

**SECTION 113 —LAND TRANSPORT (VEHICLES REGISTRATION AND
CONSTRUCTION) REGULATIONS 2000**

Legal Notice No. 59 of 2000
Amended by Legal Notice No. 49 of 2003

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Part 1 — Preliminary

Citation and commencement

1. These Regulations may be cited as the Land Transport (Vehicles Registration and Construction) Regulations 2000, and come into force on 10th July 2000.

Interpretation

2. In these Regulations, unless the context otherwise requires—
 - 'aggregate axle load' means the aggregate of all of the axle loads of a vehicle;
 - 'approved form' means a form approved by the Authority for the purpose of these Regulations;
 - 'articulated vehicle' means a motor vehicle with a trailer, the trailer being called a semi-trailer, having no front axle and attached to the motor vehicle so that part of the trailer or its load is superimposed upon the motor vehicle over or ahead of its rear axle and a substantial part of the mass of the trailer or its load is borne by the motor vehicle;
 - 'authorised inspection business' means a business authorised under regulation 108;
 - 'axis of pivot pin' means the centre of articulation of an articulated vehicle;
 - 'axle' means any part of the vehicle through which weight is transmitted directly through a bearing to a road wheel and its tyre or 2 or more road wheels and their tyres where the centres of the wheels lie in the same transverse plane;
 - 'axle load' means the weight transmitted to the road through all the wheels and their tyres on an axle;
 - 'bolster' means a frame fitted to a motor vehicle or trailer to contain long poles or logs;
 - 'cm' means centimetres;
 - 'centre of rear axle' means in the case of a single rear axle the centre line of that axle, in the case of a tandem axle the line which is midway between the centre line of each axle comprising the tandem and in the case of a tri-axle the centre of the middle axle;
 - 'certifying officer' means a person appointed as such under section 9(1)(c) or 19(1);
 - 'child restraining device' means a device intended to restrain a baby or a child to the position in which the device is fitted in the event of a vehicle crash;
 - 'combination vehicle' means a motor vehicle with a trailer the laden mass of which exceeds 3 tonnes;
 - 'freight container' means a box-like goods receptacle provided with corner fittings designed to attach the freight container to a vehicle by means of twist locks;
 - 'gross combination mass' '(GCM)' means the maximum permissible aggregate mass of a combination vehicle or an articulated vehicle determined according to these Regulations;

'gross vehicle mass' '(GVM)' means the maximum permissible aggregate mass of the vehicle determined according to these Regulations;

'hazardous substance' means any article or substance which is capable of posing a significant risk to life, health, safety or property or to the environment;

'kg' means kilograms;

'km/h' means kilometres per hour;

'laden mass' means the mass of a vehicle and its load;

'licence class' means a class of licence prescribed in Schedule 1 to the Land Transport (Drivers) Regulations 2000.

'load sharing system' means a system designed to share the load between the axles comprising a tandem, a twin steer axle or a tri-axle;

'm' means metres;

'mm' means millimetres;

'motor cycle' means a motor vehicle designed to travel on 2 wheels and having an unladen mass not exceeding 410kg;

'motor tractor' means a motor vehicle adapted or constructed for the purpose of hauling, lifting, moving or pushing but which is not itself designed to carry goods or passengers, and includes ancillary equipment mounted on or affixed to the vehicle forming part of it;

'pole type trailer' means a trailer on which the rear axles are connected to the motor vehicle by means of a pole and which is intended for the carriage of long poles or logs and which when fitted to a motor vehicle and loaded with poles and logs becomes a semi-trailer;

'prescribed fee' means the fee prescribed in Schedule 1 to the Land Transport (Fees and Penalties) Regulations 2000;

'prescribed penalty' means the penalty specified in Schedule 2 to the Land Transport (Fees and Penalties) Regulations 2000;

'rear overhang' means the distance from the effective centre of the rear axle or axle group to the rearmost portion of the vehicle or its load as the case may be;

'registration certificate' means a certificate issued by the Authority when a vehicle is first registered or transferred containing the information specified in section 51(1);

'registration notice' means a notice issued by the Authority stating that a vehicle is registered for the period shown on the notice and other appropriate details of the vehicle, its use, ownership and registration label;

'sq. cm' means square centimetre;

LN 49/03 'private motor vehicle' means a motor vehicle constructed or adapted to carry not more than 7 passengers excluding the driver for the private use of the owner and not for commercial purposes or as public service vehicle;

'twist-lock' means a device fitted to or forming part of a vehicle and designed to secure the corner fittings of a freight container;

'unladen mass' '(UM)' means the mass of a vehicle without any load but with a full tank of fuel, the design content of lubricants and other fluids and with

spare wheel, tools and other equipment necessary for the operation of the vehicle;

'visitor's motor vehicle' means a motor vehicle or trailer temporarily imported into the Fiji Islands by a visitor;

'wheel' means a wheel the tyre of which is in contact with the ground.

'wheel base' means the dimension measured horizontally and parallel to the longitudinal axis of the vehicle between the front and the rear wheel centrelines at unladen mass and—

(a) in the case of multiple axle in the rear axle group - the dimension is the midpoint of the centrelines of the extreme axles of the axle group; or

(b) in the case of a steerable front axle or axle group – the dimension is the authorize of the foremost axle;

'wheel load' means the weight transmitted to the road through a wheel and its tyre.

(2) In these Regulations, unless the context otherwise requires a reference to “apply” or “application” means to apply or make an application to the Authority in the approved form and accompanied by the prescribed fee.

(3) In these Regulations, a reference to a section is a reference to a section of the Land Transport Act 1998.

Search for records

3.—(1) Any person may apply to search the vehicle records kept with the Authority

(2) The Authority must not provide the applicant with any other information other than is necessary to meet the reasonable needs of the applicant.

(3) An application under sub-regulation (1) may be made by the prospective purchaser of a vehicle and may request information regarding any arrears in the prescribed fees relating to the vehicle.

Part 2 — Registration Administration and Procedures

Permits for unregistered vehicles

4.—(1) The Authority may issue a permit to drive an unregistered motor vehicle on a public street for—

(a) the purpose of taking the vehicle to the Authority for the purpose of registration;

(b) the purpose of taking the vehicle to a motor garage for repairs;

(c) the purpose of taking the vehicle to a place where it is intended to be used other than on a public street;

(d) the purpose of taking the vehicle to an authorize officer for inspection; or

(e) any other purpose specified in the permit.

(2) A permit issued under sub-regulation (1) has the same effect as if the owner cancels the registration under regulation 18, except that the vehicle may be used other than on a public street.

Determining age of vehicle

5. The age of a vehicle is determined by the Authority and must generally be determined as the year of manufacture of the vehicle chassis.

Authorisation and exemptions

6.—(1) Registration of a vehicle *authorize* the use of the vehicle subject to the licence or permit issued and to any conditions of the licence or permit imposed under the Act or regulations in respect of the registered vehicle.

(2) Registration of a vehicle does not *authorize* the use of the vehicle contrary to any other written law in relation to the transportation of hazardous substances.

(3) The Authority may, upon application, issue an exemption permit in respect of the use of a vehicle, subject to any restrictions and conditions which the Authority considers appropriate, as follows—

- (a) an unregistered vehicle permit issued under regulation 4 (1);
- (b) subject to sub-regulation (4), a public service vehicle exemption permit which exempts a vehicle from the requirement to be licensed as a public service vehicle;
- (c) a vehicle construction exemption permit issued under regulation 35 (2);
- (d) an over-dimensional vehicle permit issued under regulation 83 for dimensions other than weight;
- (e) an overweight vehicle permit issued under regulation 83; and
- (f) an excess passenger permit issued under regulation 39(2) of the Land Transport (Traffic) Regulations 2000.

(4) The Authority must not grant an exemption under sub-regulation (3) (b) if there is an appropriate public service vehicle available for the use of the residents of the district or area for which the exemption for the service is sought.

Application for registration

7. An application for the registration or renewal of the registration of a motor vehicle or trailer or the transfer of a motor vehicle from one licence class to another or a permit to use an unregistered vehicle must—

- (a) include the name of a party that has a financial interest in the vehicle; and
- (b) in the case of a permit to use an unregistered vehicle - be accompanied by a statement acceptable to the Authority that the vehicle—
 - (i) is safe for the use for which the permit is sought; and
 - (ii) complies with the regulations in regard to vehicle construction or is exempted by the Authority.

Prerequisites for registration

8.—(1) The Authority must not register or renew the registration of a vehicle unless it is satisfied that—

- (a) the vehicle has passed any inspection required under Part 13;
- (b) the vehicle complies with the provisions of the Act and regulations in relation to construction and equipment or has been issued with a valid exemption;
- (c) any assembly or modification complies with regulations 36 and 38;
- (d) the third party insurance premium has been paid in respect of such vehicle;
- (e) the applicant is aged 17 years or over; and
- (f) any outstanding fees or penalties under the Act or regulations have been paid in full.

- (2) Before registering a vehicle, the Authority must require the applicant to produce -
- (a) a copy of the certificate of the relevant customs entry and a copy of the bill of lading;
 - (b) a certificate from a certifying officer that the vehicle conforms in all respects with the provisions of every written law or other requirements of the Authority for the time being in force in relation to the construction *and* equipment of the vehicle;
 - (c) a certificate, to the satisfaction of the Authority, containing the following information—
 - (i) all the relevant identification numbers of the vehicle;
 - (ii) stating whether the vehicle was imported into the Fiji Islands —

- (A) as a complete vehicle unit, as presented for registration;
- (B) as component parts, incorporating a full body or shell;
- (C) as component parts, other than a full body or shell; or
- (D) in any other condition; and

(iii) whether the vehicle has had its registration cancelled in its country of origin or any other country in which it has previously been registered; and,

(d) If the certificate of registration is not in the English language, a certified translation of the certificate in English language

(3) The Authority must not register a vehicle or issue a permit to use an unregistered vehicle in respect of a vehicle in which the centre of the steering wheel is to the left of the centre of the vehicle.

(4) Sub-regulation (3) does not apply to a vehicle owned by a person to whom section 6, 12(1) or 12(2) of the Diplomatic Privileges and Immunities Act applies.

(5) A certifying officer must not certify any vehicle owned or operated by his or her employer or a company in which the certifying officer has a financial interest.

(6) A certifying officer may certify that the construction of a vehicle complies with regulation 37 or any other regulations relating to construction and equipment.

Periods and validity of registration

9 — (1) Subject to sub-regulation (2), a motor vehicle registration, unless cancelled under regulation 16, is valid for 6 or 12 months depending on the period for which the fee has been paid, in the case of—

- (a) a new licence – from the date of issue; or
- (b) a renewal of a registration - from the date of expiry of the previous registration.

(2) The expiry date of a motor vehicle registration may be a multiple number of months from the previous expiry date and must not exceed 28 days from the date of expiry of a certificate issued under Part 13 and may, subject to the provisions of that part, be adjusted to an earlier date in which case a refund is due to the owner.

(3) The registration of a vehicle is of no effect after the expiry date indicated in the records of the Authority.

(4) Sub-regulation (3) does not apply if the registration or renewal is delayed by the Authority, unless the delay relates to the inspection of a vehicle or any remedial work required as a result of the inspection.

(5) This regulation does not authorise a vehicle to be used contrary to section 49 or validate any act by the owner or driver done between the expiry of the registration and its subsequent renewal.

Registration procedures

- 10.—(1) Upon acceptance of an application under regulation 7, the Authority must—
- (a) record the registration, renewal of registration or permit to use an unregistered vehicle in the record of vehicles and enter on the registration certificate—
 - (i) all the particulars set out in the application;
 - (ii) the parties that have a financial interest in the vehicle;
 - (iii) the licence class and any restrictions imposed on the use of the vehicle; and
 - (iv) the particulars of any number plates and any registration label issued in respect of the vehicle;
 - (b) issue a registration notice;
 - (c) issue or update the registration certificate;
 - (d) in the case of a new registration or transfer from one licence class to another, issue to the applicant—
 - (i) number plates displaying the registration number which has been assigned to the vehicle; and
 - (ii) labels to be affixed to the number plates indicating the class of licence issued.

(2) The Authority may impose restrictions on the use of a vehicle as a condition of its registration or on the issue of a permit to use an unregistered vehicle.

(3) In the case of a new registration, if the applicant is the holder of reserved or unique number plate and the plate has not been assigned to another registered motor vehicle, the Authority may fit those plates to the vehicle being registered and the Authority must assign the reserved or unique number to the vehicle and issue an appropriate registration label.

Different fees payable for licence classes, etc.

11.—(1) If a motor vehicle is required to be registered for two or more classes of licence, one registration fee is to be paid and if different fees are prescribed for each class, the registration fee payable is the highest prescribed fee.

(2) A person who uses or permits another person to use a motor vehicle for which a registration fee has been paid as a motor vehicle of a class for which a higher registration fee is payable and has not been paid must, within 21 days after being notified by the Authority, pay the difference in the fees.

(3) If the licence class for which a vehicle is registered is changed, other than at the time of registration or renewal, the owner must pay any adjustment for the difference in registration fees.

Misuse of a vehicle as a public service vehicle

12.—(1) If the Authority is of the opinion that a vehicle has been used as a public service vehicle without a public service vehicle licence, the Authority may issue to the owner of the vehicle a notice stating—

- (a) its opinion and the reasons for its opinion;
- (b) that unless the vehicle immediately ceases to be used as a public service vehicle, the Authority will cancel the registration of the vehicle; and
- (c) a date by which the owner must respond in writing to the notice.

(2) Sub-regulation (1) does not limit any other action which may be taken by the Authority in respect of the improper use of a vehicle as a public service vehicle.

Part 3 — Registration, Transfer, Suspension Cancellation, etc.

Alterations to vehicles

13.—(1) The owner of a registered motor vehicle must, in writing, notify the Authority within 14 days of—**(LN 49/03)**

- (a) any change in the basic colour of the vehicle;
- (b) the substitution of another engine or of a substantial part of it, for the engine on which the engine number appears;
- (c) any change in name of the registered owner as a result of marriage or deed poll;
- (d) any change in address of the registered owner;
- (e) any change in the number of seats, body type, unladen mass, gross vehicle mass or gross combination mass;
- (f) any change to the parties that have a financial interest in the vehicle.

(2) On receipt of a notice under sub-regulation (1), the Authority must enter the details of the change on the record of the vehicle kept by it.

(3) If fees are adjusted as a result of a change under sub-regulation (1), the owner of the vehicle is either entitled to a refund or must pay the difference to the Authority.

Transfer of registration

14.—(1) The registered owner of a vehicle the ownership of which has been changed must notify the Authority of the change within 7 days after the date of the change.

(2) The new owner of a vehicle must, within 7 days after acquiring the vehicle, apply to the Authority for a transfer of registration of the vehicle.

(3) The notice referred to in sub-regulation (1) must include—

- (a) the authorisation of all parties that have a financial interest in the vehicle; and
- (b) the registration certificate.

