

2023

Miscellaneous

No.3

(Principal Licensing Authority) Amendment



SAMOA

Arrangement of Provisions

1. Short title and commencement
2. Land Transport Authority Act 2007 amended
3. Police Powers Act 2007 amended
4. Road Traffic Ordinance 1960 amended
5. Transitional and savings provision

2023, No. 3

AN ACT to amend various Acts of Parliament:

- (a) to provide for the transferral of the functions of the Principal Licensing Authority back to the Land Transport Authority; and

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- (b) to clarify on the various functions under the various legislation relating to licencing and registration of vehicles; and
- (c) for related purposes.

[19th June 2023]

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement:

This Act may be cited as the Miscellaneous (Principal Licensing Authority) Amendment Act 2023 and commences on the date of assent by the Head of State.

2. Land Transport Authority Act 2007 amended:

The Land Transport Authority Act 2007 is amended as follows:

- (a) in section 2, insert the following new definitions in its correct alphabetical order:

““Ministry” means the Ministry of Works, Transport and Infrastructure;

“motor vehicle” means any automobile, motor car, motor carriage, motor cycle, traction engine, tractor, or other carriage or vehicle propelled or capable of being propelled by means of an engine powered wholly or partly by any volatile spirit, steam, oil, gas, or electricity, or by any means other than

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human or animal power, but does not include a bicycle propelled or capable of being propelled by means of an engine that does not exceed 20 watts; or a wheelchair to be driven by a person with a disability;

“owner” or owns when used in reference to a motor vehicle or trailer means:

- (a) the person registered as the owner of the vehicle or a person in lawful possession of such vehicle; or
- (b) the purchaser or receiver of a vehicle registered in an owner’s name if -
 - (i) such vehicle is sold or transferred of by the registered owner to the purchaser or receiver; and
 - (ii) the owner provided written notice of sale or transfer to the Authority.

“rule” means any standard adopted by the Authority either specifically or by reference for the purpose of determining the technical standard or specification of any vehicle, component or material;”;

- (b) after section 5(1)(c), insert:

“(d) to undertake responsibility for road use management in Samoa, including the responsibility of -

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- (i) registering vehicles and licensing drivers in accordance with any law which is under the lawful responsibility of the Authority, and maintaining registers of registered vehicles and licensed drivers;
- (ii) establishing and enforcing standards for vehicle registration and the licensing of drivers consistent with the objectives of road safety;
- (iii) promoting safe road user behaviour and vehicle safety;
- (iv) devising, initiating, and implementing measures for the co-ordination, improvement and economic operation of passenger transport and goods transport by road;
- (v) implementing effective planning and licensing regimes so as to ensure, so far as is practicable, that the provision of road transport passenger services is adequate to meet the requirements of the public;
- (vi) developing and implementing traffic management strategies and practices consistent with the

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- needs of road users and the objectives of road safety; and
- (vii) developing and implementing enforcement strategies in consultation with the Commissioner of Police consistent with road safety and road infrastructure protection objectives; and
- (e) to consult, liaise with and involve road users and relevant representative associations in all aspects of the Authority's functions; and
- (f) to maintain the National Road Account and expend monies from it, in accordance with the provisions of this Act and any other law which applies to the Authority;";
- (c) in section 6, insert the following new paragraphs (a) and (c) in the correct alphabetical order:
- “(a) regulate and control all or any means of land transport under any Act under which it exercises authority, and any regulations made under this Act;”;
- “(c) take such steps and to do all such acts, matters, and things as it considers necessary, expedient or desirable for

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discharging its functions relating to road use management in Samoa, including -

- (i) the inspection of vehicles;
- (ii) controlling or prohibiting the use of vehicles which are considered to be in breach of applicable standards or requirements, or which are in any way unsafe to users of the vehicle or the general public;
- (iii) the maintenance and management of registers;
- (iv) the formulation and implementation of road safety campaigns, and the involvement of agencies, businesses, representative bodies and the general community in relation to such campaigns;
- (v) undertaking or commissioning relevant studies and surveys;
- (vi) the effective enforcement of road use laws by any lawful means;”;

(d) after section 19(1)(d), insert:

“(e) levies and fees imposed on road users by the Authority in accordance with Regulations made under this Act including -

- (i) levies on fuel;

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- (ii) licence fees for particular classes of vehicles;
 - (iii) levies on road users;”;
- (e) after section 23(3)(d), insert:
- “(e) road safety programmes and initiatives;”;
- (f) after Part 4, insert the new Parts 5, 6 and 7 as follows:

“PART 5**ADMINISTRATION OF LAND****TRANSPORT MATTERS****26. Delivery of notices and other documents:**

- (1) For the purpose of delivering notices and similar documents under this Act it is sufficient for the Authority or any other person to arrange for the documents to be delivered by registered mail to the address of a person or company shown in the records of the Authority, or as may otherwise be reasonably determined by the Authority or any other person.
- (2) In addition to subsection (1), the Authority may arrange for the delivery of a notice or similar documents by hand

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by a police or authorised officer and the certification of such officer is sufficient evidence of such delivery.

