



REPUBLIC OF NAURU

Motor Traffic Act 2014

Act No. 18 of 2014

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REPUBLIC OF NAURU
Motor Traffic Act 2014

Act No. 18 of 2014

An Act to provide for the registration of motor vehicles, the issuing of licences and the regulation of motor traffic

Certified 10th September 2014

PART 1 – PRELIMINARY

1 Short title

This Act may be cited as the *Motor Traffic Act 2014*.

2 Commencement

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

3 Repeal

The *Motor Traffic Act 1937* and the Regulations made thereunder are hereby repealed.

4 Parts

This Act is divided into Parts, as follows:

PART 1 – Preliminary (Sections 1-6)

PART 2 – Registration of Motor Vehicles (Sections 7-19)

PART 3 – Licences (Sections 20-36)

PART 4– Road Rules and Safety for Drivers (Sections 37-59)

PART 5 – Rules for Passengers in motor vehicles and
Pedestrians (Sections 60-64)

PART 6 – Offences (Sections 65-90)

PART 7 – Third Party Insurance (Sections 91-113)

PART 8 – Powers of the Police (Sections 114-122)

PART 9 – Miscellaneous (Sections 123-132)

5 Definitions

(1) In this Act, unless the contrary intention appears:

‘approved garage’ means a garage approved by the Minister for the purpose of this Act;

‘approved insurance company’ means an insurance company approved by the Minister for the purpose of this Act;

‘authorised inspector’ means a person who has been appointed by an approved garage to conduct motor vehicle inspections under this Act.

‘auto rickshaw’ means a motor vehicle with three wheels steered by either handlebars or a steering wheel and often including a tray at the rear;

‘bicycle’ means a vehicle with two or more wheels that is built to be propelled partly or wholly by human power through a belt, chain or gears and includes a tricycle but does not include a scooter, wheelchair, wheeled recreational device, wheeled toy, or any vehicle with an auxiliary motor capable of generating power;

‘certificate of registration’ means a certificate of registration of a motor vehicle granted under this Act;

‘direction indicator light’ means one of the lights in a vehicle that indicate the direction that the vehicle is turning and fitted to a vehicle at the manufacturing stage;

‘escort vehicle’ is a vehicle which, for purposes approved by the government, accompanies another vehicle so as to guide, protect or honour its passengers;

‘Government motor vehicle’ unless otherwise stated means any motor vehicle that the Government owns, leases or rents;

'hazard warning lights' means a pair of yellow or red direction indicator lights fitted to a vehicle that display regular flashes of light at the same time, and at the same rate, as each other, but does not include warning lights fitted, in accordance with those standards, to a bus used for carrying children;

'high beam' for a headlight fitted to a vehicle, means that the headlight is built or adjusted so, when the vehicle is standing on level ground, the top of the main beam of light projected is above the headlight's low beam;

'hospital' means RON Hospital;

'impound facility' is a facility where a vehicle that has been impounded under section 115 has been removed and stored;

'learner's permit' means a permit licence issued under this Act to a person to learn to drive a motor vehicle;

'licence' means a licence to drive or a permit licence issued under the Regulations;

'licensed' means licensed under this Act;

'low beam' for a headlight fitted to a vehicle, means that the headlight is built or adjusted so, when the vehicle is standing on level ground, the top of the main beam of light projected is:

- (a) not higher than the centre of the headlight, when measured eight metres in front of the vehicle; and
- (b) not over one metre higher than the level where the vehicle is standing, when measured twenty-five metres in front of the vehicle;

'motorcycle' means a motor vehicle that is steered by means of handle bars and includes a 'quad' but for the purpose of this Act specifically excludes an auto rickshaw;

'motor vehicle' means any motor vehicle constructed to be used for the carriage of persons or goods and includes a motorcycle and an auto rickshaw;

'motor vehicles trader's licence' means a licence granted under section 31 of this Act;

'number plates' mean one or more metal plates issued by the Registrar recording the unique identifying number assigned to each motor vehicle as provided under the Regulations;

'owner' means the person in whose name a motor vehicle is registered;

'public highway' means any road, track, thoroughfare, or place open to or used by the public, in or on the Island of Nauru;

'Public Service' unless otherwise stated, means the public service of the Government of Nauru.

'registered' means registered under this Act;

'Registrar' means the Registrar of Motor Vehicles and Licences appointed in pursuance of this Act and unless and otherwise appointed by Cabinet, the Registrar shall be the Secretary for Justice and Border Control;

'registration labels' means a label issued under section 14;

'Regulations' means regulations made under section 132 of this Act;

'Republic' means the Republic of Nauru;

'sidewalk' means a footpath, whether or not paved or improved, that is intended primarily for the use of pedestrians and that either

- (a) forms part of that portion of a highway that lies between the kerb line or, if there is none, the boundary line, of the roadway and
- (b) although not part of a highway, is a publicly maintained right-of-way, set aside for pedestrian traffic only and for the purpose of giving access to property adjacent;

'Tax Infringement Notice' means a notice issued under section 117 of this Act;

'the Act' or any variation of reference to the Act is a reference to the Motor Traffic Act 2014;

'trader' means a person to whom a motor vehicles trader's licence has been granted or transferred and includes:

- (i) in the case of a trader being a company — a director, manager or officer of the company; and
- (ii) in the case of a trader being a firm or partnership - a member or partner of the firm or partnership;

'trailer' means a vehicle without motive power designed for attachment to a motor vehicle, but does not include a side-car;

'vehicle' means any means of conveyance which runs on

wheels but does not include any vehicle used on a railway; and

- (2) Unless the contrary intention appears, a reference in this Act to a motor vehicle shall be deemed to include, where a trailer is attached to a motor vehicle, a reference to the motor vehicle and trailer.

6 Registrar

Cabinet shall appoint a Registrar of Motor Vehicles and Licences, who shall exercise and perform such powers and functions as are prescribed.

PART 2 – REGISTRATION OF MOTOR VEHICLES

7 Motor vehicles to be registered

A motor vehicle must be registered under the provisions of this Act.

8 Exemptions from registration requirements

In spite of section 7, a person may drive an unregistered motor vehicle on a road if:

- (a) the person has a written permit from the Registrar; and
- (b) the person is driving the motor vehicle for one of the following purposes:
 - (i) to take the motor vehicle to an approved garage for inspection or to register it; or
 - (ii) to take the vehicle to be repaired.

9 Classes of vehicles

For the purposes of this Act, motor vehicles are divided into the following classes:

- (a) buses;
- (b) commercial motor vehicles;
- (c) private motor vehicles;
- (d) motorcycles;
- (e) auto rickshaws; and
- (f) trailers.

10 Application for registration

- (1) An application for the registration or for the renewal or transfer of the registration, of a motor vehicle shall be made in the approved form.
- (2) An approved garage under this Act shall be the competent authority, on behalf of the Registrar, to receive applications made under subsection (1).
- (3) The completed application form shall be forwarded to an approved garage and must have attached to it any document required by any provision of this Act or its Regulations.
- (4) An applicant shall, within seven days of submitting their application, be informed of the outcome of the application.

11 Registration of vehicle

- (1) Before registering a motor vehicle, the applicant shall be required to produce the motor vehicle for inspection at an approved garage.
- (2) After an inspection has been conducted in accordance with the requirements of this Act, and the authorised inspector is satisfied that the vehicle is roadworthy, the applicant shall be issued with a certificate of roadworthiness.
- (3) A motor vehicle shall not be registered, and a registration shall not be renewed or transferred, under this Act unless, there is produced at the time of the application for registration, or renewal or transfer of registration:
 - (a) a certificate of roadworthiness issued within seven days immediately before the making of that application in respect of that vehicle;
 - (b) a receipt evidencing the payment of the required fee; and
 - (c) a policy of insurance complying with Part 7 of this Act.
- (4) Subject to the requirements under subsection (3), the Regulations and to any other applicable provision of this Act, the approved garage may:
 - (a) register a motor vehicle; and
 - (b) issue a certificate of registration accordingly.

12 Length of registration

- (1) Registration remains in force for twelve months, from the date it was issued, unless it is cancelled by the Registrar.
- (2) The renewal of the registration of a motor vehicle takes effect on the day after the current registration has expired.

13 Registration labels

- (1) The approved garage receiving a registration application and conducting vehicle inspection shall, in respect of a registered motor vehicle:
 - (a) record the registration number allotted to that motor vehicle;
 - (b) issue a registration label containing the registration number allotted to that motor vehicle; and
 - (c) issue a further registration label each time the registration is renewed.
- (2) A registration number issued under subsection (1) may be a combination of letters and numbers.
- (3) Within 24 hours after the registration of a motor vehicle, the owner of that motor vehicle shall cause the registration label issued under subsection (1):
 - (a) in the case of a motor vehicle fitted with a windscreen, to be affixed to the inner left hand corner of the windscreen; and
 - (b) in the case of a motorcycle, in a waterproof holder securely attached in a visible position on the left hand side of the rear of the motorcycle.
- (4) A person who drives or permits to be driven a registered motor vehicle in a public street without having a current registration label, clearly visible, attached to the vehicle in accordance with this Act commits an offence and is liable to pay a fine of \$500.
- (5) It is not a defence to this section if the person driving or permitting to be driven, a registered motor vehicle, was not aware that the registration label attached to the vehicle was not a current registration label in accordance with this Act.

14 Registration of Government vehicles

A certificate of registration for a motor vehicle belonging to the Government of the Republic shall be issued for the period that the motor vehicle remains the property of the Government but the motor vehicle must still undergo a vehicle inspection on a yearly basis.

15 Proof of registration

The onus of proving that a motor vehicle has been registered rests upon the owner of the vehicle.

16 Register of vehicles

(1) An approved garage conducting vehicle inspections and registering vehicles under this Act, must keep a Register containing the following information about each motor vehicle it has registered:

- (a) The owner's name and address;
- (b) The class of vehicle;
- (c) The type, make and colour of the vehicle;
- (d) The engine number; and
- (e) The registration number allotted to the vehicle.

(2) A duplicate Register shall be kept at the office of the Registrar.

(3) The approved garage shall furnish, as soon as practicable, all information contained in Section 16 subsection (1) to the Registrar.

17 Alterations to motor vehicles

(1) Where any alteration, affecting the accuracy of any particulars of the description in the certificate of registration or certificate of renewal of registration of a motor vehicle, is made to that motor vehicle, the owner shall forthwith forward the certificate to the Registrar for notation of the alteration on the certificate of registration.

(2) The Registrar shall, after noting the alteration on the certificate of registration, return it to the owner.

18 Registration numbers not transferable

(1) The owner of a motor vehicle shall not transfer, or cause or permit to be transferred, a number issued for any motor vehicle to another motor vehicle.

(2) Any person who drives a motor vehicle having upon it a number which was issued for another motor vehicle commits an offence and is liable to pay a fine of \$500.

19 Sale and disposal of motor vehicles

- (1) The owner of a motor vehicle who sells or disposes of the motor vehicle shall, within seven days after the sale or disposal:
 - (a) give written notice to the Registrar, of the sale or disposal of the vehicle, and the full name and address of the person to whom the motor vehicle has been sold or disposed of; and
 - (b) deposit with or forward to the Registrar the certificate of registration of the motor vehicle.
- (2) Until the provisions of the last preceding subsection are complied with, the person in whose name the motor vehicle is registered shall remain liable as owner, in respect of the provisions of this Act, for any breach involving the said motor vehicle.
- (3) The person to whom the motor vehicle was sold or disposed of, shall, within seven days after the purchase or disposal, pay the prescribed transfer fee and apply to the Registrar to have the certificate of registration transferred to him.

PART 3 – LICENCES

20 Driver's licence required

- (1) It is a requirement under this Act, that every person who drives a motor vehicle must hold a valid driver's licence for that class of vehicle.
- (2) A person who drives a motor vehicle:
 - (a) without a valid driver's licence; or
 - (b) of a different class from that stated in his driver's licencecommits an offence and is liable to pay a fine of \$100
- (3) All driver's licences shall be approved by the Registrar.

