

SAMOA
PUBLIC FINANCE MANAGEMENT
(GOVERNMENT VEHICLES) REGULATIONS 2015

Arrangement of Provisions

- | | |
|---|--|
| 1. Citation and commencement | 11. Parking and garaging of vehicles |
| 2. Interpretation | 12. Accessories and additional parts |
| 3. Officials entitled to vehicles | 13. Insurance, registration and licensing, and labelling of vehicles |
| 4. Use of vehicle by Chief Executive Officers and employees | 14. Fuelling of vehicles |
| 5. Use of vehicle by relatives | 15. Maintenance of vehicles |
| 6. Use of vehicles for elections | 16. Penalties |
| 7. Buying new vehicles | 17. Transitional provision |
| 8. Sale of vehicles | |
| 9. Register | Schedule |
| 10. Vehicle Policy Taskforce | |

PURSUANT to section 126 of the Public Finance Management Act 2001, **I, TUI ATUA TUPUA TAMASESE EFI**, Head of State, acting on the advice of Cabinet, **MAKE** these Regulations:

DATED this 3rd day of March 2015.

signed: (Tui Atua Tupua Tamasese Efi)
HEAD OF STATE

REGULATIONS

1. Citation and commencement-(1) These Regulations may be cited as the Public Finance Management (Government Vehicles) Regulations 2015.

(2) These Regulations commence on the date they are signed by the Head of State.

2. Interpretation - In these Regulations, unless the context otherwise requires:

- “acquaintance” includes a friend, colleague, an associate or any other person in a similar relationship;
- “after hours” means after 5pm on a working day and before 9am on the following working day, and includes the whole day of a Saturday, Sunday and a public holiday;
- “allocated vehicle” means a vehicle allocated to an office holder under regulation 3;
- “Assistant Chief Executive Officer” means an Assistant Chief Executive Officer in a Ministry, and includes the equivalent position in a public body;
- “associate” means an individual who has an employment, business, social or professional connection or association with an Associate Minister or a Chief Executive Officer;
- “Chief Executive Officer” means the Chief Executive Officer of a Ministry, and includes the chief executive of a public body;
- “designated driver” means a person designated or appointed as a driver for the vehicle of a Ministry, public body or an office holder;
- “drive” includes to authorise another person to use or drive the vehicle;
- “election” means a general election or a bi-election;
- “employee” means an employee of a Ministry or public body;
- “exempted services” means any of the following services provided by a Ministry or public body:
 - (a) health services;
 - (b) pharmacy;
 - (c) fire and emergency services;
 - (d) search and rescue services;
 - (e) police and prison services;
 - (f) waste management services;

- (g) shipping services;
 - (h) civil aviation services;
 - (i) customs and quarantine services;
 - (j) water services;
 - (k) electricity services;
 - (l) services related to elections carried out by the Electoral Commissioner, his or her staff and such assistants working under his or her direction during elections.
- “government registration number plate” means the number plate issued under regulation 113 of the Road Traffic Regulations 1961;
- “Ministry” has the same meaning as “department” as defined in the Act, and includes the Judiciary;
- “normal working hours” means from 9a.m to 5p.m on Monday to Friday;
- “office holder” means an official entitled to a vehicle under regulation 3;
- “prohibited accessory or part” includes:
- (a) window tint;
 - (b) stylish mag or alloy wheels;
 - (c) upgraded car stereo;
 - (d) tow bars and back fenders;
 - (e) side steps;
 - (f) stylish chrome lights;
 - (g) chrome silver grill;
 - (h) canopy; or
 - (i) any other accessory or part that is unnecessary.
- “public holiday” has the same meaning in the Public Holidays Act 2008;
- “relative” means a spouse, child (including adopted or step child), brother, sister, parent, aunt, uncle, grandparent or a blood relative and includes any relative through marriage;
- “spouse” means the wife or husband in a marriage recognised under the laws of Samoa;
- “Taskforce” means the Vehicle Policy Taskforce established by regulation 10;
- “use” includes to drive;

“vehicle” means a Government owned vehicle or a vehicle financed under a Government department or public body or funded or donated under a Project or Programme or from Development Partners; and

“working day” means a Monday, Tuesday, Wednesday, Thursday or Friday other than a public holiday.

