

SECTION 113-----LAND TRANSPORT (PUBLIC SERVICE VEHICLES)

REGULATIONS 2000

Amended by Legal Notice No. 50 of 2003

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Part 1—PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Land Transport (Public Service Vehicles) Regulations 2000, and commence on 10th July 2000.

Interpretation

2. In these Regulations, unless the contrary intention appears—
'apply' means to apply to the Authority on the approved form and accompanied by the prescribed fee and "application" has a similar meaning;
'approved form' means form approved by resolution of the Authority for the purpose of these Regulations;
'Certifying Officer' means a person appointed as such under section 19(1)(a) of the Act;
'cm' means centimetres;
'conductor' means a person employed by the holder of a permit to perform the functions under regulation 28 and includes a security officer or inspector employed by the holder of a permit;
'm' means metres;
'mm' means millimetres;
'permit' means a public service permit issued under section 65 of the Act;
'prescribed fee' means the fee prescribed in Schedule 1 to the Land Transport (Fees and Penalties) Regulations 2000;
'road service vehicle' means an omnibus or a carrier.

Part 2— PUBLIC SERVICE VEHICLE PERMITS

Applications

- 3.—(1) A person may apply for a new permit or for the re-issue or amendment of a permit.

(2) If the application received by the Authority requires a notice under regulation 4 (1), the applicant must ensure that the prepared notice given by the Authority is published within 14 days from the date of that notice and the cost of the publication is borne by the applicant. (LN 50/2003).

(3) The Authority may by notice in the Gazette restrict the occasions upon which or the periods within which particular applications may be made.

(4) The Authority may require an applicant to submit any other particulars reasonably necessary to enable it to determine the application.

(5) The Authority must not deal with an application for a taxi permit unless the applicant provides a written notification from the appropriate council or rural local authority stating the taxi stand to be used if the application is approved.

(6) An application to re-issue a permit must be made at least 28 days before the permit expires.

(7) An application to amend a permit is treated as an application for a new permit.

(8) Without limiting sub-regulation (1), a proposal to change any of the following requires an application to the Authority to approve the amendment to the permit—

- (a) In the case of a taxi permit - a change in the stand, base or type of vehicle being operated;
- (b) in the case of a hire permit - a change in the area of operation or type of vehicle being operated;
- (c) in the case of a road permit - a change in timetable, route or type of vehicle being operated; (LN 50/2003)
- (d) in the case of a mini-bus permit - a change in timetable, route, type of vehicle being operated, stand or any other aspect of the mini-bus business; **or** (LN 50/2003)
- (e) in the case of rental permits - the types of the vehicles being operated, provided that any amendment or alteration in the type of vehicle to be used on existing permit would require the certified officer to revoke the inspection Certificate of the vehicle being replaced except in the case of an omnibus. (LN 50/2003)

(9) An application for a permit must be accompanied by—

- (a) a statement relating to the business or proposed business of the applicant;
- (b) the number of vehicles to be operated;
- (c) in the case of a road permit in respect of a carrier licence - the design of each vehicle to be used and the number of permitted passengers; (LN 50/2003)
- (d) the locations from which the vehicles will operate or be available for hire;
- (e) in the case of a rental vehicle permit, - a brochure available to the

- public including the hire rates and conditions of insurance and a copy of the rental agreement;
- (f) details of any other business or association with the holder of any public service permit, including sharing of a stand or other facilities.
 - (g) the office and telephone services which will be provided for the public; **(LN 50/2005)**
 - (h) the intentions in regard to motor vehicle purchase and replacement; **(LN 50/2003)**
 - (i) in the case of a road permit in respect of a road route licence - the proposed time table with specific route to follow and fares to be charged;
 - (j) in the case of the mini-bus permit-a proposed type of operation, route to follow, fares to be charged and approved stands;
 - (k) in the case of a road permit in respect of a road contract licence - a building contract agreement or details of group of people travelling; and
 - (l) in the case of a road permit of a carrier licence - specific route to follow with terminating points and fares to be charged. **(LN 50/2003)**
- (10) The holder of a permit must not vary any aspect of his or her business approved under sub-regulation (9) without written approval of the Authority.

Public review of applications

4.—(1) Subject to sub-regulations (2) and (3) and unless the application is frivolous, scandalous or vexatious, the Authority must, upon receipt of the application, publish a notice in at least one newspaper published in the English language and circulating throughout the Fiji Islands stating—

- (a) the details of the application; and
 - (b) that written representations for or against the application will be received up to 14 days from the date of the notice.
- (2) Sub-regulation (1) does not apply—
- (a) to an amendment to a permit other than the addition of a new road service to a road permit if the Authority is satisfied that the amendment is not substantial and does not seriously affect the public or any other holder of a permit; (LN 50/2003)
 - (b) a temporary permit issued under section 66(1) of the Act; or (LN 50/2003)
 - (c) to an application for re-issue of the existing permit made under regulation 3 (6). (LN 50/2003)
- (3) The Authority may refuse an application if—
- (a) the vehicle proposed is unsuitable;
 - (b) the route proposed is unsuitable;
 - (c) the applicant is not a fit and proper person to be the holder of a licence; or
 - (d) for any other good cause, and if it does so the public notice requirements of sub-regulation (1) do not apply.
- (4) If no written objections are received in response to a notice under sub-regulation (1), the Authority or an officer of the authority acting under the delegated powers must determine the application under regulation 5. (LN 50/2003)
- (5) If any written objection is received in response to a notice under sub-regulation (1), the Authority must unless the representation is frivolous, scandalous or vexatious, give a hearing.
- (6) The Authority must—
- (a) serve the applicant and any person who made an objection a notice of hearing of not less than 14 days after the date of the notice requiring attendance at the hearing; and
 - (b) provide the applicant with copies of any written objection received.

(7) A hearing of the Authority is not open to the public but the Authority may invite or permit persons to attend if it considers it desirable to do so.

(8) A person who is required to give evidence at a hearing may be required by the Authority to absent himself or herself from the hearing until his or her evidence is to be received.

(9) The Authority may, at the request of a witness at a hearing, take in private his or her evidence relating to matters affecting his or her business, or which have come to his or her knowledge in the course of his or her duties.

(10) After receiving evidence at a hearing the Authority must determine the application under regulation 5.

Decisions on applications

5.—(1) In considering an application to issue, renew or change any condition of a permit, the Authority must take into account any matter it thinks fit or desirable to give effect to the provisions of the Act and in particular must have regard to—

- (a) the needs of the public and the desirability of ensuring that services to passengers are maintained or enhanced;
- (b) the effect of the proposed service on other public service vehicle operators;
- (c) the suitability of the routes on which a service would be provided under the permit;
- (d) the suitability and fitness of the applicant to hold a permit;
- (e) the financial standing of the applicant;
- (f) any evidence presented at a hearing conducted under regulation 4;
- (g) the type of vehicle which the applicant proposes to use on the service; and
- (h) the immigration status of the applicant.

(2) Subject to sub-regulation (3), an application for a permit or a change in a permit must not be refused except at a meeting of the Authority.

(3) An application for a permit or change in a permit may be refused by an officer acting under the delegated power on the ground of the unsuitability of the vehicle or the unsuitability of the proposed route. (LN 50/2003)

(3) The Authority may require a party to an application to produce any book or document in his or her possession or control relating to the application.

(4) The Authority may, when granting an application, vary the service as proposed in the application subject to conditions and restrictions if in its opinion such variation will not seriously affect any other holder of a permit.

(5) No application for a permit or a change in a permit may be refused or varied by the Authority unless the Authority is satisfied that such action is likely to be in the interest of public service vehicle users.

(6) The granting of an application has no effect until the prescribed fee for the permit has been paid and any vehicle to be used for the service is registered.

Authority to publish notice of its decisions

6.—(1) The Authority must publish a notice in the Gazette and at least one newspaper published in the English language and circulating throughout the Fiji Islands the issue or variation of a permit but not its renewal or refusal.

(2) A notice issued under sub-regulation (1) must also state the conditions and restrictions imposed in respect of the permit.

