

EXTRAORDINARY

GOVERNMENT OF FIJI GAZETTE SUPPLEMENT

No. 38

TUESDAY, 26th SEPTEMBER

2017

[LEGAL NOTICE NO. 85]

LAND TRANSPORT (AMENDMENT) (NO. 3) ACT 2017

Commencement Notice

IN exercise of the powers vested in me by section 1(2) of the Land Transport (Amendment) (No. 3) Act 2017, I hereby appoint 26 September 2017 as the commencement date of the Land Transport (Amendment) (No. 3) Act 2017.

Dated this 26th day of September 2017.

P. K. BALA
Minister for Infrastructure and Transport

[LEGAL NOTICE NO. 86]

LAND TRANSPORT ACT 1998

**Land Transport (Traffic Infringement Notice)
(Amendment) Regulations 2017**

IN exercise of the powers conferred on me by section 113(6)(h) of the Land Transport Act 1998, I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Land Transport (Traffic Infringement Notice) (Amendment) Regulations 2017.

(2) These Regulations come into force on 26 September 2017.

Regulation 7 amended

2. Regulation 7 of the Land Transport (Traffic Infringement Notice) Regulations 2017 is amended by—

(a) after subregulation (1), inserting the following new subregulations—

“(1A) Notwithstanding anything contained in these Regulations, a person who elects to dispute or challenge a Traffic Infringement Notice in any court is, after 90 days from the date the Traffic Infringement Notice is issued, ineligible for the renewal of the person’s licence or vehicle registration until—

(a) the person pays the fixed penalty and late payment fee, if applicable; or

- (b) there is a final determination by the court (including the determination of any appeal in any appellate court) of the dispute or challenge against the Traffic Infringement Notice.

(1B) If a person to whom a Traffic Infringement Notice has been issued pays the fixed penalty and late payment fee, if applicable, and also elects to dispute or challenge the Traffic Infringement Notice in any court, the person must notify the Authority on or before the point of payment of the fixed penalty and late payment fee, if applicable, of the person's intention to dispute or challenge the Traffic Infringement Notice.

(1C) If a person to whom a Traffic Infringement Notice has been issued pays the fixed penalty and late payment fee, if applicable, and also elects to dispute or challenge the Traffic Infringement Notice and the court subsequently makes a final determination in the person's favour (including the determination of any appeal in any appellate court), the Authority must refund the fixed penalty and late payment fee, if applicable, to that person.

(1D) Notwithstanding anything contained in these Regulations, where a Traffic Infringement Notice has been issued for an offence relating to the carrying of excess load, the person to whom the Traffic Infringement Notice has been issued or in the case of an agent, the principal, must pay the fixed penalty for the offence within 90 days from the date the Traffic Infringement Notice is issued.

(1E) If the person or the principal, if applicable, does not pay the fixed penalty in accordance with subregulation (1D), the Authority must suspend the registration of the person's or principal's vehicle and any other vehicle the person or principal utilises for the purpose of carrying loads.”;

- (b) in subregulation (4) after “full the”, inserting “fixed”; and
- (c) after subregulation (5), inserting the following new subregulations—
- “(6) In this regulation, “load” does not include the carriage of passengers.
- (7) Notwithstanding anything contained in these Regulations, a person is not liable to pay the late payment fee in the period from 7 April 2017 to 30 November 2017.”.

Made this 26th day of September 2017.

P. K. BALA
Minister for Infrastructure and Transport