(4) An application under sub-regulation (2) must include the name of any party that has a financial interest in the vehicle.

(5) Sub-regulations (1), (2), (3) and (4) do not apply to a change of ownership consequent on a contract of hiring where the period of hiring does not exceed 6 months or if the registered owner continues to employ and pay the driver of the vehicle.

(6) If the registered owner dies, the personal representatives of the deceased in the Fiji Islands or, in the absence of any personal representative in the Fiji Islands, the person in possession of the motor vehicle, is deemed to be the registered owner and the personal representative or that other person must notify the Authority of the death of the registered owner within one month from the date of death.

(7) Sub-regulations (1), (2), (3) and (4) do not apply to any change of possession of a motor vehicle which occurs by reason of the vehicle being lawfully seized under a hire purchase agreement or bill of sale but the following provisions apply—

- (a) the registered owner must within 7 days of the seizure inform the Authority in writing of the change of possession and deliver up the certificate of registration; and
- (b) the reposessor must within 7 days of seizing the motor vehicle apply to the Authority to be registered as the owner.

(8) If the registered owner of a motor vehicle fails to comply with this regulation, the Authority on being satisfied that a change of ownership has taken place lawfully may cause the motor vehicle to be registered in the name of the new owner, but without prejudice to any prosecution for an offence under this regulation.

(9) The Authority may refuse to transfer the registration of a vehicle until any outstanding prescribed fees have been paid in full.

(10) The Authority must issue a registration certificate to the new registered owner if it is satisfied that the transfer has been processed in accordance with these Regulations.

(11) The Authority may refuse to transfer the registration of a vehicle if it is of the opinion that the transfer is designed to defeat the purposes of regulation 12.

(12) The Authority must not transfer a vehicle if its registration has been suspended or cancelled under regulation 16.

Exemption of visitors' motor vehicles from registration requirements

15.—(1) A visitor's motor vehicle must be exempted by the Authority from the requirements for registration specified in this Part, if the motor vehicle—

- (a) is registered in another country, and has its registration certificate or other sufficient evidence of its registration in that country; and
- (b) is insured against third party risks in the Fiji Islands.

(2) An exemption under sub-regulation (1) is valid—

- (a) for 6 months from the date on which the vehicle was brought into the Fiji Islands;
- (b) until the expiry of registration of the vehicle in the other country; or

(c) until the visitor's motor vehicle is sold or otherwise disposed of by the visitor to any other person, whichever first occurs.

(3) The visitor must produce to the Authority the registration certificate of the motor vehicle or other sufficient evidence of the registration certificate in the other country.

Powers to cancel, suspend or refuse registration

16.—(1) The Authority may cancel or suspend a registration or refuse to renew the registration in respect of a vehicle if—

- (a) the owner has failed to comply with a notice of demand issued under section 35(1)(a);
- (b) the vehicle which has been registered under regulation 6 has been used contrary to any licence or permit;
- (c) the vehicle has been misused as a public service vehicle as described by regulation 12;
- (d) the public service vehicle's permit has been cancelled under regulation 12 of the Land Transport (Public Service Vehicles) Regulations 2000;
- (e) the owner has failed to present the vehicle for inspection under regulation 102 or 105;
- (f) the owner has failed to present the vehicle within the specified time for clearance of a defect order issued under regulation 106;
- (g) the vehicle has changed ownership and the new owner has failed to comply with regulation 14;
- (h) the registration has been suspended under regulation 19 for a period in excess of 12 months;
- (i) the cancellation has been ordered by a court; or
- (j) the owner has failed to comply with the requirements of regulation 22.

(2) If registration has been suspended under this regulation and expires during the period of suspension, the Authority must—

(a) not renew the registration in the name of the owner or in any other name before the end of the period of suspension; and

(b) after the expiration of the period of suspension, renew the registration from the date of expiry of the previous registration.

(3) The Authority may, when cancelling registration under this regulation, specify a period of not less than 6 months within which the vehicle may be re-registered.

(4) The Authority may only consider an application to remove the cancellation of registration of the vehicle if it is satisfied that the reasons for the cancellation no longer exist and any specified period of cancellation has expired.

(5) If the registration of a vehicle has been suspended or cancelled by the Authority, the owner of the vehicle must, within 7 days of receiving a written notice of suspension or cancellation, from a police officer or an authorised officer, deliver the certificate of registration and the number plates of the vehicle to the place or person specified in the notice.

Advice when vehicle ceases to exist

17.—(1) A person who scraps, dismantles or destroys a vehicle or purchases a vehicle as scrap or to be dismantled or destroyed must immediately cause the certificate of title to be posted or personally delivered within 7 days to the Authority for cancellation.

(2) A certificate of registration of the vehicle must not again be issued except upon application containing the information the Authority requires, accompanied by a certificate of registration issued by a certifying officer that the registration number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the authority reasonably requires.

Owner may cancel registration

18.—(1) The owner of a vehicle may apply for the cancellation of the registration of the vehicle.

(2) On receipt of the application, the registration certificate and the number plates, the Authority must—

- (a) cancel the registration;
- (b) record the details in the appropriate record of vehicles;
- (c) refund pro rata the registration fees for an unexpired period of 3 months or more, less 10% administrative charge and any outstanding payment or penalty owing; and
- (d) dispose of or destroy the number plates.

Owner may request suspension

19.—(1) The owner of a vehicle may apply for suspension of the registration if the vehicle is likely to be off the road for more than 30 days.

(2) On receipt of the application, the registration certificate and the number plates, the Authority must suspend the registration.

(3) An application under sub-regulation (1) must be submitted to the Authority within 7 days of the vehicle being taken off the road.

(4) The owner of a vehicle may apply to have the suspension of vehicle registration removed.

(5) Upon receipt of an application under sub-regulation (4), the Authority must remove the suspension of registration and return the registration certificate and number plates.

(6) If the registration has expired, the application will be subject to regulation 7 except that—

- (a) the registration fee is payable from the date the suspension is removed; and
- (b) the period of registration commences from that date.

(7) The Authority may waive or refund any fees for the period that the registration is suspended under the provisions of this regulation.

Change in registration to a public service vehicle

20. If a registered vehicle is not licensed as a public service vehicle and is to be used as a public service vehicle subsequent to the approval of an application under regulation 5 of the Land Transport (Public Service Vehicles) Regulations 2000, the vehicle must be inspected and if it passes inspection a transaction must be made which will have the effect of—

- (a) a refund of fees as if the vehicle registration was cancelled;
- (b) adjustment of fees;
- (c) correction of any other registration details appropriate to the vehicle as a public service vehicle;
- (d) extension of the renewal date as if a normal renewal was being processed; and
- (e) payment of the fees resulting from paragraph (d).

Part 4 — Registration Certificates, Plates, Labels, etc.

Affixing number plates and labels

21.—(1) The Authority must issue and affix number plates and number plate labels assigned to a vehicle registered under the Act.

(2) The owner of a vehicle must affix and keep affixed in a clean and readable condition the registration label issued by the Authority. **(LN 49/03)**

Documents to be produced

22.—(1) The driver of a motor vehicle must, on demand by a police officer or an authorised officer, produce for inspection by the officer—

- (a) the current original registration certificate or other proof of ownership;
- (b) any evidence that the vehicle is permitted to be used under regulation 4 (2); or
- (c) a copy of the relevant traders permit if the vehicle is being used under regulation 33.

(2) A person who fails to comply with sub-regulation (1), must within 3 days after the failure, produce for inspection at a police station or any other place specified by the officer—

- (a) the current registration certificate;
- (b) evidence that the vehicle is permitted to be used under regulation 4(2); or
- (c) a copy of the relevant trader's permit if the vehicle is being used under regulation 33.

Form of number plates and labels

23.—(1) The size of a number plate must not be less than 370mm in length and 135mm in width and the letters and numbers must be on one line and must not be less than 82mm in height and every part of the letters and the numbers must not be less than 11mm stroke width except in the case of a motor cycle. (LN 49/03)

(2) The size of the number plates of a motor cycle must not be less than 185mm in length and 82mm in width and the letters and numbers must be on one line and must not be less than 50mm in height and every part of the letters and numbers must not be less than 6mm stroke width.

(3) The Authority may change—

(a) the series, type, format or colour of number plates issued to all vehicles or to different licence classes and may require all vehicles with a superseded number plate to change to a new number plate; and

(b) the type, format or colour of number plate labels issued to all vehicles or to different licence classes and may require all vehicles with a superseded label to change to the new label.

(4) The Authority may—

(a) by notice in the Gazette, set a date not less than 3 months later requiring every vehicle to use new number plates; or

(b) issue a series of number plates at the time of registration or renewal of it.

(5) The Authority may charge a prescribed fee for issuing number plates or number plate labels.

Reservation and transfer of number plates

24.—(1) The Authority may allow a person to reserve a number plate in the same form and within the same series of characters as the number plates issued by the Authority and if it is reserved the person must apply for the supply of the number plates.

(2) Reserved number plates must only become available in accordance with the normal sequential issue of number plates.

(3) If a reserved number plate is not affixed to the applicant's vehicle within 3 months of the Authority giving notice that the number plate is available, the prescribed fee is to be forfeited to the Authority and the Authority may issue the number plate to another vehicle.

(4) The Authority may upon application approve—

(a) the transfer of number plates from one vehicle to another, regardless of the ownership of the vehicles involved; or

(b) the issue of new number plates for a vehicle.

(5) The transfer of number plates, the issue of new number plates and the issue of reserved number plates is subject to the return of any number plates previously affixed to the vehicle and to the revision of the registration certificate.

Unique number plates

- 25.—(1) Subject to this regulation, the Authority may issue unique number plates.
- (2) A unique number plate may be in any form and display whatever combination of characters the Authority determines.
- (3) The Authority is the sole authority for the classification of unique number plates as being inappropriate for issue and must not permit the issue of such plates.
- (4) The Authority may sell a unique number plate—
- (a) by auction or tender at a minimum prescribed fee, provided that if the Authority is dissatisfied with the highest price offered it may negotiate a price with the person offering the highest price or with any other person or may refuse to sell the plates; or
 - (b) by private sale for an amount not less than the minimum prescribed fee if the Authority is satisfied that the plate will not attract sufficient interest to justify an auction or tender, or if the amount offered is likely, in the opinion of the Authority, to exceed the amount offered at an auction or tender.
- (5) The Authority may approve the transfer of unique number plates from one person to another or from one vehicle to another.

Replacement of registration certificates, labels and number plates

26. The Authority must upon application issue replacement registration certificates, registration notices, registration or number plate labels and number plates provided that—
- (a) the number plates issued to the vehicle concerned are returned; and
 - (b) if the registration certificate, registration notice, registration label or number plate label or one or more of the number plates has been destroyed, defaced, stolen or lost, a statutory declaration is made to that effect.

Documents for vehicles taken abroad

- 27 —(1) A person intending to take a registered motor vehicle out of the Fiji Islands may apply to the Authority to obtain the Fiji Islands identification marks for the vehicle and the Authority must issue such identification marks.
- (2) The Authority may, upon application, issue for use outside the Fiji Islands a document containing the following particulars in respect of the vehicle or trailer—
- (a) the registration number;
 - (b) the date of first registration;
 - (c) the name and trade mark of the manufacturer;
 - (d) all identification numbers provided by the manufacturer;
 - (e) the full name and address of the applicant;
 - (f) the unladen mass and GVM or GCM of the vehicle; and
 - (g) any other information approved by the Authority.

- (4) The Authority may inspect a vehicle for the purpose of this regulation.

Part 5 — Motor Vehicle Dealing Business

Application to operate an authorised vehicle dealing business

28.—(1) An application to operate an authorised vehicle dealing business must be accompanied by a statement from the appropriate council or rural local authority to the effect that a business licence will be issued in respect of the premises.

(2) An application for the renewal of a certificate must be made at least 3 months before the expiry of the current certificate.

(3) A separate application must be made for any vehicle dealing business that is more than 1 km from another such business operated by the applicant.

Consideration of an application

29. Before registering an authorised vehicle dealing business and issuing a certificate of registration, the Authority must be satisfied that—

- (a) the applicant is a fit and proper person to operate a vehicle dealing business;
- (b) the applicant has unrestricted and reasonable access to premises and facilities to be used in the vehicle dealing business;
- (c) the premises and facilities comply with the appropriate code of practice relating to showroom space, availability of spare parts, workshop facilities and other requirements;
- (d) the appropriate council or rural local authority has approved or intends to approve the premises for the business of vehicle dealing.

Vehicle dealing certificate

30.—(1) A certificate of registration is valid for 5 years subject to the payment of the prescribed annual fee and a certificate for which an annual fee has not been paid is invalid.

(2) A certificate of registration must—

- (a) be limited to the premises, locations and other conditions specified on the certificate; and
- (b) be displayed in a prominent place in the place of business.

(3) The holder of a certificate of registration may apply to the Authority for the amendment of the certificate to include other premises, locations and conditions if any change is required in the operation of the business.

(4) An expired certificate must be surrendered to the Authority upon renewal.

(5) A certificate which has been cancelled by the Authority must be surrendered to the Authority

(6) An authorised officer may at a reasonable time and without warrant enter premises for the purpose of seizing a cancelled certificate.

Management of the business

31.—(1) Subject to sub-regulations (2), (3) and (4), the operator of a vehicle dealing business must provide on all vehicles sold, including by auction or tender, a mechanical warranty of not less than 3 months or 6,000 kilometres, whichever occurs first, complying with the appropriate code of practice.

(2) Sub-regulation (1) applies to every motor vehicle or trailer, except for a vehicle or trailer—

- (a) sold to the holder of a vehicle dealing certificate;
- (b) more than 10 years old;
- (c) sold for less than \$8,000; or
- (d) disposed of under regulation 17.

(3) Subject to sub-regulation (4), a warranty under sub-regulation (1) extends to a vehicle which is unregistered as a result of—

- (a) never having been registered;
- (b) the cancellation of its registration under regulation 16 or 18; or
- (c) the expiration of its registration.

(4) Sub-regulation (1) does not apply to a vehicle that is exempted under sub-regulation (5).

(5) The Authority may, upon application, issue a warranty exemption to the operator of a vehicle dealing business, in respect of a vehicle that is in such a condition that it requires extensive body or mechanical repairs before being certified fit for use on a public street, if the registration of the vehicle has been cancelled under this Part.

(6) The operator of a vehicle dealing business must in respect of every transaction—

- (a) maintain a register in a form approved by the Authority showing the date, time, name of purchaser or seller, the registration number of the vehicle purchased or sold and bills of sale issued; and
- (b) maintain a receipt book showing payments received and receipts issued.

(7) The register and receipt book referred to in sub-regulation (6) must be retained for a period of not less than 12 months and must be produced for inspection on demand by an authorised officer.

