

REPUBLIC OF VANUATU

THE ROAD TRAFFIC JOINT REGULATION (AMENDMENT)
ACT NO. 28 OF 1985

Arrangement of Sections

1. Amendment.
2. Repeal.
3. Commencement.

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THE ROAD TRAFFIC JOINT REGULATION (AMENDMENT)
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To amend the Road Traffic Regulation.

BE IT ENACTED by the President and Parliament as follows:-

AMENDMENT

1. The Road Traffic Joint Regulation No.4 of 1962 is amended,
 - (a) by substituting "Vanuatu" for "the New Hebrides" throughout the Regulation;
 - (b) by substituting in the English text 'section' and 'sections' for 'article' and 'articles' respectively throughout the Regulation;
 - (c) by substituting 'Minister' for 'Resident Commissioners' throughout the Regulation;
 - (d) by substituting 'by Order' for the following:-
 - (i) 'by joint decision',
 - (ii) 'by Joint Rules',
 - (iii) 'by Decisions',
 - (iv) 'jointly',throughout the Regulation;
 - (e) in section 2,
 - (i) by omitting the definition of police officer;
 - (ii) by substituting the following for the definition of "public road":-

'includes every road or right of way to which the public may have at any time unrestricted right of access';
 - (f) in section 4, by substituting in the English text 'a "STOP" sign has been placed, shall stop and shall yield the right of way' for 'a Halt Sign has been placed shall yield the right of way'.
 - (g) by substituting the following for section 12:-

"No person shall drive, or, being the owner, shall permit another person to drive, a vehicle on a public road if the vehicle or any part thereof constitutes a danger or could cause danger".

- (h) by adding the following new sections after section 12:-

"Causing death by reckless driving

12A. A person who causes the death of another person by driving a motor vehicle on the road recklessly shall be guilty of an offence and shall be liable to imprisonment for a term not exceeding 5 years or a fine not exceeding VT500,000 or to both".

"Reckless driving

12B. A person who drives a motor vehicle on a road recklessly shall be guilty of an offence, and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding VT100,000 or to both".

- (i) by substituting the following for section 13:-

"Careless driving

13. A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence and liable to imprisonment for a term not exceeding 6 months or a fine not exceeding VT50,000 or to both".

- (j) in section 16, by omitting the last sentence thereof;
- (k) in section 17, by substituting 'Vanuatu Police Force' for 'New Hebrides Constabulary';
- (l) in section 20, by substituting 'public road' for 'public highway';
- (m) in section 21 by substituting 'Minister of Transport' for 'Superintendent of Public Works';
- (n) in section 25, by substituting 'Commissioner of Police' for 'Commandants of Police';
- (o) in section 28, by substituting 'public road' for 'public highway';
- (p) in section 30,
- (i) by substituting 'the Business Licence Act 1983' for 'the Business Licences Joint Regulation of 1956' in the definition of "Licensed" in subsection (1), and;
- (ii) by omitting, 'of the nationality of the driver or in the case of the driver being a New Hebridean, any police officer' in subsection (3);
- (q) in section 33,
- (i) by substituting 'public road' for 'public highway', and

- (ii) by omitting 'in the areas specified in Schedule H of this Joint Regulation, which schedule may be amended from time to time by Joint Decision of the Resident Commissioner';
- (r) in section 33A, by omitting 'or its equivalent in francs at the current rate of exchange';
- (s) in section 33C, by substituting 'Accountant General' for 'Condominium Treasurer';
- (t) in section 33D, by substituting 'Accountant General' for 'Condominium Cashier';
- (u) in section 35, by omitting the last sentence thereof;
- (v) by substituting the following for section 36:-

"Compulsory third party insurance

36 (1) No person shall use or cause or permit any other person to use any motor-vehicle on a road unless there is in force in relation to that vehicle a policy of third party insurance covering liability arising from the use of such vehicle by any person on a road for the death or bodily injury of any person, other than a passenger in such motor vehicle issued by an insurance company.

(2) The amount of liability insured shall be unlimited.

(3) No such policy of third party insurance shall be avoided or vitiated by reason of any term or condition thereof whatsoever and any such term or condition of any policy of third party insurance shall be deemed to be null and void.

(4) This provisions of this section shall not apply to motor vehicles owned by the Government of Vanuatu".

- (w) in section 37, by substituting 'or a current driving licence issued by the licensing authorities of another country' for 'or a current driving licence issued by the British or French Licensing authorities outside the New Hebrides';
- (x) in section 38, by omitting 'of his nationality, or in the case of New Hebrideans, of either nationality';
- (y) in section 42,
 - (i) by omitting the word 'jointly' in line 2, and
 - (ii) by substituting 'Such application shall be made by a person to any examiner'., for the last sentence thereof;

(z) in section 44A, by omitting subsections (3) and (4);

(aa) by substituting the following for section 45:-

'Except as provided in sections 12A, 12B, 13, 13A, 18, 33A, 44A, 46, 47 and 47A, any person who contravenes a provisions of this Regulation shall be guilty of an offence and shall be liable to a fine not exceeding VT10,000 or to imprisonment not exceeding one month, or to both such fine and imprisonment:

Provided that a police officer of the rank of Inspector or above, upon consideration of the report sent to him or if he himself establishes the contravention, may issue an offender with a compounding notice giving such offender the option of paying a fine on the scale prescribed by the Chief Justice or appearing before the court for trial'.

(bb) in section 46, by substituting 'sections 12, 16, 18(4), 22, 24, 30(3), 30(5), 37 and 39A for 'Articles 5, 6, 15, 19, 30(5), 37 or 38';

(cc) in section 47 by substituting 'sections 13, 14, 19, 36(1) or 43' for 'Articles 3, 13, 14, or 43';

(dd) by substituting the following for section 47A:-

"Disqualification

(1) Where any person is convicted of an offence against sections 12A, 12B, 13, 14, 19, 36 or this section, the Court may in addition to any punishment it may impose, disqualify that person from driving a motor vehicle for a period not exceeding five years.

(2) Where a person is disqualified from driving under this section, the Court shall endorse his driving licence accordingly.

(3) Any person who drives his motor vehicle whilst disqualified from so doing under this section shall be guilty of an offence, and shall be liable to imprisonment for a term not exceeding one year or a fine not exceeding VT. 100,000 or to both".

(ee) in section 47B, by substituting,

(i) the 'Director of Public Works' for the 'Superintendent of Condominium Public Works', and

(ii) 'the Vanuatu Police Force' for 'either Division of the New Hebrides Constabulary';

(ff) by omitting sections 48, 49, 50 and Schedule H;

(gg) by substituting:

VT 20,000	for	one hundred Australian Dollars
VT 40,000	for	two hundred Australian Dollars
VT 60,000	for	three hundred Australian Dollars
VT 30,000	for	fifty Pounds Sterling
VT 100,000	for	two hundred Pounds Sterling

throughout the Regulation.

REPEAL

2. The Joint Third Party Insurance of Vehicles Regulation No.16 of 1967 is repealed.

COMMENCEMENT

3. This Act shall come into force on the date of publication in the Gazette.