(3) If the Authority varies any condition or restriction imposed in respect of a permit it must publish a notice as required by sub-regulation (1).

(4) Sub-regulations (2) and (3) do not apply to any condition or restriction relating to time-table, picking-up or putting-down areas, the number of passengers that may be carried in a vehicle or variation of conditions or restrictions not published for public review.

Conditions and restrictions

7.—(1) In addition to the conditions prescribed in respect of permits, either generally or in particular cases or classes of cases, the Authority when issuing a permit may impose any condition or restriction the Authority thinks fit on matters that the Authority is required to have regard to when considering applications for permits and in particular for ensuring that—

- (a) the conditions of service of the employees of the permit holder in relation to the permit are consistent with public safety and the efficiency of the service;
- (b) any fare and freight charges under the permit are reasonable in the circumstances of the particular case;
- (c) wasteful competition with alternative forms of transport operating in the same sphere is avoided; and
- (d) any time-tables to be observed and any picking-up or setting-down places to be used in the service carried on under the permit comply with any requirements the Authority specifies, and generally for securing the safety and convenience of the public.

(2) The Authority may require any time-table applicable to a permit be varied and the permit holder must comply with the requirements forthwith.

(3) If the Authority is of the opinion that any condition or restriction of a permit should be varied, the Authority may vary the permit, and the permit holder must comply with and observe any variation.

- (4) A condition imposed on a road permit may provide that—
- (a) a ticket in a form approved by the Authority as evidence of the payment of a fare is to be given to every passenger by the driver or conductor of a vehicle used under the permit, or in some other manner specified in the permit, when a passenger pays the fare for the journey the passenger is making; and
 - (b) a notice in a form specified in the permit to the effect that tickets are required to be given to passengers is to be exhibited in the vehicle in a conspicuous position so as to be easily noticed and understood by every passenger in the vehicle.

Fitness of vehicles

8.—(1) The Authority must not issue a public service vehicle permit unless any vehicle to which the permit will apply meets the standards of safety and comfort determined by the Authority, having regard to the service to be provided under the permit.

- (2) It is a condition of every public service vehicle permit that—
- (a) all vehicles comply with the relevant requirements of Part IV of the Land Transport (Vehicles Registration and Construction) Regulations 2000;
 - (b) all vehicles are maintained in a fit and serviceable condition and the records of vehicle maintenance and servicing are kept to the satisfaction of the Authority; and
 - (c) the bodywork, both internal and external, all windows and fittings, all luggage spaces and all seats for passengers are maintained in a clean and good condition.

(3) The fitness of vehicles must be determined as part of any inspection carried out under Part V of the Land Transport (Vehicles Registration and Construction) Regulations 2000 and the Authority may order the applicant for or holder of a public service permit to make a part or the whole of the vehicle fleet operating under the permit available for inspection.

Other transport interests to be disclosed

- 9.—(1) The Authority may require the holder of or an applicant for a permit to provide evidence of—
- (a) any agreement affecting in any material respect the provision of facilities for the transport of passengers or goods for hire or reward made by the person to whom such facilities are provided in the Fiji Islands or elsewhere;
 - (b) any financial interest a other person has in the business of the applicant or the holder of the permit, or the right of any person to control or influence in anyway the conduct of the service applicable to the permit or, if an applicant or holder of the permit

is a company, the right any person has to nominate any director of the company;

- (c) any interest or right the applicant or the holder of the permit has in the business of any other person providing facilities for the transport for hire and reward of passengers or goods in the Fiji Islands.

(2) It is an offence to refuse or fail to supply any information required under sub-regulation (1) or to supply any information that is false or misleading in a material respect.

Duration of a permit

10.—(1) A permit, other than a road permit, expires 3 years after the date of its issue.

(2) A road permit may be issued for a minimum period of 5 years and up to 10 years unless surrendered or cancelled except in the case of a road permit in respect of a road contract licence - the Authority may issue a road permit subject to the validity of the road contract licence. (LN 50/2003)

(3) If a holder of a road permit fails to lodge an application under regulation 3(6), or if the permit is cancelled or suspended by the Authority the Authority may advertise for expressions of interest to operate the services authorised by the permit. (LN50/2003)

(4) If an application for re-issue of a permit is lodged within the period specified in regulation 3(6), and is not disposed of, before the permit expires, the permit continues in force until the application is disposed of.

(5) A public service vehicle licence is void if—

- (a) the vehicle to which the licence applies remains in the ownership of a permit holder but is not used for the appropriate use or service for a continuous period of 3 months, unless the Authority otherwise determines;
- (b) the permit is cancelled, suspended, revoked or has expired; or
- (c) ownership of the vehicle is transferred to a person who is not the holder of a public service permit.

Transfer of permits

11.—(1) Subject to sub-regulation (2), the Authority may, upon application being made, transfer a permit for any unexpired term of the permit if—

- (a) the holder of the permit has died or become bankrupt, insane, permanently incapacitated or terminally ill;
- (h) the holder of the permit leaves the Fiji Islands for the purpose of taking up permanent residence in another country;

- (c) the holder of the permit has reached 60 years and wishes to retire from conducting the business involving the permit and proposes to transfer the permit to—
 - (i) an immediate family member; or
 - (ii) a person or company with whom the permit holder has an existing business relationship involving the permit; or
- (d) in the special circumstances of the case, the Authority considers it reasonable to do so.

(2) Before transferring a permit, the Authority must be satisfied that the person nominated in an application under sub-regulation (1) is a fit and proper person to hold a permit and that adequate provision will be made for the observance of any condition or restriction imposed in respect of the permit.

(3) An application for the transfer of a permit, except as provided for in sub-regulation (1), must be treated as an application for a new permit.

Authority may cancel, vary or suspend

12.—(1) The Authority may cancel, vary or suspend a permit if a condition subject to which the permit was granted has not been complied with and the Authority is satisfied that the breach is serious, frequent or causes inconvenience or danger to the public.

(2) The Authority must, before cancelling, varying or suspending a permit, give the holder of the permit an opportunity to be heard.

(3) If the Authority varies or suspends a permit, it must give notice in writing to the holder that the permit has been varied or suspended as from the date on which the notice is delivered to the holder.

(4) If the Authority cancels a permit, it must give notice in writing to the holder of the permit and the permit is deemed to be cancelled on the date on which the notice is delivered to the holder.

(5) If within 3 months after the approval of a permit the holder has not exercised the authority granted by the permit, the Authority may cancel the permit.

(6) If a permit is suspended under this regulation for more than 6 months, the Authority may cancel the vehicle licence in respect of the vehicle to which the permit relates.

(7) The failure of the holder of a permit to comply with section 35 of the Act is a ground for the cancellation of the permit.

Issue of duplicate permits

13.—(1) If a permit has been lost, destroyed or defaced or the particulars on the

permit have become illegible, the holder must forthwith notify the Authority and if the Authority is satisfied that the permit has been so lost, destroyed or defaced, the Authority must on payment of the prescribed fee issue a duplicate permit marked "DUPLICATE".

(2) If a lost or replaced permit is recovered, the original must be returned forthwith to the Authority.

Return of permits to the Authority

14.—(1) If a permit expires, is suspended or is revoked, the holder must within 14 days after a notice to that effect has been delivered to him or her personally or by registered post at the address shown in the records of the Authority, send or deliver the permit to the Authority for retention during the period of suspension or cancellation.

(2) The Authority must, at the end of the suspension period, return the permit to the holder unless the permit has expired during the period of suspension.

(3) The Authority may request the holder of a permit to deliver the permit to the Authority.

(4) A request under sub-regulation (3) must be in writing and served on the holder personally or by registered post addressed to his or her last known address.

(5) The holder of a permit must deliver the permit to the Authority within 10 days of being requested to do so under sub-regulation (3).

Records to be maintained

15.—(1) The holder of a permit, other than a rental vehicle permit, must maintain a register of employees engaged to drive public service vehicles under the authority of the permit.

(2) The register required by sub-regulation (1) must show the name, address, driver's permit number and public service vehicle driver licence number of every employee and the date of commencement and termination of employment.

