

SECTION 113-----LAND TRANSPORT (DRIVER) REGULATIONS 2000
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Legal Notice No. 60 of 2000

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Part I — PRELIMINARY

Citation and commencement

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

Interpretation

2. In these Regulations, unless the context otherwise requires—
'approved form' means a form approved by the Authority for the purpose of these Regulations;

'articulated vehicle' means a motor vehicle with a trailer, having no front axle and attached to the motor vehicle or the load is superimposed on the motor vehicle and a substantial part of the mass of the trailer or its load of which is borne by the motor vehicle;

'combination vehicle' means a motor vehicle with a trailer of which the unladen mass exceeds 3.5 tonnes;

'driving examiner' means an authorised officer appointed as such under section 9(1) of the Act to conduct driving tests;

'driver's licence' means a licence issued under these Regulations authorising the holder to drive a class of vehicle in respect of which the licence is issued;

'hazardous material' means any material or substance listed in Schedule 3;

'hazardous materials driver's permit' means a driver's permit issued under regulation 27;

LN 49/2002 'International driving permit' means a permit to drive a vehicle other than a public service vehicle in countries outside the Fiji islands by a Fiji islands resident or citizen;

'learner's permit' means a driver's licence issued in respect of a specified class of vehicle to a person for the purpose of learning to drive a vehicle of that class;

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

'practical driving test' means a driving test conducted under regulation 14 by a driving examiner to determine the ability of a person to drive or control a motor vehicle on a public street;

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

'public service vehicle driver's licence' means a class 3, 4, or 5 driver's licence specified in Schedule 1;

'public service driver's permit' means a permit issued under regulation 24;

'Road Code' means a code of practice issued under section 38(3) of the Act.

(2) Reference to a class of driver's licence or to a class of vehicle is a reference to the classes listed in Schedule 1.

(3) Reference to 'apply' or 'application' under these Regulations means to apply or make an application to the Authority in the approved form accompanied by the prescribed fee.

Authority to maintain records

3.—(1) The Authority must maintain a record of—

- (a) all motor vehicle drivers;
- (b) the details contained in every application for the issue of a driver's licence;
- (c) the particulars of every driver's licence, and every renewal of it;
- (d) any restrictions or conditions on a driver's licence; and
- (e) particulars of any penalty on, conviction of, suspension of or disqualification of a driver.

(2) An extract or copy of the record referred to in sub-regulation (1) is prima facie evidence of the matters in the record.

Part II — LICENSING OF DRIVERS

Division 1 — General

Drivers to be licensed

4.—(1) A person who—

- (a) drives a motor vehicle on a public street without a driver's licence;
- (b) drives a motor vehicle on a public street in contravention of any condition or restriction on a licence; or
- (c) employs, permits, causes or allows another person to drive a motor vehicle in contravention of paragraph (a) or (b),

commits an offence.

(2) In this regulation, 'driver's licence' includes a driver's licence or other authority issued in another country which authorises the holder to drive a motor vehicle in the Fiji Islands in accordance with regulation 21.

(3) In sub-regulation (1) condition or restriction on a licence means a condition or restriction endorsed on the driver's licence or a condition or restriction to drive a vehicle imposed on a driver's licence by any authority in another country.

(4) An applicant for a driver's licence must satisfy the Authority as to his or her identity in an approved form including 2 recent passport size photographs portraying the front view of his or her head.

(5) Sub-regulation (4) applies to the first renewal of a driver's licence.

Form of driver's licence

5.—(1) A driver's licence must be in the approved form and contain a recent photograph portraying the front view of the head of the holder of the licence.

(2) A driver's licence is invalid if the signature of the holder does not appear on it.

(3) After the applicant has met the requirements for the issue of a driver's licence, the receipt issued may be used as a temporary driver's licence for a period of up to 2 months from the date of issue, pending the issue of the driver's licence.

Licences to be produced

6.—(1) A holder of a driver's licence must carry it at all times when driving and upon demand by a police officer or an authorised officer, produce the current licence for inspection by the officer.

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(2) A person who fails to produce his or her licence for inspection on demand by the police officer or authorized officer commits an offence.

Duplicate licences

7. The Authority may, on application, issue a duplicate driver's licence if the original licence is lost, destroyed, defaced or mutilated.

Period of validity of a licence

8.—(1) A driver's licence is valid—

(a) if the prescribed annual licence fee is paid - for 12 months from the date of issue;

(b) if the prescribed 3 years licence fee is paid -for 3 years from the date of issue;
or

(c) if the prescribed 6 years licence fee is paid - for 6 years from the date of issue.

(2) A driver's licence expires at midnight at the end of the day shown as the date of expiry and may be renewed by the Authority.

(3) A learner's permit is not valid for more than 12 months.

(4) A provisional licence is not valid for more than 2 years.

(5) This regulation does not permit a person to drive a motor vehicle in contravention of regulation 4, or validate any act by the person between expiry and subsequent renewal of any licence.

Fees and refunds

9.—(1) Only one fee is payable on the issue or renewal of a licence to drive one prescribed class of vehicle.

(2) The Authority may refund on a pro rata basis the licence fee in respect of any unexpired period of 12 months or more after deducting any outstanding penalty provided in the Act, and a 10% administration fee.

(3) No refund is payable under sub-regulation (2) if the licence has been cancelled under regulation 29 or the driver is disqualified by a court from holding a driver's licence.

Authorisation provided by a driver's licence

10.—(1) The classes of driver's licence are prescribed in column 1 of Schedule 1.

(2) A driver's licence authorises the holder of the licence to drive a class or classes of motor vehicles prescribed in column 2 of Schedule 1.

(3) Class 8 or 9 vehicles, combination vehicles and other specialised vehicles determined by the Authority as being in class 8 or 9 may only be driven by a holder of a class 8 or 9 licence.

(4) A driver's licence does not authorise the holder to use a vehicle for the transportation of hazardous substances unless the driver also holds a hazardous substances permit.

(5) A class 2, 3, 4, 5, 6 or 8 vehicle may be used with a trailer except that for a class 2, 3 or 8 vehicle the unladen mass of the combination vehicle must not exceed 3.5 tonnes.

(6) A driver's licence authorising the holder to drive 2 or more classes of vehicles is treated as if the licence were a number of separate drivers' licences, each issued in respect of one of the prescribed classes.

(7) The Authority may, generally or in any particular case, determine the conditions or restrictions subject to which the holder of a driver's licence may drive a motor vehicle and the conditions and restrictions must be endorsed on the licence.

Minimum age and experience of drivers

11.—(1) The Authority must only issue a driver's licence of a particular class to a person who has attained the age prescribed in respect of that class in Schedule 2.

(2) Subject to sub-regulation (1), the Authority may issue a—

- (a) a class 3, 4, 6 or 9 licence if the applicant is a holder of a class 2 licence other than a provisional licence; (LN 49/2002)
- (b) a class 5 licence if the applicant has been the holder of a class 3, 4 or 6 licence for over 1 year; (LN 49/2002) or
- (c) a class 7 licence if the applicant has been the holder of a class 5 or 6 licence for over 1 year.

