



REPUBLIC OF NAURU

Motor Traffic (Amendment) Act 2015

No. 6 of 2015

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REPUBLIC OF NAURU

Motor Traffic (Amendment) Act 2015

No. 6 of 2015

An Act to amend the *Motor Traffic Act 2014*

Certified: 24 March 2015

Enacted by the Parliament of Nauru as follows:

1 Short title

This Act may be cited as the *Motor Traffic (Amendment) Act 2015*.

2 Commencement

This Act commences on the date on which it is certified by the Speaker.

3 Act amended

The Schedule amends the *Motor Traffic Act 2014*.

SCHEDULE – AMENDMENT OF MOTOR TRAFFIC ACT 2014

[1] Multiple amendments

All references to '*Director of Police*' shall be omitted and substituted with '*Commissioner of Police*'.

[2] Insert new subsection 20(3) and 20(4)

20(3) Any person who has been granted a driver's licence under this Act must carry his or her licence at all times when driving a motor vehicle.

(4) Any person who holds a driver's licence under this Act commits an offence if they fail:

(a) while driving a motor vehicle, to carry the licence; and

(b) to produce the licence on request by a member of the police force;

and is liable to pay a fine of \$200.

[3] Insert new subsection 73 (3) and 73(4)

Insert new subsection (3) and subsection (4) as follows:

(3) As soon as practicable after a person has been asked for a sample under subsection (1) and has refused to furnish such sample, the police officer shall sign and deliver to the person a certificate as included in Schedule 3 of this Act.

(4) A copy of the certificate given in subsection (3) shall be prima facie evidence in any proceedings under subsection (1) unless the accused person gives notice within reasonable time in writing to the informant that he requires the officer giving the certificate to be called as a witness.

[4] Amendment of section 82

Omit current section 82 and substitute with the following:

The owner or driver of a motor vehicle who, upon being required by a member of the Police Force in the execution of his duty to give any information which is in his power to give and which:

(a) may lead to the identification of any person who was driving the vehicle when an offence against this Act was alleged to have been committed; or

(b) in relation to any other information related to other provisions of this Act,

fails or refuses to give the information, commits an offence and is liable to pay a fine of \$200.

[5] Amendment of section 115

3.1 Amend the current numbering from subsection (2) to subsection (4) to read:

(2) A police officer may require the driver of a motor vehicle to stop and remain stationary so that the officer may examine the vehicle.

- (3) A police or authorised officer may take all reasonable measures, including entering locked or secured vehicles, for the purpose of enforcing the provisions of this Act.
- (4) A police or authorised officer shall not be held liable for any damage to or loss of any item from a motor vehicle during its seizure and removal to a place of safety in accordance with subsection (1) (c).
- (5) A person who disobeys a direction given under this section commits an offence and is liable on conviction to the prescribed penalty.

3.2 Amend new subsection 115(4)

Omit the words:

‘to a place of safety’

Clause will now read:

‘A police or authorised officer shall not be held liable for any damage to or loss of any item from a motor vehicle during its seizure and removal in accordance with subsection (1) (c).’

[6] Amendment of Schedule 2

Omit

Current Schedule 2

Substitute

New Schedule 2 as attached

[7] Insert new Schedule 3

A new Schedule 3 is inserted as attached.

SCHEDULE 2
REPUBLIC OF NAURU
MOTOR TRAFFIC ACT 2014

EVIDENTIARY CERTIFICATE –SUPPLY SAMPLE

I, _____ a Police Officer of the Nauru Police Force, hereby
certify:

- (1) that I am a person authorised by the Commissioner of Police to operate a breath-analysing instrument;
- (2) that on the.....day of....., 20.....at.....a.m/p.m,
at.....the defendant was required by me to provide a sample of
his/her breath for breath analysis on a breath analysis instrument;
- (3) that the breath-analysing instrument I used in the course of such analysis was on
that day:
 - (a) of a type approved by Cabinet by notice published in the Gazette;
 - (b) an instrument in relation to which regulations made under this Act with respect to
breath-analysing instruments were complied with; and
 - (c) in proper working order and properly operated by me in accordance to law.
- (4) the defendant provided a sample of his/her breath for analysis in accordance with my
directions.
- (5) that the instrument indicated that the percentage of alcohol present in the blood of
the defendant was.....percent.
- (6) As soon as practicable after the breath analysis was carried out, I delivered a copy of
this certificate to the defendant.

Dated thisday of....., 20.....

Name:.....

Signed:

AUTHORISED OPERATOR

SCHEDULE 3
REPUBLIC OF NAURU
MOTOR TRAFFIC ACT 2014

EVIDENTIARY CERTIFICATE – REFUSAL TO SUPPLY SAMPLE

I, _____ a Police Officer of the Nauru Police Force, hereby
certify:

- (1) that I am a person authorised by the Commissioner of Police to operate a breath-analysing instrument;
- (2) that on the.....day of....., 20.....at.....a.m/p.m,
at.....the defendant was required by me to provide a sample of
his/her breath for breath analysis on a breath analysis instrument;
- (3) that the breath-analysing instrument I used in the course of such analysis was on
that day:
 - (d) of a type approved by Cabinet by notice published in the Gazette;
 - (e) an instrument in relation to which regulations made under this Act with respect to
breath-analysing instruments were complied with; and
 - (f) in proper working order and properly operated by me in accordance to law.
- (4) that the defendant refused to provide a sample of his/her breath for analysis in
accordance with my directions.
- (5) As soon as practicable after the breath analysis was carried out, I delivered a copy of
this certificate to the defendant.

Dated thisday of....., 20.....

Name:.....

Signed:

AUTHORISED OPERATOR