(3) The Authority may require the holder of a permit other than a rental vehicle permit, to maintain records as determined by the Authority relating to the public service vehicles operated by the holder, including records to be kept by a driver with respect to passengers.

(4) The holder of a public service vehicle permit or the driver of a public service vehicle who is required to maintain records under sub-regulation (3) must produce the records for inspection whenever reasonably required by the Authority.

(5) If the Authority requires a holder of a permit to maintain records of revenue and expenditure, the Authority may require the holder of the permit to produce an audited statement of the records.

(6) The holder of a public service vehicle permit or a driver of a public service vehicle who knowingly —

- (a) provides or supplies a return or information which is false in any material particular; or
- (b) makes or causes to be made, any entry in a record which is false in a material particular, commits an offence.

Production of permits for examination

16.—(1) The holder of a permit must produce the permit for inspection by a police officer or an authorised officer if required and, if it is not available at the time of the request, the holder must produce the permit at a place specified by the officer within 24 hours of the request.

(2) Failure to produce a permit in accordance with sub-regulation (1) is a ground for cancellation or suspension of the permit.

Other responsibilities of permit holders

17.—(1) The holder of a permit must not appoint an agent or representative for the purpose of exercising any right in the permit nor cause or allow an agent or representative to exercise any right under it except with the prior consent of the Authority.

(2) The holder of a permit who intends to leave the Fiji Islands for more than 3 months must obtain, prior to departure, the consent of the Authority to a person nominated by the holder to act as his or her agent during the absence.

(3) The holder of a permit who intends to leave the Fiji Islands to take up permanent residence in another country must, prior to departure—

- (a) surrender the permit to the Authority; or
- (b) with the approval of the Authority, transfer the permit to another person.

Appeals against decisions of the Authority

18.— (1) A person aggrieved by a decision of an officer acting under delegation of the Authority to refuse to issue or renew or to vary, suspend or cancel a permit under this Part may request that the decision be reconsidered by the Authority and on receipt of the request the Authority must reconsider the matter at the next convenient meeting.

(2) A person who is aggrieved by a decision of the Authority under sub-regulation (1) may appeal to the Tribunal.

Part 3—OPERATION OF PUBLIC SERVICE VEHICLES

Division 1—Obligation of Owners, Drivers and Passengers

Deception

19.— (1) A person who owns or operates a public service vehicle must not trade or carry on business under any name which contains any word or combination of words calculated to suggest that the person is authorised by, or acting on behalf of, the Government.

(2) No person may advertise or publish in a newspaper an advertisement inviting persons to become passengers in, or intimating that persons will be carried as passengers in, a vehicle unless the name and the address of the place of residence or business of the person appear in the advertisement and the carriage of passengers in the manner, and at the times and for the purposes, indicated in the advertisement is authorised by or under the Act or some other written law.

(3) No person may advertise or offer a service which is of a regular or repetitive nature between 2 terminating points or places unless—

- (a) the person is a holder of a road permit or mini-bus permit which includes that service; or
- (b) the person has a contract or other arrangement with another holder of a road permit or mini-bus permit which includes that service.

(4) A person must not —

- (a) be in possession, without lawful authority, of any licence, permit, or plate issued under the Act or any document or thing resembling the licence, permit, or plate, and calculated to deceive another person;
- (b) drive or use on a public street a vehicle that has written upon it, in a manner calculated to deceive, any word, device or sign representing that the vehicle is available for hire or for use as a public service vehicle, on any route, within any area or for any other purpose, unless the vehicle has a valid licence authorising it to be so hired or used.

Lost goods

20. The driver of a vehicle must, immediately after the conclusion of any hiring or, in the case of a road service, when the vehicle reaches a terminating point, search for any article left in the vehicle and if an article is found but the driver is unable to return it to the owner, the driver must forthwith take it to the nearest police station.

Companion animals

21.—(1) The Authority may issue a certificate, free of charge, to a person with a disability who requires a companion animal for the purpose of assisting the person in travelling in a public service vehicle.

(2) An application for the issue of a companion animal must be made to the Authority in the prescribed form without payment of any fee.

(3) The driver of a public service vehicle other than a rental vehicle must not, without reasonable excuse relating to the capacity of the vehicle, refuse to carry in the vehicle a person with a companion animal certificate.

Conduct of drivers

22.—(1) The driver of a public service vehicle, other than a rental vehicle, when driving, must —

- (a) behave in a civil and orderly manner;
- (b) take all reasonable precautions to ensure the safety of passengers in or on or entering or alighting from the vehicle;
- (c) in the absence of a conductor - take all reasonable precautions to ensure that the route, fares and destination are clearly and correctly displayed by every means provided for that purpose;
- (d) not wilfully deceive or refuse to inform a passenger or intending passenger of the destination or route of the vehicle or of the fare for the journey;
- (e) charge the correct fare and, if required, issue tickets to passengers under the relevant public service permit;
- (f) when picking up or setting down passengers - stop the vehicle as close as practicable to the left of the road;
- (g) not cause the vehicle to remain stationary on a road longer than is reasonably necessary to pick up or set down passengers, except at a stand or place where the vehicle is permitted to stop for a longer time;
- (h) not obstruct or, on request at any reasonable time, refuse or neglect to give all reasonable information and assistance to a person having authority to examine the vehicle;
- (i) be neatly dressed and tidy;
- (j) not count money or tickets or complete any records whilst the vehicle is in motion; and
- (k) to the best of his or her ability, take steps necessary to comply with these Regulations relating to the conduct of passengers.

(2) A driver of a public service vehicle must not, when the vehicle is in motion, engage in conversation with another person unless it is necessary for the purpose of safety.

(3) A driver must not smoke any form of tobacco product on a public service vehicle, other than a rental vehicle, while carrying passengers.

Conduct of passengers

23.—(1) A passenger on a public service vehicle, other than a rental vehicle, must not—

- (a) use obscene or offensive language or conduct himself or herself in a riotous or disorderly manner;
- (b) enter or alight from the vehicle otherwise than by the door or opening provided for the purpose;

- (c) when entering or attempting to enter the vehicle - wilfully or unreasonably impede passengers seeking to enter or alight from the vehicle;
- (d) enter or remain in or on the vehicle, if requested by an authorised person, police officer or any authorised officer if the vehicle is carrying its full complement or if an operator is debarred from picking up passengers at the place in question by reason of the conditions attached to the operator's road service licence;
- (e) travel in or on any part of the vehicle not provided for the conveyance of passengers;
- (f) wilfully do or cause to be done, with respect to any part of the vehicle or its equipment, anything calculated to obstruct or interfere with the working of the vehicle or to cause injury or discomfort to another person;
- (g) when the vehicle is in motion, distract the attention of the driver or speak to the driver without reasonable cause;
- (h) spit upon or from, or wilfully damage, soil or defile, any part of the vehicle;
- (i) when in or on the vehicle, for the purpose of advertising distribute printed or similar matter of any description or distribute any article;
- (j) wilfully remove, displace, deface or alter any number plate, notice board, fare table, route indicator or destination board or any printed or other notice or advertisement in or on the vehicle;
- (k) when in or on the vehicle, annoy or cause nuisance to other persons by using or operating any noisy instrument, or make or combine with any other person or persons to make any excessive noise by singing, shouting or otherwise;
- (l) throw any article out of the vehicle or attach or throw from or trail from the vehicle any streamer, balloon, flag or other article that may cause or pose a danger to another person in or on the vehicle or on the road;
- (m) wilfully obstruct or impede any authorised person in carrying out any duty upon or in connection with the vehicle;
- (n) subject to regulation 21(3), bring in or upon the vehicle any animal, or any article of an offensive character or of such dimensions as to inconvenience any passenger, or any substance which might soil or damage the vehicle or the apparel of any passenger;
- (o) enter or travel in or on the vehicle with loaded firearms or any dangerous article;
- (p) with intent to avoid payment, leave the vehicle without paying the fare for the journey which the passenger has taken;
- (q) if requested by an authorised person, refuse to leave the vehicle on the completion of the journey for which the fare has been paid;
- (r) enter or attempt to enter or, having entered, refuse to leave the vehicle while