21 Learner's permit

- (1) A person over the age of seventeen may apply to the Registrar for a learner's permit.
- (2) The application must:
 - (a) be in writing in the approved form;

- (b) have with it the prescribed fee; and
 - (c) have with it sufficient information to clearly identify the person applying and proof of the person's age.
- (3) For the purposes of subsection (2) (c), an example of sufficient information would be a passport, a university identification card, a Government identification card, a foreign driver's licence and others as deemed fit by the Registrar.
- (4) The Registrar may:
- (a) grant a learner's permit to any person for any period not exceeding one year
 - (b) to learn to drive a motor vehicle during such hours and in such locality as may be specified in the permit.

22

Learner's test

- (1) A person applying for a learner's permit must, before being granted the permit, complete an approved theoretical test set by the Registrar and submit the completed test to the Registrar.
- (2) The Registrar may decide, in special circumstances, whether the test is to be administered verbally or in writing.
- (3) Upon completion of the requisite time for learning to drive a motor vehicle, and upon payment of the fee, the Registrar shall appoint a person to administer a final practical driving test for the learner.
- (4) Upon completion of the practical driving test, and upon receiving a satisfactory written report from the examiner, the Registrar shall issue to the applicant an application for a driver's licence that must then be taken to the Nauru Revenue Office for payment of a fee and issuing of a driver's licence.
- (5) If the results of the practical driving test is unsatisfactory, the Registrar shall extend the current learner's permit for another year.

23

Conditions of learner's permit

- (1) Nothing in this Act shall prevent a person to whom a learner's permit has been granted from driving a motor vehicle upon any public highway while the permit remains in force, if while that person is learning to drive a motor vehicle, a licensed driver is occupying the seat next to the learner, and in that case the licensed driver shall be deemed to be the driver of the vehicle.

- (2) A person to whom a learner's permit has been granted shall at all times comply with the conditions of the permit.
- (3) The holder of a learner's permit must not drive on a public street a motor vehicle other than a motorcycle unless the seat next to the learner is occupied:
 - (a) by a person who holds a current driver's licence of the same class of vehicle; or
 - (b) a member of the police force; or
 - (c) a person authorised by the Registrar for the testing of drivers, who is submitting the learner to a driving test for any of the purposes of the Act; and
 - (d) there is displayed conspicuously and so as to be clearly visible at the front and rear of the vehicle a sign, showing the letter "L" in red on a white background.
- (4) The holder of a learner's permit must not drive on a public street a motorcycle unless:
 - (a) also seated on the motorcycle is a person who holds a current driver's licence; and
 - (b) unless there is displayed conspicuously and so as to be clearly visible at the rear of the motorcycle a sign, showing the letter "L" in red on a white background.
- (5) The holder of a learner's permit must not drive any motor vehicle, including a motorcycle, between the hours of 7pm and 7am.
- (6) Any person found to be in contravention of subsection (5) is guilty of an offence and is liable to pay a fine of \$200 and the owner of the vehicle being driven may have their vehicle impounded under section 115 of this Act.

24

Requirement to carry permit

- (1) Any person who has been granted a learner's permit under this Act must carry his or her permit at all times when driving a motor vehicle.
- (2) A person purporting to be a learner driver but fails to produce a learner's permit shall be liable to pay a fine of \$100.

- 25** **Driver's licence**
A person may apply to the Nauru Revenue Office for a driver's licence.
- 26** **Application for a licence to drive a motor vehicle**
- (1) The Nauru Revenue Office, with the approval of the Registrar, may grant a licence to drive a motor vehicle of the class specified in the licence to any person who:
- (a) has satisfied the Nauru Revenue Office that he is not less than eighteen years of age and has completed a learner's test; or
 - (b) can show evidence of a foreign licence; and
 - (c) is capable of driving a motor vehicle of that class with safety to the public,
- and the Nauru Revenue Office, with the approval of the Registrar, may, from time to time, renew any such licence.
- (2) The application must:
- (a) be in writing in the approved form;
 - (b) state the class of vehicle the person wishes to be licensed to drive;
 - (c) have with it a recent photograph of the person;
 - (d) state whether the person's licence has ever been suspended or cancelled and, if so, give details of the suspension or cancellation;
 - (e) have with it sufficient information to clearly identify the person; and
 - (f) have with a receipt evidence of the payment of the prescribed fee.
- (3) The Registrar shall, within seven working days, inform the applicant of the outcome of that application.
- (4) A driver's licence must:
- (a) contain a recent photograph of the licence holder;
 - (b) state the class of vehicle the licence holder is entitled to drive;
 - (c) state the name and address of the licence holder;

- (d) state the expiry date of the licence; and
 - (e) be in the approved form, as prescribed by the Registrar.
- (5) Unless sooner cancelled or suspended, a driver's licence, or a renewal of a driver's licence, remains in force for a minimum of twelve months and up to a maximum of three years.
- (6) Subject to the payment of fees in accordance with the Regulations, the Registrar may from time to time renew a driver's licence for a period of twelve months and up to a maximum of three years.
- (7) The renewal of a driver's licence takes effect on the day immediately following the day on which the licence, or the previous renewal of the licence, as the case may be, expired.

27 Age requirement

The age requirement to hold a driver's licence is:

- (a) For a motor bike – eighteen years;
- (b) For a private motor vehicle – eighteen years; and
- (c) For a bus or commercial vehicle – eighteen years and a minimum of four years driving experience.

28 Licence not transferable

A driver's licence is not transferable.

29 Medical Examinations

The Registrar may request any person applying for the grant or renewal of a driver's licence or a current holder of a driver's licence to:

- (a) obtain a certificate signed by a medical practitioner to the effect that in the opinion of the medical practitioner, having all proper regard to the safety of the public generally, the applicant or holder, is medically a fit and proper person to act as a driver of a motor vehicle; and
- (b) forward the same to the Registrar who shall then make a decision whether to grant or renew a driver's licence.

30 Foreign Licences

- (1) A foreign driver's licence shall, so long as it is in force, be deemed to be equivalent to, and be accepted in place of, a driver's licence under this Act for the purpose of authorising the holder to drive in Nauru any vehicle of the type or class of which the foreign licence applies:
 - (a) on the conditions subject to which the foreign licence was issued; and
 - (b) for a period of one month from the date of entry into Nauru of the holder.
- (2) Subsection (1) applies only where the holder of a foreign driver's licence:
 - (a) usually resides outside Nauru and is temporarily in Nauru; and
 - (b) has not been given notice by the Registrar under subsection (3) that his foreign licence is not acceptable in place of a Nauru driver's licence; and
 - (c) is not otherwise disqualified from obtaining or holding a driver's licence in Nauru.
- (3) The Registrar may at any time cancel the acceptance of a foreign driver's licence by written notice in accordance with subsection (1) if:
 - (a) in the opinion of the Registrar having regard to the safety of the public generally, it is not desirable that the person should be allowed to drive a motor vehicle; or
 - (b) the person:
 - (i) has, in the opinion of the Registrar any mental or physical disability that is likely to affect his efficiency in driving a motor vehicle, having regard to the safety of the public generally; or
 - (ii) is, in the opinion of the Registrar, otherwise not fit to drive a motor vehicle; or
 - (iii) has been convicted of an offence in connection with the driving of a motor vehicle.
- (4) Any person holding a foreign licence 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.

31 Motor vehicles trader's licence

- (1) The Registrar may grant a motor vehicles trader's licence to an applicant who satisfies the Registrar that he is engaged in the business of manufacturing, dealing in or repairing motor vehicles.
- (2) The Registrar may grant a motor vehicles trader's licence in respect of motor vehicles or in respect of motorcycles.
- (3) An application for a motor vehicles trader's licence shall be in writing setting out the applicant's place of business, the nature of his business, the type of motor vehicles trader's licence required and the number of trader's plates required.
- (4) The holder of a motor vehicles trader's licence in respect of motor vehicles may apply in writing to the Registrar at any time while the licence is in force for the issue to him of one or more pairs of trader's plates of a type determined by the Registrar for use under such a licence.
- (5) An application for trader's plates shall be accompanied by the appropriate deposit prescribed by the Regulations to the number and type of trader's plates applied for.
- (6) A motor vehicles trader's licence is, unless sooner cancelled or suspended, in force until and including the thirty-first day of December of the year in respect of which the licence is granted.

32 Cancellation, suspension of, and refusal to grant or renew, licences

- (1) The Registrar has the discretion to cancel or suspend by written notice a driver's licence, for such period as he thinks fit, if:
 - (a) in the opinion of the Registrar having regard to the safety of the public generally, it is not desirable that the person should be allowed to drive a motor vehicle; or
 - (b) the person:
 - (i) has, in the opinion of the Registrar any mental or physical disability that is likely to affect his efficiency in driving a motor vehicle, having regard to the safety of the public generally; or
 - (ii) is, in the opinion of the Registrar, otherwise not fit to drive a motor vehicle; or

- (iii) has been convicted of an offence in connection with the driving of a motor vehicle.
- (2) The Registrar may at his discretion refuse to grant a licence or renewal of licence to any person who, in his opinion, is unfit to hold a licence.

33 Appeal against refusal to grant, renew or transfer trader's licence

- (1) Where the Registrar:
 - (a) refuses to grant, to renew or to transfer a motor vehicles trader's licence to a person; or
 - (b) refuses an application for the issue of trader's plates under subsection (4) of section 31 of this Act;

the person aggrieved by the refusal may within fourteen days after the refusal appeal to the District Court.

- (2) The decision of the District Court on an appeal under this section is final.

34 Owner not to permit unlicensed person to drive motor vehicle

- (1) The owner of a motor vehicle shall, before permitting any person to drive the motor vehicle, require the licence of that person to drive a motor vehicle of the class to which that motor vehicle belongs to be produced as proof that that person is so licensed.
- (2) If subsection (1) of this section is not complied with the owner of the vehicle shall be liable to a fine not exceeding \$500.

35 Fees

Fees payable under this Act, shall be found in the *Motor Traffic Regulations 2014*.

36 Exemption

No fee on registration shall be charged in respect of the following:

- (a) any motor vehicle which is the property of the Government or is being leased or rented by the Government for its use;
- (b) any motor vehicle specially exempted by an Order of the Minister on account of its being owned by a public body or of its being used for any charitable, philanthropic or other public purpose:

Provided that the exemption hereby granted from payment of the registration fee in respect of a vehicle shall cease whenever the condition justifying such exemption ceases to apply to that vehicle.

PART 4 – ROAD RULES AND SAFETY FOR DRIVERS

37 Obeying the speed limit

Any person who drives a motor vehicle at a speed that is in excess of the speed limit provided by this Act commits an offence and is liable to pay a fine of \$300.

38 Prescribed speed limit

Any vehicle being driven on any road in Nauru must not be driven:

- (a) at a speed exceeding 50km per hour; or
- (b) at a speed exceeding 20km per hour:
 - (i) while passing a school at a time when children are or are likely to be entering or coming out of school;
 - (ii) while passing a church at a time when the congregation is or is likely to be entering or coming out of church;
 - (iii) while passing a hospital; or
- (c) at a speed exceeding 16km per hour when overtaking a school bus which has stopped to discharge or pick up school children;
- (d) at a speed exceeding such speed as may be specified by Cabinet in respect of any road or class of vehicles and notified in the Gazette.

39 Vehicles to keep to left

- (1) Every motor vehicle that is driven on any road in Nauru shall be driven as close to the left hand side of the road as practicable.
- (2) No person being the driver of a motor vehicle, shall stop (other than stopping for a lawful signal), or park a vehicle on a road, whether attended or unattended, unless:
 - (a) the vehicle is parallel to the direction of the roadway; and
 - (b) the left side of the vehicle is as close as is practicable to the left side of the road.

- (3) An exception to subsection (2) is if the vehicle is parked on a one way road when the vehicle shall:
 - (a) be expected to face the same direction as other vehicles proceeding along the road; and
 - (b) be parked as close as practicable to either side of the road.

40 Making a U-turn

- (1) A driver must not begin a U-turn unless:
 - (a) the driver has a clear view of any approaching traffic; and
 - (b) the driver can safely make the U-turn without unreasonably obstructing the free movement of traffic.
- (2) Any driver who is making a U-turn must give way to all motor vehicles and pedestrians.