(8) The operator of a vehicle dealing business must maintain the facilities to a standard acceptable to the Authority and as set out in the relevant code of practice.

(9) An authorised officer may at a reasonable time enter without warrant any vehicle dealing premises for the purpose of inspecting the premises or facilities.

Cancellation when the holder is unfit

32.—(1) If it appears to the Authority that a person operating a vehicle dealing business is or has become, either by reason of impropriety or incompetence or for any other reason, unfit to operate a vehicle dealing business, the Authority may, by notice in writing served personally upon the person, or sent to him or her by registered post at his or her last known or usual place of residence or at his or her place of business, call upon him or her to appear before the Authority at a time and place stated in the notice, and to produce his or her certificate of registration and show cause why it should not be cancelled.

(2) A notice served under sub-regulation (1) must state the grounds of the proposed cancellation.

(3) The Authority must, when proceeding under sub-regulation (1), take into consideration the matter stated in the notice and any evidence given, and may cancel the certificate of registration.

Trader permits and trade plates

33.—(1) The Authority may, upon application, issue to the holder of a vehicle dealing certificate a trader identification permit, if the Authority is satisfied that the permit is required as part of the vehicle dealing business.

- (2) The issue of a trader identification permit is subject to the following conditions—
- (a) that no vehicle is to be used under it except for the purpose of the holder's business;
 - (b) that if the vehicle is a goods vehicle any load carried must be for the purpose of demonstrating the vehicle to a prospective buyer and that no reward will be received for the carriage of goods;
 - (c) that the permit will not be used in relation to a vehicle that—
 - (i) is not fit for safe use;
 - (ii) does not comply with the regulations in regard to vehicle construction;
 - (d) that no person will use any vehicle under it other than the holder of a permit or an employee, or a prospective buyer if he or she is accompanied by the holder of the permit or an employee or an authorised officer performing duties under this Act; and
 - (e) any other condition the Authority thinks fit to impose.

(3) A permit issued under sub-regulation (1) is valid for 12 months.

(4) The Authority may, upon application, issue to the holder of a trader identification permit a pair of trade plates indicating the identity of the permit holder and the identity of each trade plates held by the permit holder.

(5) The operator of a vehicle dealing business may be issued with 2 or more pairs of trade plates.

(6) A person driving a motor vehicle under the authority of a trade identification permit must prominently display on the front and back part of the vehicle and as close as practicable to the centre of the vehicle the trade plate.

(7) The Authority may cancel a trader identification permit if it is satisfied that the permit has been used contrary to the conditions imposed under sub-regulation (2).

(8) If a permit has expired but not renewed, has been cancelled under sub-regulation (7) or is no longer required, the holder of the permit must return the permit and the trade plates issued under sub-regulation (4) to the Authority within 14 days.

(9) If a trader identification permit and the relevant trade plates are returned to the Authority, the Authority must, unless the permit has been cancelled under sub-regulation (7), refund on a pro rata basis the annual fees paid for the permit according to the number of complete months from the date of surrender to the date of expiry less 10% administrative charge.

Appeals

34.—(1) Where the Authority has delegated its power to issue a vehicle dealing certificate or trader permit, a person aggrieved by a decision of an officer acting under delegation of the Authority to refuse to issue or re-issue or to cancel such certificate or permit may request that the decision be reconsidered by the Authority which may confirm or vary the decision.

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

Part 6 — Vehicle Construction

Compliance with construction regulations

35.—(1) A motor vehicle or trailer to be used in a public street must comply with the requirements of this Part.

(2) Notwithstanding sub-regulation (1), the Authority may exempt—

(a) a vehicle or class of vehicles whose age or design of such vehicle, or other feature makes it impractical for such vehicle to have been constructed to comply, other than vehicles that were registered in the Fiji Islands prior to this Part becoming effective; or

(b) individual specialised vehicles if the Authority determines that it is impractical for the vehicles to comply with this Part because of their specialised nature.

(3) A vehicle which has been granted an exemption under this regulation must only be used in accordance with the conditions of the exemption.

(4) If the Authority intends to withdraw from a vehicle an exemption granted under sub-regulation (2), the Authority must give at least 12 months notice to the owner of the vehicle

(5) A person aggrieved by the issue of notice under sub-regulation (4) may appeal to the Tribunal within 14 days of receiving the notice.

Obligations of manufacturers

36.—(1) A person who intends to manufacture or assemble a motor vehicle or trailer or add a body to a motor vehicle chassis or to modify a motor vehicle under regulation 38 must, before commencing work, make an application accompanied by a plan and specification.

(2) The Authority may require an applicant to submit any other document, including a report from a certifying officer heeded to satisfy the Authority that the proposed manufacture complies with the Act and regulations.

(3) The Authority—

- (a) may require a Certifying Officer to inspect the vehicle at various stages of the manufacture or modification and must require the manufacturer or modifier to advise when particular stages are completed in order that an inspection can be made before the next stage is undertaken; or
- (b) must require the manufacturer or modifier to submit reports from a qualified engineer at the completion of various stages of manufacture or modification.

General requirements

37.—(1) The Authority may refuse to register a vehicle unless evidence is produced to the satisfaction of the Authority that the vehicle was manufactured or assembled, as the case may be, to comply with international or local safety, emission and design standards acceptable to the Authority.

(2) A person must not sell a motor vehicle which has not been previously registered in the Fiji Islands unless the person provides to the purchaser or the Authority a pre-registration certificate in the approved form stating that the vehicle complies with safety, emission and design standard specified in sub-regulation (1).

(3) A pre-registration certificate under sub-regulation (2) may be issued by the following—

- (a) the local importer, distributor or manufacturer of a standard make or model of the vehicle;
- (b) the importer of standard make or model of used vehicles which are certified as similar make or model that has been previously registered under the Act;
- (c) a firm approved by the Authority to alter the entity, form, safety, emission or basic design of the vehicle;
- (d) a vehicle certification engineer approved by the Authority;
- (e) an authorised officer of the Authority.

(4) A certificate under sub-regulation (1) by an importer, distributor or manufacturer may take the form of certification that the vehicle is of similar make or model which has been approved by the Authority.

(5) The safety, emission and design standards referred to in sub-regulation (1) must relate to the following vehicle features—

- (a) reversing signal lamps - a specification including the photometric requirements for reversing lamps which will warn pedestrians and other road users that the vehicle is about to move or is moving in the reverse direction, and which during the hours of darkness will aid the driver in reversing manoeuvres – all vehicles except motor cycles and small trailers;
- (b) door latches and hinges - a specification for side door locks and side door retention components including latches, hinges and other supporting means to minimise the likelihood of occupants being thrown from a vehicle as a result of impact - all motor vehicles except motorcycles, and large omnibuses;
- (c) seat anchorages - a specification for seats, their attachment assemblies and installations to minimise the possibility of occupant injury due to forces acting on the seat as a result of vehicle impact - all motor vehicles except motor cycles;
- (d) seat belts and child restraint- a specification for seat belts, and child restraint as applicable to restrain vehicle occupants under impact conditions, to facilitate fastening and correct adjustment, to assist the driver to remain in his or her seat and thus maintain control of the vehicle in an emergency situation, and to provide protection against ejection in an accident situation - all motor vehicles except motor cycles and omnibuses;
- (e) anchorages for seat belts and child restraints - a specification for seat belt anchorage for seat belt assemblies and child restraints so that seat belt assemblies may be adequately secured to the vehicle structure or seat and will meet comfort requirements in use - all motor vehicles except motorcycles and omnibuses;
- (f) direction indicators - a specification including the photometric requirements for direction indicators which will provide adequate warning to other road users of the intention to perform a turning manoeuvre - all vehicles;
- (g) hydraulic brake hoses - a specification, of the performance requirements of hydraulic brake hoses in motor vehicles so that the risk of failure in service will be minimised - all motor vehicles using hydraulic braking systems;
- (h) safety glazing material - a specification of the performance requirements of material used for external or internal glazing in motor vehicles which will ensure adequate visibility under normal operating conditions, will minimise obscuration when shattered, and will minimise the likelihood of serious injury if a person comes in contact with the broken glazing material - all motor vehicles except motor cycles;
- (i) steering columns - a specification of performance requirements of the steering column in the event of a forward impact to minimise crushing or penetrating injuries to drivers - passenger cars;
- (j) glare reduction in the field of view - a specification to minimise glare from certain surfaces in field of view of the driver - all motor vehicles except motor cycles;

- (k) rear vision mirrors - a specification for rear vision mirrors to provide the driver with a clear and reasonably unobstructed view to the rear - all motor vehicles except motorcycles;
- (l) demisting of windscreens - a specification of the performance of equipment capable of forcing air to maintain windscreens clear of mist so that driver's forward vision is not obscured - all motor vehicles except motor cycles;
- (m) windscreen wipers and washers - a specification for windscreen wipers and washers to ensure reasonable visibility through the windscreen in inclement weather - all motor vehicles except motor cycles;
- (n) instrumentation - a specification of requirements for the provision and location of certain visual indicators - all motor vehicles except motor cycles;
- (o) safety rims - a specification for one piece wheel rims to ensure the rim will retain a deflated tyre in the event of a rapid loss of inflation pressure -passenger cars;
- (p) instrument panels - a specification for instrument panels to reduce their injury potential to occupants on impact - passenger cars;
- (q) head restraints - a specification for the design of head restraints so as to limit the severity of injury in the event of rear-end impacts and to ensure that the head restraints cannot be adjusted too low - all motor vehicles other than motor cycles;
- (r) passenger car tyres - a specification for the strength, construction and standard pressure or load relationships for tyres of particular size designations to facilitate the choice of passenger car tyres for light passenger vehicles -passenger car;
- (s) tyres and rims - the selection and matching of tyres and rims appropriate to vehicle load capacity and speed characteristics - all vehicles except motor cycles;
- (t) anti-theft locks - a specification for a lock to inhibit unauthorised use of the vehicle and to minimise the possibility of inadvertent adjustment of steering locks to the anti-theft position when the vehicle is in motion - passenger cars;
- (u) side door strength - a specification of strength and stiffness requirements for side doors to reduce intrusion into the passenger compartment as a result of side impact- passenger cars;
- (v) braking system - a specification to ensure safe braking under normal and emergency conditions - all motor vehicles;
- (w) noise - a specification to define limits on external noise emitted from a vehicle in order to limit the contribution by these vehicles to community noise - all motor vehicles;
- (x) hazardous materials - specifications for the safe transportation of hazardous materials including petroleum products, gases, chemicals and explosives -goods vehicles;

- (y) gas fuel systems - specifications for the safety and operation of fuel systems using gaseous fuel including liquid petroleum gas, 'LPG' in this Part, and compressed natural gas, 'CNG' in this Part - all motor vehicles;
- (z) liquid fuel - specifications to define the types and specifications of fuel on which the vehicle must be capable of operating without unreasonable deterioration to the manufacturer's ratings for performance and fuel consumption - all motor vehicles;
- (aa) gaseous emissions - a specification to define equipment and performance requirements to limit exhaust and other gaseous emissions to levels commensurate with protection of the environment - all motor vehicles;
- (bb) head lamps and other lamps - a specification of equipment and performance requirements for head lamps, parking lamps, clearance lamps, marker lamps, tail lamps, stop lamps, number plate lamps and any other lamps not covered under paragraphs (a) and (f) - all motor vehicles;
- (cc) reflectors - a specification of equipment and performance requirements for illuminating a vehicle when lamps are not lit, such as when the vehicle is parked, and for enhancing the vehicle's visibility generally - all motor vehicles;
- (dd) windscreen - a specification to define the characteristics required of a windscreen to provide for clear undistorted vision and to minimise the hazard that the windscreen may pose through breaking in an accident - all motor vehicles except motor cycles and trailers;
- (ee) mudguards - a specification aimed at minimising the hazards, nuisance and possible damage as may be caused to other vehicles and the vehicle itself by water, mud and pebbles being thrown up from the road, particularly in wet weather conditions - all motor vehicles.

(6) Any vehicle feature specified under sub-regulation (5), must be maintained by the owner of the vehicle in a satisfactory condition.

(7) No modification which could reduce the value of the designed level of safety, emission control or operation in a vehicle under this regulation may be made without the prior approval of the Authority.

(8) Notwithstanding the provisions of the Act, the Authority may impose the following conditions relating to the registration and use of any vehicle, including any articulated or combination vehicle—

- (a) public streets on which the vehicle may or may not be permitted to operate;
- (b) hours of the day during which the vehicle may or may not be permitted to operate; : -
- (c) fitting signs, lamps, reflectors and any other devices which may not otherwise be required by the Act;
- (d) use of pilot or escort vehicles, including vehicles operated by the police or Authority
- (e) any other condition the Authority thinks fit to impose

Modifications

38.—(1) Except in cases where the manufacturer's original equipment options are substituted on a vehicle in such way and in such combination as to render the vehicle equivalent to a type, make and model of vehicle which has been approved by the Authority, modification to the following features of a motor vehicle may be made only with the prior approval of the Authority—

- (a) suspension;
- (b) length of the chassis;
- (c) that part of the chassis on which the chassis number or vehicle identification number appears;
- (d) the forks or the frame of a motor cycle;
- (e) wheel base and track;
- (f) number of axles;
- (g) steering or steering geometry;
- (h) brakes;
- (i) the number of seating positions;
- (j) increasing the unladen mass, GVM or GCM by more than 50kg;
- (k) emission control equipment including exhaust system;
- (l) engine if such modification or engine substitution were such as to change the vehicle's engine capacity or performance substantially.

(2) An approval under sub-regulation (1) may be given by—

- (a) an authorised officer delegated the power to give the approval;
- (b) the principal of a firm approved by the Authority to carry out any modification under sub-regulation (1);
- (c) a vehicle certification engineer approved by the Authority.

Identification numbers

39.—(1) An engine identification number must be legibly and permanently stamped upon the main component of the engine at the time of its manufacture and the number must be located so it can be readily seen when the engine is in place in a motor vehicle.

(2) A chassis or vehicle identification number must be legibly and permanently stamped on a component of the chassis less likely to be damaged in the event of a vehicle accident and the number must be located in a position where it can be read during a vehicle inspection.

(3) A manufacturer's plate showing, as a minimum, the chassis or vehicle identification number (VIN), manufacturer and model data and engine type and capacity and in the case of commercial vehicles the manufacturer's specified UM, GVM or GCM and axle and tyre data must be installed in the engine compartment of the vehicle so that it can be readily seen.

(4) The Authority may, by notice in the Gazette, fix a date of not less than 6 months later requiring every new vehicle to have a vehicle identification number conforming to international standard.

(5) The Authority may refuse to register a vehicle that—

- (a) does not comply with this regulation; or
- (b) has any identification number which the Authority believes has been tampered with or altered in any way.