- in a state of intoxication;
- (s) enter or alight from the vehicle or attempt to do so while the vehicle is in motion;
- (t) if requested to do so, fail to produce to a police officer or an authorised officer a ticket issued to him or her in respect of the journey.
- (2) A person hiring or using a public service vehicle who—
- (a) fraudulently evades payment of the fare or charge lawfully owed;
- (b) having failed or refused to pay the fare or charge, refuses to give to the driver of the vehicle his or her correct name and an address at which he or she can be found or gives a false name or address;
- (c) when lawfully required by the driver, the conductor of the vehicle, a police officer or an authorised officer, fails to—
- (i) declare the journey which he or she intends to take or has taken in the vehicle;
- (ii) pay the fare for the whole of the journey and accept the ticket, if any, tendered to him or her;
- (iii) leave the vehicle on completion of his or her journey;
- (iv) produce his or her ticket;
- (v) surrender his or her ticket on expiry of the period for which it was issued;
- (vi) give his or her correct name and an address at which he or she can be found.
- (d) leaves the vehicle without having paid the fare owed by him or her except with the consent of the driver or conductor, commits an offence.
- (3) A person who, without the consent of the driver, enters or attempts to enter—
- (a) already has its full complement of passengers;
- (b) is hired by any other person; or
- (c) is not being used for carrying passengers, commits an offence.
- (4) A passenger who smokes or causes to be smoked any form of tobacco product on a public service vehicle, other than a rental vehicle, whilst it is carrying passengers, commits an offence.
- (5) A person who contravenes or is reasonably suspected by the driver or the conductor to have contravened any provision of this regulation may be—
- (a) removed from the vehicle by the driver or the conductor or at the request of a driver or conductor by a police officer or an authorised officer; or
- (b) required by the driver, the conductor, a police officer or an authorised officer to give his or her name and an address at which he or she can be found.

(6) If a person is convicted under this regulation, the court may, in addition to imposing any penalty, order the defendant to pay to the owner of the vehicle a sum it considers just as compensation for any damage done to the vehicle arising out of the commission of the offence.

(7) For the purpose of this regulation, "authorised person" means the licensee of the vehicle or any employee of the licensee on duty in connection with the vehicle or any other person authorised under the Act.

(8) A person hiring or otherwise using a public service vehicle or any other vehicle must not cause the vehicle to be used contrary to any condition of its licence or permit.

Division 2—Road Service Vehicles

Fares for omnibus and carriers

24.—(1) Users of omnibus operated on a road route licence must be carried only on payment of fares and the fares charged for the various stages must be—

- (a) the fares set out in the road permit; and
- (b) prominently displayed in the vehicle at all times.

(2) The charge for the use of a carrier may, subject to restrictions on the permit, be for the vehicle as a whole or for individual journeys.

(3) The Authority may prescribe a schedule of fares and freight charges for carriage of passengers and goods by a carrier, whether together or separately, in which case—

- (a) the carrier *must* charge fares and freight charges as prescribed;
- (b) the schedule must be displayed in a conspicuous position in the vehicle.

Aisles and entrances to be kept clear

25. The aisles and entrances of a road service vehicle must be kept clear and unobstructed at all times.

Number of persons to be carried in an omnibus or carrier

26.—(1) The number of persons to be carried in or on an omnibus or carrier must not exceed the number approved by the Authority and recorded in the records of the Authority, except that—

- (a) 3 children under the height of 1.2m may be counted as 2 persons; and
- (b) any child under 5 years accompanied by an adult need not be counted.

(2) Children in a carrier must be carried in the rear compartment of the carrier.

Routes

27. The Authority may include restrictions on a road permit limiting the routes or

areas of operation.

Conduct of conductors

28.—(1) The conductor of a road service vehicle must, when performing his or her duties—

- (a) not, when the vehicle is in motion, distract the attention of the driver without reasonable cause, nor converse with the driver unless it is necessary to do so in order to give directions as to the stopping or parking of the vehicle;
- (b) take all reasonable precautions to ensure that the route, fares and destination of the vehicle are clearly and correctly displayed;
- (c) endeavour to the best of his or her ability to ensure the observance of the provisions of these Regulations which relate to the conduct of passengers;
- (d) not, except for sufficient reason, direct the driver of the vehicle to stop on a road no longer than reasonably necessary to pick up or set down passengers, except at a terminus or stand or place where the vehicle is permitted to stop for a longer time ;
- (e) not be under the influence of drink or drugs;
- (f) be clean and tidy; and
- (g) behave in a civil and orderly manner.

(2) A conductor must not smoke any form of tobacco product on a public service vehicle whilst it is carrying passengers other than a rental vehicle.

Division 3—Taxis

Taxi fares

29.—(1) The fare charged for use of a taxi is for the hire of the vehicle as a whole.

(2) The taxi fares are those set out in the Schedule unless the fare is agreed to between a hirer and the driver or operator in which case it must not exceed the fare calculated in accordance with the Schedule.

(3) The Schedule of fares must be displayed conspicuously inside the taxi where it can easily be seen by the hirer.

Number of persons to be carried in a taxi

30.—(1) The number of persons, including the driver, to be carried in a taxi must not exceed the number of seating positions determined by the Authority and recorded in the records of the Authority except that—

- (a) 3 children under the height of 1.2m are treated as occupying 2 seating positions;
- (b) children under 5 years are not counted as occupying a seating

position.

- (2) Children must be carried in the rear seats of the vehicle.

Shortest route to be followed

31. The driver of a taxi must proceed to the hirer's destination by the shortest and most-direct route unless the driver has reasonable cause for taking a longer route or it is unavoidable

Operation from or within a taxi base and stand

32.—(1) Subject to this regulation and regulation 34, a taxi must not be operated from or within any base or stand other than the base or stand specified in the permit under which it operates.

- (2) Every taxi must be fitted with a sign—

(a) indicating the base from and within which the taxi is authorised to operate;

(b) displaying the name of the base in white letters against a red background; and

(c) of a size, and so affixed in front and at the rear, as to be readily visible from a distance of 50m.

- (3) Every taxi must be fitted with a label—

(a) indicating the stand from which the taxi is authorised to operate;

(b) of a size, and so affixed to the upper left hand side of the windscreen, as to be readily visible from a distance of 20m.

(4) Upon arrival of a taxi with passengers at a base other than the base from which the taxi is authorised to operate, the taxi may carry those passengers within the base for the time and purposes the passengers require, but when the passengers are finally set down must—

(a) proceed to an open taxi stand within the base for the purpose of picking up passengers for the return journey to the base from which the taxi is authorized to operate; or

(b) return to the base from which the taxi is authorised to operate, subject to regulation 34.

(5) Subject to sub-regulation (6), the driver of a taxi authorised to operate from a taxi stand must pick up passengers on the first to arrive basis.

(6) A person may hire any taxi at a taxi stand, if the taxi is permitted by this regulation to carry passengers within or to the base which the passenger requires and the person in charge of the taxi must not refuse any person intending to hire a taxi.

(LN 50/2003)

Use of Taxi stand

33.—(1) For the purpose of this regulation an 'open taxi stand' means a taxi stand provided for the use of taxis not authorised to operate from the base in which

the stand is located.

- (2) An open taxi stand—
 - (a) may be provided by a council or rural local authority with the written approval of the Authority;
 - (b) must be provided by a council or rural local authority if so ordered by the Authority after consultation with the appropriate authorities.
- (3) Notwithstanding any other requirement of this regulation, the Authority may, subject to any conditions it imposes, approve in writing—
 - (a) the establishment of a taxi stand on a part time basis; and
 - (b) the use of a part time taxi stand by taxis.
- (4) The payment of a charge levied for the use of a taxi stand, other than an open taxi stand, by—
 - (a) a council or Government agency responsible for maintaining the stand if it is located on a public street; or
 - (b) the owner of any property on which the stand is located,is a condition of every taxi permit.
- (5) The Authority must keep maps, plans or other records showing the creation of taxi stands, bases and other relevant details of taxi stands or bases.