(3) The Authority may treat any period for which an applicant has held a valid driver's licence or other authority issued in another country, authorising him or her to drive a class of motor vehicle equivalent to that specified in sub-regulation (2) as a qualification for obtaining another class of licence, subject to criteria set out in the appropriate code of practice issued under section 38 of the Act.

Division 2 — Issue and Renewal of Drivers' Licences

Application

12. An application for a driver's licence or a learner's permit must be—
- (a) made to the Authority on the approved form;
 - (b) accompanied by the prescribed licence or permit fee; and
 - (c) in the case of a learner's permit, accompanied by the prescribed test fee.

Determining an application

- 13.—(1) Before issuing a driver's licence, the Authority must be satisfied that—
- (a) in the case of a driver's licence - the applicant—
 - (i) is the person referred to in the application and has attained the necessary age;
 - (ii) holds a current learner's permit in respect of the class applied for; or a current driver's licence or other authority issued in another country, authorising him or her to drive a motor vehicle of equivalent class to that for which the application is made;
 - (iii) is capable of driving safely a motor vehicle in the class applied for;
 - (iv) has adequate knowledge of the requirements of these regulations in relation to the class of licence applied for; (LN 49/2002)
 - (v) appears to be physically capable of operating and controlling a vehicle in the class applied for;
 - (vi) has satisfactory eye sight and colour recognition; and
 - (vii) is fit to hold a driver's licence;
 - (b) in the case of a learner's permit - the applicant satisfies all the requirements in paragraph (a) except sub-paragraphs (a)(ii) and (iii).

- (2) The Authority may require an applicant for a driver's licence or learner's permit—
- (a) to undertake an examination or a test whether medical or otherwise;
 - (b) in the case of an application for a class 3 or higher class licence - to undergo a medical test or examination by a registered medical practitioner;
 - (c) in the case of a holder of a valid licence or authority issued in another country - to undergo tests specified in the appropriate code of practice, except that the first test must be free of charge; and
 - (d) if the applicant has been suspended for 6 months or more from holding a licence—
 - (i) to demonstrate that he or she is a fit and proper person to hold a licence including having undertaken a defensive driving course if required by the Authority or a court; and
 - (ii) to produce any other evidence or undertaking.
- (3) An applicant for a driver's licence other than a learner's permit must undertake a practical driving test under regulation 14, except that—
- (a) if the applicant has held a valid licence of the same class within the last 3 years and the licence has not been cancelled or suspended for a period of 12 months or more - no test fee is payable for the first test;
 - (b) if the applicant has held a valid licence of the same class within the last 6 months - the application is to be treated as a renewal of the licence.
- (4) The Authority may require the applicant to undertake an approved oral or written test.
- (5) A driver's licence may only be issued if the applicant has demonstrated adequate knowledge of the road rules through the test conducted under sub regulation (4) and regulation 14.
- (6) An applicant for a driver's licence must only be tested under sub regulation (4) on the materials contained in a Road Code issued under section 38 of the Act.
- (7) If the applicant complies with this regulation and has paid the prescribed licence fee, the Authority must issue the appropriate licence and record the details in the record of motor vehicle drivers maintained under regulation 3.

Practical driving test

14.—(1) A practical driving test must not be undertaken until the person has reached the minimum age prescribed in Schedule 2 in respect of the class of vehicle for which the person is applying.

(2) An applicant for a class 2 licence may elect to be tested on a vehicle with an automatic transmission and a licence issued pursuant to that application may restrict the holder with respect to the nature of the transmission, except as provided for by regulation 18.

(3) Before a practical driving test is undertaken, the applicant must produce—

(a) his or her current learner's permit relating to the vehicle class for which the test is to be conducted; or

(b) his or her valid driver's licence or other authority issued in another country authorising him or her to drive a motor vehicle of an equivalent class to that for which the application is made.

(4) Before conducting a driving test, the driving examiner must be satisfied that the applicant is the person referred to in the application and has attained the age prescribed in Schedule 2.

(5) During the practical driving test, the applicant must comply with any reasonable instructions given by the driving examiner conducting the test.

(6) An applicant must undertake a practical driving test in the class of vehicle in respect of which the driver's licence will apply as set out in Schedule 1.

Testing at nearest centre

15.—(1) A practical driving test must be conducted at the test centre nearest to where the applicant resides, works or studies.

(2) The Authority may allow a test to be undertaken at another test centre if an earlier date is available there.

Application for renewal of a driver's licence

16. An application for renewal of a driver's licence must be made on the approved form and be accompanied by the prescribed fee.

Determining an application for renewal

17.—(1) The Authority may, before renewing a driver's licence—

(a) take any action it considers reasonable to satisfy itself that the applicant is capable of driving, with safety to the public, a motor vehicle of the class to which the licence applies;

(b) take into account any conviction of the applicant for an offence under the Act or regulations or any record of public or official complaints against the applicant; and

(c) in the case of a person who has attained the age of 70 years or more – require the applicant to take a practical driving test on a vehicle of the class in respect of which the licence is applied for and to undergo a medical examination by a registered medical practitioner.

(2) No fee is payable by an applicant in respect of the driving test referred to in sub- regulation.

(3) A driver's licence issued to a person who is 70 years or more must be renewed annually.

(4) An Applicant for renewal of class 3, 4, 5, 6, 7, or 9 must be accompanied by a

medical certificate from a registered medical practitioner stating that-

- (a) in the case of the holder who is not suffering from a chronic illness-the holder of such class of licence is likely or not likely to suffer from chronic illness during 5 years before such licence expires; or
 - (b) in the case of the holder who is suffering from chronic illness-the holder of such class of licence has been suffering from chronic illness in the last 12 months.
- (5) Subject to sub-regulation (7), the Authority may renew a driver's licence that—
- (a) has not been renewed for less than 3 years, subject to the payment of the prescribed fees from the date the licence expired; or
 - (b) has been suspended or cancelled for less than 12 months.
- (6) An application for renewal of a licence that has not been renewed for 3 years or more or that has been suspended or cancelled for 12 months or more is to be treated as a new application.
- (7) The Authority may, on application—
- (a) renew a public service vehicle driver's licence that has not been renewed for more than 12 months, subject to payment of the prescribed fee from the date of the expiry of the licence; and
 - (b) require the holder to undertake a driving test on the class of public service vehicle in respect of which he or she is licensed to drive.
- (8) The Authority—
- (a) must determine an application under regulation 16 if made within 1 month before it expires;
 - (b) may, for good reasons, determine an application under regulation 16 made more than 1 month before it expires.

Division 3 — Provisional Licences and Learner's Permits

Provisional licences

18.—(1) A class 1, 2 or 8 driver's licence must be first issued as a provisional licence.