Number plates and labels

40.—(1) A number plate issued by the Authority and assigned to a registered vehicle must be securely affixed to the motor vehicle or trailer as follows—

- (a) in the case of a motor vehicle other than a motorcycle - a plate at the front and a plate at the rear;
- (b) in the case of a trailer - a plate at the rear end, if the plate is not at the centre of the vehicle, located to the right of centre; and
- (c) in the case of a trailer being hauled by a motor vehicle to which a gross combination mass has been assigned - a number plate identical to the number plates on the hauling vehicle and the number plate is to be located to the left of the centre at the rear of the vehicle.

(2) No part of a vehicle or any fitting of a vehicle or the load on a vehicle is to be located so as to obscure any part of the number plate or registration label.

(3) A registration label provided by the Authority to indicate the registration status of the vehicle must be displayed on every motor vehicle or trailer and the label must be affixed as follows—

- (a) in the case of a motor vehicle fitted with a windscreen - on the left hand side of the inner surface of the windscreen facing outwards;
- (b) in the case of a vehicle not fitted with a windscreen - on the inside of a piece of clear glass or other transparent material fitted to a waterproof holder attached—
 - (i) in the case of a motor cycle - on the left hand side of the motor cycle not less than 500mm above the ground;
 - (ii) in the case of a trailer or semi-trailer - on the back in a position near the number plate.

(4) A registration label must be maintained by the holder so that the label can be read from the outside of the vehicle.

(5) A registration label that has expired must be removed from the vehicle.

Other displays and signs

41.—(1) The owner's name and UM, GVM or GCM and the appropriate mass in tonnes and decimal parts of a tonne must be displayed on the left rear side of every commercial vehicle and any other vehicle with an unladen mass exceeding 3.5 tonnes.

(2) The number of passengers approved by the Authority with respect to a public service vehicle must be displayed in writing on the left hand or near side of the vehicle except a taxi or a rental vehicle.

(3) A motor vehicle that has a steering position to the left of the centre line of the vehicle must display a sign 'LEFT HAND DRIVE' in distinguishable white capital letters not less than 50mm high on a black background on the rear of the vehicle.

(4) A motor vehicle constructed to travel at a speed not exceeding 30km/h must have affixed to the rear of it a sign—

- (a) bearing the words 'slow vehicle' in black capital letters not less than 20cm high on a yellow background; and
- (b) the top edge of which is not more than 1.5m above ground level.

(5) A motor vehicle which together with its load has a width of more than 2.5m must display to the front and to the rear a sign—

- (a) bearing the words 'wide vehicle' or 'wide load' in black capital letters not less than 20cm high on a yellow background legible from a distance of 25m, or any other warning sign approved by the Authority; and
- (b) the top edge of which is not more than 1.5m above the ground.

Position of the steering wheel and turning circle

42.—(1) The centre of the steering wheel or in the case of a motor cycle or other motor vehicle which is steered by means of handle bars, the centre of the control must not be located to the left of the centre of the motor vehicle unless the vehicle is one to which regulation 8(1)(b) applies.

(2) Every motor vehicle must have a turning circle in either direction determined by reference to the extreme outer edge of the tyre track at ground level not exceeding 25m in diameter.

Part 7 — General Safety Provisions

Dangerous fittings

43.—(1) No motor vehicle may be fitted with—

- (a) any object or fitting not technically essential to the vehicle which protrudes from any part of the vehicle so that it is likely to increase—
 - (i) the risk of bodily injury to any person; or
 - (ii) the damage which may occur to another vehicle or property in a collision;
- (b) any object or fitting technically essential to the vehicle unless it is designed and affixed in such a manner as to reduce to a minimum—
 - (i) the risk of bodily injury to any person; and
 - (ii) the damage which may occur to another vehicle or property in a collision;

- (c) any object or fitting that is pointed or has sharp edge which is likely to increase—
 - (i) the risk of bodily injury to any person; or
 - (ii) the damage which may occur to another vehicle or property in a collision; or
- (d) any bumper bar the end of which is not turned toward the body of the vehicle to a sufficient extent to avoid any risk of hooking or grazing.

(2) The Authority may, subject to any condition imposed by it, approve the fitting of tow bars, bull bars, winches or similar devices which may be considered as technically essential to the primary use of the vehicle.

Engine controls

44. The engine controls of every motor vehicle must be operated so that the engine can be switched both on and off by the driver sitting in the normal driving position.

Seat belts

45.—(1) Seat belts must be fitted to each seating position of every vehicle designed to carry not more than 8 passengers in accordance with the standard approved by the Authority, unless the vehicle is exempted by the Authority from any of the general requirements under regulation 37.

(2) Seat belts fitted to outboard seating positions must provide for both upper torso and pelvic restraint.

(3) Seat belts including adjusters and buckles must be maintained in good working condition and seat belts with frayed webbing must be replaced.

(4) No alteration or modification may be made to a seat belt or seat belt assembly.

(5) For the purpose of this regulation, 'outboard seating position' means a seating position adjacent to the side structure of the vehicle.

LN 49/03 – (6) This Regulation does not apply to any vehicle first registered before 1st January 1974.

Steering

46. Any component of the steering system essential to the steering operation of a motor vehicle capable of a speed in excess of 40km/h must be designed to permit steering by mechanical means only.

Automatic transmissions

47. A motor vehicle, other than a motor cycle, equipped with an automatic transmission must have—

- (a) a device to indicate the transmission position selected; and
- (b) a feature which prevents the engine from being started when the transmission control lever is in a forward or reverse drive position.

Reverse gears

48. A motor vehicle that has a mass of more than 400kg when unladen must be capable of being driven either backwards or forward.

Driver's view, windscreens and windows

49—(1) if glass is used in windscreens, windows and interior partitions of a motor vehicle, the glass must be safety glass and if any transparent material, other than glass is used, it is to be of a kind that does not shatter.

(2) A motor vehicle must not—

- (a) be constructed or equipped or have anything affixed to it in such a manner as to prevent the driver from having an adequate view of traffic on either side of the vehicle and in all directions in front of the vehicle to enable the driver to drive with safety; or
- (b) be constructed to provide seating for a passenger forward of the driver or at the driver's right hand side except a vehicle to which regulation 8(1)(b) applies.

(3) No person may use or permit to be used on a road a motor vehicle if the film applied to its windscreen or windows does not comply with regulation 50.

(4) Any film applied to the windscreen or window of a motor vehicle other than the side windows of an omnibus must not reflect more light than the area of the windscreen or window would have reflected if the film had not been applied.

(5) If power operated windows are used in passenger cars, the window—

- (a) must be operated by using a key only; and
- (b) must not be capable of operation if the key is removed except that a time delay for operation after the key is withdrawn may be provided for.

(6) A motor vehicle fitted with a windscreen must be equipped with a device—

- (a) capable of effectively removing rain or other moisture from that portion of the windscreen immediately in front of the driver and from a corresponding area of the windscreen to the left of the vertical centre line of the windscreen; and
- (b) so constructed and positioned as to be controlled by the driver from the normal driving position.

(7) A motor vehicle fitted with a windscreen must be equipped with a device—

- (a) capable of directing water on to the exterior of the windscreen within each of the areas swept by the wiper so that when the wiper is operated it will disperse the water to the whole area swept by the wiper;
- (b) so constructed and situated that it can be controlled by the driver from the normal driving position; and
- (c) supplied and replenished by a water container as provided by the vehicle manufacturer.

Film on windscreens and windows

50.—(1) A person may apply—

- (a) surface films onto the windscreen in the permitted area;
- (b) to any window, surface films which allow
not less than 70% visible light transmittance through the coated window;
(LN 49/03)

- (c) If a surface film is applied to windows behind the front seat of a vehicle and the luminous transmittance is less than 70% at any point in the visible light range, the vehicle must be fitted with rear vision mirrors on the right and left hand sides. (LN 49/03)
- (2) For the purpose of sub-regulation (1) (a), 'permitted area' means an area of the windscreen not below a horizontal plane—
- (a) tangential to the highest point of the areas swept by the windscreen wipers; or
 - (b) located at a distance from the upper boundary of the windscreen equal to 10% of the depth of the windscreen (measured directly ahead of the driver's seating position), whichever is the lower.
- (3) A person may apply to the Authority for approval for the application of surface film with luminous transmittance of less than 60% on the windows behind the front seat (LN 49/03)
- (4) Each window (including the windscreen) to which an approved film is applied must be identified by means of a permanent mark fixed to the glass beneath the film or inscribed in the coating and the mark must—
- (a) be enclosed within an area of not more than 1,000sq.mm and must be within 50mm of the perimeter of the window; and
 - (b) contain, in characters not less than 2.5mm high and of comparable width, the brand and manufacturer's identification symbol.
- (5) No film may be applied or fitted to a vehicle unless it is of a type approved by the Authority.
- (6) A person must not supply or sell or offer to sell or supply a surface film, for application to any window on any vehicle, unless the film is of a type approved by the Authority.

Rear vision mirrors

- 51.—(1) A mirror designed and fitted and of such dimension so as to be capable of reflecting to the driver as far as practicable a clear view of the road to the rear end of any following or overtaking vehicle must be affixed to every motor vehicle.
- (2) In addition to regulation 50(3)—
- (a) a rear vision mirror must be affixed on each side of a motor vehicle projecting 150mm beyond the maximum width of a motor vehicle, its equipment, its load or the width of any trailer it may be drawing—
 - (i) if the vehicle is designed for the carriage of goods;
 - (ii) if the vehicle is a minibus, an omnibus or a carrier;
 - (iii) if the trailer is of greater width than the vehicle drawing it; or
 - (iv) if the vehicle is so constructed, equipped, loaded or drawing a trailer or other vehicle or for any other reason such that the driver could not by

means of a mirror affixed to the inside of the vehicle have reflected to him or her as far as practicable a clear view of the road to the rear of the vehicle and of any following or overtaking vehicle,

- (b) in the case of any motor vehicle other than a motor cycle—
 - (i) one mirror fitted central to the vehicle and as high as practicable toward the top of the windscreen; and
 - (ii) at least one external mirror on the driver's side and projecting not more than 150mm beyond the maximum width of the motor vehicle; and
- (c) in the case of a motor cycle, two rear vision mirrors symmetrically placed relative to the centre of the handle bars.

(3) In the case of vehicles with an unladen mass in excess of 3.5 tonnes, the mirrors may project to 230mm on each side beyond the maximum width of the vehicle provided they are capable of collapsing to 150mm.

(4) Any mirror required by this regulation to be fitted to a motor vehicle must be designed with a flat reflecting surface except that mirrors that have a convex surface with a radius of curvature not less than 1.2m and not larger than other mirrors fitted may be fitted external to the motor vehicle.

Warning devices

52.—(1) Every motor vehicle must be fitted with at least one warning device capable of giving sufficient audible warning to a person or other road users within 60m of the vehicle and the signal from the device other than a device fitted to a vehicle operated by police, fire, ambulance or other organisation approved by the Authority, must be of constant amplitude and frequency.

(2) A motor vehicle or motor cycle of the Authority, police, fire or medical emergency vehicles fitted with rotating or flashing warning lamps must be fitted with a warning device of variable amplitude or frequency capable of giving sufficient audible warning to a person or other road users within 100m of the vehicle and any other such vehicle may be fitted with such devices, except that such devices must not generally be used under normal driving conditions.

(3) A device capable of emitting an intermittent audible signal of constant amplitude and frequency when the reverse gear is engaged—

(a) may be fitted to a motor vehicle; and

(b) must be fitted to every minibus or omnibus,

but the signal must be no louder than necessary to warn persons potentially in danger from the reversing vehicle.

(4) No audible device, other than those specified in this regulation, may be fitted to a motor vehicle except with the written approval of the Authority.

Bonnet latch

53. Any hinged or movable panel forward of the windscreen that serves to cover the engine, luggage or other compartment, must be provided with a latch and if the panel opens from the front of the vehicle it must be provided with a second latch.

Under-run barriers

54.—(1) Subject to sub-regulation (2), a motor vehicle in excess of 3.5 tonnes unladen mass must be provided with an approved continuous rear under-run barrier constructed so that—

- (a) in the case of the vehicle unladen, the contact surface is not more than 600mm from the ground;
- (b) the contact surface is not more than 600mm forward of the rear of the vehicle;
- (c) it is painted white;
- (d) the ends extend to within 300mm of each side of the vehicle; and
- (e) the member which is or directly supports the contact surface is of a material having no less strength than steel tubing of 100mm outside diameter and 8mm wall thickness.

(2) Sub-regulation (1) does not apply to a motor vehicle so constructed that—

- (a) the rear of the vehicle, including cargo access doors, tail gates or other structures, provides comparable protection at a point not less than 750mm from the ground when the vehicle is unladen; or
- (b) the rear wheels are within 900mm of the rear of the vehicle.

Part 8 — Lamps and Reflectors

Lamps and reflectors

55. All lamps and reflectors and their construction and fitting must comply with regulations 56 to 66 inclusive and no other lamps or reflectors may be fitted to a motor vehicle or trailer unless as specified in regulation 67 or 68.

Construction and fitting of lamps

56.—(1) All lamps must be so constructed and adjusted as to minimise glare.

(2) All lamps and reflectors must—

- (a) be positioned so that they are not obscured by any part of the vehicle, its fittings or its load; and
- (b) be maintained in a clean condition.

Headlamps

57.—(1) A motor vehicle other than a motor cycle must be equipped with two headlamps capable of emitting low beams and lamps must—

- (a) be symmetrically placed relative to the vehicle;
- (b) be located so that their centres are not less than 600mm apart; and
- (c) be located between 500mm and 1.4m above the ground level.

(2) The low beams must—

- (a) be of white light;
- (b) have a pattern in accordance with international standards;
- (c) have approximately equal power;
- (d) be aimed so as not to produce undue glare forward of and to the right of the vehicle;
- (e) be capable of illuminating and rendering discernible under clear night conditions a person in dark clothing 45m straight ahead of the vehicle.

(3) A motor vehicle other than a motor cycle, which is capable of a speed in excess of 60 km/h must be equipped with two head lamps capable of emitting high beams and the lamps must—

- (a) be symmetrically placed relative to the front of the vehicle;
- (b) be located so that their centres are not less than 600mm apart; and
- (c) be located between 500mm and 1.4m above ground level.

(4) The high beams must—

- (a) be of white light;
- (b) have approximately equal power; and
- (c) be capable of illuminating and rendering discernible under clear night conditions a person in dark clothing 100m straight ahead of the vehicle.

(5) Each low beam may share a common head lamp unit with its companion high beam but if they are housed in different units the distance between the centres of the low beam lamp must not be less than the distance between the centres of the high beam lamps.

(6) The switching of the low and high beams must be controlled by a hand or foot operated switch within the reach of the driver in his or her normal driving position and when the head lamps are switched to low beam the high beams must be extinguished.

(7) A high beam indicator lamp emitting blue light must be provided in front of the driver and it must become illuminated when the high beams are illuminated.