3. Officials entitled to vehicles-(1) The office holders specified in this regulation are entitled to be allocated a vehicle each for their office or personal use, or both.

(2) With the exception of the Head of State and the Prime Minister, the following office holders are entitled to one (1) vehicle each of a type to be determined by Cabinet:

- (a) a Member of the Council of Deputies;
- (b) a Cabinet Minister;
- (c) the Chief Justice;
- (d) a Judge of the Supreme Court, the District Court or the Family Court;
- (e) the President of the Land and Titles Court;
- (f) the Speaker and the Deputy Speaker of the Legislative Assembly;
- (g) the Leader of the Opposition.

(3) An Associate Minister and a Chief Executive Officer are entitled to one (1) double cab pickup vehicle each.

(4) Before the Cabinet determines the types of vehicles under subregulation (2), the Cabinet must take into account the views of the Chief Executive Officer of the Ministry of Finance on the cost-effectiveness and appropriateness of the procurement of any vehicle under this regulation.

4. Use of vehicle by Chief Executive Officers and employees-(1) A Chief Executive Officer must use the allocated vehicle for the purpose of carrying out the duties of the office.

(2) However, a Chief Executive Officer is entitled to use the allocated vehicle for personal matters after hours or while on leave.

(3) If a Chief Executive Officer is on overseas travel or taking local leave, the Acting Chief Executive Officer is entitled to 24 hours access to a vehicle, during that time.

(4) A Chief Executive Officer who cannot or is unable to drive the allocated vehicle:

- (a) must, during normal working hours, designate driver of the Ministry to drive the vehicle for Chief Executive Officer; and
- (b) after hours, may authorise the designated driver or a relative (“assigned driver”) to drive the vehicle for the Chief Executive Officer,

and the assigned driver and the Chief Executive Officer are jointly and severally liable for any matter or act arising out of the designation or authorisation to drive the vehicle.

(5) An employee (other than a Chief Executive Officer or Acting Chief Executive Officer or a designated driver authorised to drive) must not use a vehicle at any time:

- (a) except for official matters or for the purpose of carrying out an exempted service during -
 - (i) normal working hours; or
 - (ii) after hours, with prior approval of the Chief Executive Officer or Acting Chief Executive Officer; and
- (b) unless the designated driver is unavailable or absent from duty.

(6) An approval under subregulation (5)(a)(ii) must be in the Form set out in the Schedule.

(7) A label to display the sign “AUTHORISED VEHICLE” to be affixed to a vehicle is to be approved by the Chief Executive Officer:

- (a) if the vehicle is to be used after hours; or
- (b) for private vehicles hired or rented by a Ministry or public body.

(8) The sign in subregulation (7) must:

- (a) be in uppercases, bold and black font; and
- (b) be on a white paper or cardboard comprising a width of 210mm and covering the bottom length of the windscreen on the inside; or
- (c) otherwise, in any other form and manner approved by the Chief Executive Officer.

(9) A person who contravenes subregulation (7) commits an offence and is liable to a fine of 1 penalty unit.

5. Use of vehicle by relatives-(1) The relative or acquaintance of an Associate Minister or a Chief Executive Officer must not use the vehicle allocated to be used by the Associate Minister or Chief Executive Officer.

(2) The spouse of an office holder may use the allocated vehicle after hours only, if:

- (a) the spouse holds a valid driver's licence; and
- (b) a designated driver is unavailable to drive the vehicle.

(3) A relative or an acquaintance who uses a vehicle allocated to an Associate Minister or a Chief Executive Officer without authorisation commits an offence.

6. Use of vehicles for elections-(1) A person must not use a vehicle for an activity relating to elections or to facilitate a person who intends to run for elections as a Member of Parliament.

(2) Subregulation (1) does not apply to the use of vehicle for the electoral functions, duties and powers of the Electoral Commissioner, his or her staff and any assistant working under the Commissioner's direction after hours during elections.

(3) Any person who contravenes subregulation (1) commits an offence and is liable to a fine of 1 penalty unit.

7. Buying new vehicles-(1) A Ministry or public body must first seek the prior approval of Cabinet before buying a new vehicle.

(2) A Ministry or public body requiring a new vehicle to be purchased must submit a written request ("request") to the Ministry of Finance for a report.