(2) Subject to sub-regulations (4) and (6), the holder of a provisional licence must, when driving a motor vehicle on a public street, cause to be displayed conspicuously at, and so as to be clearly visible from the front and rear, in the case of a motor vehicle other than a motor cycle, a sign displaying the letter 'P' not less than 150mm in height x 90mm wide in red on a white background.

(3) The Authority may exempt the holder of an approved licence from the requirement of subregulation (2) if it is satisfied that that person has, before holding that licence, held a driver's licence other than a learner's permit and has been driving for a continuous period of 1 year or more.

(4) Sub-regulation (2) does not apply to a police officer driving a Government

vehicle while on official duties.

(5) The holder of a provisional licence must not drive on a public street a motor vehicle with manual transmission if the person undertook the practical driving test in a vehicle equipped with automatic transmission unless the holder had previously held a licence authorising him or her to drive a motor vehicle with manual transmission

- (6) A driver's licence other than a provisional licence may be issued—
- (a) if the applicant has been the holder of a driver's licence for 2 years immediately before the date of the application;
 - (b) if the applicant is the holder of a valid driver's licence or other authority issued in another country; or
 - (c) if the applicant is the holder of another prescribed class of licence.

Learners' permits

19.—(1) A learner's permit issued under section 57(1) of the Act is valid for 12 months from the date of issue.

(2) A condition or restriction imposed on a learner's permit may include the purpose, time, or public streets on which a motor vehicle may be driven by the holder of the permit.

(3) A holder of a learner's permit must not drive a motor vehicle on a public street, unless—

- (a) a sign displaying the letter 'L' 200mm high and 140mm wide in red on a white background is displayed conspicuously at the front and rear of the vehicle; and
- (b) in the case of a motor vehicle other than a motor cycle or tractor — only one seating position in addition to the driver's seat is occupied, and the seat is in the same general transverse plane as the driver's seat and is occupied by—
 - (i) a person who holds a driver's licence other than a provisional licence or a holder of a driving instructor's permit; or
 - (ii) a driving examiner conducting a practical driving test under regulation 14

(4) The sign required by sub-regulation (3) (a) must only be displayed when a vehicle is being driven by the holder of a learner's permit.

Renewal of a learner's permit

20.—(1) A learner's permit may be renewed after the expiry of 12 months on payment of the prescribed fee if the holder of the permit has taken at least one practical driving test during the validity of the first permit.

(2) If no practical driving test is undertaken within the period of validity of the learner's permit, no renewal may be granted unless the applicant had a good reason for not taking the test.

Licences issued in other countries

21.—(1) Subject to sub-regulation (2), a driver's licence or other authority issued in another country authorises the holder to drive the relevant class of motor vehicle in the Fiji Islands, subject to the following conditions—

- (a) the holder of the licence is authorised to drive the relevant class of motor vehicle during the validity of the driver's licence or other authority;
- (b) the holder of the licence is entitled to drive only the classes of motor vehicle authorised to be driven under the licence or authority; and
- (c) the holder of the licence must carry on himself or herself the licence or authority while driving or in charge of a motor vehicle on a public street. (LN 49/2002)

(2) The holder of a driver's licence or other authority issued in another country must not drive a motor vehicle in the Fiji Islands—

- (a) if the vehicle is a class 3, 4 or 5 vehicle;
- (b) after 6 months from the date of the person's arrival in the Fiji Islands;
- (c) if the person is disqualified from holding or obtaining the licence or authority in the other country;
- (d) if the licence or authority has been suspended by the other country; or
- (e) if the Authority is satisfied that the person is not fit to drive a motor vehicle in the Fiji Islands.

(3) The Authority may require a holder of a driver's licence or other authority issued in another country to submit a duly certified English language translation of the driver's licence or other authority.

International drivers' permits

23. The Authority may, upon application, issue to a person who is the holder of a driver's licence or other authority issued in another country and who is 18 years or over an International Driving Permit to drive a prescribed class of vehicle outside the Fiji Islands upon payment of the prescribed licence fee. (LN 49/2002)

Division 4 — Public Service Vehicle Driver's permit

Application

23.—(1) No person may drive a class 3, 4 or 5 vehicle while it is carrying passengers unless the person holds a driver's licence of the same class and has been issued with a public service vehicle driver's permit.

(2) An application to issue or renew a public service vehicle driver's permit must be made on the approved form and accompanied by the prescribed fee.

Determining an application

24.—(1) If the Authority is satisfied that the applicant has complied with

this regulation and has paid the prescribed fee, the Authority must issue or renew a public service vehicle driver's permit and record it in the records of the Authority.

(2) Before issuing or renewing a public service vehicle driver's permit, the Authority must be satisfied that the applicant—

- (a) holds a valid Class 3, 4 or 5 driver's licence; and
- (b) has complied with any other requirement to drive public service vehicles imposed by the Authority.

(3) The Authority may refuse to issue or renew a public service vehicle driver's permit if it is satisfied that a person—

- (a) is unfit to be issued with such permit by reason of intemperance or of some physical or other defect;
- (b) has a record as a driver of motor vehicles or has such habits or shows such conduct that in the interest of public safety the person should not hold such a permit;
- (c) has a continuing record of disregarding the Act or regulations; or
- (d) has not satisfied any other requirements to drive public service vehicles imposed by the Authority.

Validity and conditions of licence

25.—(1) A public service vehicle driver's permit is valid during the validity of the public service driver's licence and the prescribed fees for the permit may be paid on a pro rata basis based on the period of validity of the drivers licence.

(2) If the holder of a public service driver's permit is disqualified from holding or obtaining a public service driver's licence, the public service driver's permit is invalid and must be surrendered to the Authority within 7 days.

(3) A public service vehicle driver's permit must be worn by the holder or displayed in the vehicle so that the photograph and details are clearly visible at all times while the driver is on duty as the driver of a public service vehicle.

- (4) A holder of a public service vehicle driver's permit must forthwith—
 - (a) if the permit is lost or destroyed - notify the Authority by lodging a statutory declaration; or
 - (b) if the permit is defaced - return the permit to the Authority.

(5) The Authority must, on receiving a notification under sub-regulation (4), cancel the lost, destroyed or defaced public service driver's permit and issue another permit upon payment of the prescribed fee.

(6) If a lost permit replaced under sub-regulation (5) is found, the lost permit must be returned to the Authority forthwith.

(7) The holder of a public service driver's permit must retain it in a safe place when not in use and must not allow it to be used or carried by any other person.

- (8) The holder of a public service vehicle driver's permit who—
- (a) fails to wear or display it in the manner required by sub-regulation (3) while engaged as a driver of a public service vehicle;
 - (b) causes or allows it to be used or carried by any other person; or
 - (c) if lawfully required to do so - fails to surrender it to the Authority, commits an offence.
- (9) A person not being a holder of a public service driver's permit who uses or displays such a permit while driving a motor vehicle commits an offence.