(8) Every motor cycle must be fitted with one or two head lamps as follows—

- (a) if one head lamp is fitted it must be mounted centrally;
- (b) if two head lamps are fitted the lamps must be disposed symmetrically relative to the front of the vehicle;
- (c) the lamp must be located not less than 610mm above the ground; and
- (d) the beam must—
 - (i) be of white light;
 - (ii) be emitted from a power source not less than 15 watts or 17 candle power; and

- (iii) must be capable of illuminating and rendering discernible under clear night conditions at a distance of 75m in the case of a high beam and 45m in the case of a low beam, a person in dark clothing straight ahead of the vehicle.

Front marker lamps

58.—(1) Every motor vehicle other than a motor cycle must be fitted with two front marker lamps located so that—

- (a) the lamps are symmetrically placed relative to the vehicle;
- (b) no part of the vehicle extends more than 400mm from the outer edge of the lamp; and
- (c) the distance between the centres of the lamps is not less than 600mm.

(2) The light source of the front marker lamps must have a power not exceeding 7 watts or 6 candle power and the light must be—

- (a) white; and
- (b) visible to a distance of 300m in front of the vehicle in clear night conditions.

(3) A front marker lamp may be incorporated with another lamp and must be so wired that if already alight it will remain lighted and if not already alight it will become lighted when any head lamp of the motor vehicle is lighted.

Tail lamps

59.—(1) Every motor vehicle other than a motor cycle or trailer must be fitted with 2 or more tail lamps at or to the rear of the vehicle so located that—

- (a) the lamps are symmetrically placed relative to the vehicle;
- (b) no part of the vehicle extends more than 400mm from the outer edge of the lamp;
- (c) the surface of the lamp is not more than 400mm forward of the most rearward part of the vehicle;
- (d) the surface of the lamp is completely visible when viewed from any point a distance of 5m directly rearward of the lamp between the horizontal and a point at a height of 3m above the ground;
- (e) the height of the lamps above the ground does not exceed 1.5m.

(2) The light source of a tail lamp other than a motorcycle tail lamp must have a power not exceeding 7 watts or 6 candle power and the light must be—

- (a) red; and
- (b) visible to a distance of 300m to the rear of the vehicle under clear night conditions.

(3) Every motor cycle must be fitted with a tail lamp at the rear of the vehicle so located that –

- (a) the lamp is centrally mounted; and
- (b) the centre of the lamp is not less than 400mm above the ground.

(4) The light source of a motor cycle tail lamp must have a power not less than 3 watts or 2 candle power nor more than 12 watts or 13 candle power and the light must be—

- (a) red; and
- (b) visible under normal night conditions at a distance of 300m.

(5) A tail lamp must be so wired that if already alight it will remain lighted and if not already alight it will become lighted when any headlamp is lighted.

Stop lamps

60.—(1) Every motor vehicle other than a motor cycle or trailer must be fitted with two or more stop lamps at or to the rear of the vehicle so located that—

- (a) the lamps are symmetrically placed relative to the vehicle;
- (b) the centre of the lamps is not less than 350mm or more than 1.5m above the ground;
- (c) the surface of the lamps is not more than 400mm forward of the most rearward part of the vehicle; and
- (d) the surface of the lamps is completely visible when viewed from any point at a distance of 5m directly rearward of the lamps between the horizontal and a point at a height of 2m above the ground.

(2) Every motor cycle must be fitted with a stop lamp at the rear of the vehicle so located that—

- (a) it is centrally mounted; and
- (b) the centre of the lamp is not less than 400mm above the ground.

(3) The light source of a motor cycle stop lamp must have a power of not less than 5 watts or 3 candle power nor more than 27 watts or 50 candle power.

(4) Every motor vehicle up to 3.5 tonnes unladen mass, other than a motor cycle or motor vehicle with a tray or utility type body, must have an auxiliary stop lamp mounted centrally and at a level above the horizontal plane of the stop lamps required under sub-regulation (1) and having a brightness equivalent to that of a lamp having a power of not less than 5 watts and not more than 15 watts.

(5) The light from a stop lamp must be—

- (a) red; and
- (b) clearly visible in day light conditions at a distance of 60m rear of the vehicle.

(6) Each stop lamp must be activated when any service brake on the vehicle is operated.

(7) The stop lamp and tail lamp may be in a combination unit.

(8) The power of the light source in a stop lamp must be greater than the power in the light source of the tail lamp.

Rear number plate lamps

61.—(1) Every motor vehicle and trailer must be fitted with a lamp capable of illuminating the rear number plate with white light such that every character of the number plate is discernible under normal conditions to a distance of not less than 20m.

(2) The power of the light source of the rear number plate lamp must be no greater than is reasonably necessary to achieve the requirements of sub-regulation (1).

(3) The rear number plate lamp may be in combination with the tail lamp.

(4) The rear number plate must be illuminated whenever the tail lamp is illuminated.

Turn signal lamps

62.—(1) Every motor vehicle must be fitted with two turn signal lamps to the front of a vehicle and two turn signal lamps to the rear of the vehicle and every trailer must be fitted with two turn signal lamps to the rear of the vehicle so located that—

(a) the lamps are symmetrically placed relative to the vehicle;

(b) no part of the vehicle extends more than 500mm outboard from the outer edge of the lamp;

(c) the height of the centre of the lamps above the ground is not less than 350mm nor more than 2m;

(d) the distance between the centres of each pair must be not less than 750mm for vehicles other than motor cycles and not less than 300mm for motor cycles;

(e) the surface of rear turn signal lamps is not more than 400mm forward of the most rearward part of the vehicle; and

(f) the surface of the lamps is completely visible when viewed from any point at a distance of 5m directly rearward of the lamps between the horizontal and a point at a height of 2m above the ground.

(2) The turn signal lamps must be—

(a) amber; and

(b) visible for a distance of 60m under clear day light conditions.

(3) All turn signal lamps on the same side of the vehicle must flash simultaneously with a frequency of not less than 60 flashes per minute and not more than 120 flashes per minute.

(4) The front turn signal lamps for motor vehicles having a length in excess of 7.5m must also give a signal to the rear when viewed from any point 1.5m to 8m outboard and in line with the rear of the vehicle.

(5) Turn signals must be operated by a switch located within the reach of the driver from his or her driving position and the operation of the turn signals must be indicated to the driver of a motor vehicle other than a motor cycle by means of a visible and audible tell-tale.

Side clearance lamps

- 63.—(1) Side clearance lamps must be fitted in pairs to the following vehicles—
- (a) motor vehicles 2.2m or more in width - 2 to the front and 2 to the rear;
 - (b) articulated motor vehicles - 2 to the front and 2 to the rear;
 - (c) semi-trailers - 2 to the front and 2 to the rear and if the semi-trailer is longer than 7.5m, 2 additional lamps midway between the front and rear lamps;
 - (d) trailers 2.2m or more in width excluding pole trailers - 2 to the front and 2 to the rear and if the trailer is longer than 7.5m, 2 additional lamps midway between the front and rear lamps;
 - (e) pole trailers - 2 to the front of the bolster and 2 to the rear of the bolster and 2 portable side clearance lamps for attachment to each side of the load at points approximately halfway along the load; and
 - (f) motor vehicles fitted with bolsters - 2 to the front of the motor vehicle and 2 to the front and 2 to the rear of bolsters.
- (2) Side clearance lamps must be mounted in such a way that—
- (a) the lamps are symmetrically placed relative to the vehicle;
 - (b) no part of the vehicle or the load extends more than 150mm from the centre of the lamp;
 - (c) if towards the front of a motor vehicle, the lamps must be not less than 750mm above the centre of the headlamps and in any other position the lamps must not be less than 600mm nor more than 1.5m above the ground.
- (3) The power source of a side clearance lamp must not exceed 7 watts or 6 candle power.
- (4) The light from a side clearance lamp must be—
- (a) amber or white to the front and red to the rear; and
 - (b) visible under normal night condition at a distance of 200m.

Other lamps

64.—(1) Turn signal lamps must be wired in such a way that all the lamps on the vehicle can be operated in unison when it is necessary to use the vehicle during emergencies or to leave the vehicle in a dangerous position.

(2) One or two lamps capable of emitting white light must be fitted to the rear of a motor vehicle or trailer and so wired that the lamps are on only when the reverse gear is engaged.

Rear reflectors

65.—(1) Every motor vehicle and trailer, other than a motor cycle, must be fitted with two red reflectors at the rear of the vehicle.

(2) Every motor cycle must be fitted with one red reflector at the rear.

(3) Reflectors must be so located that—

- (a) the reflectors are symmetrically placed relative to the vehicle;

- (b) no part of the vehicle extends more than 400mm outboard from the outer edge of the reflector;
 - (c) the height above the ground does not exceed 1.5m.
- (4) Reflectors located so as to comply with sub-regulation (3) must—
- (a) be fitted to the rear of every motor vehicle exceeding 3.5 tonnes unladen mass and trailers;
 - (b) have the shape of an equilateral triangle with one vertex uppermost and one side horizontal and with sides not less than 150mm nor more than 200mm long and not less than 30mm in width; and
 - (c) comprise—
 - (i) 13 red reflex reflectors symmetrically placed on a white background; or
 - (ii) red retro reflecting material to international standards.
- (5) Every motor vehicle and trailer which has a tray type body must have white or silver retro reflecting material to international standards on the full width of the rear of the tray and to a depth of not less than 50mm.
- (6) Light from any headlamp projected onto any reflector or retro reflective material must give a reflection of light which is clearly visible to the driver of the vehicle to which the lamp is affixed at a distance of not less than 150m.

Other reflectors

- 66.—(1) Pole trailers must be fitted with red reflectors on either side of the pole spaced at intervals of not more than 1.25m along the full length of the pole.
- (2) A motor vehicle or trailer fitted with a bolster must have—
 - (a) 2 white reflectors on the forward facing section of the bolster; and
 - (b) 2 red reflectors on the rearward facing section of the bolster.
 - (3) Any reflector required to be fitted to a vehicle of a length greater than 7.5m must have a reflecting surface of not less than 20sq. cm.

Optional lamps and reflectors

- 67.—(1) A motor vehicle may be fitted with two additional high beams, except a motor cycle which may have one additional high beam, but the lamp must be wired in such a way that—
- (a) if illuminated, the lamp will be switched off; and
 - (b) if not illuminated, the lamp cannot be switched on, if the headlamp low beam is illuminated.
- (2) Front marker lamps may incorporate a second light source not exceeding 21 watts or 32 candle power wired in such a way that it becomes lighted at the 'engine on' position but is extinguished if the front marker lamp is lighted.

(3) Additional turn signal lamps may be fitted to the side of the vehicle provided each acts in unison with the other turn signal lamps on the same side of the vehicle.

(4) Reflectors capable of reflecting white light may be placed to the front of any motor vehicle.

(5) A motor vehicle or trailer may be equipped with a lamp or lamps to illuminate the interior of the vehicle but not to project light other than for that purpose nor to distract the driver.

(6) Additional side clearance lamps may be fitted to the rear of the vehicle.

(7) A motor vehicle may be fitted with—

- (a) additional front marker lamps which emit white light to the side;
- (b) additional tail lamps which emit red light to the side;
- (c) two white reflectors fitted on the side of the vehicle towards the front; and
- (d) two red reflectors fitted to the side towards the rear,
and the height of the additional lamps must be between 400mm and 1.5m above the ground.

(8) A motor vehicle may be equipped with a spot or search lamp.

(9) A motor vehicle may be equipped with one or more fog lamps at the front of the vehicle at a height no higher than the headlamp.

Rotating or flashing warning lamps

68.—(1) Any vehicle operated by the Authority, police, medical emergency or fire authorities and likely to be frequently involved in enforcement or emergency use on public streets must be fitted with rotating or flashing warning lamps.

(2) Any tow truck, public utility vehicle or any other vehicle approved by the Authority may be fitted with rotating or flashing warning lamps, and the Authority may require any vehicle to be fitted with such lamps.

(3) For the purpose of this regulation, "public utility vehicle" means a vehicle used by an agency responsible for—

- (a) street sweeping or garbage collection;
- (b) road construction, repair or maintenance ;
- (c) maintenance or repair of water mains ;
- (d) installation, repair or maintenance of street lamps, power lines or associated facilities;
- (e) installation and repair of telephone lines and associated facilities;
- (f) sewerage pumping stations or pipes, and includes any vehicle hired or otherwise engaged by the responsible agency to undertake such work.

- (4) The colour of the light from rotating or flashing warning lamps must—
- (a) be blue and red in the case of police and Authority vehicles;
 - (b) red in the case of medical, emergency and fire vehicles; and
 - (c) amber in the case of tow trucks, public utility vehicles and any other vehicle approved by the Authority.

(5) A warning lamp required under subregulation (4) must be fitted so that no part of a lens of the lamp is visible to the driver from the normal driving position.

(6) Lamps fitted under this regulation must be used as specified in the Land Transport (Traffic) Regulations 2000 and must comply with any conditions contained in a code of practice established by the Authority.

Part 9 — Brakes, Tyres, Wheels, etc.

Braking

69.—(1) Any tractor, earthmoving machinery or similar machinery not capable of being driven in excess of 40km/h must have at least one mechanical braking system acting on at least 2 wheels.

(2) Every motorcycle must have separate controls on the front wheel brake and the rear wheel brake.

(3) Every control by which brakes are activated must be located so that the brakes are easily operated by the driver in the normal driving position.

(4) Every braking system must incorporate self-adjusting devices for reducing the movement of components arising from wear.

(5) Every motor vehicle, other than a motor cycle or trailer, must incorporate—

- (a) service brakes acting on all wheels to retard or stop the vehicle in the course of normal operation;
- (b) emergency brakes which may also comprise the parking brake specified in paragraph (c) for use in the event of failure of the service brakes;
- (c) a parking brake whereby the vehicle may be caused to stand with the brakes applied and the brake must be held on by mechanical action only and secured against accidental release;
- (d) at least two separate means of actuation of the 3 brakes must be provided and the actuation of the parking brake must be separate from that of the service brake.

(6) The braking system of a trailer with a laden mass up to 2 tonnes may be actuated for both service and emergency braking by the over-run of the trailer.

(7) If a separate method of actuation is provided for any other function of the braking system, the actuation of one must not cause the operation of another.

(8) If the parking brake requires the use of stored energy to apply and or release it, the sole function of at least one reservoir must be to store energy for such use if the normal supply of stored energy is unavailable and the available quantity of stored energy must be sufficient for 2 applications and 2 releases to be made of the parking brake.

(9) If the service brakes and emergency brakes are operated by the same control and a defect occurs in the service brake system, a warning light visible to the driver must be displayed when the vehicle is made ready to drive or an application of the brakes is made and the warning light must remain displayed once the vehicle proceeds.

(10) Reservoirs must have a device indicating the measure of stored energy and the design and location of the device must be able to be read by the driver in the normal driving position.

