

ROAD TRAFFIC AMENDMENT BILL 2015

SAMOA

Explanatory Memorandum

Introduction

The Bill seeks to amend the Road Traffic Ordinance 1960 (Principal Act).

Clauses:

- Clause 1:** - states that, when enacted, the Bill will be called the Road Traffic Amendment Act 2015, and will commence on the date of assent by the Head of State.
- Clause 2:** - amends section 2 of the Principal Act by providing additional terms to be defined.
- Clause 3:** - amends section 3 of the Principal Act by ensuring that references are also made to the Land Transport Authority Act 2007.
- Clause 4:** - repeals the proviso to section 27(5) of the Principal Act to make it compulsory for all drivers to carry their licence at all times when driving and failure to produce their licence on request by an authorised officer is an offence.
- Clause 5:** - amends section 36 of the Principal Act by substituting “60cwt” with “3 tonnes” of net weight and prohibiting a person under 25 years of age from driving a motor omnibus.
- Clause 6:** - inserts new sections 72C to 72E to provide for the powers of authorised officers to stop, impound and sell impounded vehicles.

Clause 7: - provides for general amendments to the Principal Act for consistency.



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(Hon MANUALESAGALALA Mati
Tuigamala Enokati Posala)

**MINISTER FOR WORKS, TRANSPORT
AND INFRASTRUCTURE AND MINISTER
FOR LAND TRANSPORT AUTHORITY**

ROAD TRAFFIC AMENDMENT BILL 2015

SAMOA

Arrangement of Provisions

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|---------------------------------|-------------------------------------|
| 1. Short title and commencement | 5. Section 36 amended |
| 2. Section 2 amended | 6. New sections 72C to 72E inserted |
| 3. Section 3 amended | 7. General amendments |
| 4. Section 27 amended | |

2015, No.

A BILL INTITULED

AN ACT to amend the Road Traffic Ordinance 1960 (“Principal Act”).

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 Road Traffic Amendment Act 2015, and commences on the date of assent by the Head of State.

- 2. Section 2 amended** - For section 2 of the Principal Act:
- (a) insert the following definitions in their correct alphabetical positions:

““authorised officer” has the same meaning in the Land Transport Authority Act 2007;

“Chief Executive Officer” means the Chief Executive Officer of the Land Transport Authority;”;

(b) delete definitions for “Assistant Secretary Road Transport”, “Certifying Officer” and “Traffic Officer”;

(c) in the definition of “enforcement officer”, for paragraph (b) substitute:

“(b) an authorised officer in uniform that carries out the functions, duties and powers of an enforcement officer;”.

3. Section 3 amended - In section 3 of the Principal Act:

(a) for subsection (1), after “this Act” insert “, Land Transport Authority Act 2007”;

(b) for subsection (2), after “Part II” insert “and Part VI of the Land Transport Authority Act 2007”.

4. Section 27 amended - In section 27 of the Principal Act, repeal the proviso to subsection (5) and replace the semi-colon after “offence” with a fullstop.

5. Section 36 amended - In section 36 of the Principal Act:

(a) in subsection (2), for “60cwt” substitute “3 tonnes”;
and

(b) after subsection (2) insert:

“(2A) A person under 25 years of age shall not drive a motor omnibus.”.

6. New sections 72C to 72E inserted - After section 72B of the principal Act, insert:

“72C. Information and inspection-(1) An authorised officer may carry out the powers under section 72B(1).

(2) When carrying out the powers under section 72B(1), the authorised officer may carry out any pointing duty on a road if the authorised officer has reasons to believe that it is in the interest or convenience of road safety or of the public.

72D. Impounding of vehicles-(1) This section applies if, after carrying out an inspection, testing or examination under section 72B(1), an authorised officer is satisfied that the vehicle should be impounded.

(2) If a vehicle is to be impounded under this section, the officer must:

- (a) take possession of and arrange the vehicle to be towed or driven to the Authority's compound at the owner's costs fixed by the Authority;
- (b) record the details of the vehicle, its owner or any other relevant detail on a register in a form approved by the Authority; and
- (c) issue an impounding notice, in a form approved by the Authority, and give or serve the notice on the owner.

(3) The impounding notice must set out the remedial action to be undertaken by the owner and the time in which the action is to be undertaken.

(4) The vehicle is to be released to the owner if the remedial action is undertaken to the satisfaction of the Authority.

72E. Sale of impounded vehicles-(1) If, after three (3) months from the expiry of the time specified in the impounding notice, no remedial action is taken by the owner and the Authority intends to sell the vehicle, the Authority must:

- (a) serve a sale notice on the owner; or
- (b) if it is impracticable to serve the owner, publish the sale notice in a newspaper.

(2) On expiry of 14 days from the service of the sale notice or from the date of publication of the sale notice under subsection (1), the Authority must publish a notice,

in a newspaper, for a date (at least five (5) working days from publication of the notice) in which it will conduct the public auction.

(3) If the vehicle is not sold at the first public auction, the Authority may issue another notice for a second public auction.

(4) If the vehicle is not sold at the second auction, the Authority may sell the vehicle by private sale or dispose of the vehicle in a manner it considers proper.

(5) When a vehicle is sold under this section, the Authority must apply the proceeds of sale in the following order:

- (a) to pay any fees and charges for impounding and selling of the vehicle; and
- (b) to pay any penalty for the offence under any traffic infringement notice issued under an enactment or imposed by the court; and
- (c) pay the balance of the proceeds of sale to the owner of the vehicle.”.

7. General amendments - For references in the Principal Act to:

- (a) “Assistant Secretary Road Transport”, substitute “Chief Executive Officer”;
 - (b) “Public Service Act 2004” substitute “Land Transport Authority Act 2007”;
 - (c) “traffic officer” and “certifying officer”, respectively, substitute “authorised officer”.
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