Plying for hire

- 34.—(1) Subject to sub-regulation (2), a taxi must not —
- (a) stand or ply for hire from a point other than the taxi stand from which the taxi is authorised to operate, except as provided by regulation 32(4)(a);
 - (b) stop for the purpose of picking up a passenger within 100m of a bus stop or a bus stand unless a taxi stand from which the taxi is authorised to operate is located within 100m; or
 - (c) be stopped for the purpose of picking up a passenger within 100m of any taxi stand except the stand from which that taxi is authorised to operate.
- (2) A taxi may stop for the purpose of picking up a passenger at a place while—
- (a) travelling within the base from which the taxi is authorised to operate; or
 - (b) returning to the base from which the taxi is authorised to operate from any other base or area.
- (3) Neither the holder of a taxi permit nor the driver of a taxi may solicit for passengers when the vehicle is stationary or plying for hire, or employ, use the services of, or permit any other person to tout for the holder or driver.

Fitting of taximeters

35.—(1) The Authority may require any motor vehicle in relation to which a taxi permit has been granted to be fitted with a taxi meter.

(2) A taxi permit holder must not install or cause or permit to be installed a taximeter in a taxi unless—

- (a) the taximeter has been approved by the Authority;
- (b) the taximeter is installed in a position such that the Certifying Officer is satisfied that—
 - (i) the taximeter is operating and can readily be seen; and
 - (ii) the recording characters relating to the hiring charges are clearly discernible to every passenger and to the driver;
- (c) means are available to illuminate the characters relating to the hiring charges; and
- (d) the taximeter or associated equipment does not represent a hazard to the passengers or driver.

(3) Every taximeter affixed in a taxi must be tested by the Certifying Officer before the taxi is used for hire.

(4) If a taximeter has been installed and tested under this regulation and found to be in order, the taximeter must be sealed—

- (a) by the Certifying Officer; or
- (b) in the presence of an authorised officer, in such a manner that the working parts cannot be reached without breaking the seal.

Types of taximeters

36.—(1) The Authority may, after consulting the permit holders or bodies representing the permit holders and taking into consideration any matter relating to the service to the public, approve the types of taximeters to be used by taxis.

(2) The Authority may by notice in the Gazette appoint a date, not less than 6 months after the date of the notice, by which an approved taximeter must be affixed to a taxi by the owner.

Use of taximeters

37.—(1) The holder of a taxi permit must keep the taximeter and any connection affixed to it in good working condition and in the position in the taxi approved by the Certifying Officer.

(2) The holder of a taxi permit must not cause or allow—

- (a) a taximeter to be used on the taxi until the taximeter has been tested as required by regulation 35(3);
- (b) any taximeter to be used on the taxi other than the one that was last tested on the taxi;
- (c) any wheels to be affixed to the taxi other than those affixed when the taximeter was tested; or

(d) any alteration to be made to the taxi or the tyres or fittings attached to it that will or might affect the accuracy of the taximeter.

(3) A person who interferes with the taximeter affixed to a taxi or any part of the mechanism controlling the taximeter so as to prevent its proper working or damage its seal commits an offence.

(4) Sub-regulation (2)(c) does not apply to new wheels affixed to a taxi with the approval of the Certifying Officer which will only be given after the taximeter has been re-tested with those wheels.

(5) If the taximeter affixed to a taxi is not registering correctly, is out of order or has a broken seal, the permit holder or the driver of the taxi must —

(a) forthwith notify the Authority; and

(b) except with the approval of the Authority, not use the taxi to carry passengers or stand or ply for hire until the taximeter—

(i) has been tested and approved by the Certifying Officer; or

(ii) has been replaced by another taximeter and fitted in accordance with regulation 35.

(6) The holder of a taxi permit or driver of a taxi must, at all times when carrying a passenger, keep the tyres of the taxi inflated to a pressure of not less than 170 kilopascals or the maximum pressure recommended by the tyre manufacturer in respect of the size of the tyre when fitted to the taxi, whichever is the lower.

(7) The driver of a taxi must keep alight the lamp required under regulation 35(2)(c) when a taxi is being hired by a person.

Testing of taximeters

38.—(1) The holder of a taxi permit must—

(a) submit the taximeter to the Authority for testing on each occasion the vehicle is required to be inspected under these Regulations; and

(b) cause the taximeter to be readjusted and tested at any other times if required by the Authority.

(2) The Authority may, in writing, direct that a taxi be made available at a specified time and place for the purpose of inspecting and testing its taximeter.

(3) In testing a taximeter, the Authority may allow a limit of tolerance not exceeding 1.5 per cent in excess or deficiency.

(4) The holder of a taxi permit must pay the prescribed testing fee on each occasion the taximeter is being tested under these Regulations. Such test is not part of the vehicle inspection conducted under these Regulations.

(5) If the Certifying Officer has reasonable cause to believe that a taximeter has been tampered with, the Certifying Officer may charge a higher prescribed fee for

testing the taximeter.

(6) The Authority may authorise part of a public street to be measured by an inspector appointed under the National and Trade Measurement Decree 1989 as a testing area for the purpose of testing taxi meters.

- (7) A certificate signed by the inspector stating—
- (a) the location of the testing area marked for the purpose of testing taxi meters; and
 - (b) the measurements made or marked on the testing area, is conclusive evidence of the facts stated in the certificate.

Division 4 — Rental Vehicles

Use of rental vehicles

39.—(1) A person must not let for fee or reward a motor vehicle to be driven by any other person other than or his or her employees except under the authority of a rental permit in respect of the vehicle.

(2) Sub-regulation (1) does not apply to the letting of any motor vehicle under a hire-purchase or lease agreement made in good faith for the purchase of the motor vehicle.

Number of persons to be carried in a rental vehicle

40.—(1) The number of persons, including the driver, to be carried in a rental vehicle must not exceed the number of seating positions determined by the Authority and included in the records of the Authority except that—

- (a) 3 children under the height of 1.2m are counted as occupying 2 seating positions;
 - (b) children under 5 years are not counted as occupying a seating position.
- (2) Children must be carried in the rear seats of the vehicle.

Records to be kept by operator of rental vehicle business

- 41.—(1) The holder of a rental permit must maintain a register showing—
- (a) the name, address, driver's licence number, and, in the case of a driver's licence not issued in the Fiji Islands, the place and date of issue of the licence, of the person hiring the vehicle and of any other person who under the terms of the hiring may drive the vehicle while it is hired;
 - (b) the date of the hiring of the vehicle;
 - (c) the time of departure of the vehicle;

- (d) the date and time of return of the vehicle; and
- (e) the total distance travelled by the vehicle.

(2) Any record kept under this regulation must be produced by or on behalf of the permit holder if demanded by a police officer or an authorised officer.

(3) The holder of a rental permit who contravenes or wilfully fails to comply with the provisions of this regulation commits an offence.

- (4) It is an offence for the holder of a rental permit to knowingly—
- (a) furnish or supply a return or information which is false in any material particular; or
 - (b) make, or cause to be made, any entry in any record that is false in any material particular, in relation to the permit.

Division 5 — Hire Vehicles

Number of persons to be carried in a hire vehicle

42.—(1) The number of persons, including the driver, to be carried in a hire vehicle must not exceed the number of seating positions determined by and in the records of the Authority except that—

- (a) 3 children under the height of 1.2m are counted as occupying 2 seating positions;
- (b) children under 5 years are not to be counted as occupying any seating position.

(2) Children must be carried in the rear seats of the vehicle.

Hire vehicle fares

43. Payment of a fare charged for the hire of a hire vehicle is for hire of the vehicle as a whole.

Hiring of a hire vehicle and plying for hire

- 44.—(1) The holder of a hire permit must—
- (a) have a place of business approved by the Authority; and
 - (b) provide and maintain the necessary facilities at the place to allow the public to make arrangements to hire a hire vehicle either immediately or at a specified time and place.

(2) Neither the holder of a hire permit nor a driver of a hire vehicle may solicit for passengers when the vehicle is stationary or plying for hire, or employ, use the services of or permit another person to tout for the holder or driver.