Division 5 — Hazardous Materials Permits

Application for hazardous materials driver's permit

- 26.—(1) No person may drive a motor vehicle carrying a hazardous material on a public street unless—
- (a) the person is a holder of a hazardous materials driver's permit; and
 - (b) a permit has been issued under regulation 29.
- (2) An application for the issue or renewal of a hazardous materials driver's permit must be made on the approved form and accompanied by the prescribed fee.
- (3) A person who contravenes regulation (1) commits an offence.

Determining an application

- 27.—(1) If the Authority is satisfied that the applicant for a hazardous materials permit has complied with this Division and has been paid the prescribed fee, the Authority may issue or renew the permit and record it in the records of the Authority.
- (2) Before issuing or renewing a hazardous materials driver's permit, the Authority must be satisfied that the applicant—
- (a) has a valid driver's licence other than a provisional licence or learner's permit;
and
 - (b) has satisfied any other requirement determined by the Authority to drive vehicles used for the purpose of transporting hazardous materials.
- (3) The Authority may refuse to issue or renew a hazardous materials driver's permit if it is satisfied that the applicant—
- (a) is unfit to hold such permit by reason of intemperance or of some physical or other defect;
 - (b) has such record as a driver of motor vehicles or has such habits or shows such conduct that in the interests of public safety the person should not hold such a permit;
 - (c) has a continuing record of disregarding the Act or regulations; or
 - (d) has not satisfied any other requirement to drive public service

vehicles to drive vehicles transporting hazardous materials determined by the Authority.

Validity and conditions of hazardous materials driver's permit

28.—(1) A hazardous materials driver's permit is valid during the validity of driver's licence and the prescribed permit fees may be paid on a pro-rata basis based on the period of validity of the licence.

(2) If the holder of a permit is disqualified from holding a driver's licence, the permit is invalid and the holder must surrender the permit to the Authority within 7 days.

(3) A hazardous material driver's permit must be carried by the holder while on duty as the driver of a vehicle transporting any hazardous material and the holder must produce it for inspection by a police officer or authorised officer if so required.

(4) If a hazardous materials driver's permit is—

(a) lost or destroyed - the holder must forthwith lodge with the Authority a statutory declaration stating the circumstances;

(b) defaced - the holder must forthwith return the defaced permit to the Authority.

(5) The Authority must, upon receipt of a notification under sub-regulation (4) cancel the lost, destroyed or defaced permit and issue another permit upon payment of the prescribed fee.

(6) If a lost permit replaced under sub-regulation (4) is recovered, the lost permit must be returned to the Authority forthwith.

(7) The holder of a hazardous material driver's permit must at all times when it is not in use retain it in a safe place and must not allow any other person to wear or carry it.

(8) The holder of a hazardous material driver's permit who—

(a) contravenes sub-regulation (3);

(b) allows another person to wear or carry the permit;

(c) fails to surrender the permit to the Authority if required under the Act or regulations, commits an offence.

(9) A person not being a holder of a hazardous material driver's permit who holds or uses such a permit while driving a motor vehicle commits an offence.

Permit to transport hazardous material

29.—(1) The owner of a hazardous material prescribed in Schedule 3 may apply for a permit to transport any hazardous material on any public street.

(2) Any application under sub-regulation (1) must specify—

(a) the full and accurate description of the hazardous material to be transported (including its technical or common name);

- (b) the quality of the hazardous material to be transported;
 - (c) the name and location of the place where the hazardous material is to be loaded and to where it is to be unloaded or stored;
 - (d) the holder of a hazardous material driver's permit issued under regulation 28 to drive the vehicle to be used for the transportation of the hazardous material;
- and
- (e) the registration number of the vehicle to be used to transport the hazardous substance.

(3) The Authority may require the owner to insure the hazardous material for pollution damage while being transported on a public street as a condition of a permit issued under this regulation.

(4) The power to issue a permit under this regulation includes a power to vary, revoke or suspend such permit.

(5) The Authority must ensure that the route to be followed by a motor vehicle used for the transportation of a hazardous material must be such as to minimise risk to human health or to the environment in the case of any accident.

(6) The owner of a hazardous material, his or her employees and the holder of a hazardous material driver's permit must strictly comply with the terms of the permit and condition issued under this regulation.

(7) The holder of a permit issued under this regulation must, within 7 days after being granted, send a copy of the permit to the Director of Environment.

(8) The holder of a permit issued under regulation 28 and this regulation must comply with any other requirements specified in the relevant code of practice relating to hazardous material issued under section 38 of the Act or any other written law.

(9) A person who contravenes sub-regulation (1), (6), (7), (8) commits an offence.

Division 6— Cancellation, etc. of Drivers' Licences

Power to cancel etc. licences

30.—(1) The Authority may suspend, cancel or refuse to issue or renew a driver's licence if it is satisfied that the person—

- (a) has failed to pay the prescribed fees;
- (b) has failed to submit to any test required by these Regulations;
- (c) has been convicted (whether in the Fiji Islands or elsewhere) of an offence which, in the opinion of the Authority, renders the person unfit to hold the licence;
- (d) is unfit to hold a driver's licence by reason of intemperance or some physical or other defect;

- (e) has such a record as a driver of a motor vehicle or has such habits or shows such conduct that in the interests of public safety that the person should not hold a driver's licence;
- (f) has a continuing record of disregarding the Act or regulations;
- (g) fails to comply with a notice of demand issued under section 35(1)(b) of the Act;
- (h) fails to comply with regulation 6 or subsection (6) or (7) of section 61 of the Act.

(2) For the purposes of paragraph (d) of sub-regulation (1), the Authority may require the holder of a driver's licence—

- (a) to take a practical driving test on a motor vehicle in respect of which the licence is to be issued; or
- (b) to submit to any other examination or test, medical or otherwise.

(3) If a person fails or refuses, without reasonable excuse, to take a practical driving test required under sub-regulation (2) (a) or to submit to any other examination or test required under sub-regulation (2)(b), the Authority may suspend the licence issued to the person until the person passes the test or examination.

(4) The Authority must not renew a driver's licence if the applicant has been disqualified from holding or obtaining a driver's licence unless the disqualification period has expired or is removed.

Notice of cancellation, etc

31.—(1) If a driver's licence has been suspended or cancelled by the Authority, the holder must, within 7 days of the delivery of a notice of suspension or cancellation, or on a written demand made to him or her by a police officer or an authorised officer, deliver the driver's licence to the place or person specified in the notice or demand.

(2) A police officer or authorised officer may at a reasonable time enter any premises without warrant for the purpose of delivering a notice or written demand pursuant to sub-regulation (1) and, if the notice or demand requires the seizure of the driver's licence, the officer must seize the licence.

Authority to consider demerit points record

32.—(1) If an applicant for a driver's licence has a record of demerit points which shows that the applicant is liable for disqualification under section 90(1) of the Act, the Authority must—

- (a) not issue a driver's licence other than a learner's permit or provisional licence;
- and
- (b) issue a disqualification notice required by section 90(5).