(11) Reservoirs must be connected to the source of energy so that they are preferentially charged.

(12) In addition to this regulation, the Authority may specify in a rule or code of practice other technical requirements for braking systems on motor vehicles and their testing, including brake efficiency, brakes out-of-balance and the use of testing equipment.

Braking systems depending on stored energy

70.—(1) If the actuation of any braking system depends wholly upon a supply of stored energy, at least one reservoir must be provided for that purpose.

(2) If the actuation of a braking system in a vehicle of gross vehicle mass or gross combination mass of 6 tonnes or more, is assisted by the supply of stored energy, at least one reservoir must be provided for that purpose.

(3) A reservoir provided under this regulation must have sufficient capacity to provide for 4 applications of the service brake after the supply of energy has been cut off.

(4) If only sufficient energy for 2 applications of the service brake remains, signals visible and audible to the driver must operate.

(5) Every semi-trailer fitted with a braking system depending on stored energy and every trailer so fitted in which the distance from a control to the actuating mechanism of the brakes exceeds 7.7m, must be equipped with not less than one reservoir.

(6) The first call on stored energy must be that of the braking system. No other demand must be met if the quantum available in the reservoir is depleted to 2/3 of its capacity.

If only sufficient stored energy is available for two applications of the service brake, signals visible and audible.

Trailer break-away brakes

71. Every trailer in excess of 2 tonnes mass and every semi-trailer must be equipped with an emergency braking system which causes automatic application of the brakes if the trailer accidentally becomes disconnected from the hauling vehicle and the brakes applied must remain applied for at least 15 minutes.

Tyre pressure, tread and tyre selection

72.—(1) Every vehicle must be equipped with pneumatic tyres inflated to a pressure of not more than the limit specified in the manufacturers specifications.

(2) A tyre must—

- (a) be free of any apparent defect;
- (b) have a visible tread pattern on all parts of the tyre that normally come into contact with the road; and
- (c) have a tread pattern of a depth of not less than 1.5mm on at least 75% of all parts of the circumference of the tyre that normally comes into contact with the road.

(3) Tyres and rims must be compatible and of sufficient size and design capacity to support the total mass of the vehicle and its load.

(4) A tyre that has been treated by regrooving the tread rubber must not be fitted to a vehicle unless the tyre has been so constructed that it incorporates an extra depth of rubber between the carcass and the original tread, intended for the purpose of regrooving and unless it is indelibly labelled to indicate such construction by the manufacturer.

(5) A vehicle of less than 3.5 tonnes UM must not be fitted with a tyre or a type specified in sub-regulation (4).

(6) A vehicle must not be fitted with a tyre contrary to regulation 92.

Mixing of tyres of different construction

73.—(1) If tyres of different forms of construction are fitted to wheels of a motor vehicle or trailer, the tyres on either side at the front must be of the same form of construction and the tyres on either side at the rear must be of the same form of construction.

(2) In the case of motor vehicles or trailers equipped with two axles and single wheels, if the wheels on the front axle are fitted with tyres of a different construction from the tyres on the rear axle, then—

- (a) if the front wheels are fitted with cross ply tyres - the rear wheel may be fitted with either belted bias or radial tyres;
- (b) if the front wheels are fitted with belted bias tyres - the rear wheels may be fitted with radial tyres and may not be fitted with cross ply tyres;
- (c) if the front wheels are fitted with radial tyres - the rear wheels may not be fitted with cross ply or belted bias tyres and must be fitted with radial tyres.

- (3) In the case of motor vehicles or trailers equipped with—
 - (a) 2 or more axles in a group; or
 - (b) an axle with more than 2 tyres, all tyres on such axles must be of the same size and construction.

Wheels

74.—(1) No wheel may be more than 26mm wider than the widest wheel recommended by the vehicle manufacturer for the vehicle.

(2) No wheel fitted to a motor vehicle may have a circumferential weld other than that which attaches the rim to the wheel centre.

(3) Wheels must not be fitted so that the resultant track exceeds the widest track specified by the vehicle manufacturer by more than 26mm.

(4) Spacers may not be fitted between the wheels and hubs.

Temporary tyres and wheels

75. Notwithstanding regulations 72, 73 and 74, a wheel and tyre supplied with a motor vehicle for temporary use in the event of damage to a permanent wheel or tyre may be used for a reasonable period of time subject to the temporary wheel and tyre being—

- (a) approved to international standards; and
- (b) used in accordance with the manufacturer's specifications and instructions.

Part 10 — Fuel and Exhaust Systems

Fuel and exhaust system specifications

76.—(1) No part of a fuel tank may be less than 1.2m from the front of the vehicle.

(2) The filler pipe opening must be on the external surface of the vehicle and must not project beyond it.

(3) The fuel tank and the fuel filler pipe of an omnibus must be located and arranged so that—

- (a) neither is in the interior of the vehicle or in the engine compartment;
- (b) the filler pipe is at least 900mm from any entrance or exit or emergency exit; and
- (c) no overflow or leakage can accumulate.

(4) No part of a fuel system may be located within 600mm of an exhaust outlet.

(5) Fuel system fittings must be designed so that any leak flows freely to the ground and cannot contact the exhaust system.

(6) The design of the fuel system must not provide for gravity feed or a self sustained flow of fuel to the carburettor or injector.

(7) No flammable sound proofing material or material capable of being impregnated with fuel or lubricant may be used in the engine compartment unless it is protected from being filled by fuel or lubricant.

(8) The engine compartment must be provided with draining orifices designed to prevent the accumulation of fuel or lubricating oil.

(9) The engine compartment must be separated from the remainder of the vehicle by heat resisting material.

(10) No flammable material may be located within 100mm of the exhaust system unless effectively shielded.

Position of exhaust outlets

77.—(1) Every exhaust outlet for a vehicle, other than an omnibus, carrier and goods vehicle must—

- (a) if to the side - discharge to the right hand side and downwards at between 15 degrees and 45 degrees to the horizontal;
 - (b) if to the rear - discharge downwards between 10 degrees and 45 degrees to the horizontal; and
 - (c) extend at least 40mm beyond the furthestmost joint in the floor plan which could permit direct access of exhaust gases to the passenger compartment, but not beyond the extreme perimeter of the vehicle when viewed in plan.
- (2) The exhaust system for an omnibus—
- (a) must discharge to the right or rear of the vehicle at an angle between 10 degrees and 45 degrees downwards from the horizontal unless, vertical as specified in paragraph (c);
 - (b) must not extend beyond the perimeter of the vehicle when viewed in plan; and
 - (c) may be vertically located behind the rearmost portion of the passenger compartment and discharge vertically upwards or rearwards at any angle above the horizontal.
- (3) The exhaust system for a carrier or goods vehicle must comply with the following—
- (a) in the case of a vehicle which is not enclosed the exhaust outlet must extend at least 40mm beyond the furthestmost outboard or rearward joint in the floor plan but not beyond the general perimeter of the vehicle when viewed in plan;
 - (b) in the case of an enclosed vehicle not fitted with a vertical exhaust the outlet must extend to the perimeter of the vehicle;
 - (c) the outlet must discharge above the horizontal for a vertical exhaust and between 10 degrees and 45 degrees downwards for others;
 - (d) any exposed section of a vertical exhaust must be shielded to prevent accidental personal contact;
 - (e) the height of the outlet must be not less than 150mm above the cab but not more than 750mm above the ground.

Noise from exhaust systems

78. The exhaust system of every motor vehicle must incorporate an effective silencing device so constructed and maintained that all exhaust is projected through it so as to effectively prevent the creation of noise in excess of the levels commensurate with protection of the environment.

81. For the purpose of these Regulations— Part 11 — Vehicle Dimensions and Loads

Vehicle dimensions and measuring of wheel base

79.—(1) Except as authorised by an exemption or permit, no person may drive or use or cause or permit to be driven or used on a public street a vehicle that does not comply with the following requirements—

- (a) the height of the vehicle together with its load, if any, must not exceed 4.3m;
- (b) the length of a rigid vehicle together with its load, if any, must not exceed 11m;
- (c) the distance between the foremost point of a rigid vehicle and the centre of the rear axle must not exceed 8.3m;
- (d) the length of an articulated vehicle or a combination vehicle together with its load, if any, must not exceed 13.3m, except that the Authority may register an articulated or combination vehicle of not more than 17m if it is satisfied that—
 - (i) there is a demonstrated special need for the vehicle; or
 - (ii) there is a demonstrated need for the vehicle on a regular basis; and
 - (iii) the vehicle will generally operate on public streets, including bridges, so constructed that the vehicle will be able to manoeuvre with safety to itself and other road users and is not likely to inflict damage on any road or bridge;
- (e) no point on a semi-trailer may project more than 1.9m in any direction forward of the axis of the pivot pin;
- (f) the front overhang of a vehicle must not exceed 40% of the wheel base or 2.135m whichever is the lesser.
- (g) the rear overhang of a rigid vehicle the overall length of which is less than 9.5m must not exceed 60% of the wheel base or 3.2m whichever is the lesser;
- (h) the rear overhang of a vehicle the length of which is 9.5m or more must not exceed 60% of the wheel base or 3.7m whichever is the lesser;
- (i) the length of the loading space to the rear of the rear axle of a vehicle the unladen mass of which does not exceed 3.5 tonnes must not exceed half of the distance between the rear and the front axles of the vehicle or the length of the loading space forward of the rear axle whichever is the greater;
- (j) the length of the loading space to the rear of the rear axle of a vehicle the unladen mass of which exceeds 3.5 tonnes must not be more than the loading space forward of the rear axle;

(k) subject to paragraph (1) the width of a vehicle together with all fixtures other than signalling devices, lamps or mirrors required to be fitted under these Regulations and any load carried on the vehicle must not exceed 2.5m;

(l) the width of a vehicle together with its load must not exceed 3m; and

(m) in the case of a combination vehicle—

(i) the length from the pivot point of the trailer to the rear of the trailer must not exceed 11 m;

(ii) the distance from the rear of the towing vehicle to the front of the trailer must not exceed 4m;

(iii) where the trailer has only one axle, the length from the pivot point of the trailer to the centre of the trailer axle must not exceed 8.5m and the rear overhang must not exceed 3.7m; and

(iv) if the trailer has more than one axle, the length from the front of the trailer, excluding the draw bar, must not exceed 8.5m and the rear overhang must not exceed 3.2m.

(2) A wheel base is measured horizontally and parallel to the longitudinal axis of the vehicle between the front and the rear wheel centrelines at unladen mass.

Maximum loads

80.—(1) The maximum load in respect of any wheel on a vehicle—

(a) fitted with a normal tyre - is 2.7 tonnes; or

(b) fitted with a large tyre - is 3.5 tonnes; or

(c) is the rated capacity of the tyre,
whichever is the least.

(2) The maximum axle load in respect of any axle of a vehicle—

(a) fitted with two wheels with normal tyres - is 5.4 tonnes;

(b) fitted with two wheels with large tyres is - 7 tonnes; and

(c) in any other case - is 10 tonnes.

(3) The maximum aggregate axle load in respect of a tandem not being a twin steer axle—

(a) fitted with not less than 8 wheels - is 16 tonnes;

(b) fitted with 6 wheels with normal tyres - is 13.4 tonnes;

(c) fitted with 6 wheels with at least two large tyres - is 14 tonnes;

(d) fitted with 4 wheels with normal tyres - is 10.8 tonnes;

(e) fitted with 4 wheels with large tyres - is 14 tonnes.

(4) The maximum aggregate axle load in respect of a tri-axle is 20 tonnes.

(5) The maximum aggregate axle load in respect of twin steer axles is 10.4 tonnes if the twin steer axles are fitted with a load sharing system and 8 tonnes in any other case.

(6) The maximum axle or aggregate axle load of any axle, tandem or tri-axle must not exceed the aggregate of the rated tyre capacities or the vehicle manufacturer's rated capacity.

(7) For the purpose of this regulation, a large tyre must have—

- (a) a width of not less than 330mm and an overall tyre diameter of not less than 1080mm; or
- (b) a width of not less than 355mm and an overall tyre diameter of not less than 1049mm, and a tyre not conforming to the dimensions is deemed to be normal tyre.

(8) In the case of a vehicle equipped with two single axles, the proportion of weight on one axle must not be less than 20% of the aggregate of the axle weights.

(9) The maximum permissible aggregate mass, expressed as the GVM or GCM of the vehicle, in respect of all the axles of a motor vehicle, a trailer, articulated vehicle or combination vehicle is—

- (a) the maximum aggregate of the axle loads in respect of all the axles of the vehicle determined under sub-regulations (1) to (6);
- (b) in the case of a vehicle equipped with a tandem or a tri-axle which does not incorporate a load sharing system 30 tonnes or in the case of a vehicle equipped with a tandem or tri-axle which incorporates a load sharing system - 32 tonnes;
- (c) in the case of a combination vehicle - 32 tonnes; or
- (d) the manufacturer's gross vehicle mass or gross combination mass as the case may be, whichever is the least.

(10) In the case of any motor vehicle, trailer or combination vehicle with an unladen mass greater than 3.5 tonnes, the maximum axle loads determined under this regulation must be shown on the registration certificate of the vehicle, including the minimum tyre specification relating to such loads.

Definition of one axle

- (a) if the distance between the centres of the extreme axles of any 3 axles is not greater than 5.0m the axles must be considered a tri-axle;
- (b) if the distance between the centre of the extreme axles of any 2 axles that are not part of a tri-axle that are not steerable axles is—
 - (i) not greater than 3.5m - the axles must be considered a tandem axle; and
 - (ii) not greater than 1.0m - the axles must be considered a single axle.
- (c) if the distance between the centre of the extreme axles of any 2 steerable axles is not greater than 2.5m - the axles must be considered a twin steer axle.

Some vehicles to have a gross combination mass

82. No person may drive or use or cause or permit to be driven or used on a public street a motor vehicle hauling a trailer which has a mass with its load exceeding 3 tonnes unless the Authority has assigned to the motor vehicle a gross combination mass.

Permit to operate non-complying vehicle

83.—(1) The owner of a vehicle or his or her agent may apply for a permit to operate a vehicle that does not comply with the requirements specified in regulation 79 or 80.

- (2) A permit issued under sub-regulation (1) may—
- (a) authorise the vehicle specified in the permit to be used on a public street subject to conditions necessary for the protection of roads and bridges and the safety of other road users; and
 - (b) be issued for a specified journey or for a specified period or both.
- (3) A permit under sub-regulation (1) must—
- (a) be carried by the driver of a vehicle to which the permit relates; and
 - (b) be produced on demand by a police officer or authorised officer.

Weighing as a service

84.—(1) A motor vehicle or trailer may as a service, be weighed by or through the Authority on application by the owner or his agent.

(2) The Authority must issue a certificate showing the mass of a vehicle weighed under sub-regulation (1).