41 Overtaking

- (1) Every vehicle overtaking another vehicle on a road must keep to the right side of the vehicle being overtaken except where:
 - (a) the driver of the vehicle being overtaken has signaled his intention of turning to the right and has taken up a position in the centre of the road, leaving room for overtaking vehicles to pass on his left; or
 - (b) a road is divided into traffic lanes by marked lines on the road, or islands or bollards indicating traffic direction.
- (2) Pedestrians or animals may be passed or overtaken on whichever side is the safer.
- (3) A vehicle overtaking a school bus which has stopped to discharge or pick up school children shall slow down to a safe speed, which in any case shall not exceed 16km per hour.

42 Giving way to bus

- (1) A driver of a motor vehicle must give way to a bus in front of the driver if:
 - (a) the bus has stopped, or is moving slowly, at the far left side of the road, on a shoulder of the road, or in a bus-stop bay; and

- (b) the right direction indicator lights of the bus are operating; and
 - (c) the bus is about to enter or proceed in the lane or line of traffic in which the driver is driving.
- (2) If a bus has turned on its hazard lights, vehicles travelling behind it must come to a complete stop until the hazard lights have been turned off.

43 Giving way to police vehicles, emergency vehicles or escort vehicles

A driver must give way to a police vehicle, emergency vehicle or escort vehicle that is displaying a flashing blue, red or magenta light (whether or not it is also displaying other lights) or sounding an alarm.

44 Keeping clear of police vehicles, emergency vehicles or escort vehicles

- (1) A driver must not move into the path of an approaching police vehicle, emergency vehicle or escort vehicle that is displaying a flashing blue, red or magenta light (whether or not it is also displaying other lights) or sounding an alarm.
- (2) If a driver is in the path of an approaching police vehicle, emergency vehicle or escort vehicle that is displaying a flashing blue, red or magenta light (whether or not it is also displaying other lights) or sounding an alarm, the driver must move out of the path of the vehicle as soon as the driver can do so safely.

45 Right hand rule at intersections

- (1) The driver of any motor vehicle approaching or crossing an uncontrolled intersection shall yield the right of way to any vehicle approaching or crossing from his or her right.
- (2) Every driver approaching or crossing an intersection shall yield the right to every other vehicle entitled to the right of way under the foregoing provisions of this Act and if necessary for that purpose, shall stop his vehicle.
- (3) A driver shall not increase the speed of his vehicle when approaching or crossing any uncontrolled intersection at which any other vehicle has right of way under this Act.

46 Signals when turning

- (1) If traffic may be affected by turning a vehicle, a driver of a motor
-

vehicle must not turn it without giving the appropriate signal under section 49.

- (2) If a signal of an intention to turn right or left is required, a driver must give it continuously for a sufficient distance to warn traffic before making the turn.
- (3) If there is an opportunity to give a signal, a driver must not stop or suddenly decrease the speed of a vehicle without first giving the appropriate signal under section 49.
- (4) If the driver is about to move out from a stationary position at the side of the road, the driver must give a signal for at least five seconds before the driver moves the vehicle.

47 Signals when stopping or slowing down

- (1) A driver must give a stop signal in accordance with section 48 before stopping or when suddenly slowing down.
- (2) If the driver is stopping, the driver must give the stop signal for at least five seconds to give sufficient warning to other road users.
- (3) If the driver is slowing down suddenly, the driver must give the stop signal while slowing down.

48 How to give a stop signal

- (1) The driver of a vehicle must give a stop signal by means of the vehicle's brake lights.
- (2) However, if the vehicle's brake lights are not in working order or are not clearly visible, or the vehicle is not fitted with brake lights, the driver must give the stop signal by giving a hand signal or using a mechanical signalling device fitted to the vehicle as provided by section 50.

49 Means of signalling

- (1) If a signal is required a driver must give it by means of:
 - (a) a direction indicator light that has been fitted in the motor vehicle and is part of the normal mechanical fitting of the vehicle; or
 - (b) his or her right arm and hand.
- (2) If a driver must signal by means indicated under subsection (1) (b), the driver shall:

- (a) when he is about to stop, raise his right hand with his fingers extended and pointing upwards in such a manner as to be visible to any driver immediately following;
- (b) when he is about to reduce the speed at which his vehicle is travelling, alternately raise and lower his hand with palm downwards in such a manner as to be visible to any person immediately following; or
- (c) when he is about to turn to the right, extend his right arm horizontally in the direction in which he intends to turn and in such a manner as to be visible to any person immediately following.

50 Using vehicle lights at night

- (1) A driver must not drive any motor vehicle, including motorcycles at night, or in hazardous weather conditions causing reduced visibility unless:
 - (a) the headlights, tail lights and number plate light fitted to the driver's vehicle are operating effectively and are clearly visible at a distance of 100 metres; and
 - (b) if the vehicle is fitted with clearance lights or side marker lights, those lights are operating effectively and are clearly visible at a distance of 100 metres.
- (2) Any person who drives any motor vehicle in contravention of the above subsection commits an offence and is liable to pay a fine of \$200.

51 Using headlights on high beam at night

- (1) The driver of a motor vehicle must not use the vehicle's headlights on high-beam, or allow the vehicle's headlights to be used on high-beam, if the driver is driving at night and is driving:
 - (a) less than 200 metres behind a vehicle travelling in the same direction as the driver; or
 - (b) less than 200 metres from an oncoming vehicle.
- (2) However, if a driver of a motor vehicle intends to overtake another motor vehicle, the driver may briefly switch the headlights from low beam to high beam immediately before the driver begins to overtake the vehicle in order to indicate the intention to overtake.

52 Using lights on vehicles that are stopped

A driver must not stop on a road at night unless:

- (a) if the driver's vehicle is 2 metres wide, or wider, the clearance and side marker lights fitted to the vehicle are operating effectively and are clearly visible; or
- (b) in any other case, the parking lights fitted to the driver's vehicle are operating effectively and are clearly visible.

53 Using hazard warning lights

The driver of a vehicle fitted with hazard warning lights must not use the hazard warning lights, or allow them to be used, unless:

- (a) the vehicle is stopped and is obstructing, or is likely to obstruct, the path of other vehicles or pedestrians; or
- (b) the vehicle is a slow-moving vehicle and is obstructing, or is likely to obstruct, the path of other vehicles or pedestrians; or
- (c) the driver stops the vehicle to sell a product (for example, ice cream) that may attract children onto the road; or
- (d) the driver is driving in hazardous weather conditions (for example, heavy rain or smoke); or
- (e) the vehicle is a bus carrying children, and the driver stops the vehicle to drop off or pick up a child.

54 Slow moving traffic

Where for any reason a vehicle is proceeding at slow speed and is causing obstruction to other motor vehicles, the driver of the vehicle such keep the vehicle as close to the left side of the road as practicable and permit other vehicles to overtake.

55 Duty of driver approaching pedestrian crossing

- (1) When approaching a pedestrian crossing, the driver of a motor vehicle, must reduce his speed so to enable him to stop before reaching the crossing and allow any pedestrian using the crossing, the right of way.
- (2) A driver must not drive his motor vehicle that it overtakes and passes any other motor vehicle which has stopped or slowed down to comply with the provisions of subsection (1).

56 Riding a bicycle on a public road

- (1) A person shall not, upon any public highway, ride a bicycle at night unless the bicycle is fitted with:
 - (a) a light at the front of the bicycle that is operating effectively and is

clearly visible at a distance of at least 50 metres; and

- (b) a red reflector at the rear of the bicycle so that the lights of any motor vehicle approaching from the rear are reflected at a distance of at least 50 metres.
- (4) Any person in contravention of this section is guilty of an offence under this Act and is liable to a fine of \$200.

57

Riding a motorcycle without a helmet

- (1) A person must not drive or ride on a road a motorcycle with an engine of a 100 cc or greater unless the person is wearing a safety helmet that is securely fastened.
- (2) A safety helmet must be free from damage, wear, tear, or modifications that may adversely affect its safety.
- (3) If a passenger on a motorcycle is a child below the age of eight it shall be acceptable for him or her to wear a bicycle helmet provided:
 - (a) the helmet is in compliance with section 57 (2); and
 - (b) the driver of the motorcycle does not travel
 - (i) at a speed exceeding 30km per hour; or
 - (ii) at a speed exceeding 20km per hour:
 - (A) while passing a school at a time when children are, or are likely to be, entering or coming out of school;
 - (B) while passing a church at a time when the congregation is, or is likely to be, entering or coming out of church;
 - (C) while passing a hospital; or
 - (iii) at a speed exceeding 16km per hour when overtaking a school bus which has stopped to discharge or pick up school children.
- (4) Any person who is in contravention of this section commits an offence and is liable to pay a fine of \$200.

58

Maximum number of persons to be carried on motorcycles

- (1) Any person driving a motorcycle upon a public highway carrying more than one other person on the motorcycle commits an offence and is liable to pay a fine of \$300.

(2) Any person who drives a motorcycle and:

- (a) carries, in the back tray of the motorcycle; or
- (b) seats, directly behind him or her;

a child who is under the age of five, commits an offence and is liable upon conviction to a fine of \$500.

59

General road rules

(1) A driver of a motor vehicle must:

- (a) at all times comply with directions given by a member of the Police Force as to:
 - (a) the manner of approaching or departing from any place;
 - (b) the manner of taking up or setting down passengers or loading or unloading goods; or
 - (c) the regulation of traffic;
- (b) whenever necessary, give sufficient warning, by sounding a bell, horn or other means of alarm, of the approach of the vehicle to any person walking, riding or driving upon a public highway.

(2) The driver of a motor vehicle upon a public highway shall not:

- (a) negligently or wilfully obstruct, hinder, or prevent the free passage of any person, vehicle or bicycle;
- (b) wilfully stop:
 - (i) opposite to the entrance of, or across any road, track or thoroughfare; or
 - (ii) upon the intersection of any public highway;
- (c) leave the motor vehicle unattended in such a position as to obstruct the traffic or unreasonably cause inconvenience to any person;
- (d) leave the motor vehicle without taking due precaution against such vehicle being started during his absence;
- (e) permit any person to drive the motor vehicle without the consent of the owner;
- (f) cause the motor vehicle to travel backwards for a greater distance or time than is requisite for safety or reasonable convenience;

- (g) while driving a motor vehicle, be in such a position that he has not full control of the vehicle or has not a clear view of the traffic;
- (h) cause or permit an undue amount of smoke to be projected from any part of the vehicle;
- (i) race with any other vehicle;
- (j) go upon any road closed against traffic; or
- (k) communicate by means of an electronic device with another person or another device by electronic mail or other text-based message.

PART 5 – RULES FOR PASSENGERS IN MOTOR VEHICLES AND PEDESTRIANS

60 Wearing of seatbelts

- (1) Any person while travelling in a motor vehicle in excess of the prescribed speed limit and if the vehicle is fitted with a seatbelt, does not wear the seatbelt properly adjusted and fastened every time the vehicle is travelling on a public road, commits an offence and is liable to pay a penalty of \$200.
- (2) Subsection (1) applies to:
 - (a) passengers described in section 61 (2) and (4);
 - (b) passengers travelling in the front seat of a motor vehicle;
 - (c) passengers travelling in the back seat but seated in the middle of the back seat; and
 - (d) the person driving the motor vehicle.

61 Children travelling in motor vehicles

- (1) Any person who drives a motor vehicle and carries a passenger who is under five years old and seated in the front row of the motor vehicle commits an offence and is liable to a fine of \$200.
- (2) If a passenger in a vehicle is less than five years of age, the child must:
 - (a) be seated in the back seat; and
 - (b) if the vehicle is fitted with a secure and properly adjusted seatbelt, be securely restrained with the seatbelt.

- (3) If a passenger is above five years of age and seated in the front passenger seat of the vehicle, the child must wear the seatbelt properly adjusted and fastened every time the vehicle is moving.
- (4) Any person who drives a motor vehicle and allows a passenger under the age of twelve to be seated in the back tray of the vehicle without any adult accompaniment commits an offence and is liable to pay a fine of \$500.
- (5) Subject to any other provision under this Act, any person who drives a motor vehicle and allows another person to be seated with him or her behind the wheel of that vehicle while the vehicle is travelling on a public road, commits an offence and is liable to pay a fine of \$500.
- (6) Subject to any other provision in this Act, a parent or guardian who allows a child under eighteen to drive a motor vehicle, including a motorcycle, without a learner's permit commits an offence and shall be liable to a pay fine of \$1000 and may have their vehicle impounded under section 115 of this Act.