(2) The Authority must in accordance with section 90 of the Act, disqualify a holder of a learner's permit from holding the permit if the holder's record of demerit points shows that he or she has 4 or more demerit points awarded within the last 2 years except that demerit points awarded for offences committed before attaining the age of 16 years must not be taken into account.

(3) The Authority must refuse to issue a learner's permit if the applicant has 4 or more demerit points within the last 2 years from the date of application except that demerit points awarded for offences committed before attaining the age of 16 years must not be taken into account.

(4) Sub-regulation (3) does not apply to a subsequent application made more than 6 months after the date of the original application.

(5) For the purpose of section 90(4) of the Act, disqualification under sub-regulation (1) or (2) or refusal under sub-regulation (3) is treated as a disqualification under section 90.

Part III— DRIVING SCHOOLS AND INSTRUCTORS

Division 1 — Driving Schools

Application to operate a driving school

33.—(1) An application to operate a driving school or to renew a driving school certificate of registration must be made on the approved form and be accompanied by the prescribed fee.

(2) A new application to operate a driving school must be accompanied by a statement from the appropriate city or town council that a business licence will be issued to the operator of the driving school.

(3) An application for the renewal of a driving school certificate must be made not less than 3 months before the current certificate expires.

Consideration of an application

34. Before registering a driving school and issuing or renewing a certificate of registration, the Authority must, in addition to the criteria set out in the appropriate code of practice, be satisfied that—

- (a) the applicant is a fit and proper person to operate a driving school and has not in the last 5 years been convicted of an offence the penalty for which is imprisonment for 3 months or more or disqualification from driving for any period;
- (b) the premises are suitable for use by the public and comply with the requirements of the relevant code of practice;
- (c) there are likely to be sufficient customers in the intended area of operation to suggest that the driving school will be a viable business;
- (d) in the case of an application for renewal - the applicant has operated the business successfully;
- (e) the applicant owns a motor vehicle suitable to be registered as a driving school vehicle; and
- (f) the appropriate city or town council has approved or will approve the premises to be used as a driving school.

Driving school certificate

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

(2) The holder of a driving school certificate must not vary any aspect of the approved driving school business without the approval in writing of the Authority.

(3) The operator of a driving school must display the certificate of registration in a prominent position in the place of business.

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

(5) If a holder of a certificate has been convicted of an offence the penalty for which is imprisonment for 3 months or more or disqualification from driving for any period, the certificate is invalid and must be returned to the Authority forthwith.

(6) An authorised officer may without warrant enter premises for the purpose of seizing a certificate which has expired or which is invalid.

Transfer of certificate

36.—(1) The Authority may transfer a driving school certificate for any unexpired term of the certificate if—

- (a) the holder of the certificate has died or has become bankrupt, insane, permanently incapacitated or terminally ill;
- (b) the holder of the certificate leaves the Fiji Islands for the purpose of taking up permanent residence in another country;
- (c) the holder of the certificate has reached the age of 60 years and wishes to retire and proposes to transfer the certificate to—
 - (i) a nominated member of the family; or
 - (ii) a nominated person or company having an interest in the operation of the driving school owned by the holder of the certificate; or
- (d) the Authority considers it reasonable taking into account all the circumstances.

(2) The Authority must be satisfied that the person or company nominated under sub-regulation (1)(c) is a fit and proper person to hold the certificate and will give an undertaking to comply with any conditions or restrictions imposed in respect of the certificate.

(3) An application for the transfer of a certificate other than under sub-regulation (1) must be dealt with as a new application.

(4) An application to transfer a certificate must be made on the approved form and accompanied by the prescribed fee.

Management of a driving school

37.—(1) An operator of a driving school may charge fees on the basis of—

- (a) one lesson or a series of lessons; or
- (b) an agreement to provide tuition until the passing of the driver's licence test.

(2) The operator of a driving school must—

- (a) maintain a register in a form approved by the Authority indicating in respect of each pupil the name, the fees paid, the dates and times of lesson, the learner's permit number and expiry date in respect of each pupil and the registration number of the vehicle used for instruction and the entries in the register must be certified by the pupil by signing against each entry;

- (b) publish a booklet which describes the basis on which tuition will be given and provide a copy to every pupil prior to a commitment being made by the pupil;

and

- (c) maintain a receipt book showing payments received for tuition given.

(3) A register and receipt book maintained under sub-regulation (2) must be retained for at least 6 months and must be produced for inspection by an authorised officer if required.

(4) Driving school premises must be manned continuously during normal business hours or there must be displayed a notice indicating the times the premises are manned or when the owner of the driving school or his or her agent will be available to attend to the needs of the public.

(5) The operator of a driving school must maintain the premises to a standard acceptable to the Authority.

(6) An authorised officer may enter without warrant any driving school premises for the purposes of inspecting the premises and vehicles but the authorised officer must make prior arrangement with the operator of the driving school.

(7) The operator of a driving school must advise the Authority of the names and permit numbers of all driving instructors engaged by the school and any change, within 14 days of the change.

Driving school vehicle registration

38.—(1) The operator of a driving school must—

- (a) apply for registration or a driving school vehicle on the approved form accompanied by the prescribed fee;

- (b) provide the Authority with any other particulars it requires of all vehicles used or intended to be used in the operation of the driving school;

- (c) advise the Authority if the operator wishes to use a new vehicle or cease from using an existing vehicle from the operation; and
- (d) display the name of the driving school in letters not less than 50mm in height on both sides of every vehicle used for driving instruction .

(2) The operator of a driving school must not use a vehicle as a driving school vehicle unless it is shown in the records of the Authority as a vehicle for use by the driving school.

(3) The Authority must not register a vehicle as a driving school vehicle in the name of a driving school unless—

- (a) the vehicle is registered in the name of—
 - (i) the operator of the driving school;
 - or
 - (ii) the holder of a driving instructor's licence employed by the driving school; and
- (b) the vehicle has an engine capacity of more than 1200cc.

(4) The Authority may—

- (a) refuse to register a vehicle as a driving school vehicle or cancel the registration of a driving school vehicle if it considers the vehicle is not suitable for the purpose and may specify the criteria for determining such cases in the appropriate code of practice;
- (b) at any time, by notice in writing, require the operator of a driving school to produce for inspection any vehicle used as a driving school vehicle; and
- (c) give notice of not less than 3 months to the owner of a driving school vehicle that the construction, age, engine capacity or other condition of the vehicle is such that the Authority will no longer permit the vehicle to be registered as a driving school vehicle.

Dual controls in driving school vehicles

39.—(1) Subject to sub-regulation (2), every vehicle used by a driving school for tuition for a class 2 licence must be equipped with—

- (a) dual controls approved by the Authority;
- (b) an additional internal rear-vision mirror mounted on the left of the vehicle;
- (c) 2 external rear-vision mirrors, one mounted on each side of the vehicle; and
- (d) a hand-brake accessible to both the driving instructor and the pupil.

(2) For the purpose of this Division, a vehicle is not a driving school vehicle if it is provided by the pupil.

