



REPUBLIC OF NAURU

# MOTOR TRAFFIC (AMENDMENT) BILL 2018

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No. of 2018

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A Bill for an Act to amend the *Motor Traffic Act 2014*

Certified: [ ]

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Enacted by the Parliament of Nauru as follows:

**1                    Short title**

This Act may be cited as the *Motor Traffic (Amendment) Act 2018*.

**2                    Commencement**

This Act commences upon certification by the Speaker.

**3                    Amendment of Motor Traffic Act 2014**

The Motor Traffic Act 2014 is amended by the provisions of this Act.

**4                    Amendment of section 5**

Section 5 is amended by inserting the following in alphabetical order:

**‘fixed penalty’** means a prescribed penalty payable by the offender upon receipt of a Traffic Infringement Notice;

**5                    Amendment of section 85**

Section 85 is omitted and substituted with the following:

**85            Accidents**

(1) Where an accident causing damage or injury to any person, vehicle or animal occurs, the driver of the motor vehicle shall:

(a) stop his or her motor vehicle; and

(b) if required to do so by any person having reasonable grounds for so requiring, give his or her name, contact details and the identification marks of the motor vehicle.

(2) Where there is an accident under subsection (1), the driver of the motor vehicle shall report the accident at the police station or to a police officer as soon as reasonably practicable.

(3) A person who contravenes subsections (1) and (2) commits an offence and upon conviction is liable to a fine not exceeding \$10,000 or to a term of imprisonment not exceeding 12 months or to both.

**6                    Amendment of section 117**

Section 117 is omitted and substituted with the following:

## **117 Traffic Infringement Notices**

- (1) A police officer or an authorised officer may issue a Traffic Infringement Notice to a person who commits an offence under this Act that attracts a fine not exceeding \$500.
- (2) The Cabinet may make regulations prescribing the:
  - (a) offences for which fixed penalties shall be imposed;
  - (b) penalties for each corresponding prescribed fixed penalty offences;
  - (c) Traffic Infringement Notice which a police officer or authorised officer may serve to an offender for an offence for which a fixed penalty is prescribed;
  - (d) a time frame for the payment of prescribed fixed penalty;
  - (e) procedure for the prosecution of and additional penalties to be imposed by the court on offenders defaulting to pay prescribed penalty in accordance with the Traffic Infringement Notice;
  - (f) procedures for dealing with Traffic Infringement Notices; and
  - (g) any other matters in relation to the effective enforcement of the Traffic Infringement Notices.

## **7 Amendment of Section 118**

Section 118 is amended:

- (a) by omitting subsection (1) and substituting with:
  - (1) Despite the other requirements of this Part, a police officer or authorised officer may institute proceedings in court in respect of the alleged commission of a prescribed offence:
    - (a) by serving personally upon the person alleged by him or her to have committed the offence set out in the 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.

(b) by omitting subsection (4) and substituting with:

(4) The police officer or authorised officer who issues a Traffic Infringement Notice shall cause a signed copy of the notice to be placed before the Revenue Office, Court and Registrar as specified in the notice not later than 7 days after the notice is issued.

(c) by inserting a new subsection (6):

(6) A person who is issued Traffic Infringement Notice on the spot by a police officer or authorised officer shall accept such Traffic Infringement Notice by signing for the service of the Traffic Infringement Notice.

(d) by inserting a new subsection (7):

(7) A person who does not accept service of a Traffic Infringement Notice under subsection (6) commits an offence and upon conviction is liable to a fine not exceeding \$5,000.