Records to be kept by operator of hire vehicle business

45.—(1) The holder of a hire permit must maintain a register showing—

- (a) the name and address of the person hiring the vehicle;
 - (b) the manner in which the hiring was made;
 - (c) the date, time and place of the hiring of the vehicle;
 - (d) the date, time and place of completion of the hiring of the vehicle;
- and
- (e) the total distance travelled by the vehicle.

(2) The records kept under this regulation must be produced by or on behalf of the permit holder if demanded by a police officer or an authorised officer.

(3) The holder of a hire permit who fails to comply with this regulation commits an offence.

- (4) It is an offence for the holder of a hire permit knowingly to—
- (a) furnish or supply a return or information which is false in any material particular; or
 - (b) make or cause to be made, any entry in any record which is false in any material particular, relating to the permit.

Division 7 — Mini-buses

Fares

46.—(1) The charge for the use of a mini-bus may, subject to the restrictions on the permit, be for the vehicle as a whole or for individual journeys.

(2) The Authority may prescribe a schedule of fares for carriage of passengers by a mini-bus in which case—

- (a) the mini-bus must charge fares as prescribed;
- (b) the schedule must be displayed in a conspicuous position in the *vehicle*.

Plying for hire

47.—(1) A mini-bus must not—

- (a) stand or ply for hire from a point other than a stand or base from which it is authorised to operate;
- (b) stop to pick up a passenger within 300m of a bus stop, bus stand or taxi stand except from a stand from which the mini-bus is authorised to operate;
- (c) stop in any place which would create a hazard to passengers, pedestrians or other road users or delay other traffic.

(2) Subject to sub-regulation (1)(b), a mini-bus may stop for the purpose of picking up a passenger at a place while—

- (a) travelling to its terminus stand;

- (b) returning to its original stand which the mini-bus is authorised to operate under the conditions of its minibus permit.

Mini-bus stands

48.—(1) The Authority may authorise the holder of a mini-bus permit to ply for hire or reward from a mini-bus stand provided and approved by a highway authority.

(2) A highway authority may provide a mini-bus stand if requested by the Authority after consulting other appropriate authorities.

(3) Mini-buses operating from a mini-bus stand must queue up to pick up passengers on the basis of first to arrive, first to leave.

(4) A mini-bus operating at a mini-bus stand must not start picking up any passenger at a mini-bus stand until the mini-bus which arrived first leaves the stand.

Routes

49.—(1) A mini-bus hired as a whole must proceed to the hirer's destination by the shortest and most direct route.

(2) A driver of a mini-bus may pick up or set down passengers along the route specified in the permit.

Part 4 — CONSTRUCTION OF PUBLIC SERVICE VEHICLES

General provisions

50. The Authority may give written notice of not less than—

- (a) in the case of a road service vehicle - 24 months; or
- (b) in the case of a public service vehicle other than a road service vehicle – 12 months, to the owner of a public service vehicle that the construction, age, engine capacity or other condition of the vehicle is such that the Authority will no longer permit the vehicle to be licensed as a public service vehicle.

Requirements for mini-buses

51.—(1) Every mini-bus must be fitted with signs—

- (a) indicating the stand from which it is authorised to operate;
- (b) displaying the destination of the mini-bus when it is operating on the permitted route, or the sign "PRIVATE HIRE" when it is being hired as a whole.
- (2) Every mini-bus must—
- (a) be of a size and dimensions and have head and leg room such that,

- in the opinion of the Certifying Officer, the authorised number of passengers can be comfortably seated;
- (b) have ready side door access and egress for the driver and on the left-hand side for the passengers;
 - (c) have luggage space which is adequate for the passengers the vehicle is authorised to carry and which is kept in a condition to prevent any luggage being damaged or soiled;
 - (d) provide a barrier between the luggage space and the passenger space for the secure storage of luggage and the safety of passengers.
- (3) An emergency exit—
- (a) must be provided in the extreme rear of the vehicle; or
 - (b) may be provided in the roof in the rear half of the passenger compartment, if an additional emergency exit is provided in the right hand side of the rear half of the passenger compartment which provides for a minimum area of 3,200sq.cms with no dimension less than 500mm.
- (4) An emergency exit is not required in a mini-bus which—
- (a) is equipped to seat less than 12 passengers including the driver;
 - (b) does not exceed 2m in overall width;
 - (c) is fitted with one or more door on each side of the vehicle; and
 - (d) provides access from any seating position to a door having an area not less than 7,000 sq.cms with no dimension less than 500mm.
- (5) The main emergency exit must have an area of not less than 5,200sq.cms for any other omnibus and no dimension of the main emergency exit may be less than 500mm.
- (6) Every emergency exit must be—
- (a) identified by a prominent notice inside and outside displaying the words EMERGENCY EXIT, by words or symbols indicating the method of opening; and
 - (b) capable of being opened outwards from both the inside and outside of the vehicle.

Requirements for omnibuses

- 52.—(1) An omnibus provided with a longitudinal aisle providing access to one or more rows of seats must have an aisle width of—
- (a) not less than 600mm for an omnibus which is approved to carry standing passengers;
 - (b) not less than 330mm for any other omnibus.
- (2) A longitudinal aisle—

- (a) must have a skid resistant surface; and
 - (b) must not have a slope of more than 1 in 16 in areas intended for standing passengers or more than 1 in 10 in areas not intended for standing passengers.
- (3) In the case of an omnibus with a longitudinal aisle—
 - (a) the omnibus must have at least one means of access on the left hand side of the vehicle;
 - (b) the access to the aisle must have no obstruction;
 - (c) the access must be not less than 550mm in width; and
 - (d) the height from the lowest step to the top of the opening must not be less than 1.8m for an omnibus permitted to carry in excess of 25 passengers and not less than 1.2m for other omnibuses.
- (4) Except for an emergency exit, no other means of exit must be provided on the right hand side of the omnibus other than to provide access to the driver's position.
- (5) Every omnibus must be fitted with an access door at every point of access and the access door must be capable of being operated by the driver from the normal driving position.
- (6) Access doors must not be designed to operate inwards unless the doors are so constructed that they will not protrude into the omnibus further than the steps provided at the access.
- (7) Access doors must not have internal fittings designed to cover the internal steps when the doors are closed.
- (8) Access doors designed to be open when the vehicle is in motion must not extend beyond the line of the side of the vehicle.
- (9) The height inside the omnibus measured on the longitudinal centre line of the aisle must be not less than—
 - (a) 1.8m for an omnibus in which standing passengers are permitted;
 - (b) 1,65m for an omnibus permitted to carry more than 25 passengers; and
 - (c) 1.35m for an omnibus permitted to carry up to 25 passengers or 1.2m if the aisle is not more than 2m in length.
- (10) If access to a row of seats is not by a longitudinal aisle, the height measured on the longitudinal centre line of the vehicle from the floor to the ceiling must be not less than—
 - (a) 1.5m for an omnibus permitted to carry in excess of 25 passengers; and

- (b) 1.2m for any other omnibus.
- (11) Any step must be fitted and maintained with a skid resistant tread.
- (12) The height of the first step above the ground must be not more than 410mm and the height of any other step must be not more than 280mm.
- (13) The tread depth of any step must be not less than—
 - (a) 225mm for an omnibus permitted to carry in excess of 25 passengers; and
 - (b) 180mm for any other omnibus.
- (14) The tread of one step may undercut the tread of the next highest step provided that when viewed in plan not less than 180mm of the lower step is visible.
- (15) The width of the steps must be not less than the width of the opening in the case of the lower steps and not less than 450mm in the case of the other steps.
- (16 j) If an omnibus has provisions for standing passengers, a suitable guard rail or other structure must be provided to prevent any passenger from accidentally coming into contact with the driver or a control device.
- (17) If an omnibus has an access door rearwards of the driver's position, a mirror of suitable dimension must be so located to give the driver an adequate view of the door and the approaches.
- (18) Hand straps must be provided for standing passengers.
- (19) Floors must be covered and maintained with a skid resistant surface and must be so constructed and sealed as to prevent fumes from the engine or dust from the roadway entering the interior of the vehicle.
- (20) Each seating position must have a dimension of not less than 400mm when measured along the front of the squab.
- (21) The distance from the foremost point of each seat squab to the foremost point of the corresponding seat cushion must be not less 350mm.
- (22) There must be no obstruction horizontally forward of any joint on the seat squab for a distance of at least—
 - (a) 1.4m for an opposite facing seating position in an omnibus permitted to carry in excess of 25 passengers;
 - (b) 1.2m for an opposite facing seating position in any other omnibus;
 - (c) 660mm for other seating positions.