Division 2 — Driving Instructors

Application for driving instructor's permit

40.—(1) An application for a driving instructor's permit or the renewal of a driving instructor's permit must be on the approved form and accompanied by the prescribed fee.

(2) An application for the renewal of a driving instructor's permit must be made not less than 3 months before the current permit expires.

Consideration of an application

41.—(1) The Authority must, before issuing or renewing a driving instructor's permit, be satisfied that the applicant—

- (a) is a fit and proper person to hold such a permit and in particular—
- (b) has held a driver's licence, other than a provisional licence or learner's permit, for the class of vehicle to which the instructor's permit will apply for a total of not less than 3 years during the 4 years immediately before the date of the application;
- (c) has not in the last 5 years been convicted of an offence, the penalty for which is imprisonment for 3 months or disqualification from driving for any period;
- (d) has adequate knowledge—
 - (i) of the mechanical aspects of the motor vehicle;
 - (ii) of the laws governing the use of vehicles and public streets and the Road Code;
- (e) is employing or will be employing an appropriate method and practice of driving tuition;
- (f) in the case of an application for a new permit - is likely to undertake gainful employment as a driving instructor;
- (g) in the case of an application for the renewal of a permit - has undertaken gainful employment as a driving instructor during the period of the expiring or expired permit, as evidenced by driving school records for the period the Authority requires.

(2) The Authority may issue a code of practice containing the criteria for determining applications for a driving instructor's permit.

Driving instructor's permit

42.—(1) A driving instructor's permit may apply to every class of motor vehicle or to one or more classes of motor vehicles.

(2) The holder of a driving instructor's permit must only give instruction on the class of motor vehicle to which the permit applies.

(3) A driving instructor's permit is valid for 3 years subject to the payment of an annual prescribed fee and becomes invalid if the annual fee is not paid.

(4) A person who gives driving instruction without a valid permit commits an

offence.

(5) The holder of a driving instructor's permit must not vary any aspect of the operation as approved by the Authority without the written approval of the Authority.

(6) A driving instructor's permit is invalid if the holder's driver's licence has expired or been suspended.

(7) A driving instructor's permit is invalid if the holder of the permit is convicted for an offence the maximum penalty for which is imprisonment for 3 months or disqualification for any period.

(8) If the driving instructor's permit becomes invalid the holder must surrender the permit to the Authority within 7 days.

Driving instructors to produce permits

43. The holder of a driving instructor's permit must—

(a) produce the permit for inspection by a police officer or an authorised officer;
or

(b) upon request by the holder of the learner's permit who is about to undertake a driving lesson - allow the holder of the learner's permit to inspect the instructor's permit.

Division 3 — Miscellaneous

Cancellation of registration or permit

44.—(1) The Authority may, by written notice, require—

(a) a person operating a registered driving school; or

(b) a holder of a driving instructor's permit,

who is or has become, whether by reason of physical incapacity or for any other reason, unfit to operate a registered driving school or to be the holder of a driving instructor's permit to show cause why the registration or permit should not be cancelled.

(2) A notice required under sub-regulation (1) must —

(a) state the grounds for cancellation; and

(b) state the date, time and place for showing cause under sub-regulation (1).

(3) A notice required under sub-regulation (1) must be served personally on the operator of the driving school or holder of the permit or sent by registered post to his or her last known or usual place of residence, work or business.

(4) The Authority must when considering a matter under this regulation take into consideration the matter stated in the notice and any evidence tendered by the holder of the licence and may, if it thinks fit, revoke or suspend the certificate of registration or driving instructor's permit.

Appeals

45.—(1) A person aggrieved by a decision of the person to whom power has been delegated under section 12 of the Act to—

(a) refuse to issue or renew, or to cancel, a driving school certificate;

(b) refuse to register, or to cancel, the registration of a vehicle as a driving school vehicle;

(c) refuse to issue or re-issue, or to cancel a driving instructor's permit, may request the Authority to review the decision and the Authority may confirm or vary the decision of the delegate.

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

Part IV — MISCELLANEOUS

Penalties

46.—(1) A person who fails to comply with a provision of these regulations commits an offence under these regulations, and is liable on conviction to the penalty prescribed for the offence in schedule 2 of the Land Transport (Fees and Penalties) Regulations 2000.

(LN 49/2002)

(Inserted by LN 49/2002)

Transitional

Any proceedings instituted under these regulations with effect from 10th July 2000 is deemed to have been instituted under the amended regulation 46 despite the irregularity in the wording of that regulation.

SCHEDULE 1
(Regulation 10)

CLASSES OF DRIVER'S LICENCE

Amended by Legal notice 49 of 2002

<i>Class of Driver's Licence</i>	<i>Class of Motor vehicle which may be driven</i>
Class 1	Motor cycle
Class 2	Private motor vehicle and constructed to carry up to 10 passengers, rental vehicles and goods vehicles and having an unladen mass not exceeding 3.5 tonnes (LN49/2002)
Class 3	Taxis and hire vehicles and motor vehicles in class 2. (LN 49/2002)
Class 4	Carriers, mini buses and vehicles in Classes 2 and 3 (LN 49/2002)
Class 5	Omnibuses and vehicles in classes 2, 3 4 and 6. (LN 49/2002)
Class 6	Goods vehicles having unladen mass in excess of 3.5 tonnes and not less than 9m in length and vehicles in class 2. (LN 49/2002)
Class 7	An articulated or combination vehicles of not less than 10 tonnes unladen mass and not less than 13m length and vehicles in classes 2 and 6. (LN 49/2002)
Class 8	A motor tractor not exceeding 3.5 tonnes unladen mass and a motor vehicle modified for use by disabled persons. (LN 49/2002)
Class 9	A motor tractor over 3.5 tonnes unladen mass, fork lift, crane, construction machinery, bulldozers, loaders and other specialized vehicles and machinery. (LN49/2002)

SCHEDULE 2
(Regulation 11)

MINIMUM AGE FOR DRIVER'S LICENCE

<i>Class</i>	<i>Minimum Age</i>
Class 1	17 years
Class 2	17 years
Class 3	21 years
Class 4	21 years
Class 5	21 years
Class 6	21 years
Class 7	21 years
Class 8	17 years
Class 9	21 years

SCHEDULE 3
(Regulation 29)

HAZARDOUS MATERIALS

Part I—Classes of Hazardous Materials

Class 1 — Explosives

1. Class 1 comprises—
 1. explosives substance;
 2. explosive articles; and
 3. substances and articles not mentioned under 1 and 2 which are manufactured with a view to producing a practical, explosive or pyrotechnic effect.
2. For the purpose of this Schedule—
 - (a) 'explosive substance' means a solid or liquid substance (or a mixture of substances) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings and includes pyrotechnic substances even when they do not evolve gases;
 - (b) 'pyrotechnic substance' means a substance or a mixture of substances designed to produce an effect by heat, light, sound, gas or smoke or a combination of these as the result of non-detonative self-sustaining exothermic chemical reactions;
 - (c) 'explosive article' means an article containing one or more explosive substances;
 - (d) 'mass explosion' means one which affects almost the entire load virtually instantaneously.