27. Prescribed fees payable:

- (1) A prescribed fee is to be paid in advance to the Authority when:
 - (a) considering an application; or
 - (b) issuing any licence, registration, certificate, permit, label, plate, or marks; or
 - (c) transferring any licence, registration, permit or certificate; or
 - (d) changing any record; or
 - (e) otherwise carrying out its obligations under this Act.
- (2) Where, in respect of matters specified in subsection (1), a prescribed fee is paid by means of a cheque which is subsequently dishonoured the purported grant of any matter specified under subsection (1) is void and the person is liable to the relevant offence under this Act as if that matter had not been granted.

28. Authority may seek further information:

The Authority may, in considering an application made to it under this Act, if circumstances warrant, seek further information

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from the Police or any other body or person for the purposes of determining the application.

29. Power to approve forms:

- (1) The Authority, with the approval of the Minister, may approve forms, certificates, permits, labels, plates or marks which may be issued under this Act.
- (2) A document issued by the Authority under subsection (1) may be marked with the words "Confidential - for use only as authorised by the Authority" in which case any person who uses the form without the consent and approval of the Authority commits an offence and is liable on conviction to a fine not exceeding 10 penalty units.

30. Codes of practice:

- (1) The Authority shall establish codes of practice which specify the procedures, standards and other criteria which the Authority will use in considering applications and conducting tests and inspections.
- (2) The Authority shall make available to the public those codes of practice or parts of them which it considers appropriate for the purpose of providing information

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which may be of assistance in preparing and submitting applications and otherwise understanding the procedures and criteria used by the Authority in considering applications and conducting tests and inspections.

- (3) The Authority, with the approval of the Minister, may issue codes of standards relating to the driving or use of vehicles or the use of public streets, a breach of which may be taken into account whenever the question of negligence in the use of a public street or dangerous, careless or reckless driving arises.

31. Notification of change of name, address, etc.:

- (1) A person who owns or is in possession of a motor vehicle or is a holder of any licence, permit or certificate issued pursuant to this Act, shall notify the Authority within 14 days of any change which may affect the records of the Authority with regards to:
- (a) the person's name;
 - (b) the person's residential or other address;
 - (c) the person's employment or business; or

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- (d) any other detail requiring notification to be given to the Authority pursuant to this Act.
- (2) Notification of any change under subsection (1) is to be made to the Authority:
 - (a) on the approved form; and
 - (b) accompanied by the prescribed fee; and
 - (c) accompanied by the relevant licence, certificate or permit.
- (3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 20 penalty units.

32. Records:

- (1) The particulars of the registration of vehicles, of drivers' licences and of any other licence or permit and any other particulars prescribed by this Act, are to be recorded by an authorised officer of the Authority.
- (2) An extract from, or copy of, an entry contained in a record kept under subsection (1), certified under the hand of the officer in charge of it, is to be received as evidence in any proceedings (whether under this Act or otherwise),

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and deemed sufficient proof of all particulars contained in such entry, without requiring the production of the record, or any licence, notice, or other document upon which the entry was founded.

PART 6**ROAD USE MANAGEMENT FUNCTION****33. The Authority is the Principal Licensing Authority:**

Despite any previous appointment under the Road Traffic Ordinance 1960, the Authority is appointed as the Principal Licensing Authority under the Road Traffic Ordinance 1960.

34. Functions regarding vehicle registration, licensing and road use management:

- (1) The Authority is responsible for:
 - (a) registration of vehicles and licensing drivers in accordance with the Road Traffic Ordinance 1960 and this Act;
 - (b) establishing and enforcement of standards for vehicle registration and licensing of drivers;
 - (c) promoting safe road use and vehicle safety;

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- (d) inspections of vehicles;
- (e) controlling or prohibiting the use of vehicles that are considered -
 - (i) to be in breach of applicable standards or requirements; or
 - (ii) unsafe to users of the vehicle or the general public; and
- (f) formulation and implementation of road safety campaigns.