Weighing devices

- 85.—(1) A weighing device which has been approved—
- (a) for trade use in the Fiji Islands; or
 - (b) by a national standards authority for use in the weighing of motor vehicles for enforcement purposes, may be used in accordance with these Regulations.

(2) Every weighing device must be tested, calibrated and certified by the Chief Inspector appointed under the National and Trade Measures Decree 1989.

Use of weighing devices, etc

86.—(1) A police officer or authorised officer may use a weighing device approved and tested under regulation 85 to determine the wheel load, axle load, tandem axle load, tri-axle load or aggregate axle load of a vehicle and a certificate or statement of such determination is prima facie evidence of the matter stated in the certificate or statement.

(2) If a weighing device on premises is used for the purpose of undertaking the weighing of vehicles under section 75(3), the operator of the weighing device must provide for inspection any certificates and technical specifications that may reasonably be requested by a police officer or authorised officer for the purpose of complying with sub-regulation (1) or regulation 89(1).

(3) A police officer or authorised officer who has reason to believe that the weight of a vehicle and its load is in excess of the limit prescribed by regulation 80—

- (a) may require the driver to stop the vehicle for it to be weighed by a portable or stationery weighing device approved and tested under regulation 85; or
- (b) require the driver to drive the vehicle to the nearest weighing centre.

(4) If a vehicle weighed under sub-regulation (1) is in excess of the prescribed limit, the police or authorised officer may require the driver to remove the excess load.

(5) The owner or operator of a vehicle is responsible for any load removed under sub-regulation (4) and neither the Authority, a police officer nor an authorised officer is liable for any loss or damage to the load removed.

(6) A person who fails to comply with sub-regulation (2), (3) or (4) commits an offence.

Offence of excess load

87.—(1) It is an offence to drive, use or cause or permit to be driven or used in a public street any vehicle having a wheel load, axle load or aggregate axle load in excess of the limits prescribed by—

- (a) regulation 80;
- (b) a permit issued under regulation 83;
- (c) an exemption under regulation 4(2); or
- (d) Schedule 1 (road sign No. 24) of the Land Transport (Traffic) Regulations 2000.

(2) For the purpose of this regulation, the carrying of excess loads prescribed by regulation 80 or by a permit or exemption amounts to separate offences, except that exceeding the maximum axle load or aggregate axle load is not a separate offence from exceeding the maximum wheel loads on each axle.

Determining loads

88.—(1) A wheel load, axle load or aggregate axle load of a vehicle may be determined by a police officer or authorised officer by causing to be placed on or to pass over a weighing device—

- (a) any wheel separately;
- (b) any or all of the wheels on an axle, including an axle which is a part of a tandem or tri-axle;
- (c) any or all of the wheels on a tandem or tri-axle; or
- (d) all the wheels on the vehicle.

(2) A load or the aggregate of a load determined by a police officer or authorised officer is the wheel load, axle load, tandem axle load, tri-axle load or aggregate axle load, as the case may be, of the vehicle to which it relates notwithstanding that any wheel of the vehicle in relation to any other wheels was, at the time of the determination, in alignment with the same horizontal plane, unless the divergence from that alignment is proved to have exceeded 150mm.

(3) If an aggregate load of 2 axles or a tandem axle load or a tri-axle load is determined by a portable weighing device, the wheels that are not placed on the device must, if necessary, be placed or supported so that the wheels are, in the opinion of the police officer or authorised officer as near as practicable in the same horizontal plane as the wheels placed on the device and evidence by the officer that he or she caused those wheels to be placed or supported is prima facie evidence of the fact.

(4) Notwithstanding sub-regulation (1), the aggregate axle load of a motor vehicle, articulated vehicle, combination vehicle or trailer may be determined by adding together the axle loads of all the axles.

(5) The driver or person in charge of a vehicle on a public street must, if requested by a police officer or authorised officer—

- (a) take the vehicle with the load on it to the nearest weighing device on the route towards the place to which the vehicle is proceeding or to a weighing device within 10km in any direction from the place at which the request is made; and
- (b) assist the officer to determine the wheel load, axle load, tandem axle load, tri-axle load or aggregate axle load by placing the vehicle on a weighing device as required by the officer for the purposes of these Regulations.

Issue of weighing certificates

89.—(1) If the wheel load, axle load, tandem axle load, tri-axle load or aggregate axle load of a motor vehicle or trailer is determined by a police officer or authorised officer under regulation 88, the officer must issue to the driver or person in charge of the vehicle a certificate showing the particulars of the wheel load, axle load, tandem axle load, tri-axle load or aggregate axle load of the vehicle.

(2) A certificate issued under sub-regulation (1) or a certified copy of it signed by a police officer or authorised officer is admissible as prima facie evidence of the matters stated in the certificate.

Unloading excess loads

90.—(1) If a police officer or authorised officer finds that a motor vehicle has excess load, the officer may direct the driver or person in charge of the vehicle to remove the excess load from the vehicle before he or she can proceed.

(2) The driver or person in charge of the vehicle remains responsible for any load removed under sub-regulation (1) and the Authority or the police or authorised officer is not responsible for any loss or damage to the load removed.

(3) A person who fails to comply with sub-regulation (1) commits an offence.

Weighing other than on a public street

91.—(1) The driver of a vehicle who is in the premises in which police officers or authorised officers are undertaking weighing of vehicles under section 75(3) must comply with regulation 88(5) (b).

(2) If a weighing device in the premises is not being used concurrently for commercial purposes, an operator may recover his usual commercial fee or any other fee agreed to by the operator and the Authority for weighing carried out under section 75(3).

(3) If a person commits an offence under regulation 87 with regard to a vehicle weighed under section 75(3), the Commissioner of Police or the Authority may recover any fee charged under sub-regulation (2) from the person.

(4) If a load is determined other than on a public street a certificate issued by a police or authorised officer under regulation 88 is prima facie evidence for the purpose of regulation 87 that the driver has driven the load on a public street prior to the weighing of the vehicle.

Part 12 — Miscellaneous Provisions

Mudguards

92.—(1) Mudguards must be provided for all the wheels on the front axle of every motor vehicle, other than a motor cycle, and must be so constructed as to—

- (a) catch and deflect downward any stone, mud, water or other substance thrown upwards by the rotation of the wheels; and
- (b) protect against contact with the upper half of the wheel or tyre.

(2) Mudguards must be provided for the rear wheels of every motor vehicle other than a motor cycle and trailer and must be constructed as follows—

- (a) the width must not be less than the width of the tyre or tyres except that if the body is a tray type of width 2.2m or more than the mudguard, must not be less than 380mm in width;
- (b) the mudguard must give protection at and above a point at a height above ground level not exceeding 1/3 of the distance such point is rearward of the centre of the axle or 230mm whichever is the greater;
- (c) the protection offered by the mudguard must be continuous to a point 30 degrees forward of the vertical centre line of the rear axle except on a motor vehicle used solely for the purpose of hauling a semi-trailer;
- (d) the rear surface of the rear mudguards fitted to a tray type motor vehicle or trailer of width 2.2m or more must be white or silver.

(3) Mudguards must be provided for the front and rear wheels of motor cycles and be so constructed that—

- (a) the width is not less than the maximum width of the tyre;
- (b) the front mudguard extends at least from a point vertically above the centre of the wheel rearwards to a point level with the centre of the wheel; and
- (c) the rear mudguard extends at least from a point vertically above the centre of the wheel rearwards to a point 45 degrees above the horizontal line through the centre of the wheel.

Speedometers

93. A motor vehicle capable of being driven at a speed in excess of 40km/h must be fitted with a speedometer indicating the actual vehicle speed to an accuracy of 10% for all speeds over 40km/h.

Cigarette lighters

94. Cigar or cigarette lighters fitted to a motor vehicle must be capable of actuation only when the engine control switch is in the 'accessory' or 'engine on' position.

Trailers and couplings

95.—(1) If a trailer is connected to a motor vehicle by draw bar and coupling, the draw bar and coupling must be constructed so as to prevent possible lateral swing of the trailer when the motor vehicle and trailer are in motion.

- (2) If a trailer is attached to a motor vehicle, the design must provide for—
- (a) an adequate amount of angular movement between the alignment of the vehicle and the towed trailer;
 - (b) sufficient strength of the coupling and draw bar is sufficient to prevent the trailer from becoming separated from the towing vehicle;
 - (c) the coupling to be equipped with a manually operated mechanism so constructed as to prevent accidental disengagement of the unit whilst in operation;
 - (d) a positive locking mechanism so that the coupling can be disconnected regardless of the angle of the trailer to the towing vehicle; and
 - (e) brackets or any other means of securing the forward portion of the coupling to the vehicle and the rearward portion of the coupling and the draw bar to the trailer which are of sufficient strength to prevent the vehicle and trailer becoming separated and which are firmly and securely attached to a substantial portion of the frame or framework of the vehicle or trailer.

(3) In addition to the requirements of sub-regulation (2), there must be affixed to a substantial portion of a vehicle and to the frame or other substantial portion of the trailer, a safety connection comprising a chain, cable or other non-rigid connection which will hold in tow the trailer in the event of failure or accidental detachment of the trailer coupling and the safety connection must be connected and affixed so that—

- (a) it is not liable to accidental disconnection and permits the normal angular movement of the coupling without more slack than is necessary; and
- (b) it will prevent the forward end of the draw bar from striking the ground in the event of accidental disconnection of the coupling.

(4) The coupling provided between a passenger car or other light vehicle to which no GVM has been assigned and a trailer must be of a ball and cup design and the ball must—

- (a) have a spherical working surface of at least 50mm nominal diameter; and
- (b) be legibly and indelibly marked with a number '50' in characters not less than 5mm high and the location of the marking must not interfere with the normal function of the coupling.

(5) The laden mass of any trailer and the mass transferred to the draw bar must not exceed the manufacturer's rated capacity of the coupling or draw bar.

Electrical connectors

96.—(1) The electrical connectors between a trailer and a towing vehicle must have 7 conductors and each contact is to be designated with a distinguishing number.

(2) The trailer circuits and wiring colour coding are as follows—

| <i>Contact No.</i> | <i>Circuit</i> | <i>Wiring Colour</i> |
|--------------------|--|----------------------|
| 1. | Direction turn signal lamps (left) | Yellow |
| 2. | Spare auxiliary circuit (interior lamp etc.) | Blue |
| 3. | Earth | White |
| 4. | Direction turn signal lamps (right) | Green |
| 5. | Spare auxiliary circuit (if used) | Black |
| 6. | Stop lamp | Red |
| 7. | Tail lamps and side clearance lamp | Brown |

Special conditions for motor cycles

97.—(1) Steering gear and handle bars must be designed to meet the following requirements—

- (a) the handle bars must be symmetrically placed on either side of the centre line of the motor cycle and steering gear assembly;
- (b) the handle bars must not extend less than 300mm nor more than 450mm on each side of the centre line of the motor cycle;
- (c) the height of the lowest part of the handle bar above the lowest point on the upper surface of the driver's seat must not exceed 300mm;
- (d) the steering gear must not be subject to accidental detachment or overlocking; and
- (e) the horizontal distance measured from the mid point between the headstem bearing to a point vertically above the centre of the front wheel must not exceed 550mm.

(2) The operation and location of controls must meet the following requirements—

- (a) for the front wheel brake, a handle must be located on the right hand side of the handle bars;
- (b) for the rear wheel brake, a foot pedal must be located on the right hand side of the motor cycle;
- (c) if the clutch is manually operated there must be a lever located on the left hand side of the handle bars;

- (d) the throttle must be hand-controlled with a control located on the right hand side of the handle bars;
- (e) except in the case of a motor cycle with an automatic transmission, the gear change must be by foot pedal;
- (f) the control for operating the headlamp for upper and lower beams must be on the left hand side of the handle bars;
- (g) the horn control must be on the left hand side of the handle bars; and
- (h) the turn signal lamp switch may be operated on either the left or right hand handle bar.

(3) Controls for the front wheel brake and turn signal lamps fitted to the right handle bar must be operable throughout the full range of the steering head by the operator's right hand without the need for him or her to remove the right hand from the throttle.

(4) The clutch control, the turn signal switch, if fitted to the left handle bar, the horn button and headlamp upper and lower beam control must be operable throughout the full range of the steering head by the operator's left hand without the need to remove the left hand from the left hand grip.

(5) In the case of a motor cycle equipped with self proportioning or anti-lock braking devices, the requirements for the location and operation of the control must be as for a rear brake control.

(6) All motor cycles powered by an internal combustion engine must be designed to allow the transmission to be disengaged by the driver at any engine speed.

(7) When a motor cycle is travelling at a speed greater than 25km/h the generator must be capable of maintaining a continuous supply of electrical energy not less than that required for continuous operation of any lamp required to be lighted under these Regulations.

(8) Every motor cycle must be fitted with an adequate foot rest for the driver and also for the passenger if a seating position is provided for the passenger and each foot rest—

- (a) must be rigidly affixed to the frame of the motor cycle and not further than 150mm from the axle of the rear wheel in the case of a passenger foot rest; and
- (b) must project outwards at right angles to the motor cycle for at least 115mm.

(9) Every two-wheel motor cycle must be fitted with a stand capable of holding the motor cycle in a substantially upright and stable position and the stand must be equipped with a spring or other device capable of holding it clear of the road under normal operating conditions.

(10) Every motor cycle fitted with a chain to transmit engine power must unless the frame or other equipment provides protection, be fitted with an effective guard which must provide protection from the front sprocket and at least the upper free run of the drive chain to a point not less than 300mm rearward of the rearmost foot rest or to a point vertically above the centre of the rear drive sprocket.

Special conditions for some vehicles

98. The Authority may impose any special conditions it thinks fit on the registration of a motor vehicle or trailer relating to its construction and equipment including the provision of fire extinguishers, first aid kits and any other safety equipment approved by the Authority.

Part 13 — Inspection of Vehicles

Interpretation

99. For the purpose of this Part—

'authorised inspector' means a person—

(a) who is employed by the Authority and duly authorised by it to undertake the inspection of vehicles, except that such person is exempted from the requirements of this Part relating to the holding of a vehicle inspector's permit; or

(b) who holds a vehicle inspector's permit;

'certificate' means the certificate issued by an authorised inspector which indicates that a vehicle has passed an inspection and shows the period of validity of such certificate;

'inspection' means inspection of standards to ensure that a vehicle complies with these Regulations and any additional standards of roadworthiness, safety, emission, fitness and comfort the Authority thinks fit in the interests of road safety, the environment and safe public transport;

'self inspection agency' means a company or body authorised by the Authority to inspect vehicles which it owns or operates for the purpose of complying with regulation 101.

Inspection at nearest centre

100.—(1) An inspection under this Part must be conducted at the inspection centre nearest to where the vehicle is normally kept.

(2) Notwithstanding sub-regulation (1), the Authority may allow an inspection to be undertaken at another centre if that would allow an earlier date of inspection.