62 Exemption from wearing a seat belt

The following are exempted from wearing a seatbelt under this Act:

- (a) any person who is a passenger in a police vehicle, emergency vehicle or enforcement vehicle; or
- (b) any person who is providing or receiving medical treatment of an urgent and necessary nature while in a vehicle.

63 Persons travelling in motor vehicles

- (1) A person travelling in a motor vehicle must:
 - (a) not travel in any part of the motor vehicle that is not a part designed primarily for the carriage of passengers;
 - (b) not stand in or on any part of the vehicle when the vehicle is moving;
 - (c) travel in or on a motor vehicle with any part of the person's body outside a window or door of the vehicle, unless the person is the driver of the vehicle and is giving a hand signal:
 - (i) for changing direction in accordance with section 49; or
 - (ii) for stopping or slowing in accordance with section 49.

- (2) Subsection (1) does not apply to a person who is:
- (a) in a police vehicle, emergency vehicle or enforcement vehicle; or
 - (b) on a motor bike; or
 - (c) engaged in the door-to-door delivery or collection of goods, or in the collection of waste or garbage, in or on a motor vehicle that is not travelling over 25 km per hour.
- (3) Any person contravening this section commits an offence and shall be liable to pay a fine of \$200.

64 Pedestrian crossing

A pedestrian who uses a pedestrian crossing must not remain on it for longer than is necessary to cross the road.

PART 6 – OFFENCES

65 Unregistered motor vehicle

- (1) Any person who drives an unregistered motor vehicle on a road commits an offence and is liable to pay a fine of \$500 and have his vehicle impounded under section 115 of this Act.
- (2) Any person who owns an unregistered motor vehicle and allows that vehicle to be driven on a road commits an offence and the owner of the vehicle is liable to pay a fine of \$500 and have his vehicle impounded under section 115 of this Act.
- (3) If an unregistered vehicle has been impounded and is found not to be road worthy or is contravening any other provision in this Act then the owner of the vehicle has committed an offence and the vehicle shall not be released to the owner unless:
- (a) the prescribed fine has been paid; and
 - (b) the prescribed fee has been paid; and
 - (c) the owner of the vehicle does either of the following:
 - (i) tow the vehicle to an approved garage so the vehicle may be serviced, insured or any action whatsoever that is necessary to:
 - (A) raise the vehicle to the standard of roadworthiness found in schedule 1; and
 - (B) meet any other requirement found in this Act; or

- (ii) tow the vehicle to the owners house so he or she may:
 - (A) raise the vehicle to the standard of roadworthiness found in schedule 1; and
 - (B) meet any other requirement found in this Act.
- (4) For a second offence under section 65 (3) within the same period of registration, the owner of the vehicle shall be liable to:
 - (a) the suspension of his or her licence for three months; and
 - (b) repeat the process in section 65 (3).
- (5) For a third offence under section 65(3) within the same period of registration, the owner of the vehicle shall be liable to:
 - (a) the suspension of his licence for 6 months; and
 - (b) the disposal of the vehicle by auction or public tender to be conducted by the Department of Transport.
- (6) If a sale of a motor vehicle under this section provides a greater amount than is necessary to defray the expenses of:
 - (a) the removal; or
 - (b) impounding; or
 - (c) servicing, or
 - (d) any other action necessary to meet the requirements of the provisions of this Act,

of the vehicle or trailer, the balance shall be held for three months and if not claimed by the owner within that period shall be paid into the funds of the Republic.

66 Crossing sidewalk

Any person who wilfully drives a motor vehicle across the sidewalk in areas in which provision is made for parking or turning a motor vehicle commits an offence and is liable to pay a fine of \$100.

67 Dangerous driving

- (1) Any person who drives a motor vehicle upon a public highway negligently, furiously, recklessly, or at a speed or in a manner

dangerous to the public commits an offence and is liable upon conviction to the suspension of his or her driver's licence for a period of one year and is subject also to any of the following:

- (a) a fine of \$1000; or
 - (b) imprisonment for six months; or
 - (c) both a fine and imprisonment.
- (2) In considering whether an offence has been committed under this section, the Court shall have regard to all the circumstances of the case, including:
- (a) the nature, condition, and use of the public highway upon which the offence is alleged to have been committed, and
 - (b) to the amount of traffic which was, or might reasonably have been expected to have been, upon that public highway at the time.

68 Failure or refusal to give name

Any driver of a motor vehicle who, upon being required by a member of the Police Force in execution of his duty to give his name, fails or refuses to give his name commits an offence and shall be liable to a fine of \$200 or imprisonment for two months.

69 Driving under influence of liquor

- (1) No person shall drive a motor vehicle while he is under the influence of intoxicating liquor or of a drug.
- (2) Any person who is in charge of or who drives a motor vehicle while the percentage of alcohol in his blood exceeds the prescribed limit commits an offence and shall be liable to a penalty under section 79.
- (3) Any person who is arrested for an offence under this section shall be entitled, upon request made by him or on his behalf, to be examined by a medical practitioner nominated by him and where any such request is made, the arresting officer shall afford reasonable facilities for the holding of the examination.
- (4) Any person guilty of an offence against subsection (2) may be arrested without a warrant by any police officer.

70 Power to administer random breath tests

- (1) A Police officer may require any person whom he finds:
 - (a) driving or in charge of a motor vehicle; or
 - (b) occupying the driving seat of a motor vehicle on a road and attempting to put the motor vehicle in motion, or
 - (c) whom he believes on reasonable grounds has within the preceding one hour driven, or been in charge of, a motor vehicle when it was involved in a collision with any other motor vehicle or with any person, animal or object,

to undergo a preliminary breath test by a prescribed device operated by such police officer or any other police officer to ascertain speedily without disclosing the actual level of concentration whether it is likely that the percentage of alcohol in that person's blood exceeds the prescribed limit.

- (2) After a person undergoes a preliminary breath test under subsection (1) and it is ascertained that it is likely that the percentage of alcohol in that person's blood is greater than the prescribed limit, a police officer may detain that person for such time, not exceeding one hour, as is necessary to enable him to be required to furnish a sample of breath for analysis by a breath analysing instrument under section 71, and may require that person to accompany him to a police station for that purpose.

71

Submission to breath-analysis test in certain cases

- (1) Any police officer may require any person:
 - (a) whom he finds driving a motor vehicle or in charge of a motor vehicle and who behaves in a manner which indicates that his ability to drive a motor vehicle is impaired; or
 - (b) who has undergone a preliminary breath test under section 70 by which it has been ascertained that it is likely that the percentage of alcohol in his blood exceeds the prescribed limit;

to furnish a sample of breath for analysis by a breath-analysing instrument.

- (2) The provisions of the last preceding subsection extend to any case where the police officer believes on reasonable grounds that any such person was driving or in charge of a motor vehicle at any time within the preceding two hours before the requirement is made and that such person behaved in a manner which indicated that his ability to drive a motor vehicle at such a time was impaired.

72 Furnishing of breath sample

- (1) Any person lawfully required by a police officer under the provisions of section 70 or section 71 to undergo a preliminary breath test or to furnish a sample of his breath shall do so by exhaling into the device or instrument, as the case may be, through the attached tube and shall exhale continuously to the reasonable satisfaction of the person operating the device or instrument.
- (2) No person shall be obliged to undergo a preliminary breath test under section 70 more than one hour after driving or being in charge of the motor vehicle.
- (3) No person shall be obliged to furnish a sample of his breath under section 70 more than two hours after driving or being in charge of the motor vehicle.
- (4) No person shall be obliged to undergo a preliminary breath test under section 70 or to furnish a sample of his breath under section 71 except:
 - (a) at or in the vicinity of the place where the driving or being in charge of the motor vehicle occurred;
 - (b) if such person has left that place with the apparent intention of avoiding such test or of concealing his identity, at or in the vicinity of the place where he is found;
 - (c) at a police station or within the grounds or precincts thereof; or
 - (d) if such person has been taken from the place where such driving or being in charge occurred for medical treatment, at the place where he is receiving medical treatment.
- (5) Where a person required to undergo a preliminary breath test under section 70 or to furnish a sample of his breath under section 71 is receiving medical treatment and the medical practitioner in immediate charge of the treatment of that person objects to his undergoing the breath test or furnishing a sample of his breath on the grounds that it would be prejudicial to the proper care or treatment of that person so to do the medical practitioner may, in the presence of the member of the police force requiring the sample of breath take a sample of that person's blood for analysis and deliver a part of that sample to such member and no action shall lie against such medical practitioner for taking the sample without the express consent of such person nor shall any action lie against such person for refusing or failing to undergo such a test or to furnish such a sample.

73 Refusal to furnish a sample

- (1) Any person who, when required by a police officer pursuant to the provisions of subsection (1) of section 70 or of subsection (1) of section 71 to undergo a breath test or to furnish a sample of his breath for analysis, refuses or fails to do so shall, subject to subsection (5) of section 72, be guilty of an offence and may be arrested without warrant by the police officer making the requirement, or by any other police officer at the request of such officer.
- (2) A person shall not be convicted of refusing or failing to undergo a breath test or to furnish a sample of his breath for analysis pursuant to subsection (1) of section 70 or subsection (1) of section 71 if he satisfies the Court that there was some reason of a substantial character for his refusal or failure other than a desire to avoid providing evidence which might be used against him.

74 Certificate of breath analysis

- (1) As soon as practicable after a sample of a person's breath is analysed by means of a breath-analysing instrument the person operating the instrument shall sign and deliver to the person whose breath has been analysed a certificate in or to the effect of the Second Schedule to this Act stating the percentage of alcohol indicated by the analysis to be present in his blood, which may be by way of an indication on a scale, and of the date and time at which the analysis was made.
- (2) A document purporting to be a copy of any certificate given in accordance with the provisions of the preceding subsection and purporting to be signed by a police officer authorised by the Director of Police to operate breath-analysing instruments shall be *prima facie* evidence in any proceedings referred to in section 75 of the facts and matters stated therein unless the accused person gives notice in writing to the informant a reasonable time in the circumstances before the hearing that he requires the officer giving the certificate to be called as a witness.
- (3) A certificate purporting to be signed by the Director of Police that a police officer named is authorised by the said Director to operate breath-analysing instruments shall be admissible in any proceedings referred to in section 80 as evidence of the authority of that person.

75 Evidence of intoxication

Where the question as to whether any person was or was not under the influence of intoxicating liquor or where the question as to the proportion of alcohol in the blood of any person at the time of an alleged offence relevant upon any trial or hearing:

- (a) for manslaughter or for negligently causing grievous bodily harm arising out of the driving of a motor vehicle;
- (b) for an offence against section 328 of the Criminal Code of Queensland in its application to Nauru arising out of the driving of a motor vehicle; or
- (c) for an offence against section 67 or section 69 of this Act,

then, without affecting the admissibility of any evidence which might be given apart from the provisions of this section, evidence may be given of the percentage of alcohol indicated to be present in the blood of that person by a breath-analysing instrument operated by a police officer authorised in that behalf by the Director of Police and the percentage of alcohol so indicated shall, subject to compliance with the provisions of section 76 be conclusive evidence that such was the percentage of alcohol present in the blood of that person at the time his breath was analysed by the instrument.

76 Operator's evidence

In any proceedings such as are referred to in section 75 evidence by a police officer authorised to operate a breath- analysing instrument pursuant to this Act:

- (a) that apparatus used by him on any occasion pursuant to this Act was a breath-analysing instrument within the meaning of this Act;
- (b) that the breath-analysing instrument was on that occasion in proper working order and properly operated by him; and
- (c) that in relation to the breath-analysing instrument regulations made under this Act with respect to breath- analysing instruments were complied with,

shall be *prima facie* proof of those facts.

77 Presumption as to alcohol level in blood

For the purposes of this Act, if it is established that at any time within two hours after an alleged offence a certain percentage of alcohol was present in the blood of the person charged with the offence, it shall be presumed until the contrary is proved beyond reasonable doubt that no less than that percentage of alcohol was present in the person's blood at the time at which the offence is alleged to have been committed.