35. Regulations relating to road use management:

- (1) The Head of State acting on the advice of Cabinet may make regulations prescribing matters:
 - (a) required or permitted by this Act to be prescribed; or
 - (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), regulations may be made for the purposes of:
 - (a) providing for vehicle standards, and regulate any modifications to vehicles; and

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- (b) providing for arrangements for the registration of vehicles, including -
 - (i) setting the period for which registration is effective, the date or dates at which renewal of registration must be effected and any other matter related to requirements for periodic renewal of registration; and
 - (ii) identifying classes of vehicles, and making particular provision in relation to their registration and use, including restrictions, prohibitions and specific fees which may be applied in relation to them; and
 - (iii) the testing and inspection of vehicles and exemptions from any requirement relating to the testing and inspection of vehicles; and

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- (iv) authorising certain persons or businesses possessing necessary qualifications and meeting specified standards to undertake vehicle testing and inspections; and
- (c) setting fees for testing, inspection and registration; and
- (d) exempting certain vehicles from the requirement to be registered in certain circumstances; and
- (e) recalling vehicles for inspections, testing or modification to meet certain safety standards; and
- (f) providing for arrangements for the licensing of drivers; and
- (g) requiring permits to learn to drive and other matters related to driver instruction; and
- (h) requiring probationary licences to be held and any restrictions which may be applied to driving whilst being required to hold such licences; and
- (i) testing drivers for any class of licence, by written or computer administered test and assessment of driving ability; and

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- (j) setting conditions to be applied to certain drivers, including those relating to the age of drivers, the eyesight of drivers and any other matter which may affect the ability of a person to drive in safe manner; and
 - (k) prescribing offences relating to the registration of vehicles, the licensing of drivers and any matter relating to the use of vehicles and the promotion of safety on national roads, and prescribing penalties for such offence being terms of imprisonment not exceeding two (2) years, and fines not exceeding 100 penalty units, or both.
- (3) Regulations made under this Act may amend or repeal any regulations made under the Road Traffic Ordinance 1960.

PART 7**ROAD SAFETY PROGRAMMES****36. Road Safety Committee:**

- (1) The Cabinet may appoint members to a Road Safety Committee to be part of the Ministry and which may include the following representatives:

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- (a) the Authority;
 - (b) the Ministry of Education;
 - (c) the Samoa Police Service;
 - (d) the Accident Compensation Corporation constituted under the Accident Compensation Act 1989;
 - (e) the Chamber of Commerce;
 - (f) relevant non-government organisations;
 - (g) any other Ministry, organisation or agency which the Minister considers appropriate.
- (2) The members appointed under subsection (1) hold office under the terms and conditions approved by the Cabinet.
- (3) A member of the Road Safety Committee is to be paid from the funds of the Ministry, such remuneration and allowances as are approved by Cabinet for members of government Boards and Committees.

37. Functions of the Road Safety Committee:

- (1) The Road Safety Committee may:
- (a) develop and approve programs of education and public awareness related to issues of road safety; and

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- (b) authorise official initiatives aimed at educating drivers and promoting safe driving practices; and
 - (c) solicit support from non-government organizations, both within Samoa and in other countries, for the conduct of road safety programs and the raising of public awareness about road safety and the safe use of roadways and land transport infrastructure; and
 - (d) do any other act or participate in any other activity approved by the Authority or the Minister, or as provided in any law.
- (2) The Road Safety Committee shall report at least twice every year on its activities and proposed activities to the Authority and the Minister.
- (3) Subject to any directions given by the Board of Directors, the Chief Executive Officer may allocate staff and other resources of the Authority to assist the work of the Road Safety Committee, and to implement the approved programs and initiatives.”.

*(Principal Licensing Authority) Amendment***3. Police Powers Act 2007 amended:**

The Police Powers Act 2007 is amended as follows:

- (a) in section 2, the following definitions are repealed -
 - (i) "owner"; and
 - (ii) "vehicle"; and
- (b) repeal Part 6A.

