designed to carry load not exceeding 1 ton	25	
(vii) Designed to carry load exceeding 1 ton	37	
C. Private Motor Vehicles —		
(viii) Motor Cycles	8	
(ix) Other Private Motor Vehicles	12	
NOTE - Half of the prescribed fee is payable for half-yearly motor vehicle licence.		
2. Provisional Driving Licence	1	
3. Renewal of Driving Licence	1	
4. Duplicate of Driving Licence	1	
5. Fee for re-examination of motor vehicle other than motor-cycles by a vehicle examiner under section II	5	
6. Fee for re-examination of motor-cycles by a vehicle examiner under section II	2	
7. An application for new driving licence under section 19 including any test	2	
8. Bicycle licence		50

T/O 1:

**TUVALU:
TRAFFIC ACT**

BICYCLE LICENCE

(Section 8)

Island20

Name of Licensee

Address of Licensee

Fee Paid--50 cents

.....
Vehicle Licensing Officer

T/O 2:

FRONT:

**TUVALU
TRAFFIC ACT**

MOTOR VEHICLE LICENCE

(Section 8)

Type of Vehicle

Make of Vehicle

Owner's Name

Owner's Address

.....

Registered NumberIn Class

This licence authorises the vehicle described above to be used on a public road from the date of issue until 31st December 20

(Date)..... Place

Fee Paid..... Revenue Receipt

BACK: Conditions:

.....

.....

.....

.....

.....

T/O 3:

TUVALU

TRAFFIC ACT

REGISTER OF MOTOR VEHICLES

(Section 10)

Class Owner's Name

Type Owner's Address

Make

Colour Licence No

Engine No. Date of Issue

T/O 4:

TUVALU
TRAFFIC ACT

IMPOUND NOTICE

(Section 31(3))

DETAILS OF ISSUING POLICE OFFICER	
Name:	
Rank:	
Station:	

DETAILS OF IMPOUNDED VEHICLE	
Vehicle to which impound notice relates:	
Reason the vehicle has been impounded:	
Period of time for which the vehicle will be impounded (<i>not to exceed 30 days</i>):	
Date of issue of impound notice:	

If you are not the owner of the vehicle to which this impound notice relates you must cause this impound notice to be given to the owner.

T/O 5:

TUVALU
TRAFFIC ACT

DEFECT WARNING

(Section 38(2))

DETAILS OF ISSUING POLICE OFFICER	
Name:	
Rank:	
Station:	

DETAILS OF DEFECT WARNING	
Vehicle to which defect warning relates:	
Details of defect/s and required repairs:	
Date by which required repairs are to be made:	
Date of issue of defect warning:	

If you are not the owner of the vehicle to which this defect warning relates you must cause this defect warning to be given to the owner.

T/O 6:

TUVALU
TRAFFIC ACT

DEFECT NOTICE

(Section 39(2))

DETAILS OF ISSUING POLICE OFFICER	
Name:	
Rank:	
Station:	
DETAILS OF DEFECT NOTICE	
Vehicle to which defect notice relates:	
Details of defect/s and required repairs:	
How the vehicle should be moved to the place the repairs will be carried out:	
Place that the vehicle must be brought for inspection following repairs:	
Date of issue of defect notice:	

If you are not the owner of the vehicle to which this defect notice relates you must cause this defect notice to be given to the owner.

The vehicle described by this defect notice must not, except as provided by this defect notice, stand or be driven on a road or be sold or otherwise disposed of until:

- (a) the vehicle has been produced at the place listed above for examination; and
- (b) certificate has been issued by a police officer certifying that the repairs required by the defect notice have been made.

T/O 7:

**TUVALU
TRAFFIC ACT**

CERTIFICATE OF EXAMINATION

(Section 39(2)(f)(ii))

DETAILS OF ISSUING POLICE OFFICER	
Name:	
Rank:	
Station:	

DETAILS OF EXAMINATION	
Date of issue of defect notice:	
Vehicle to which defect notice relates:	
Date of examination:	
Repairs which were required to be made:	

This certificate certifies that the vehicle listed above has been produced for examination and the repairs required in the defect notice have been made.

Signed:
(Signature of police officer)

ENDNOTES

¹ Act 7 of 1983

Amended by Act 3 of 1993, commencement 1 April 1993 (LN 5/1993)

Amended by Act 6 of 2006, commencement 28 November 2006

Amended by Act 3 of 2009, commencement deemed 3 July 2010 by Law Revision
Miscellaneous Amendments Bill 2023

Amended by Act 10 of 2017, commencement 24 November 2017

This amending Act contained, as section 14, the following transitional provision –

- “(1) A licence which was valid immediately before the commencement of this amendment remains valid for the rest of the period that the licence would have remained valid but for the commencement of this amendment, unless otherwise suspended or cancelled under the Act.
- (2) A licence which was valid immediately before the commencement of this amendment continues to be subject to any condition or requirement to which the licence was subject immediately before the commencement of this amendment, unless removed or varied by the Act.”

² Amended by Act 10 of 2017

³ Inserted by Act 10 of 2017

⁴ Inserted by Act 3 of 1993

⁵ Inserted by Act 3 of 2009

⁶ Amended by Act 10 of 2017

⁷ Amended by Act 10 of 2017

⁸ Amended by Act 10 of 2017

⁹ Inserted by Act 10 of 2017

¹⁰ Inserted by Act 10 of 2017

¹¹ Inserted by Act 6 of 2006

¹² Repealed by Act 10 of 2017

¹³ Substituted by Act 10 of 2017

¹⁴ Amended by Act 10 of 2017

¹⁵ Inserted by Act 6 of 2006

¹⁶ Inserted by Act 6 of 2006

¹⁷ Inserted by Act 6 of 2006

¹⁸ Inserted by Act 10 of 2017

¹⁹ Inserted by Act 10 of 2017