78 Consuming alcohol after accident or preliminary breath test

Any person who:

- (a) where a motor vehicle which has been involved in a collision with any other motor vehicle or with any person, animal or object, was driven by him at the time of such collision; or
- (b) having undergone a preliminary breath test under section 70 by which it has been ascertained that it is likely that the percentage of alcohol in his blood is greater than the prescribed limit;

consumes intoxicating liquor within two hours after such collision or test is guilty of an offence:

Provided that it shall not be an offence for any person to consume alcohol within such period if he has during such period and prior to consuming that alcohol either undergone a preliminary breath test under section 70 which has shown that it is not likely that the proportion of alcohol in his blood exceeds the prescribed limit or has furnished a sample of his breath under section 71 and it has been ascertained thereby that the percentage of alcohol in his blood does not exceed the prescribed limit.

79

Penalties

- (1) Any person who is convicted of an offence under subsection (2) of section 69 is liable:
 - (a) for a first offence:
 - (i) suspension of his or her driver's licence for six months; or
 - (ii) a maximum fine of \$500; or
 - (iii) imprisonment for two weeks;
 - (b) for a second offence:
 - (i) suspension of his or her driver's licence for twelve months; or
 - (ii) a maximum fine of \$1000; or
 - (iii) imprisonment for six weeks;
 - (c) for a third offence:
 - (i) immediate suspension of his or her driver's licence for three years; and
 - (ii) a maximum fine of \$3000; or

(iii) imprisonment for two years.

and shall have their motor vehicle impounded under section 115.

- (2) Any person who is convicted of an offence under subsection (1) of section 73 or section 78 is liable if not previously convicted of an offence under any of those sections to a fine of \$300 and, if previously convicted of one or more offences under any one or more of those sections, to imprisonment for three months and to a fine of \$600.
- (3) In addition to imposing a fine or a sentence of imprisonment a Court which has convicted a person of an offence against, subsection (1) of section 73 or section 78 shall, notwithstanding anything to the contrary in this Act or in any other Act, cancel the licence of such person and:
- (a) if he has not previously been convicted of an offence under any of those sections, disqualify him for not less than six months from obtaining a licence; and
 - (b) if he has previously been convicted of an offence under any of those sections, disqualify him for not less than twelve months from obtaining a licence.

80

Meaning of 'prescribed device' and 'breath analysing instrument'

- (1) In this Act, '**prescribed device**' means a device prescribed for the purpose of section 70 by the Cabinet by notice published in the Gazette.
- (2) In this Act, '**breath-analysing instrument**' means apparatus of a type approved for the purpose of section 71 by the Cabinet by notice published in the Gazette as apparatus for ascertaining by analysis of a person's breath what percentage of alcohol is present in his blood.

81

Meaning of 'percentage of alcohol present in blood' and of 'the prescribed limit'

- (1) For the purposes of this Act, in order to determine the percentage of alcohol present in a person's blood 10 milligrammes of alcohol in 100 millilitres of blood shall be taken as being a percentage of 0.01 percent of alcohol present in the blood.
- (2) In sections 69, 70 and 78 '**the prescribed limit**' means a percentage of 0.05 per cent of alcohol present in the blood, that is to say 50 milligrammes of alcohol in 100 millilitres of blood.

82 Failure or refusal to provide information

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

83 Minimum requirements for drivers and vehicles

- (1) A person shall not drive, or permit another person to drive, a motor vehicle upon a public highway unless:
 - (a) the person or the other person is licensed to drive it;
 - (b) the motor vehicle complies with the requirements of the First Schedule;
 - (c) the prescribed number plates are properly affixed to it; and
 - (d) the numbers on the number plates are clearly visible.
- (2) A person shall not be convicted of an offence under paragraph (c) of the subsection (1) if he proves to the satisfaction of the Court that the vehicle was being driven for the purpose of effecting its registration.
- (3) For the purposes of this section a person whose licence has been cancelled or suspended under this Act shall be deemed not to be a person licensed to drive a motor vehicle.

84 False statements and unlawful possession of licences, etc.

Any person who:

- (a) by any false statement or misrepresentation obtains or attempts to obtain a licence or certificate of registration under this Act;
- (b) without lawful excuse has in his possession any licence or certificate of registration issued under this Act;
- (c) unlawfully uses an identifying number issued under this Act;
- (d) forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, any licence, certificate of registration or identifying number of a motor vehicle, issued under this Act; or

- (e) owns or drives upon a public highway any unregistered motor vehicle having upon it any number or numbers of the same description as those required to be affixed to motor vehicles registered under this Act, and calculated to deceive;

shall be guilty of an offence.

85

Accidents

Where injury or damage is caused to any person, or to any animal or vehicle in charge of any person, by reason of an accident in which a motor vehicle is concerned, the driver of the motor vehicle shall notify the Director of Police as soon as possible of the circumstances attaching thereto and shall:

- (a) if he fails to stop his vehicle; and
- (b) if, when required:
 - (i) by the person who is injured or whose animal or vehicle is injured or damaged;
 - (ii) by any member of the Police Force in execution of his duty; or
 - (iii) by any person who witnessed the accident and is acting or purports to be acting on behalf of any injured person;

he fails to produce his licence, give his name and address, and also the name and place of abode of the owner and the registration number of the vehicle;

be guilty of an offence.

86

Driving motor vehicle without consent of owner

Any person who drives or uses any motor vehicle without first obtaining the consent of the owner shall be guilty of an offence.

87

Sentencing powers of the Court

- (1) Where a person is convicted under this Act or any other Act of an offence involving the driving of a motor vehicle, the Court may in addition to any penalty imposed:
 - (a) if the person holds any licence, suspend or cancel that licence;
 - (b) declare the person to be disqualified from obtaining any licence for such time as the Court thinks fit; and

- (c) order that particulars of the conviction be endorsed upon any licence or renewal of licence held by the person during such period as the Court thinks fit.
- (2) A licence suspended in accordance with this section shall, during the term of suspension, be of no effect, and a person whose licence is suspended or who is declared by the Court to be disqualified from obtaining a licence, shall, during the period of suspension or disqualification, be disqualified from obtaining a licence.

88 Evidence of speed indicated by prescribed portable measuring device

Where, in any proceedings for an offence against this Act or regulations, or any other written law relating to motor vehicles or their use, the speed at which a motor vehicle travelled on the occasion of the alleged offence is relevant in the proceedings, evidence of the speed of the motor vehicle as indicated or determined on that occasion by a speed- measuring device of the type known as the amphotometer shall, if the speed, or time, measuring mechanism of that device has been tested and sealed as required by regulations and the device has been used in such manner as is prescribed without prejudice to any other mode of proof, be *prima facie* evidence of the speed of the motor vehicle on that occasion.

89 Evidence of testing and sealing

A certificate in the prescribed form to the effect that the speed, or time, measuring mechanism of any device referred to in the last preceding section has been tested and sealed in the prescribed manner signed or purported to be signed by a person holding, or acting in, the post of Technical Officer in the faculty of Electrical Engineering or of Electronics at a prescribed university, whether in Nauru or elsewhere, and by a person holding, or acting in, either the post of professor or the post of reader in that faculty shall, without prejudice to any other mode of proof, be *prima facie* evidence that the mechanism has been so tested and sealed and is accurate.

90 Excessive noise

Any person who upon any public highway:

- (a) drives any motor vehicle which causes undue noise by reason of:
 - (i) the vehicle being in a state of disrepair;
 - (ii) the manner in which the vehicle is loaded;
 - (iii) the construction or condition of the adjustment of the

machinery of the vehicle; or

(iv) the construction or condition of the adjustment of an affixed silencer; or

(b) makes or permits to be made any unnecessary noise with the horn or other means of alarm affixed to a motor vehicle or makes or permits to be made, any such noise, other than as a warning of danger;

commits an offence and is liable to pay a fine of \$1000.

Part 7 – Third Party Insurance

91 Third party insurance requirement

- (1) Subject to the provisions of this Part of this Act, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in relation to the vehicle, a policy of insurance in respect of third party risks complying with the requirements of this Part of this Act.
- (2) Any person who acts in contravention of subsection (1) commits an offence and is liable to pay a fine of \$1000 or imprisonment for six months and to other such penalties that the Court shall impose.
- (3) The Court by which a person is convicted of an offence under subsection (1) shall (unless the Court finding exceptional mitigating circumstances thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of suspension or disqualification) –
 - (a) in every case order that person to be disqualified for holding or obtaining any motor vehicle driver's licence under Part 2 of this Act for a period of six months from the date of the conviction; and
 - (b) in every case relating to the use of a public service vehicle, order the public service vehicle driver's licence in respect of that vehicle to be suspended for a period of six months from the date of the conviction, and that no such licence in respect of that vehicle be issued during that period.
- (4) Any person so convicted and in relation to whom such an order has been made shall produce any motor vehicle driver's licence or public service vehicle licence which is held by him and to which that order relates to the Court by which he was convicted within such time as the Court may direct.

- (5) This section shall not apply to any motor vehicle or type of motor vehicle declared by order of the Minister to be exempted from the provisions of this Act.

92

Requirements in respect of policies

- (1) In order to comply with the provisions of this Act, a policy of insurance must be a policy which:
- (a) is issued by an approved insurance company; and
 - (b) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the vehicle.
- (2) A policy of insurance under subsection (1) shall not be required to cover:
- (a) in the case of a passenger carried for hire or reward in a passenger vehicle, liability in respect of death or bodily injury related to being carried in or upon or entering or getting on to or alighting from the motor vehicle at the time of the occurrence of the event out of which the claims arise; or
 - (b) in the case of persons carried by reason of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the motor vehicle at the time of the occurrence of the event out of which the claims arise; or
 - (c) in the case of a relative of the person using the vehicle at the time with the person so using the vehicle as a member of his family, liability in respect of the death of or injury; or
 - (d) any contractual liability.
- (3) Such policy shall not be required to cover liability in excess of \$4000 for any claim made by or in respect of any passenger in the motor vehicle to which the policy relates or in excess of \$40,000 for all claims made by or in respect of such passengers.
- (4) The amount specified shall be inclusive of all costs incidental to any claim or claims.
- (5) Where any payment is made, whether or not with an admission of liability, by an approved insurance company under or in consequence
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of a policy issued under the provisions of this Act in respect of the death or bodily injury to any persons arising out of the use of the motor vehicle and the person who has so died or received bodily injury has, to the knowledge of the approved insurance company, received treatment at a hospital, whether as an in-patient or out-patient, in respect of the injury there shall be also paid by the approved insurance company to such hospital the expenses reasonably incurred by such hospital in giving such treatment after deducting any moneys actually received by such hospital in payment of a specific charge for such treatment:

Provided that the amount to be paid by the approved insurance company shall not exceed \$500 for each person so treated as an in-patient and \$100 for each person so treated as an out-patient.

- (6) An approved insurance company issuing a policy of insurance under this Act shall be liable to indemnify the persons or classes of person specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of person.
- (7) A policy shall be of no effect for the purposes of this Act unless and until there is delivered by the approved insurance company to the person by whom the policy is effected a certificate, in this Act referred to as a "certificate of insurance" containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed.

93

Payments and insurance in respect of emergency treatment

- (1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatalities) caused by, or arising out of, the use of a motor vehicle and the treatment or examination so required (in this Act referred to as an emergency treatment) is effected by a registered medical practitioner, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim being made in accordance with the provisions of this Act, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected:
 - (a) a fee of \$10.00 in respect of each person in whose case the emergency treatment is effected by him; and
 - (b) a sum, in respect of any distance in excess of one mile which he must cover in order to proceed from the place where he is summoned to the place where the emergency treatment is carried out by him and to return to the first mentioned place, equal to fifty cents for every mile of that distance.

- (2) Where emergency treatment is first effected in a hospital the provisions of subsection (1) with respect to the payment of a fee shall, so far as applicable, have effect with the substitution of references to the hospital for references to a registered medical practitioner.
- (3) Where the event out of which it arises was caused by the wrongful act of another person, liability incurred under this Act by the person using a vehicle shall, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.
- (4) In section 92 (1) (b), the reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this section in respect of emergency treatment required as a result of bodily injury, and the provisos to that paragraph shall not have effect as regards liability to make a payment under this section.

94

Provisions as to claims and supplementary provisions as to, payments for emergency treatment

- (1) A police officer shall, if so requested by a person who alleges that he is entitled to claim a payment under section 93 furnish to that person any information at the disposal of the officer as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time out of which it arose.
- (2) A claim for a payment under section 93 shall be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle and, if not so made, must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected:

Provided that failure to make such written request within such period aforesaid shall not be a bar to a claim under this section where the name or address of the person using the vehicle could not be ascertained by the claimant or executive officer of the hospital within such period by the use of reasonable diligence.