(23) There must be no obstruction in front of each seating position within a space 200mm horizontally forward of the seat cushion, 150mm on each side of the centre of the seating position and between the floor and the level of the seat cushion.

(24) The height of each un-depressed seat cushion must not exceed 500mm or be less than—

(a) 400mm in the case of an omnibus permitted to carry in excess of 25 passengers;

(b) 380mm in the case of other omnibuses; or

(c) 300mm when the normal floor level is interrupted by a wheel arch.

(25) Each seat must provide reasonable comfort and adequate support for passengers.

(26) The rear and top of a seat squab including a hand-rail must not have any sharp edges or projections.

(27) There must be no interior door separating the normal passengers' space from the access door or the emergency exit,

(28) An omnibus operating on a road route licence must be fitted with a passenger's stop signal within convenient reach of every passenger in order to provide communication with the driver.

(29) The interior of each omnibus must be equipped with lamps which give sufficient light for the convenience of passengers and the step tread and risers must be directly and adequately lighted.

(30) If a luggage rack is provided it must be affixed so that the vertical distance between the rack and the seat surface is not less than 950mm and the rack must be constructed to reduce to a minimum the possibility of injury to a passenger from any projection or by the accidental dislodgement of any luggage.

(31) If the transmission of an omnibus incorporates any longitudinal drive shafts, couplings or intermediate shafts, provision must be made to prevent the forward end of the shaft or coupling from contacting the road in the event of detachment of the forward end from its normal position.

(32) If glazed side windows are provided in the omnibus, not less than half the windows must be capable of being opened, unless an alternative means of ventilation is provided to the satisfaction of the Certifying Officer.

(33) Any material used in the construction of the body, floor and seats of an omnibus must be of fire resistant quality approved by the Authority.

(34) The suspension of an omnibus must incorporate a design feature approved by the Authority by which the front axle is prevented from moving backwards to such an

extent that the driver is likely to lose directional control of the vehicle in the event of a failure of a spring, torsion bar or other resilient component.

(35) Every omnibus must be fitted with a fire extinguisher of a type and capacity approved by the Authority.

(36) Every omnibus operating on a stage service must display—

(a) a sign on the front of the vehicle not less than 1.2m above the ground indicating the destination in letters clearly visible under daylight conditions at a distance of 50m; and

(b) signs indicating any route number specified in the road route licence, one of which must be located on the front of the vehicle and of such a size as to be clearly visible under daylight conditions at a distance of 50m and another located to the side of the vehicle for the benefit of passengers boarding the vehicle.

(37) Every omnibus operating on an express service must display signs on the front of the vehicle indicating the word EXPRESS at a height not less than 1.2m above the ground and of such a size as to be clearly visible at a distance of 50m under daylight conditions.

(38) An emergency exit—

(a) must be provided in the extreme rear of the vehicle; or

(b) may be provided in the roof in the rear half of the passenger compartment, if an additional emergency exit is provided in the right hand side of the rear half of the passenger compartment which provides for a minimum area of 3,200sq.cms with no dimension less than 500mm.

(39) The main emergency exit must have an area of not less than 7,000sq.cms for an omnibus permitted to carry in excess of 25 passengers and 5,200sq.cms for any other omnibus and no dimension of the main emergency exit may be less than 500mm.

(40) Every emergency exit must be—

(a) identified by a prominent notice inside and outside displaying the words EMERGENCY EXIT, by words or symbols indicating the method of opening; and

(b) capable of being opened outwards from both the inside and outside the vehicle.

Requirements for carriers

53.—(1) A carrier must have a minimum ground clearance of 160mm which, for the purpose of this regulation, is the minimum vertical distance between the ground and any point in the longitudinal vertical planes 150mm inboard of the near

side and offside; wheels with measurement made with the vehicle unladen and with tyres inflated to the manufacturer's recommended pressure.

(2) A carrier may have seating around the perimeter of the rear passenger space, except across the rear of the vehicle, if such seating is, to the satisfaction of the Authority—

- (a) securely fastened to a solid floor mounting;
- (b) capable of withstanding accidental impact; and
- (c) fitted with adequate cushioning and back support.

(3) A carrier must have access to the rear passenger space on the left side of the vehicle or at the rear and the access must, to the satisfaction of the Certifying Officer—

- (a) be not more than 600mm wide;
- (b) be fitted with a safety chain or drop bar which can always be in position while the vehicle is in motion; and
- (c) have folding or fixed steps available for the use of passengers boarding or alighting from the vehicle such that—
 - (i) the height of the first step above the ground is not more than 410mm;
 - (ii) the height of any other step is not more than 280mm;
 - (iii) the minimum tread width is 100mm; and (iv) the width of the steps is not less than 450mm.

(4) A carrier must in the rear passenger space provide as required by the Authority for the safe and secure storage of luggage, produce and other items accompanying the passengers.

(5) A carrier must, to the satisfaction of the Certifying Officer, provide the following fittings for the safety of passengers in the rear passenger space—

- (a) a fixed side panel of approved material not less than 1m high on all sides;
- (b) transverse roll bars which are—
 - (i) constructed in one piece of not less than 50mm outside diameter galvanized pipe or other approved material;
 - (ii) fixed not less than 1.5m apart with the front and rearmost roll bars fixed within 300mm of the front and rear of the tray respectively;
 - (iii) not more than 1.65m in height from the tray of the vehicle to the top of the roll bar; and
 - (iv) securely mounted on the chassis or sub frame of the vehicle at a point to link up with the chassis cross members; and
- (c) longitudinal support bars which are—

- (i) constructed in one piece of not less than 50mm outside diameter galvanized pipe or other approved material;
 - (ii) fixed, by welding or other means acceptable to the Certifying Officer, to the exterior of the roll bars at both top corners; and
 - (iii) at the front, rolled down so as to terminate immediately adjacent to the vehicle cab, and at the back terminated not more than 100mm beyond the rearmost roll bar.
- (6) If the rear passenger area is not fully enclosed to the satisfaction of the Certifying Officer, it must be enclosed with—
- (a) welded steel mesh; or
 - (b) pipes or other approved material fixed not less than 200mm apart, attached to the side panel and the roll bars.

(7) Any fitting, whether required by this regulation or otherwise provided on the vehicle, must be covered to the satisfaction of the Certifying Officer so as to be without sharp edges, corners or other obstructions that may cause injury or discomfort to a passenger.

(8) The distance from the foremost point of each seat squab to the foremost point of the corresponding seat cushion must be not be less than 350mm.

(9) The height of each un-depressed seat cushion must not exceed 500mm and must not be less than 380mm.

(10) Each seat must provide reasonable comfort and adequate support for a passenger.

(11) The interior of each carrier must be equipped with lamps to provide sufficient light for the convenience of passengers and step tread and risers must be directly and adequately lighted.

(12) If the transmission of a carrier incorporates any longitudinal drive shafts, couplings or intermediate shafts, provision must be made to prevent the forward end of any such shaft or coupling from contacting the road if the forward end is detached from its normal position.

(13) Any material used in the construction of the body, floor and seats of a carrier must be of fire resistant quality approved by the Authority.

(14) For the purpose of this regulation 'rear passenger space' is that area of the carrier behind the cabin enclosing the driver, used for the carriage of passengers and their luggage, produce and other items.

Requirements for taxis

54.—(1) Every taxi must have affixed on its roof a sign bearing the word 'TAXI' at the front (in black letters on a white background) and the rear (in black letters on a red background) of the sign.

(2) A taxi sign required under sub-regulation (1) must be wired so that at least the front is illuminated when the engine is switched to the ON position and the taximeter is switched to the OFF position.