Inspection requirements

101.—(1) Subject to sub-regulations (2) and (3), the Authority must not register or renew the registration of a vehicle unless the vehicle has passed an inspection required by this regulation or regulation 102.

(2) The Authority may register a new vehicle without an inspection if it is satisfied that the vehicle is of a type similar to a vehicle that has passed an inspection.

(3) Subject to regulation 102, the Authority may renew without inspection the registration of a private vehicle which is less than 3 years old unless its condition warrants inspection.

(4) Any inspection required by this regulation as a condition of renewal of registration of a vehicle, other than an inspection required under regulation 102, may be conducted at any time within 1 month prior to the expiry date of the current registration.

(5) The inspection of a motor vehicle or trailer must be undertaken by an authorised inspector authorised by the Authority to inspect the vehicle.

(6) The owner of a motor vehicle or trailer may apply to have the motor vehicle inspected unless the inspection is carried out by a self inspection agency.

(7) If an inspection is undertaken by an authorised inspection business, the prescribed or other specified fee is the maximum fee payable for the inspection and may be retained by the owner of the business.

(8) The person presenting a motor vehicle or trailer for inspection must ensure that the vehicle is free from any build up of mud, dirt, paint, grease, oil or other material which may prevent an authorised inspector from fully inspecting the vehicle body or mechanical components and the authorised inspector may refuse to inspect a motor vehicle or trailer until such material is removed by the person presenting the vehicle.

(9) No person other than an authorised inspector authorised in respect of the particular class of vehicle may supervise or certify the results of inspections of the vehicles.

(10) Sub-regulations (4), (5), (6), (7), (8) and (9) apply to any inspection carried out under the Act, except for any inspection under regulation 105.

Supplementary inspections may be ordered or required

102.—(1) If a motor vehicle undergoes an inspection under regulation 101, 105 or 106, an authorised inspector may—

- (a) order that the vehicle be submitted for supplementary inspection on the date ordered by the inspector; and
- (b) issue a new certificate or amend an existing certificate to accord with the date of the next supplementary inspection or date of registration renewal as the case may be.

(2) Notwithstanding sub-regulation (1), the Authority may make supplementary inspection—

- (a) a condition of any licence or permit; or
- (b) mandatory for any vehicle or class of vehicle over a specified age.

(3) The owner of a vehicle may present it for an inspection ordered or required under sub-regulation (1) or (2) at any time within 14 days before the date specified in the order.

(4) This regulation does not remove or limit an owner's obligation with regard to inspection required under regulation 101.

Procedure when a vehicle undergoes inspection

103.—(1) If a vehicle fails an inspection required under regulation 101 or 102, the Authority or authorised inspector must, in writing, notify the owner of the reasons for the failure.

(2) A person who uses a vehicle on a public street that fails an inspection under regulation 101 or 102 commits an offence unless the use is for the purpose of taking the vehicle for repairs, alterations or additions or producing the vehicle for a further inspection or any other use the Authority determines.

(3) The Authority may, if the circumstances of the case require, allow a vehicle to pass an inspection subject to the issue of a defect order under regulation 106.

(4) If a vehicle has passed an inspection under regulation 101 or 102, the Authority must upon payment of the prescribed fee issue a certificate valid for a specified period.

(5) A certificate of fitness is valid for 12 months from the date of its issuance unless earlier revoked or if the certifying officer thinks fit for a shorter period as specified in the certificate. (LN 49/03)

Owner may challenge decision

104.—(1) If an authorised inspector is of the opinion that a motor vehicle requires repairs, alterations or additions before it can pass inspection and so notifies the owner under regulation 103(1), the owner may apply to have the vehicle examined by a second authorised inspector appointed by the Authority.

(2) On payment of the prescribed fee, the second authorised inspector must, after the matter is referred to him or her, if he or she considers that no repairs, alterations or additions are required to the motor vehicle, permit it to be used and revoke the notification of the first authorised inspector, and the fee paid at the time of application must be refunded to the owner.

(3) In making an application to have the vehicle examined under sub-regulation (1), the owner must declare the results of the preceding inspection to the second appointed authorised inspector.

Powers of police officers and authorised officers

105. If a police officer or an authorised officer is of the opinion that there is any deficiency in the vehicle inspected under the Act, the officer may—

- (a) order the vehicle to be taken to another place for a further inspection; or
- (b) issue a defect order under regulation 106.

Defect orders

106.—(1) If a police officer or authorised officer or authorised inspector employed by the Authority, after inspecting a vehicle, is satisfied that the vehicle has a defect or defects which could adversely affect the safety or emission control of the vehicle, he or she may issue a defect order subject to conditions to be included in the order.

(2) If a police officer, authorised officer or an inspector is of the opinion that the defect or defects are such that the vehicle is unfit for safe use or protection of the environment, the police officer, authorised officer or inspector must issue a defect order directing the driver or owner or person in charge of the vehicle to—

- (a) discontinue the use of the vehicle within 24 hours subject to any condition included in the order; or
- (b) discontinue the use of the vehicle immediately and make arrangements for it to be towed to a place of repair.

(3) If a police officer, authorised officer or inspector is of the opinion that the defect or defects do not render the vehicle unfit for safe use or protection of the environment, the police officer, authorised officer or inspector must issue a defect order directing that the defect or defects be rectified within 14 days.

(4) A person must not use or permit the use of a vehicle in respect of which a defect order is in force, in breach of any of the conditions included in the order, except, with the permission of a police officer or authorised officer or inspector, in order to move the vehicle to and from the place of inspection nominated in the order.

(5) When a defect order has been issued, the driver of the vehicle must be given a copy and a defect label referring to the defect order must be attached to the windscreen, in the case of a motor vehicle, and in a prominent position in the case of a motor cycle.

(6) No person other than a police officer, authorised officer or inspector may remove from a vehicle a defect label issued under sub-regulation (5).

(7) A defect order remains in force until the defect label has been removed by a police officer, or authorised officer or inspector.

(8) A defect order may specify conditions—

(a) as to the route to be taken, the maximum speeds or any hours of operation to be observed by the driver of the vehicle until the defects specified in the order are corrected in accordance with the order; and

(b) for the inspection of the vehicle after repair and the time by which this must be undertaken.

Valuation of motor vehicles

107.—(1) The Authority may, upon application, inspect and value any motor vehicle or trailer.

(2) A valuation referred to in sub-regulation (1) must be in the form of a certificate setting out a description of the vehicle, the valuation and the signature of the authorised officer.

Part 14 — Authorised Inspection

Application to operate an authorised inspection business

108.—(1) An application to operate an authorised inspection business must be accompanied by a statement from the appropriate council or rural local authority to the effect that a business licence will be issued in respect of the premises to be used in the business if the application is approved.

(2) An application for renewal of a registered inspection business may be made at least 3 months before the registration certificate expires.

Consideration of an application

109. Before registering an authorised inspection business and issuing a certificate of registration, the Authority must be satisfied that—

- (a) the applicant is a fit and proper person to operate a vehicle inspection business;
- (b) the premises are suitable for the purpose of vehicle inspection and comply with any other standards approved by Authority;
- (c) the applicant or at least one employee of the applicant holds a vehicle inspector's permit; or
- (d) the application is accompanied by an application under regulation 112 for the applicant or at least one employee that satisfies the requirements of regulation 113; and
- (e) the appropriate council or rural local authority has approved or intends to approve the premises for the business of vehicle inspection.

Vehicle inspection certificate

110.—(1) A certificate of registration is valid for 5 years subject to the payment of the prescribed annual fee and if the annual fee has not been paid the certificate is invalid.

(2) A certificate of registration must be displayed in a prominent position at the place of business by the operator of the vehicle inspection business.

(3) An expired certificate must be surrendered to the Authority on the issue of a renewal.

(4) A certificate cancelled by the Authority is void and must be surrendered to the Authority.

(5) An authorised officer may without warrant enter premises for the purpose of seizing an expired or cancelled certificate.

Management of the vehicle inspection business

111.—(1) An operator of a vehicle inspection business must—

- (a) maintain a register in a form approved by the Authority showing the date and time of each inspection, the name of the vehicle owner, the registration number of the vehicle inspected and the notice or certificate issued; and
- (b) maintain a receipt book showing payment received in respect of each inspection undertaken.

(2) The register and receipt book referred to in sub-regulation (1) must be retained for not less than 12 months and must be produced for inspection on demand by an authorised officer.

(3) The operator of a vehicle inspection business must maintain the facilities to a standard acceptable to the Authority and as set out in the relevant code of practice.

(4) An authorised officer may, at any reasonable time and without warrant, enter any vehicle, premises or other facility used for the purpose of a vehicle inspection business.

(5) The operator of a vehicle business must notify the Authority of the names and permit numbers of all authorised inspectors engaged in the business and must notify it of any change within 14 days of that change.

- (6) The operator of a vehicle inspection business must not—
- (a) use any title, addition or description implying that a person employed by him or her is the holder of a valid vehicle inspector's permit if the person employed is not the holder of such permit; or
 - (b) make any advertisement likely to mislead as to the extent to which persons employed by him or her are the holders of vehicle inspector's permit. —

Application for vehicle inspector's permit

112.—(1) A person may apply for a vehicle inspector's permit or the renewal of such permit.

(2) An application for the renewal of a vehicle inspector's permit may be made within 3 months before the permit expires.

Consideration of an application

113. Before granting a vehicle inspector's permit, the Authority—
- (a) must be satisfied that the applicant is a fit and proper person to hold the permit and in particular —
 - (i) is not less than 25 years of age;
 - (ii) has held a driver's licence for the class of vehicle to which the vehicle inspector's permit will apply for a total period of not less than 2 years in the period of 3 years immediately preceding the date of the application;
 - (iii) has not in the last 5 years been convicted for an offence, the penalty for which resulted in—
 - (A) imprisonment; or
 - (B) disqualification from driving, for 3 months or more;
 - (b) must require the applicant to comply with the relevant code of practice, including training and experience.

Vehicle inspector's permit

114.—(1) A vehicle inspector's permit may extend to every motor vehicle or class of motor vehicle and an authorised inspector must only inspect the class of motor vehicle specified in his or her permit.

(2) A vehicle inspector's permit is valid for 3 years subject to the payment of the prescribed annual fee and if the annual prescribed fee has not been paid, the permit is invalid.

(3) A vehicle inspector's permit is void during any period the holder's driving licence has lapsed or been suspended or if the holder's driving licence is cancelled.

(4) A vehicle inspector's permit is void if the holder of the permit is convicted of an offence for which the penalty is—

- (a) imprisonment; or
- (b) disqualification from driving, for a period of 3 months or more.

(5) The holder of a vehicle inspector's permit which is void under sub-regulation (3) or (4) must return the permit to the Authority.

Vehicle inspectors to produce permit

115. The holder of a vehicle inspector's permit must—
- (a) produce the permit for inspection if required by a police officer or an authorised officer; and
 - (b) upon a request from a person whose vehicle he or she is inspecting, or about to inspect, allow that person to inspect the permit.

Application to operate a self inspection agency

116.—(1) An application to operate a self inspection agency must be accompanied by a list of the registered numbers of all vehicles which may be the subject of self inspection.

(2) An application for the renewal of registration may be made within 3 months before the registration certificate expires.

Consideration of an application

117. Before registering a self inspection agency and issuing a certificate of registration, the Authority must be satisfied that—

- (a) the applicant is a fit and proper person to operate a self inspection agency;
- (b) the premises are suitable for the purpose of vehicle inspection and complies with any other standards approved by the Authority;
- (c) at least one employee of the applicant holds a vehicle inspector's permit; or
- (d) the application is accompanied by an application under regulation 112 and at least one employee satisfies the requirements of regulation 113;
- (e) the appropriate council or rural local authority has approved or intends to approve the premises for the business of vehicle inspection; and
- (f) the vehicles listed for self inspection are only those owned or operated by the applicant.

Self inspection certificate

118.—(1) A certificate of registration is valid for 5 years subject to the payment of the prescribed annual fee and if the annual prescribed fee has not been paid, the certificate is invalid.

(2) A certificate of registration must be displayed by the operator of the self inspection agency in a prominent position in the place of business.

(3) An expired certificate must be surrendered to the Authority on the issue of a renewal.

(4) A certificate cancelled by the Authority is void and must be surrendered to the Authority.

(5) An authorised officer may, at any reasonable time and without a warrant enter premises for the purpose of seizing a cancelled certificate.

Management of a self inspection agency

119 –(1) The operator of a self inspection agency must keep and maintain a register to the satisfaction of the Authority indicating dates, times, the registration numbers of the vehicles inspected and notices or certificates issued. . ~

(2) A register referred to in sub-regulation (1) must be retained for a period of not less than 12 months and must be produced for inspection on demand by an authorised officer.

(3) The operator of a self inspection agency must maintain the facilities to a standard acceptable to the Authority and as set out in the relevant code of practice.

(4) An authorised officer may at any reasonable time; and without a warrant, enter any self inspection agency premises for the purpose of inspecting the premises.

(5) The operator of a self-inspection agency must notify the Authority of the names and permit numbers of all authorised inspectors engaged by the agency and must notify it of any change within 14 days of the change.

(6) The operator of a self inspection agency must notify the Authority of the registered numbers of all vehicles which are the subject of self inspection and of any change within 14 days of the change.

(7) The operator of a self inspection agency must not inspect any vehicle, other than those owned or operated by him or her and so listed in the records of the Authority.

Cancellation when the holder is unfit

120.—(1) If it appears to the Authority at any time that a person operating a vehicle inspection business or self inspection agency or any holder of a vehicle inspector's permit is or has become, whether by reason of impropriety, misuse, physical incapacity or incompetence or for any other reason whatsoever, unfit to operate a vehicle inspection business or self inspection agency or to be the holder of a vehicle inspector's permit, the Authority may, by notice in writing served personally upon holder of such certificate of registration or permit as the case may be, or sent to him or her by registered post at the last known or usual place of residence or at the place of business, requiring the person to appear before the Authority at a time and place stated in the notice, and to produce the certificate of registration or permit, and show cause why it should not be cancelled.

(2) A notice under sub-regulation (1) must state the grounds of the proposed cancellation.

(3) The Authority must take into consideration the matter stated in the notice and any evidence tendered in support or tendered by the holder of the certificate or permit, and may, if it thinks fit, revoke the certificate of registration or vehicle inspector's permit.

Appeals

121.—(1) A person who is aggrieved by a decision of an officer acting under delegation of the Authority to—

- (a) refuse to issue or re-issue or to cancel a vehicle inspection certificate;
- (b) refuse to issue or re-issue or to cancel a vehicle inspector's permit; or
- (c) refuse to issue or re-issue or to cancel a self inspection certificate,
may appeal to the Authority which may affirm or vary the decision.

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

Part 15 — Miscellaneous

Penalties

122. 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 the offence in Schedule 2 of the Land Transport (Fees and Penalties) Regulations 2000. **(LN 49/03)**