- (3) A request in writing must be made by the claimant, or in the case of a hospital, by an executive officer, and must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant, or in the case of a hospital, in the hospital.

- (4) A request in writing may be served by delivering it to the person who was using the vehicle, or by sending it in a pre-paid registered letter addressed to him at his usual or last known address.
- (5) A sum payable under section 93 shall be recoverable as if it were a simple contract debt due from the person who was using the vehicle to the practitioner or the hospital.
- (6) A payment made under section 93 to a practitioner or hospital shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital of or for effecting the emergency treatment.
- (7) A payment under section 93 shall not be deemed to be a payment by an approved insurance company for the purposes of section 92 (2).

95

Certain conditions of policies to be of no effect

Any condition in a policy issued for the purposes of this Act, providing that no liability shall arise under the policy or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy, shall be of no effect in connection with such liabilities as are required to be covered under this Act:

Providing that nothing in this Act shall be so construed as to render void any provision in a policy requiring the person insured to repay to the insurance company any sums which the insurance company may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of the third parties.

96

Avoidance of restrictions on the scope of policies covering third party risks

Where a certificate of insurance has been delivered under the provisions of section 92 (7) of this Act to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the person insured thereby in respect of any of the following matters:

- (a) the age of physical or mental condition of persons driving the motor vehicle; or
- (b) the condition of the motor vehicle; or
- (c) the number of persons that the motor vehicle carries; or

- (d) the weight or physical characteristics of the goods that the motor vehicle carries; or
- (e) the times at which or the areas within which the motor vehicle is used; or
- (f) the horse power or value of the motor vehicle; or
- (g) the carrying on the motor vehicle of any particular apparatus; or
- (h) the carrying on the motor vehicle of any particular means of identification other than any means of identification required to be carried under the provisions of the Act shall, in respect of such liabilities as are required to be covered under this Act, to be of no effect:

Provided that nothing in this section shall require an approved insurance company to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability and any sum paid by an approved insurance company in or towards the discharge of the liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the approved insurance company from that person.

97

Duty of insurance company to satisfy judgments against persons insured in respect of third party risks

- (1) If, after a certificate of insurance has been delivered under the provisions of section 92 (7) of this Act to the person by whom a policy has been effected, judgment in respect of any such liability as is required to be covered by a policy under the provisions of section 92 (1)(b), being a liability covered by the terms of the policy, is obtained against any person insured by the policy, then, notwithstanding that the insurance company may be entitled to avoid or cancel or may have avoided or cancelled the policy, the insurance company shall, subject to the provisions of this section, pay to the persons entitled to the benefit of such judgment any sum payable in respect of the liability, including any amount payable in respect of costs and any sum payable by virtue of any written law in respect of interest on that sum.
- (2) No sum shall be payable by an approved insurance company under the provisions of subsection (1):
 - (a) in respect of any judgment unless before, or within seven days after the commencement of the proceedings in which the judgment was given, the insurance company has notice of the bringing of the proceedings; or
 - (b) in respect of any judgment so long as execution is stayed pending an appeal; or

- (c) in connection with any liability if, before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provisions contained therein and either:
- (i) before the happening of such event, the certificate of insurance was surrendered to the insurance company or the person to whom the certificate of insurance was delivered made a statutory declaration stating that the certificate of insurance had been lost or destroyed and so could not be surrendered; or
 - (ii) after the happening of such event but before the expiration of fourteen days from the taking effect of the cancellation of the policy, the certificate of insurance was surrendered to the insurance company or the person to whom the certificate of insurance was delivered made a statutory declaration that the certificate of insurance had been lost or destroyed and so could not be surrendered; or
 - (iii) either before or after the happening of the event but within a period of fourteen days from the taking effect of the cancellation of the policy, the insurance company had commenced proceedings under this Act in respect of the failure to surrender the certificate of insurance.
- (3) No sum shall be payable by an approved insurance company under the provisions of this Act if, in an action commenced before or within three months after the commencement of the proceedings in which the judgment was given, the insurance company has obtained a declaration that, apart from any provision contained in the policy, the insurance company is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact or by a representation of fact which was false in a material particular or if the company has avoided the policy on the ground that it was entitled to do so apart from any provision contained in it:

Provided that an insurance company which has obtained such a declaration in an action shall not thereby be entitled to the benefit of the provisions of this subsection in respect of any judgment obtained in any proceedings commenced before the commencement of that action unless, before or within seven days after the commencement of that action, it has given notice thereof to the person who is plaintiff in the action under the policy specifying the non-disclosure or false representation on which it proposes to rely and that it intends to seek a declaration and any person to whom notice of such action is given may, if he desires, be made a party thereto.

- (4) If the amount which an approved insurance company, under the provisions of this section, becomes liable to pay in respect of the
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liability of a person insured by a policy exceeds the amount for which it would, apart from the provisions of this section, be liable to pay under the policy in respect of that liability, it shall be entitled to recover the excess from that person.

(5) In this section:

"liability covered by, the terms of the policy" means a liability which is covered by the policy or which would be so covered were it not that the insurance company is entitled to avoid or cancel or has avoided or cancelled the policy; and

"material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will accept the risk and if so at what premium and on what conditions.

98

Rights of third parties against insurance companies

(1) Where, under a policy issued for the purposes of this Act, a person, hereinafter referred to as "the insured", is insured against liabilities to third parties which he may incur, then:

- (a) in the event of the insured becoming bankrupt or making a composition or arrangement with his creditors; or
- (b) in the event of the insured being a company and a winding-up order being made or a resolution for the voluntary winding-up of the company being passed in respect of the company or a receiver or manager of the company's business or undertaking being duly appointed or in the event of possession being taken by or on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge,

if, either before or after either event, any such liability is incurred by the insured, his rights against the insurance company under the policy in respect of that liability shall, notwithstanding anything in any written law to the contrary contained, be transferred to and vest in the third party to whom the liability was so incurred.

(2) Where, under the provisions of any law, an order is made for the administration in bankruptcy of the estate of a deceased debtor, then, if any debt which may be proved in bankruptcy is owing by the deceased in respect of a liability against which he was insured under a policy issued for the purposes of this Act as being a liability to a third party, the rights of the deceased debtor against insurance company under the policy shall, notwithstanding anything in any law to the contrary contained, be transferred to and vest in the person to whom the debt is owed.

- (3) Any condition in a policy issued for the purposes of this Act purporting directly or indirectly to avoid the policy or to alter the rights of the parties upon the happening of any of the events specified in subsections (1) and (2) shall be of no effect.
- (4) Upon a transfer of rights under subsection (1) or subsection (2), the insurance company shall, subject to the provisions of section 108, be under the same liability to the third party as it would have been under the insured save that:
 - (a) if the liability of the insurance company to the insured exceeds the liability of the insured to the third party, nothing in this Act shall affect the rights of the insured against the insurance company in respect of such excess; and
 - (b) if the liability of the insurance company to the insured is less than the liability of the insured to the third party, nothing in this Act shall affect the rights of the third party against the insured in respect of the balance.
- (5) This section and sections 100 and 101 shall not apply where a company is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another company.
- (6) For the purposes of this section and sections 100 and 101, the expression "liabilities to third parties", in relation to a person insured under a policy of insurance, shall not include any liability of that person in the capacity of insurer under some other policy of insurance.

99

Duty to give information to third parties

- (1) Any person against whom a claim is made in respect of any liability required to be covered by a policy under the provisions of this Act shall, on demand by or on behalf of the person making such a claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of this Act or would have been so insured if the insurance company had not cancelled or avoided the policy and, if he were or would have been so insured, give such particulars with regard to that policy as were specified in the certificate of insurance issued to him.
- (2) In the event of any person becoming bankrupt or making a composition or arrangement with his creditors or in the event of an order being made under the provisions of any law relating to bankruptcy in respect of the estate of any person or in case of a winding-up order being made or a resolution for a voluntary winding-up being passed with respect to any company or of a receiver or manager of the company's business or undertaking being duly appointed or of possession being taken, by or

on behalf of the holders of any debentures secured by a floating charge, of any property comprised in or subject to the charge, it shall be the duty of the bankrupt debtor, personal representative of the deceased debtor and, as the case may be, of the official assignee, trustee, liquidator, receiver, manager, or person in possession of the property to give, at the request of any person claiming in respect of a liability to him, such information as may reasonably be required to ascertain whether any rights have been transferred to and vested in him under the provisions of this Act, and for the purpose of enforcing such rights, and any contract of insurance, in so far as it purports either directly or indirectly to avoid the contract or to alter the rights of the parties upon the giving of any such information or otherwise to prohibit, prevent or limit the giving of such information, shall be of no effect.

- (3) If the information given to any person in pursuance of the provisions of subsection (2) discloses reasonable grounds of belief that rights have or may have been transferred to him under the provisions of this Act against any particular insurance company, that insurance company shall be subject to the same duty as is imposed by the provisions of subsection (2) on the persons therein mentioned.
- (4) The duty imposed by this section to give information shall include a duty to allow all contracts of insurance, receipts for premiums and other relevant documents in the possession, power or control of the person on whom the duty is so imposed to be inspected and copies thereof to be taken.
- (5) Any person who, without reasonable excuse, the onus of proving which shall be upon him, fails to comply with the provisions of this Act or who wilfully or negligently makes any false or misleading statement in reply to a demand for information, is guilty of an offence.

100

Certain settlements between insurer and insured to be of no effect

Where a person who is insured under a policy issued for the purposes of this Act has become bankrupt or where such insured person being a company a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to that company no agreement made between the insurance company and the insured after liability has been incurred to a third party and after the commencement of the bankruptcy or the winding-up, as the case may be, nor any waiver, assignment or other disposition made by or payment made to the insured after such commencement shall be effective to defeat or affect the rights transferred to or vested in the third party under the provisions of this Act and such rights shall be the same as if no such agreement, waiver, assignment, disposition or payment has been made.

101 Bankruptcy, etc, of insured persons not to affect certain claims

- (1) Where, under the provisions of this Act a certificate of insurance has been delivered to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any of the events specified in subsection (1) or subsection (2) of section 98, notwithstanding anything in this Act contained, shall not affect any such liability of that person as is required to be covered by a policy under the provisions of this Act but nothing in this section shall affect any rights against the insurer conferred under the provisions of sections 99, 100 and 101 on the person by whom the liability was incurred.
- (2) A policy issued under the provisions of this Act shall remain in force and available for third parties notwithstanding the death of any person insured under such policy as if such insured person were still alive.

102 Owner to give insurance company notice of all accidents affecting motor vehicles and of consequent actions

- (1) On the happening of any accident affecting a motor vehicle and resulting in the death of or personal injury to any person, it shall be the duty of the owner, immediately after such accident, or, if the owner was not using the motor vehicle at the time of the accident, it shall be the duty of the person who was so using the vehicle, immediately after the accident, and of the owner, as soon as he first becomes aware of the accident, to notify the insurance company of the fact of the accident, with particulars as to the date, nature, and circumstances, and to give all such other information and to take all such steps as the insurance company may reasonably require in relation to, whether or not any claims have actually been made against the owner or such other person on account of such accident.
- (2) Notice of every claim or action brought against the owner or made or brought against any other person who was using the vehicle at the time on account of any such accident shall be immediately given to the insurance company with such particulars as such company may require, in the former case, by the owner and, in the latter case, by such other person and, where he has knowledge of clam or action, also by the owner.
- (3) Neither the owner nor any other person shall, without the written consent of the insurance company, enter upon or incur the expense of litigation as to any matter or thing in respect of which he is indemnified by a contract of insurance under this Act, nor shall he, without such consent, make any offer, promise, payment, or settlement, or any admission of liability as to any such matter.

- (4) If the owner or such other person fails to give any notice or otherwise fails to comply with the requirements of this section in respect of any matter, the insurance company shall be entitled to recover from him as a debt due to it an amount, equal to the total amount including costs, paid by the insurance company in respect of any claim in relation to such matter.