(3) The back of the front squab of a taxi must display a sign indicating the registration number of the taxi in characters not less than 50mm in height and so located as to be readily visible to any passenger occupying the rear seat.

(4) A taxi must be of a size and dimension and have adequate head and leg room so that, in the opinion of the Certifying Officer, not less than 4 passengers may be comfortably seated.

(5) The doors and seats of taxis must be so constructed as to permit easy means of entrance to and exit from the vehicle and for this purpose and tip up front seats are not regarded as providing easy entrance or exit.

(6) A luggage space which in the opinion of the Certifying Officer is adequate must be provided for the passengers the vehicle is authorised to carry and the space must be kept in a condition to prevent any luggage from being damaged or soiled.

Requirements for hire vehicles

55. A hire vehicle must—

- (a) be of a size and dimensions and have adequate head and leg room so that, in the opinion of the Certifying Officer, the authorised number of passengers may be comfortably seated;
- (b) have at least 2 side doors for access for passengers and the driver;
- (c) have an engine capacity of not less than 800cc; and
- (d) have luggage space which is adequate for the passengers the vehicle is authorised to carry and must be kept in a condition to prevent any luggage from being damaged or soiled.

Seating capacity of public service vehicles

56.—(1) In determining the number of persons for which a public service vehicle has passenger seating capacity, the following provisions apply—

- (a) if separate seats for each person are provided, one person must be counted for each separate seat;
- (b) the width of each separate seat must not be less than 400mm when measured in accordance with paragraph (c);
- (c) if the vehicle is fitted with continuous seats, one person must be counted for each complete length of 400mm measured in a straight line lengthwise 150mm above the level of the seat and 150mm

forward of the back squab;

- (d) if a continuous seat is fitted with arms for the purpose of separating the seating spaces and the arms are constructed so that they can be folded back or otherwise put out of use, the seat must be measured with the arms down;

in the case of perimeter seating, one seating position must be counted for each corner and the first seating position adjacent to it must be measured not less than 500mm from the intersection of the front of the seat squabs;

in calculating the passenger seating capacity of the vehicle, the driver's seat is excluded;

if a radius edge is fitted on the edge of any seat to permit easy access for passengers, the seat must be measured as if there were no radius.

(2) For the purpose of this regulation a continuous seat which is contoured or shaped to provide defined seating positions is treated as providing separate seating.

(3) If the vehicle is required to be fitted with seat belts the number of seating positions must not exceed the number of seat belts.

(4) For the purpose of this regulation, "driver's seat" means—

(a) a separate seat provided to be occupied by a driver of a vehicle; or

(b) if no separate seat is provided, a part of a continuous seat of a vehicle—

(i) if the gear shift lever is on the floor of the vehicle - that extends from the right edge of the seat if the vehicle is steered from the right hand side, or from the left edge of the seat if the vehicle is steered from the left hand side to a point directly behind the head of the gear shift lever when in a position furthest from the driver; or

(ii) in any other case - 400mm of the right hand edge if the vehicle is steered from the right hand side or 400mm of the left hand edge if the vehicle is steered from the left hand side.

Other requirements for public service vehicles

57.—(1) Every public service vehicle must be equipped with a spare tyre mounted on a wheel and suitable for use on the vehicle and such wheel and tyre must comply with regulations 72 and 73 of the Land Transport (Vehicles Registration and Construction) Regulations and be available for use at all times.

(2) Every public service vehicle must be equipped with a serviceable jack, wheelbrace, wheel chocks and other equipment suitable for use on such vehicle for the purpose of changing wheels with safety.

(3) Notwithstanding sub-regulations (1) and (2), omnibuses permitted to carry in excess of 25 passengers need not carry a spare wheel and jack when carrying passengers within 10km from a service facility stocked with spare tyres and equipped with portable wheel changing equipment and operated by the licence holder.

(4) A motor cycle operated as a rental vehicle is not required to carry a spare tyre, spare wheel jack or wheel brace.

(5) Every public service vehicle, other than a rental motor cycle, must carry in the glove compartment, or in a clearly marked container adjacent to the driver's position, a first aid kit approved by the Authority.

(6) The Authority may require a public service vehicle other than a rental motor cycle to provide sufficient luggage space and such luggage space is to be compartmentalized for the safety of passengers.

Part 5— MISCELLANEOUS

Penalties

58. (1) A person who fails to comply with a provision of these Regulations commits an offence and is liable on conviction to the corresponding penalty prescribed for that offence in Schedule 2 to the Land Transport Fees and Penalties) Regulations 2000. (LN 50/2003)

Repeal

59. The following regulations are repealed—
- (a) Traffic (Taxis and Rental Cars) Regulations;
 - (b) Traffic (Use of Taxi Meters) Regulations.

Transitional

Inserted by LN 50 of 2003

Any proceedings instituted under these regulations with effect from 10th July 2000 is deemed to have been instituted under the amended regulation 58 despite the irregularity in the wording of that regulations

SCHEDULE
(Regulation 29)

TAXI FARES

ITEM *FARE*

1. Fares for journeys—

The following are the maximum fares for journeys by taxis with mechanical taximeters—

- (i) Flag Fall..... 50 cents
- (ii) For each or part of 230 metres after flag fall.....10 cents

The following are the maximum fares for journeys less than 16km by taxis with electronic taximeters or without taximeters - (LN 50/2003)

- (i) flag fall 50 cents
 - (ii) for the first or part of 250 metres after flag fall 14.2 cents
 - (iii) or each or part of 250 metres after the first 250 metres 10.7 cents
- Rounded down to the number of whole cents.

In any case—

- (a) Additional charges or payments may be added to the maximum fares set out in paragraph 1 for journeys outside Viti Levu, for waiting time, for night journeys and in repayment of tolls and ferry charges incurred as set out in paragraph 2.
- (b) Operators may charge below the maximum fares and charges.

2. Additional charges.

Additional charges may be added to the maximum fare set out in paragraph 1 as follows—

- (a) Charges for journeys outside Viti Levu.

An additional charge of 5 cents for each separate journey may be made in respect of all journeys outside Viti Levu.

- (b) Charges for waiting.

Subject to paragraph 3(a), if a taxi is required to wait for a period either before, during or at the end of a journey, additional charges for waiting may be made at the rate of 25 cents for each 5 minutes after the first 5 minutes of each separate period of waiting time.

- (c) Special hours rates.

An additional charge at the rate of 50 cents for each journey may be made for the hire of taxis between 10pm and 6 am.

(d) Tolls and ferry charges.

A hirer of a taxi must reimburse—

(a) any tolls and ferry charges incurred during a hiring; and

(b) any charges which will have to be incurred in respect of the vehicle on its return journey to the place from where the hiring commenced.

3. Miscellaneous—

(a) Delay by driver.

No charge is to be made for a period during which a vehicle is delayed because of a shortage of petrol or diesel or because of any accident or as a result of a mechanical or other defect, or through any event or happening which is within the power of the driver to prevent.

(b) Delay by police or authorised officer.

No charge is to be made for a period during which a vehicle is delayed because of the instructions of a police or authorised officer given under the provisions of the Act.

(c) Journeys made by taxi to a picking-up point.

If a taxi driver by appointment travels to a pick-up point (in this paragraph referred to as 'the specified place') to pick up a hirer or his or her luggage or goods from the specified place in order to convey the hirer or luggage or goods to another place, no charge is to be made for the journey of the taxi to the specified place and the following procedure applies—

(i) the driver must, on arrival at the specified place, give reasonable notice to the hirer personally of the arrival of the taxi;

(ii) if a taximeter is affixed to the taxi, the driver must set the taximeter in motion at the time of giving notice of arrival to the hirer or at the time appointed for the arrival of the taxi at the specified place, whichever is the later, and the hiring and the journey must be regarded as commencing when the taximeter is so set in motion and no sooner; and

(iii) if a taximeter is not affixed to a taxi, the hiring and journey is regarded as commencing at the time of the giving of notice of arrival to the hirer or at the time appointed for the arrival of the taxi at the specified place, whichever is later, and no sooner.