

EXTRAORDINARY



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GOVERNMENT OF FIJI

LAND TRANSPORT (AMENDMENT) DECREE 2013
(DECREE NO. 8 OF 2013)

IN exercise of the powers vested in me as the President of the Republic of Fiji and the Commander in Chief of the Republic of Fiji Military Forces by virtue of the Executive Authority of Fiji Decree 2009, I hereby make the following Decree—

TO AMEND THE LAND TRANSPORT ACT 1998

Short title and commencement

1. This Decree may be cited as the Land Transport (Amendment) Decree 2013 and shall come into force on the date of its publication in the *Gazette*.

2. The Land Transport Act 1998 shall be referred to as the “Act”.

New sections inserted

3. The Act is amended by—

(a) inserting the following new section after section 85—

“Owner onus for offences by photographic detection devices

85A.—(1) If a prescribed offence under this Act or under any subsidiary law made under the Act is committed and the offence is detected by a photographic detection device, a person shall be deemed to have committed the offence if that person is the owner of the motor vehicle that was involved in the commission of the offence at the time the offence was committed.

(2) Pursuant to subsection (1), it shall be a defence for an owner of a motor vehicle if that owner proves that—

- (a) he or she was not the driver of the motor vehicle at the time the offence was committed;
- (b) the motor vehicle was stolen;
- (c) the motor vehicle was being driven without the consent of the owner of that motor vehicle;
- (d) the motor vehicle has been de-registered; or
- (e) the motor vehicle has lawfully changed ownership or possession.

(3) The defence under subsection (2) shall not be available to the owner of a motor vehicle unless the Authority is notified within 21 days from the date a Traffic Infringement Notice was issued thereof.

(4) If the actual offender is not the owner of the motor vehicle, the actual offender and the owner of the motor vehicle shall not both be punished for the offence committed.

(5) The notice given to the Authority under subsection (3) purporting to have been given for a body corporate by a director, manager or secretary of the body corporate shall be deemed to have been given by the body corporate.

(6) In this section, unless the context otherwise requires—

“owner” means—

- (a) subject to paragraph (b) and if the motor vehicle is registered, the person registered as the owner of the motor vehicle;
- (b) if a registered motor vehicle is sold or otherwise disposed of by the person registered as the owner of the motor vehicle and he or she has given notice thereof to the Authority, the purchaser; or
- (c) if a trade plate is placed on the motor vehicle under the authority of a trader identification permit, the person to whom the plate was issued.”;

(b) inserting the following new section after section 95—

“Traffic Infringement Notice for photographic detection devices

95A.—(1) An authorised officer may issue a Traffic Infringement Notice in respect of a photographic detection device as prescribed by Regulations to a person who commits a prescribed offence that is detected by a photographic detection device.

(2) In this section, unless the context otherwise requires—

“photographic detection device” means an approved device that captures images of offences committed under the Act and the subsidiary laws made under the Act.”; and

(c) inserting the following new sections after section 113—

“Exemption

113A. The following types of motor vehicles shall, in respect of offences detected by photographic detection devices, be exempted from the payment of penalties prescribed under this Act or any subsidiary laws made under this Act—

- (a) any motor vehicle used by a fire brigade established under the provisions of any written law;
- (b) any ambulance used by the National Ambulance Service under the National Ambulance Decree 2010;
- (c) any motor vehicle used by the Fiji Police Force;
- (d) any motor vehicle used by the President of the Republic of Fiji, including his or her motorcade and support vehicles;
- (e) any official motor vehicle used by a Cabinet Minister, including his or her motorcade and support vehicles; and
- (f) any motor vehicle exempted by the Chief Executive Officer pursuant to section 113B.

Exemption Order

113B.—(1) The Chief Executive Officer may, upon receipt of a written application, grant an Exemption Order to any motor vehicle used for the purpose of transporting a foreign dignitary.

(2) An application in subsection (1) must contain the following information—

- (a) registration number of the motor vehicle that is to be exempted;
- (b) period during which that motor vehicle is to be exempted; and
- (c) reasons for the exemption.

(3) The driver of the motor vehicle which is granted an Exemption Order by the Chief Executive Officer in subsection (1), shall affix the Exemption Order to the windscreen of the motor vehicle or to any part of the motor vehicle which shall be easily detected by the device.

(4) An Exemption Order issued by the Chief Executive Officer in subsection (1) shall be conclusive evidence that a motor vehicle is exempted.

(5) In this section—

“foreign dignitary” means any person who lives or works in a country other than Fiji, and is attending a conference, convention, meeting, symposium, summit or other forum hosted by the Government of Fiji.”

GIVEN under my hand this 5th day of February 2013.

EPELI NAILATIKAU
President of the Republic of Fiji