Class 2 — Gases: Compressed, Liquefied or Dissolved under Pressure

1. Permanent gases
Gases which cannot be liquefied at ambient temperatures;
2. Liquefied gases
Gases which can become liquid under pressure at ambient temperatures;
3. Dissolved gases
Gases dissolved under pressure in a solvent, which may be absorbed in a porous material.
4. Deeply refrigerated permanent gases - e.g. liquid air, oxygen, etc.

Class 3 Flammable Liquids

Liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (e.g. paints, varnishes, lacquers, etc. but not including substances which, on account of their other dangerous characteristics, have been included in other classes) which give off a flammable vapour at or below 61° C (141° F) closed cup test (corresponding to 65.6° C (150° F) open cup test.

(Substances which have a flashpoint above 61°C (141°F), closed cup test, are not considered to be dangerous by virtue of their fire hazard. Where the flashpoint is indicated for a volatile liquid it may be followed by the symbol "c.c" representing determination by a closed cup test, or by the symbol "o.c" representing an open cup test.)

Class 4 Flammable Solids

Substances Liable to Spontaneous Combustion

Substances which, in Contact with Water, Emit Flammable Gases

Class 4.1.1 Flammable solids possessing the properties of being easily ignited by external sources, such as sparks and flames, and of being readily combustible, or of being liable to contribute to a fire or cause one through friction. (This class also covers substances which are self-reactive, ie. Liable to undergo at normal or elevated temperatures a strong exothermic decomposition caused by excessively high transport temperatures or by contamination.)

Class 4.2 Substances liable to spontaneous combustion. (The substances in this class are either solids or liquids possessing the common property of being liable spontaneously to heat and to ignite.)

Class 4.3 Substances which, in contact with water, emit flammable gases. The substances in this class are either solids or liquids possessing the common property, when in contact with water, of evolving flammable gases. In some cases these gases are liable to spontaneous ignition.

Class 5 Oxidizing Substances (Agents) and Organic Peroxides

Class 5.1 Oxidizing substances (agents). (Substances which, although in themselves not necessarily combustible, may either by yielding oxygen or by similar processes, increase the risk and intensity of fire in other materials with which they come into contact.)

Class 5.2 Organic peroxides. (Substances which contain the bivalent -O-O- structure and may be considered derivatives of hydrogen peroxide, where one or both of the hydrogen atoms have been replaced by organic radicals. Organic peroxides are thermally unstable substances, which may undergo exothermic self-accelerating decomposition. In addition, they may have one or more of the following properties—

- be liable to explosive decomposition;
- burn rapidly;
- be sensitive to impact of friction;
- react damage to the eyes.)

Class 6 Poisonous (toxic) and Infectious Substances

Class 6.1 Poisonous (toxic) substances liable either to cause death or serious injury or to harm human health if swallowed or inhaled, or by skin contact.

Class 6.2 Infectious substances containing viable micro-organisms or their toxins which are known, or suspected to cause disease in animals or humans.

Class 7 Radioactive Materials which spontaneously emit a significant radiation and of which the specific activity is greater than 70kBq/kg (2nCi/g).

Class 8 Corrosive substances which are solids or liquids possessing, in their original state, the common property of being able more or less severely to damage living tissue.

Class 9 Miscellaneous Dangerous Substances and Articles

1. Substances and articles not covered by other classes which experience has shown, or may show, to be of such a dangerous character.

Part II —Segregation Requirements for Hazardous
Substances Transported by Road

(1) Fire risk substances must not be loaded on the same vehicle as explosives.

(2) Food or food containers must not be loaded in the same vehicle or packed in the same freight container with the following classes of hazardous substances—

Class 2.3	Poisonous Gas;
Class 6	Toxic or Infectious Substance;
Class 7	Radioactive Substance;
Class 8	Corrosive Substance;
Class 9	Any Environmentally Hazardous Substance.

(3) Food or food containers must not be loaded in the same vehicle or packed in the same freight container with flammable liquids unless they are at least 3 metres away horizontally.

(4) Explosives must not be loaded in the same vehicle or packed in the same freight container with—

Class 2.1	Flammable Gases;
Class 2.2	Non- Flammable Gases;
Class 2.3	Poisonous Gases;
Class 3	Flammable Liquids;
Class 4.1	Flammable Solids;
Class 4.2	Spontaneously Combustible Substances
Class 4.3	Dangerous When Wet Substances;
Class 5.1	Oxidizing Agents;
Class 5.2	Organic Peroxides;
Class 6.1	Poisonous Substances;
Class 6.2	Infectious Substances;
Class 7	Radioactive Substances;
Class 8	Corrosive Substances;
Class 9	Miscellaneous Dangerous Goods Classified as Fire- Risk Substances.

(5) (a) Flammable gases, falling in Class 2.1, must not be loaded in the same vehicle or packed in the same freight container with—

Class 1	Explosives
Class 2.3	Poisonous Gases;
Class 3	Flammable Liquids;
Class 4.2	Spontaneously Combustible Substances;
Class 5.1	Oxidizing Agents;
Class 5.2	Organic Peroxides;
Class 6.2	Infectious Substances;
Class 7	Radioactive Substances;

(b) Flammable gases, falling in Class 2.1 must not be loaded in the same vehicle or packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 4.1	Flammable Solids;
Class 8	Corrosive Substances;

(6) (a) Non-flammable non-toxic gases, falling in Class 2.2, must not be loaded in the same vehicle or packed in the same freight container with—

Class 1	Explosives;
Class 6.2	Infectious Substances.

(b) Non-flammable non-toxic gases, falling in Class 2.2, must not be loaded in the same vehicle or packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 3	Flammable Liquids;
Class 4.2	Spontaneously Combustible Substances;
Class 5.2	Organic Peroxides;
Class 7	Radioactive Substances.

(7) (a) Poisonous gases, falling in Class 2.3, must not be loaded in the same vehicle or packed in the same freight container with any Radioactive Substance falling in Class 7, unless they are at least 3 metres away horizontally.

(8) (a) Flammable liquids, falling in Class 3, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives;
Class 2.1	Flammable Gases;
Class 4.2	Spontaneously Combustible Substances;
Class 5.1	Oxidising Agents;
Class 5.2	Organic Peroxides;
Class 6.1	Poisonous Substances;
Class 7	Radioactive Substances.

(b) Flammable liquids, falling in Class 3, must not be loaded in the same vehicle or packed in the same freight container with food or food containers or with any of the following, unless they are at least 3 metres away horizontally—

Class 2.2	Non-Flammable Gases;
Class 4.3	Dangerous When Wet Substances.

(9) (a) Flammable solids, falling in Class 4.1, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives;
Class 5.2	Organic Peroxides;
Class 6.2	Infectious Substances;
Class 7	Radioactive Substances

(b) Flammable solids, falling in Class 4.1, must not be loaded in the same vehicle or packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 2.1	Flammable Gases;
Class 4.2	Spontaneously Combustible Substances;
Class 5.1	Oxidising Agents;
Class 8	Corrosive Substances.