4. Road Traffic Ordinance 1960 amended:

The provisions of the Road Traffic Ordinance 1960 set out in Column 1, are amended according to Column 2 in the table below:

Column 1	Column 2
s2	<p>(a) Insert the following new definitions in its correct alphabetical order:</p> <p style="padding-left: 40px;">""authorised officer" has the same meaning in the Land Transport Authority Act 2007;</p> <p style="padding-left: 40px;">"Chief Executive Officer" means the Chief Executive Officer of the Land Transport Authority;;</p> <p>(b) For the definition of "Principal Licensing Authority" substitute:</p>

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	<p>“Principal Licensing Authority” means the Land Transport Authority as appointed under section 33 of the Land Transport Authority Act 2007;”;</p> <p>(c) In the definition of “prescribed fee” substitute “this Ordinance” with “the Land Transport Authority Act 2007”;</p>
s3	<p>(a) For subsection (1), substitute:</p> <p>“(1) There shall be appointed under the Land Transport Authority Act 2007 a Licence Controller who shall be charged with the licensing of motor vehicles, trailers and drivers, other than riders of bicycles, and matters incidental thereto, a Road Safety Controller, a Traffic Controller and such other officers of the Ministry responsible for Transport as may be necessary for the efficient administration of this</p>

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	<p>Ordinance, Land Transport Authority Act 2007 and matters incidental thereto.”;</p> <p>(b) In subsection (3), after “inspectors” insert “or traffic controllers”;</p>
s5A	<p>(a) In subsection (1), substitute “Commissioner” with “Chief Executive Officer”; and</p> <p>(b) In subsection (2), for “this Ordinance” substitute “the Land Transport Authority Act 2007”.</p>
s8(a)	After “police officer” insert “or authorised officer”.
s9	For “a police officer” substitute “an authorised officer” wherever occurring.
s13(4)	After “this Ordinance” insert “or the Land Transport Authority Act 2007”.
s19(2)	After “this Ordinance” insert “or the Land Transport Authority Act 2007”.

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s29(1)(a)	After "this Ordinance" insert "or the Land Transport Authority Act 2007".
s29(1)(d)	After "Ordinance" insert "or Land Transport Authority Act 2007".
s55	For "a police officer" substitute with "an authorised officer" wherever occurring.
s56	<p>(a) After section 55A, insert:</p> <p>"56. Authorised officer:</p> <p>(1) For the purposes of the provisions of this Part with respect to the certificate of fitness of vehicles, the Board may appoint such officers (in this Part referred to as authorised officers) as it thinks fit and those officers shall perform such duties in relation to the examination of vehicles, the issue of certificates of fitness and otherwise as the Board or the licensing authority may require, and may with the concurrence of</p>

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	<p>the Commissioner of Police Service make arrangements for the employment of suitable police officers for this purpose.</p> <p>(2) An authorised officer is at any time, on production if so required of his or her authority, entitled to enter and inspect any public service vehicle and for that purpose may require any public service vehicle to be stopped and may at any time which is reasonable having regard to the circumstances enter any premises in which the officer has reason to believe that a public service vehicle is kept, and if any person obstructs any such authorised officer in the performance of the officer's duty, or when required so to do fails to stop the vehicle, the person commits an offence."</p>
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*(Principal Licensing Authority) Amendment***5. Transitional and savings provision:**

- (1) All staff and property in the administration of the Principal Licensing Authority previously under the Samoa Police Service (“Service”) and all files and records maintained for the same purpose are to be transferred to the Land Transport Authority (“Authority”).
- (2) All licences issued and registrations approved by the Service in accordance with the Road Traffic Ordinance 1960 and the Police Powers Act 2007 and which are current as at the commencement of this Act, are deemed to have been duly made by the Authority and are valid for the remainder of their term.
- (3) All contracts, agreements or arrangements made by or entered into by the Service relating to administration of the Principal Licensing Authority continue as if they were made under this Act.
- (4) Any legal proceedings commenced by the Service in the administration of the Principal Licensing Authority is at the commencement of this Act treated as commenced by the Authority and must be taken forward by the Authority.
- (5) Any regulations, rules, orders or standards made pursuant to any provision that is amended or repealed under this Act:
 - (a) is at the commencement of this Act regarded valid and continue to have effect until it is repealed or amended; or

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- (b) that contains reference to a police officer of the Service pertaining to the administration of functions of the Principal Licensing Authority is at the commencement of this Act regarded as referring to an authorised officer of the Authority.
- (6) Any delegation made by the Service under an enactment amended or repealed in this Act continue to be valid until the commencement of this Act.
- (7) The administration of systems for the Principal Licensing Authority and the implementation of systems pertaining to the registration and licensing of vehicles shall be the responsibility of the Authority commencing from 1 July 2022.
- (8) The enforcement of regulations, orders, rules made under the Road Traffic Ordinance 1960 is the responsibility of both the Authority and the Service at the commencement of this Act.
- (9) Transitional Regulations may be made to make provision for the transition of transferring the Principal Licensing Authority functions from the Service to the Authority.

The Miscellaneous (Principal Licensing Authority)
Amendment Act 2023 is administered by the
Ministry of Police, Prisons and Correction Services.

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