

**REPUBLIC OF NAURU**  
**MOTOR TRAFFIC (AMENDMENT) No.2 BILL 2016**

**EXPLANATORY MEMORANDUM**

The *Motor Traffic (Amendment) No. 2 Bill 2016* is a Bill for the *Motor Traffic (Amendment) No.2 Act 2016*.

**EXPLANATION OF CLAUSES**

**Clause 1** provides that, once enacted, the short title of the Bill will be the *Motor Traffic (Amendment) No. 2 Act 2016*.

**Clause 2** sets out when the Bill's provisions will commence.

**Clause 3** is the enabling provisions for the amendment of the *Motor Traffic Act 2014* ('the Act').

**Clause 4** amends section 5 of the Act by inserting new words and definitions of those words. The addition to section 5 are the definitions of 'authorised officer', 'classic vehicle', 'Road Transport Officer' and 'Motor Vehicle Inspectors'.

Classic vehicle is defined as a motor vehicle which is over 12 years from its date of manufacturing, is well preserved, has been maintained in or restored to a condition which is substantially in conformity with manufacture specification and appearance and includes land rovers and classical vehicles under the *Customs Tariff Act 2014*. The reference to the *Customs Tariff Act 2014* is important as it also has provisions dealing with the same and it is important to harmonise the two laws.

Motor Vehicle Inspectors are also defined and harmonised with the existing Act which has already defined 'authorised inspectors' and the new definition would include the existing one. Authorised officer is also now defined because although the Act refers to authorised officer there was no actual definition.

**Clause 5** inserts a new section 6A which gives the Registrar of Motor Vehicles the power to appoint persons to be Road Transport Officers and Motor Vehicle Inspectors. The appointees are subject to the directions of the Registrar and their functions include the:

- (a) registration of motor vehicles;
- (b) collection of registration fees;
- (c) issuance of registration labels;
- (d) maintenance and management of motor vehicle registers; and

- (e) inspection of motor vehicles and whether or not the motor vehicles are roadworthy.

This clause also gives power to the Minister to create regulations that would expand on the current functions or create additional functions for the Officers and Inspectors.

**Clause 6** amends section 9 by omitting the current section 9 and substituting it with a new clause. This new clause divides the vehicles into different classes. The clause reads as follows:

- (1) 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.
- (2) For the purposes of this Act and the *Customs Tariff Act 2014*, private motor vehicles and motorcycles may be classified as classic vehicles.

The Clause incorporates classic vehicles into the Motor Traffic Act to allow for the importation of cars older than 12 years if they fall into the classification as provided in Section 5 of the Act.

**Clause 7** inserts a new section 127A. This clause provides that all fees and fines paid and collected pursuant to the Motor Traffic Act will constitute part of the revenue for the Office of the Registrar of Motor Vehicles. This will allow for the operations of the Department to be self-sustaining.

**Clause 8** inserts a new section 128A. This clause provides for the prohibition of the importation of motor vehicles which were manufactured more than 12 years prior to the date of importation into the country. The exception to this prohibition is for classic vehicles which include vintage cars and land rovers.

**Clause 9** makes a consequential amendment to the Customs Tariff Act 2014 by removing the term 'classical vehicles' and removing it with 'classic vehicle'. This change is made to reflect the term that is used universally.

