

ACT NO. 11 OF 2017



I assent.

J. K. KONROTE
President

[28 March 2017]

AN ACT

TO AMEND THE LAND TRANSPORT ACT 1998

ENACTED by the Parliament of the Republic of Fiji—

Short title and commencement

- 1.—(1) This Act may be cited as the Land Transport (Amendment) Act 2017.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Land Transport Act 1998 is referred to as the “Principal Act”.

Section 82 amended

2. Section 82(2)(b) of the Principal Act is amended by deleting “92(2)” and substituting “92(3) and (4)”.

*Section 85 amended***3.** Section 85 of the Principal Act is amended by—

- (a) in subsection (3), inserting the following after “offence”—
 “by providing a statutory declaration stating that at the time of the occurrence of the offence—
- (a) the motor vehicle was being driven by some other person without his or her knowledge or consent;
 - (b) the motor vehicle was in the charge of another person and stating the name and address of that person; or
 - (c) the person did not own the motor vehicle”; and
- (b) deleting subsections (4) to (7).

*Section 85A amended***4.** Section 85A(3) of the Principal Act is amended by deleting “21 days” and substituting “12 months”.*Section 92 substituted***5.** The Principal Act is amended by deleting section 92 and substituting the following—*“Proceedings for Traffic Infringement Notices*

92.—(1) Notwithstanding the other requirements of this Part, but subject to the provisions of this section, a police officer or authorised officer may institute proceedings in respect of the alleged commission of a prescribed offence—

- (a) by serving personally upon the person alleged by him or her to have committed the offence, a Traffic Infringement Notice;
- (b) where the presence, at any time or for any period of time, of a motor vehicle in a place is evidence of the commission of the offence, by affixing a Traffic Infringement Notice to the vehicle in a conspicuous position; or
- (c) by serving through any other means as prescribed.

(2) A Traffic Infringement Notice must be issued and despatched by the Authority within 21 days from the date the offence is committed and any Traffic Infringement Notice issued or despatched beyond this period is deemed invalid.

(3) A person to whom a Traffic Infringement Notice is issued is liable to a prescribed penalty and must, within 90 days from the date the Traffic Infringement Notice is issued, undertake one of the following actions—

- (a) pay the fixed penalty in a single payment or by instalments;
- (b) make a statutory declaration to the Authority under section 85(3) or 85A(2); or
- (c) elect to dispute the fixed penalty in court.

(4) If a person to whom a Traffic Infringement Notice is issued does not undertake any of the actions in subsection (3) within the prescribed period, the person shall be—

- (a) liable to a prescribed fee in addition to the fixed penalty;
- (b) issued a departure prohibition order preventing the person from leaving Fiji; and
- (c) ineligible for the renewal of the person’s licence or vehicle registration,

until the person—

- (i) pays the fixed penalty and the additional prescribed fee in a single payment or by instalments;
- (ii) makes a statutory declaration to the Authority under section 85(3) or 85A(2); or
- (iii) elects to dispute the fixed penalty in court.

(5) If a person to whom a Traffic Infringement Notice is issued does not undertake any of the actions provided in subsection (4) within 12 months from the date the Traffic Infringement Notice is issued, the Traffic Infringement Notice takes effect as a conviction and the Authority may—

- (a) suspend the person’s licence; and
- (b) seek from the court a sentence providing for the issuance of demerit points and maximum penalties for the offence.

(6) If a person to whom a Traffic Infringement Notice is issued makes a statutory declaration to the Authority under subsection (3) or (4) and the Authority accepts the contents of the declaration, the Authority may issue a withdrawal notice to the person with the effect of withdrawing the Traffic Infringement Notice.”

Section 93 substituted

6. The Principal Act is amended by deleting section 93 and substituting the following—

“Transitional

93.—(1) All Traffic Infringement Notices issued prior to the commencement of the Land Transport (Amendment) Act 2017 are deemed to have been issued at the date of the commencement of the Land Transport (Amendment) Act 2017 in accordance with section 92.

(2) All proceedings instituted in relation to Traffic Infringement Notices in any court prior to the commencement of the Land Transport (Amendment) Act 2017 are deemed to be withdrawn.

(3) Any person to whom a Traffic Infringement Notice is deemed to have been issued under this section shall be subject to the process set out in section 92.”

Section 113 amended

7. Section 113(6) of the Principal Act is amended by—

- (a) in paragraph (g), deleting “.” and substituting “; and”; and
- (b) inserting the following new paragraph after paragraph (g)—
 - “(h) prescribe all matters relating to Traffic Infringement Notices that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act and generally for achieving the purposes of this Act.”.

Passed by the Parliament of the Republic of Fiji this 21st day of March 2017.