(3) The request must set out the following:

- (a) a list of current vehicles used by the Ministry or public body; and
- (b) reasons why a particular type of vehicle is requested;
- (c) any other matter required by the Ministry of Finance.

(4) The Chief Executive Officer of the Ministry of Finance shall provide a report to Cabinet on the request, in line with any vehicle or other relevant policy.

8. Sale of vehicles-(1) The Cabinet acting on the advice of the Ministry of Finance that a vehicle has been written off in accordance with the Treasury Instructions 2013 may approve the sale of a vehicle used by a Ministry or public body.

(2) A Ministry or public body requiring a vehicle to be sold must submit a written request (“request”) to the Ministry of Finance for a report.

(3) The request must set out the following:

- (a) a list of current vehicles used by the Ministry or public body; and
- (b) reasons the vehicle is to be sold;
- (c) any other matter required by the Ministry of Finance.

(4) The Chief Executive Officer of the Ministry of Finance shall provide a report to Cabinet on the request, in line with any vehicle or other relevant policy.

9. Register - A Ministry or public body must maintain a register of all vehicles used or under its responsibility.

10. Vehicle Policy Taskforce-(1) This regulation establishes the Vehicle Policy Taskforce consisting of the following members:

- (a) the Chief Executive Officer of the Ministry of Finance, as Chairperson;
- (b) the Commissioner of Police;
- (c) the Chief Executive Officer of the Land Transport Authority;
- (d) the Chief Executive Officer of the Public Service Commission.

(2) A member who is unable to attend a meeting may send a representative to the meeting and the representative may exercise all the powers and rights of the member in that meeting.

(3) The Taskforce may invite any person to advise the Taskforce on any matter relating to these Regulations.

(4) The functions of the Taskforce are:

- (a) to supervise the use of vehicles;
- (b) to provide a report to Cabinet (if required or when necessary) on the use of vehicles;
- (c) to carry out other functions assigned to it by the Minister of Finance or the Cabinet.

11. Parking and garaging of vehicles-(1) A Chief Executive Officer (or a person authorised by the Chief Executive Officer) must ensure that all other vehicles are parked or garaged within office premises or compounds at the end of the normal working hours except for:

- (a) a vehicle approved by the Chief Executive Officer to be used after hours for official duties or exempted services; or
 - (b) an allocated vehicle.
- (2) Any vehicle used under subregulation (1)(a) must be garaged immediately after the end time specified in a Form completed and approved for after hour use.
- (3) A police officer may stop a vehicle and cause the vehicle to be parked and garaged immediately if the police officer sees that the end time specified in the Form has expired.
- (4) A police officer must report the incident to the Chief Executive Officer of the Ministry of Finance, who shall refer the matter to the Taskforce for follow up action or for any other decision on the matter.
- (5) The driver of a vehicle commits an offence who fails:
- (a) to park and garage the vehicle immediately -
 - (i) after the end time specified in the Form; or
 - (ii) after being directed by a police officer under subregulation (3); or
 - (b) to comply with the conditions for use of the vehicle as approved by a Chief Executive Officer or a person authorised by the Chief Executive Officer.
- (6) A Chief Executive Officer or person authorised by the Chief Executive Officer commits an offence who fails to comply with any decision of the Taskforce to ensure the parking or garaging of a vehicle under their control.

12. Accessories and additional parts-(1) A Chief Executive Officer must ensure that any prohibited accessory or part is not affixed to or displayed on any vehicle.

(2) Subregulation (1) does not prevent the addition or affixing to a vehicle of side steps where needed.

(3) A police officer may stop a vehicle and cause to be removed any prohibited accessory or part that is affixed or displayed on a vehicle, and any accessory or part removed is to be taken to:

- (a) the Ministry of Finance for storage at Vaimea; or
- (b) the Ministry of Police for storage at the Ministry's premises; or
- (c) any other place suitable for storage of Government assets, whichever place is convenient for storage at that time.

(4) If a prohibited accessory or part cannot be easily removed at the time when a police officer instructs the driver of a vehicle to do so, the police officer shall:

- (a) instruct the driver of the vehicle to remove, or ensure removal of, the prohibited accessory or part within two (2) weeks from the date the instructions are given; and
- (b) report the incident and instructions to the Chief Executive Officer of the Ministry of Finance for referral to the Taskforce for follow up action or for any other decision on the matter.