(10) (a) Spontaneously combustible substances, falling in Class 4.2, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives;
Class 2.1	Flammable Gases;
Class 2.3	Poisonous Gases;
Class 3	Flammable Liquids;
Class 5.1	Oxidising Agents;
Class 5.2	Organic Peroxides;
Class 6.2	Infectious Substances;
Class 7	Radioactive Substances

(b) Spontaneously combustible substances, falling in Class 4.2, must not be loaded in the same vehicle or packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 2.2	Non-flammable Non-toxic Gases;
Class 4.1	Flammable Solids;
Class 4.3	Dangerous When Wet Substances;
Class 6.1	Toxic Substances;
Class 8	Corrosive Substances.

(11)(a) Dangerous When Wet Substances, falling in Class 4.3, must not be loaded in the same vehicle packed in the same freight container with any of the following—

Class 1	Explosives;
Class 5.1	Oxidising Agents;
Class 5.2	Organic Peroxides;
Class 6.2	Infectious Substances;
Class 7	Radioactive Substances

(b) Dangerous When Wet Substances, falling in Class 4.3, must not be loaded in the same vehicle packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 3	Flammable Liquids;
Class 4.2	Spontaneously Combustible Substances;
Class 8	Corrosive Substances.

(12)(a) Oxidising Agents, falling in Class 5.1, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives;
Class 2.1	Flammable Gases;
Class 3	Flammable Liquids;
Class 4.2	Spontaneously Combustible Substances;
Class 4.3	Dangerous When Wet Substances;
Class 5.2	Organic Peroxides;
Class 6.2	Infectious Substances;
Class 8	Corrosive Substances.

(b) Oxidising Agents, falling in Class 5.1, must not be loaded in the same vehicle or packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 4.1	Flammable Solids;
Class 6.1	Toxic Substances which are not fire-risks;
Class 7	Radioactive Substances.

(13) Fire-risk substances, falling in Class 5.1, must not be loaded in the same vehicle or packed in the same freight container with any of the following fire-risk substances—

Class 6.1	Toxic Substances which are fire-risks;
Class 9	Miscellaneous Dangerous Goods which are fire-risks, or fire risk substances which are not otherwise classified as dangerous goods.

(14)(a) Organic Peroxides, falling in Class 5.2, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives;
Class 2.1	Flammable Gases;

Class 3	Flammable Liquid;
Class 4.1	Flammable Liquid;
Class 4.2	Spontaneously Combustible Substances;
Class 4.3	Dangerous When Wet Substances;
Class 5.1	Oxidising Agents;
Class 6.2	Infectious Substances;
Class 7	Radioactive Substances;
Class 8	Corrosive Substances.

(b) Organic Peroxides, falling in Class 5.2, must not be loaded in the same vehicle or packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 2.2	Non-flammable Non-toxic Gases;
Class 6.1	Toxic Substances which are not fire-risk.

(15) Fire-risk substances, falling in Class 5.2, must not be loaded in the same vehicle or packed in the same freight container with any of the following fire-risk substances—

Class 6.1	Toxic Substances which are fire-risks;
Class 9	Miscellaneous Dangerous Goods which are fire-risks, or fire-risk substances which are not otherwise classified as dangerous goods.

(16) (a) Toxic Substances, falling in Class 6.1, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives;
Class 3	(Flammable Liquids), Nitromethane;
Class 8	Corrosive Substances (where the toxic substances are cyanides and the corrosives are acids); or Food or food containers.

(b) Toxic Substances, falling in Class 6.1, must not be loaded in the same vehicle or packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 4.2	Spontaneously Combustible Substances;
Class 5.1	Oxidising Agents which are not fire-risks;
Class 5.2	Organic Peroxides which are not fire-risks;
Class 6.2	Infectious Substances.

(c) Toxic substances which are fire-risk substances must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 5.1	Oxidising Agents;
Class 5.2	Organic Peroxides.

(17)(a) Infectious Substances, falling in Class 6.2, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives;
Class 2.1	Flammable Gases;
Class 2.2	Non-flammable Non-toxic Gases;
Class 2.3	Poisonous Gases;
Class 3	Flammable Liquids;
Class 4.1	Flammable Solids;
Class 4.2	Spontaneously Combustible Substances;
Class 4.3	Dangerous When Wet Substances;
Class 5.1	Oxidising Agents;
Class 5.2	Organic Peroxides;
Class 7	Radioactive Substances;
Class 8	Corrosive Substances, or Food or food containers.

(b) Infectious Substances, falling in Class 6.2, must not be loaded in the same vehicle or packed in the same freight container with any of the following unless they are at least 3 metres away horizontally—

Class 6.1	Toxic Substances
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(18)(a) Radioactive Substances, falling in class 7, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives;
Class 2.1	Flammable Gases;
Class 3	Flammable Liquids;
Class 4.1	Flammable Solids;
Class 4.2	Spontaneously Combustible Substances;
Class 5.2	Organic Peroxides;
Class 6.2	Infectious Substances must not be loaded in the same vehicle or packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally;
Class 6.1	Toxic Substances;
Class 8	Corrosive Substances, or food or food containers.

(b) Radioactive Substances, falling in Class 7, must not be loaded in the same vehicle or packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 2.2	Non-flammable Non-toxic Gases;
Class 2.3	Poisonous Gases;
Class 5.1	Oxidising Agents.

(c) Radioactive Substances, falling in Class 7, must be segregated from personnel, mail and undeveloped photographic film.

(19) (a) Corrosive Substances, falling in Class 8, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives;
Class 5.1	Oxidising Agents;
Class 6.1	Toxic Substances (where the toxic substances are cyanides and the corrosives are acids);
Class 6.2	Infectious Substances;
Class 7	Radioactive Substances;
	or food or food containers.

(b) Corrosive Substances, falling in Class 8, must not be loaded in the same vehicle packed in the same freight container with any of the following, unless they are at least 3 metres away horizontally—

Class 2.1	Flammable Gases;
Class 4.1	Flammable Solids;
Class 4.2	Spontaneously Combustible Substances;
Class 4.3	Dangerous When Wet Substances.

(20) (a) Miscellaneous Dangerous Goods, falling in Class 9, must not be loaded in the same vehicle or packed in the same freight container with any of the following—

Class 1	Explosives
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(b) The loading and storage conditions for Miscellaneous Dangerous Goods, falling in Class 9, must take into account the nature of the dangerous goods.

(c) Class 9 substances which are environmentally hazardous must not be loaded in the same vehicle or packed in the same freight container with food or food containers.

(21) Hazardous substances which are packed in separate ISO -standard freight containers shall comply with the requirements for 3 metres horizontal segregation.

(22) Storage in separate compartments of a bulk tanker shall comply with the requirement for 3 metre horizontal separation.