103 Insurance company may settle claims

An approved insurance company party to a contract of insurance under this Act may, for the purposes of such contract, undertake the settlement of any claim against the owner or any other person indemnified by a contract of insurance under this Act and may take over, during such period as it thinks proper, the conduct and control on behalf of the owner or such other person of any proceedings taken or had to enforce any such claim or for the settlement of any question arising with reference thereto, and may defend or conduct such proceedings in the name of the owner or such other person and on his behalf and shall indemnify the owner or such other person against all costs and expenses of and incidental to any such proceedings while the company retains the conduct and control thereof. The owner and such other person shall sign all such warrants and authorities as the company may require for the purpose of enabling the company to have the conduct and control of any such proceedings.

104 Proceedings may be stayed on refusal or neglect to allow medical examination

In any case where:

- (a) an action has been brought in any Court by any person for the recovered of damages in respect of bodily injury caused by or arising out of the use of a motor vehicle against the owner or driver of such vehicle; and
- (b) the Court is satisfied that there has (whether before after action brought) been a refusal or neglect without reasonable cause to allow a medical examination of such person after a request on reasonable terms by such owner or driver that such person should be examined, for the purpose of the ascertainment of the nature and extent of the bodily injury sustained by such person, by a registered medical practitioner nominated by such owner or driver (as the case may be),

the Court may make an order on such terms as seem proper that all further proceedings in such action shall be stayed, and the same shall be stayed accordingly.

105 Surrender of certificate of insurance on cancellation of policy

Where a certificate of insurance has been delivered under the provisions of this Act to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom such certificate was delivered shall, within seven days from the taking effect of the cancellation of such policy, surrender such certificate to the insurance company or, if such certificate has been lost or destroyed, make a statutory declaration to that effect and any person contravening the provisions of this Act is guilty of an offence.

106 Certificates to be produced

- (1) Any person driving a motor vehicle on a road shall, on being so required by a police officer, give his name and address and the name and address of the owner of the motor vehicle and produce the certificate of insurance and any person contravening the provisions of this section shall be guilty of an offence:

Provided that if such person, within five days after the date on which the production of the certificate was so required, produces the certificate at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this section by reason only of failure to produce the certificate to the police officer.

- (2) In any case where, owing to the presence of a motor vehicle on a road, and an accident occurs involving bodily injury to any person, the driver of the motor vehicle shall produce the certificate of insurance to a police officer or to any person having reasonable grounds for requiring its production and, if any such driver, for any reason, fails so to produce the certificate of insurance, he shall, as soon as possible, and in any case within five days of the occurrence, report the accident and produce the certificate of insurance to the police station nearest to the scene of the accident or to the nearest administrative officer and any person contravening the provisions of this subsection.
- (3) In this section "to produce the certificate of insurance" means to produce for examination the relevant certificate of insurance or such other evidence as may be prescribed that the motor vehicle was not being driven in contravention of the provisions of this Act.

107 Duty of owner

An owner of a motor vehicle shall give such information as may be required by a police officer for the purpose of determining whether the motor vehicle was or was not being driven in contravention of the provisions of this Act on any occasion on which the driver was required to produce the certificate and any owner failing to do so shall be guilty of an offence against this Act.

108

False statements and falsification

(1) If any person, for the purpose of obtaining an insurance policy or a certificate of insurance under the provisions of this Act, makes any statement either oral or written which is false or misleading or withholds any material information, such person shall, unless he proves to the satisfaction of the Court that he acted without any intent to deceive, be guilty of an offence against this Act and be liable, on conviction, to a fine of \$1000 or to imprisonment for two years or to both such fine and imprisonment.

(2) Any person who with intent to deceive:

- (a) Forges, alters, defaces or mutilates any certificate of insurance or any other certificate or document issued under this Act; or
- (b) Uses or allows to be used by any other person any forged, altered, defaced or mutilated certificate of insurance or document issued under this Act; or
- (c) Lends to or borrows from any other person a certificate of insurance or any other certificate or document issued under the provisions of this Act; or
- (d) Makes or has in his possession any document so closely resembling any certificate or documents issued under the provisions of this Act as to be calculated to deceive; or
- (e) Issues any certificate of insurance or other certificate or document to be issued under the provisions of this Act,

commits an offence and liable to pay a fine of \$1000 or to imprisonment for two years or to both such fine and imprisonment.

(3) If any police officer has reasonable cause to believe that any certificate of insurance or any other certificate or document produced to him in pursuance of the provisions of this Act by the driver or owner of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document and, when any such document is so seized, the driver and the owner of such motor vehicle or either of them shall, if neither of them has been charged with an offence under the provisions of this section be summoned before a magistrate to account for the possession of or the presence of the motor vehicle of the said document and the magistrate may make such order respecting the disposal of the document and award such costs as he may deem just.

109

Reference to certificate deemed to be reference to certificates where more than one issued

In this Act references to a certificate of insurance in any provisions relating to the surrender or loss or destruction of a certificate shall, in relation to policies under which more than one certificate is issued, be construed as reference to all or any such certificates and shall, where any copy of a certificate has been issued, be construed as including a reference to such copy.

110 Passengers for hire not to contract themselves out of benefits conferred by this Act

In any action brought against the owner of a motor vehicle or any other person indemnified under a policy of insurance under or for the purposes of this Act in respect of an accident causing the death of or badly injury to any person being, at the time of the accident, a passenger for hire in such vehicle, it shall not be a defence that the contract of carriage had excluded or modified the liability of the owner or of any other person to pay damages in respect of accidents due to the negligence or wilful default of the owner, his servants, or agents.

111 Prohibition against soliciting for authority to make claims and commence actions, etc

- (1) No person shall directly or indirectly for personal gain:
- (a) solicit instructions or authority to act on behalf of any other person in respect of the making or commencement of any claim or action for damages for the death of or bodily injury to any person arising out of the use of a motor vehicle or in respect of the negotiation, compromise or settlement of such claim or, action; or
 - (b) on behalf of any other person make or commence or cause to be made or commenced any claim or action for such damages aforesaid or negotiate, settle or compromise any such claim or action when made or commenced;

and any person contravening the provisions of this subsection commits an offence liable to pay a fine of \$1000 or to imprisonment for two years or to both such fine and imprisonment.

- (2) Subsection (1) (b) shall not apply to any barrister and solicitor properly acting in the course of his profession.
- (3) Any agreement to pay to any person who contravenes any of the provisions of subsection (1) any money for work done for services rendered in respect of the matters referred to in such subsection shall be void and any money so paid shall be recoverable by action brought in any Court of competent jurisdiction by the person who has paid it.

112 Applicant for vehicle licence to produce evidence of necessary insurance

Notwithstanding the provisions of any other law for the time being in force, a person applying for a vehicle licence or a renewal thereof may be required to produce evidence to the satisfaction of the licensing authority that, on the date when the licence comes into operation, there will be in force the necessary policy of insurance in relation to the use of the vehicle by the applicant or by other persons on his order or with his permission.

113 Appeal against refusal to issue or against cancellation of policy

- (1) Where an approved insurance company refuses to issue to any person a policy of insurance covering such liabilities as are required to be covered by this Act or gives notice of intention to cancel such a policy, the person applying for the policy, or the policy-holder, as the case may be, may appeal within thirty days of the date upon which he received notice of such refusal or intention to a resident magistrate and, on any such appeal, the Court may dismiss the appeal or may order that such a policy be issued by the company upon payment of a premium of the amount specified in the order, or that the notice of intended cancellation of the policy be withdrawn upon payment of such additional amount, if any, as may be specified in the order by way of additional premium and the Court may make such order as to costs as it thinks fit.
- (2) Where an order is made by a Court under the provisions of subsection (1) directing an insurance company to issue a policy of insurance or to cancel a notification of cancellation, that company shall act accordingly.

PART 8 – POWERS OF THE POLICE

114 Police powers of arrest

For the purpose of this Act a police officer may arrest without warrant any person whom the police officer has reasonable cause to believe is:

- (a) driving or attempting to drive a motor vehicle without a driver's licence or has had his driver's licence cancelled or suspended;
- (b) contravening the provisions of this Act dealing with driving under the influence of alcohol or drugs;
- (c) responsible for the death of a person due to dangerous driving;
- (d) obstructing a police officer or any other person carrying out his duties pursuant to this Act.

115 Power to control traffic or parking

- (1) A police officer may, for the purposes of traffic control:
- (a) direct a driver to move his motor vehicle from the place where it is standing and:
 - (i) remove the motor vehicle from the vicinity; or
 - (ii) proceed to an adjacent portion of the street, or of a neighbouring street, indicated by the police officer;
 - (b) give directions to the driver of a motor vehicle as to the:
 - (i) manner of approaching or departing from a place;
 - (ii) manner of picking up or discharging of passengers or loading or unloading of goods at a place; or
 - (iii) parking of motor vehicles;
 - (c) seize and remove to an impound facility a motor vehicle or trailer:
 - (i) where the motor vehicle or trailer is involved in an accident, for the purpose of having it or any portion of it examined, or for production as an exhibit in any proceedings under this Act;
 - (ii) where it is parked contrary to a parking offence provision;
 - (iii) where it is left on the public street for a period exceeding twelve hours and is in the opinion of the police officer abandoned;
 - (iv) where the motor vehicle or trailer is in, or left in, a position that in the opinion of the police officer is hazardous or dangerous to other road users or the public;
 - (v) where, in the opinion of the police officer, the motor vehicle or trailer is in, or left in, a public street, in such a position as to obstruct or partially obstruct access to, or exit from, any property that is adjacent to a public street;
 - (vi) where the police officer has reasonable cause to suspect that the vehicle is not registered or has breached any other provision of this Act or the Regulations;
 - (d) give to a person on a public street such directions as are necessary for regulating traffic, including the forming of a line;
 - (e) where the police officer finds a person loitering on a public street

and the police officer is of the opinion that the presence of the person in the public street may interfere with the free flow of traffic, request or direct that person to move on;

- (f) give directions, including a direction to stop, to the driver or person in charge or owner of a vehicle whom the police officer finds committing an offence under this Act or any regulation (relating to that vehicle or otherwise) or whom the police officer reasonably believes to have committed such an offence.
- (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.
- (2) 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.
- (3) 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).
- (4) A person who disobeys a direction given under this section commits an offence and is liable on conviction to the prescribed penalty.

116

Impounded vehicles

- (1) Where a motor vehicle has been impounded by the police under section 115, the owner of the vehicle is liable to pay all costs for its removal from the impound area.
- (2) Payment of an impound fee shall be made at the Nauru Revenue Office but payment of such a fee does not remove any other liability created by this Act.
- (3) Where a motor vehicle has been impounded under section 115 the owner shall:
 - (a) be issued with a notice for payment after thirty days and then after forty-five days of the vehicle being impounded; and
 - (b) if the owner of the motor vehicle fails to pay the necessary amount to have his vehicle released, the police shall dispose of the vehicle by auction or public tender.
- (4) If a sale of a motor vehicle under this section provides a greater amount than is necessary to defray the expenses of the removal and impounding of the vehicle or trailer, the balance shall be held for three months and if not claimed by the owner within that period shall be paid into the funds of the Republic.

117 Traffic Infringement Notices

- (1) A person who commits an offence under this Act that attracts a penalty of \$500 or less may be issued with a Traffic Infringement Notice.
- (2) The Traffic Infringement Notice form shall be as prescribed by the Registrar.

118 Proceedings for Traffic Infringement Notices

- (1) Notwithstanding the other requirements of this Part, a police officer may institute proceedings in respect of the alleged commission of a prescribed offence:
 - (a) by serving personally upon the person alleged by him to, have committed the offence a Traffic Infringement Notice; or
 - (b) where the presence, at any time or for any period of time, of a motor vehicle in a place is evidence of the commission of the offence, by affixing a Traffic Infringement Notice to the vehicle in a conspicuous position.
- (2) A Traffic Infringement Notice shall comply with the following requirements:
 - (a) the notice shall require the person to whom it is addressed to attend Court at the place, date and time (not being less than twenty-eight days from the date of the notice) specified in the notice unless:
 - (i) not later than twenty-one days after the date of the notice payment has been made, as specified in the Notice, of the fixed penalty applicable in relation to the offence charged;
 - (ii) a legal practitioner appears on behalf of the person;
 - (b) if the notice is affixed to a motor vehicle pursuant to subsection (1)(b), the notice shall be issued by reference to the registered number of the vehicle;
 - (c) the notice shall bear the date on which it was served on the person charged, or affixed to the motor vehicle to which the charge relates, as the case requires.
- (3) A Traffic Infringement Notice shall not be served upon a person, or affixed to a motor vehicle, more than fourteen days after the day on which the offence is alleged to have been committed.