(5) Any instruction given by a police officer to a driver of a vehicle under subregulation (4)(a) is taken to be instructions made by the respective Chief Executive Officer.

(6) It is an offence:

- (a) if a driver of a vehicle fails to remove a prohibited accessory or part after being directed by a police officer under this regulation; or
- (b) if a Chief Executive Officer fails to comply with any decision of the Taskforce to ensure removal of a prohibited accessory or part.

13. Insurance, registration and licensing, and labelling of vehicles-(1) A Chief Executive Officer must ensure that any vehicle used by an office holder or the respective Ministry or a public body:

- (a) is insured; and
- (b) is registered and licensed; and
- (c) has and affixed to it the government registration number plate.

(2) With the exception of an allocated vehicle, the name of the Ministry or public body must be visibly displayed or labelled:

- (a) on the sides of the doors to the passenger and driver's seat in the front; and
- (b) at 40cm by 30cm in font size.

(3) The requirement of government registration number plate on a vehicle is not required if a private vehicle registration number is approved:

- (a) by Cabinet, upon the recommendation of the Taskforce for national security or any other reason as determined by Cabinet; or
- (b) otherwise, by the Prime Minister for the purpose of law enforcement or safety reasons.

(4) Subregulation (1) does not apply to a vehicle used on hire (or rental) for any purpose authorised under these Regulations.

(5) A hired or rented vehicle exempted under subregulation (4) must also display the sign “AUTHORISED VEHICLE” approved under regulation 4(7).

14. Fuelling of vehicles-(1) The following vehicles are allowed to be fuelled at a petrol station (leased or owned by the Government):

- (a) a vehicle with a government registration number plate; and
- (b) any private vehicle rented or hired by a Ministry or public body if the fuelling is approved by the Chief Executive Officer and that vehicle displays the sign “AUTHORISED VEHICLE” approved under regulation 4(7).

(2) Subregulation (1) does not apply to a vehicle allocated to the Head of State or the Prime Minister.

15. Maintenance of vehicles-(1) A public body is responsible for supervision and maintenance of any vehicle used by the public body and its Chief Executive Officer.

(2) A Ministry is responsible for supervision and maintenance of any vehicle used by the Ministry and its Chief Executive Officer and any Associate Minister or office holder within the Ministry.

16. Penalties-(1) A person who commits an offence under these Regulations is liable upon conviction to a fine not exceeding 100 penalty units or imprisonment for 12 months, or both.

- (2) A breach of these Regulations may also be a ground:
- (a) for disciplinary action; or
 - (b) a surcharge under the Act for loss or destruction of or damage to a vehicle.

17. Transitional provision-(1) At the commencement of these Regulations a vehicle that has a prohibited accessory or part, is to continue to be used as such until the vehicle is renewed or replaced by a new vehicle or it is removed as directed by the Chief Executive Officer.

(2) A person is not liable for any prohibited accessory attached to a vehicle before the commencement of these Regulations.

**SCHEDULE
(Regulation 4(6))**



Government of Samoa

**FORM FOR AFTER HOUR USE
OF GOVERNMENT VEHICLES**

(Form must be filled out by Divisional Head/Manager and Human Resource Coordinator (HRC))

Section 1: Driver Information:

(Information of the person who will be handling the vehicle after hours)

Name:	Designation:	Department/Public Body:	Licence Plate Number:

Section 2: Vehicle Information:

(Vehicle that is to be used after hours)

Licence Plate Number:	Make and Model of vehicle:
Brief Description of vehicle:	

Section 3: Information on Use of Vehicle After Hours:

(To be filled out by Divisional Head/Manager)

Date:	Duration:	Start Time:	End Time:
Purpose for after hour use:			

Location or route of vehicle for after hour use:
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Section 4: Endorsement by the Divisional Head/Manager:

Comments:		
<input type="checkbox"/> Endorsed <input type="checkbox"/> Not Endorsed	Signature:	Date:

Section 5: Approval of CEO (or Delegate):

Comments:		
<input type="checkbox"/> Endorsed <input type="checkbox"/> Not Endorsed	Signature:	Date:

**Issued under the authority of the Regulations Ordinance 1953.
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These Regulations are administered by the Ministry of Finance.**

**Copies of these Regulations can be purchased from
the Office of the Clerk of the Legislative Assembly.**

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