- (4) The police officer who issues a Traffic Infringement Notice shall cause a signed copy of the notice to be placed before the Court specified in the notice not later than seven days after the date of the notice.
- (5) Nothing in this section shall be taken to prevent the institution of proceedings under any other provision of this Act.

119 Acceptance of a Traffic Infringement Notice

- (i) If proceedings are instituted by means of serving upon a person or affixing to a motor vehicle of a Traffic Infringement Notice and the notice has been accepted by the payment of the fixed penalty within twenty-one days of the date of the notice, that acceptance shall be deemed a conviction for the offence in respect of which the Traffic Infringement Notice was issued.
- (ii) If proceedings are instituted by means of serving upon a person or the affixing to a motor vehicle a Traffic Infringement Notice and the offence is a second or subsequent offence for which a penalty other than the fixed penalty applies, a summons shall be served on the person within twenty-eight days from the date of the offence whereby the person shall be required to attend Court and any penalty paid shall be held in credit against any subsequent penalty arising from the offence or refunded as the case may be.
- (iii) If a Traffic Infringement Notice served upon a person has not been accepted by payment of the fixed penalty within twenty-one days of the date of the Traffic Infringement Notice, the notice shall be regarded for all purposes as a summons issued under the Criminal Procedure Act and Criminal Procedure Rules.

120 Evidence of acceptance of a Traffic Infringement Notice

In any proceedings, a certificate signed by the clerk of the Court or a police officer that the fixed penalty was or was not paid shall, unless the contrary is proved, be conclusive evidence of the matters stated in the certificate.

121 Offence to remove a Traffic Infringement Notice

- (1) Subject to subsection (2), a person who removes or interferes with a Traffic Infringement Notice affixed to a motor vehicle in accordance with paragraph (b) of section 119 (1) is guilty of an offence and is liable to pay a fine of \$500.
- (2) It is a defence to a prosecution of a person for an offence under

subsection (1) that the person was acting on behalf of:

- (a) the person to whom the notice was addressed; or
- (b) the person having immediate lawful charge of the motor vehicle.

122 Provisions relating to government vehicles

- (1) For the purposes of sections 119 and 120 a motor vehicle shall be taken to have been a Government vehicle at the time of the alleged commission of an offence if at that time registration plates (if any) affixed to the vehicle were of the kind required to be affixed to Government vehicles or if at the time the vehicle can be proven to have been rented or leased by the Government for its use.
- (2) In regards to police vehicles, the provisions of this Act will not apply to a police vehicle if:
 - (a) in the circumstances:
 - (i) the driver is taking reasonable care; and
 - (ii) it is reasonable that the provision should not apply; and
 - (b) in the case of a motor vehicle that is moving — the vehicle is displaying a blue or red flashing light or sounding an alarm.
- (3) Subsection (2) (b) does not apply to the driver if, in the circumstances, it is reasonable:
 - (a) not to display the light or sound the alarm; or
 - (b) for the vehicle not to be fitted or equipped with a blue or red flashing light or an alarm.

PART 9 - MISCELLANEOUS

123 Inspections

The Registrar may, at any time, by notice in writing, direct that a registered motor vehicle shall be produced by the owner for inspection at the time and place specified in the notice.

124 Records

- (1) Particulars of the registration of motor vehicles and of the grant of certificates of registration and licences shall be recorded at the office of the Registrar.

- (2) An extract from, or copy of, any entry contained in the record, certified by the Registrar, shall, in all Courts and upon all occasions, be received as evidence and deemed sufficient proof of all particulars contained in that entry without requiring production of the books, licence, requisition, notice or other documents upon which the entry was founded.

125 Liabilities existing independently of this Act

Nothing in this Act shall affect any liability of any person by virtue of any other law in force in Nauru.

126 Application to employees of the Public Service

Except where otherwise expressly provided, this Act shall apply to all persons employed within the Public Service.

127 Evidence

In any proceedings under this Act:

- (a) proof that a motor vehicle has not upon it an identifying number as prescribed in this Act shall be *prima facie* evidence that the vehicle is not registered; and
- (b) proof that a person registered a motor vehicle shall be *prima facie* evidence that that person is the owner of the vehicle.

128 Recovery of fees, etc.

The Registrar may, by action in the District Court, recover from the person liable there for any fee or other amount payable under this Act.

129 General offence

- (1) Any person who contravenes or fails to comply with any provision of this Act shall be guilty of an offence.
- (2) A person guilty of an offence against this Act for which no penalty is provided shall be liable to a penalty of \$500 or to imprisonment for three months, or both.

130 Traffic signs

- (1) The Minister may:
 - (a) cause traffic control signs to be installed upon or adjacent to any public highway; and
 - (b) by notice in the Gazette, specify the design and meaning of traffic control signs.
- (2) A sign purporting to be a traffic control sign shall, in the absence of evidence to the contrary, be deemed to be a traffic control sign and to have been validly installed.
- (3) Any person who fails to comply with the directions of a traffic control sign shall be guilty of an offence.

131

Transitional Provision

- (1) All by-laws, regulations, codes, orders, notices, appointments, licences and permits made or issued under the provisions of the repealed Act shall be deemed to have been made or issued under the corresponding provisions of this Act and shall remain of full force and effect until such time as they are revoked, renewed, extended or amended under this Act.
- (2) Any regulations, codes or by-laws made under the provisions of the repealed Act in respect of which there are no corresponding provisions in this Act, shall remain of full force and effect as though they had been made under the authority of this Act until such time as they have been revoked or amended under the provisions of this section or any other Act and may be amended or revoked under this subsection.
- (3) Any appointment or delegation made under the repealed Act before the commencement of this Act continues until the appointment or delegation is revoked under this Act.
- (4) Any proceedings instituted or action begun under the repealed Act before the commencement of this Act which has not been determined before the commencement of this Act continues until determined under the repealed Act.

132

Regulations

- (1) Cabinet may make regulations under this Act.
- (2) The regulations may provide for:
 - (a) any matter relating to road safety for drivers, passengers and pedestrians; and

- (b) matters necessary to regulate the use of a motor vehicle by:
 - (i) persons with a handicap; and
 - (ii) the elderly; and
- (c) the administration of breath tests or breath analysis; and
- (d) any matter relating to public service vehicles, including the prescription of:
 - (i) standards of :
 - (A) safety; and
 - (B) serviceability; and
 - (ii) the manner and methods by which public service vehicles may ply for hire; and
 - (iii) tariff; and
- (e) fees and the waiver or reduction of fees; and
- (f) matters relating to the class of vehicles, licences and permits including the prescription of new classes, licences and permits; and
- (g) matters pertaining to the movement of vehicles or vehicle parts into and out of the Republic; and
- (h) matters relating to documentation and record keeping; and
- (i) number plates or trader's plates, including the form and dimensions of the plates; and
- (j) matters relating to the impounding of vehicles, including the designation of an impound area; and
- (k) the facilitation of communication with, and awareness of, the public in regards to the provisions of this Act including:

- (i) the prescription of the manner in which any applications may be lodged and determined; and
 - (ii) the conditions upon which public notice may be required for any provision; and

 - (l) matters relating to the environment pursuant to the purpose of this Act; and
 - (m) fines and sentences for offences against the Act and the regulations.
- (3) The regulations may:
- (a) be of general application or vary in their application according to prescribed factors;
 - (b) give the Minister and the Registrar discretion to decide a matter; and
 - (c) give the Minister, through Cabinet, the power to amend any part of this Act.

THE SCHEDULES

FIRST SCHEDULE – MOTOR VEHICLES

Section 7

- 1 The frame structure of the motor vehicle shall be sound.
- 2 The motor vehicle shall be equipped with an accurate speedometer.
- 3 The motor vehicle (other than a motorcycle) shall be fitted with a front windscreen and an efficient windscreen wiper, unless the Registrar exempts the motor vehicle from the provisions of this paragraph.
- 4 The motor vehicle shall be equipped with a rear vision mirror placed so that vehicles approaching from the rear can be clearly seen by the driver.
- 5 The motor vehicle shall be fitted with tyres free from obvious casing defects and with a clearly defined tread.
- 6 The motor vehicle shall be capable of being so worked that it may travel either backwards or forwards and be capable of being readily steered.
- 7 The steering arm and connexions shall be of sufficient length and as far as possible protected from damage by collision.
- 8 All brakes and steering connexions shall be secured with bolts, the bolts shall be fitted with nuts, and the nuts shall be locked or pinned.
- 9 The motor vehicle, if other than a motorcycle, shall have two independent brakes in good working order of sufficient strength so that either of them shall be capable of stopping and holding the vehicle under all conditions, and of such efficiency that the application of either shall cause two wheels upon the same axle to be effectually prevented from revolving, or shall have the same effect in stopping the vehicle as if those wheels were so held. Each brake shall be as far as possible so affixed as to be capable of easy adjustment and at least one brake shall be so made as to be applied by the foot of the driver.
- 10 In the case of a motorcycle without a side-car one effective brake capable of stopping and holding the motorcycle shall be deemed sufficient.
- 11 In the case of a motorcycle with a side-car, the motorcycle and side-car shall have:
 - (a) two independent and efficient brakes, one of which shall be operated by a foot pedal and the other by a hand lever or other appliance for holding the brake in the 'on' position; or

- (b) one efficient brake capable of being held in the 'on' position, acting directly on at least two wheels and so arranged that, in the event of failure of any part, there will remain effective braking on at least one wheel.
- 12 All fittings shall be in such condition as not to be likely to cause annoyance, by bad smell or otherwise, or danger to any person upon the motor vehicle or upon a public highway.
 - 13 The lubrication of the engine and the carburation of the working mixture shall be so controlled that smoke is not projected from the exhaust or from any other part.
 - 14 (1) Two lamps shall be suitably affixed on the front of a motor vehicle, other than a motorcycle, and one other lamp shall be suitably affixed on the rear of the vehicle.
 - (2) A lamp shall be suitably affixed on the front of a motorcycle without a side-car, and one other lamp shall be suitably affixed on the rear of the motorcycle. In the case of a motorcycle and side-car an additional lamp shall be fixed upon the front of the side-car.
 - (3) The lamp affixed on the rear of a motorcycle shall be so affixed as to reflect upon the rear number-plate.
 - 15 A suitable attachment of a size satisfactory to the Registrar for the purpose of affixing the number plates shall be securely fastened in an approved position at the front and also at the rear of the motor vehicle, and a lamp bracket shall be affixed at the rear of the motor vehicle to hold the rear lamp in such a position as to reflect upon the rear number-plate. The lamp bracket shall be so affixed as not to obscure any portion of the rear number-plate.
 - 16 An efficient horn or other means of alarm shall be attached to the motor vehicle in a convenient position.
 - 17 A motor vehicle shall not exceed 8 feet in width, measured between its extreme projecting points.
 - 18 A motor vehicle shall have an efficient silencer so made and affixed that the exhaust shall be projected through the silencer.

SECOND SCHEDULE
REPUBLIC OF NAURU
THE MOTOR TRAFFIC ACT 1937-1973

Section 74

**CERTIFICATE OF AUTHORISED OPERATOR OF BREATH-ANALYSING
INSTRUMENT**

I, _____ of _____,

a Police Officer, hereby certify:

- (1) that I am a person authorised by the Director of Police to operate a breath-analysing instrument;
- (2) that on the..... day of....., 20.....at a.m./p.m, at..... I did analyse a sample of the breath of.....of.....by means of a breath-analysing 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 the Cabinet by notice published in the Gazette;
 - (b) an instrument in relation to which all regulations made under the Act with respect to breath-analysing instruments were complied with; and
 - (c) in proper working order and properly operated by me in accordance with the Regulations; and
 - (d) that the said instrument indicated that the percentage of alcohol present in the blood of the said.....at the time and place referred to was.....percent.

Dated this.....day of....., 20.....

AUTHORISED OPERATOR

This certificate was delivered by me to the said

at _____ at _____

a.m./p .m. on _____

Authorised Operator

