REPUBLIC OF NAURU

MOTOR TRAFFIC (TRAFFIC INFRINGEMENT NOTICES) REGULATIONS 2018

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Cabinet makes the following Regulations under section 117 of the *Motor Traffic Act 2014*:

PART 1 - PRELIMINARY

1 Short Title

These Regulations may be cited as the *Motor Traffic (Traffic Infringement Notices) Regulations 2018.*

2 Commencement

These Regulations come into effect on the date of notification in the Gazette.

3 Definitions

'court' means the District Court;

'Clerk' means the Clerk of the District Court as defined in the Courts Act 1972;

'Registrar' means the Registrar of Motor Vehicles;

PART 2 – PRESCRIBED OFFENCES AND PENALTIES

4 Prescribed fixed penalty offences

For the purposes of section 117(2)(a) of the Act, the prescribed fixed penalty offences are set out in Column 3 of Schedule 1.

5 Prescribed penalties

For the purposes of section 117(2)(b) of the Act, the corresponding prescribed fixed penalties for the prescribed offences under regulation 4 are set out in Column 4 of Schedule 1.

PART 3 – TRAFFIC INFRINGEMENT NOTICE

6 Prescribed Traffic Infringement Notice

For the purposes of section 117(2)(c) of the Act, the Traffic Infringement Notice which a Police officer may serve to an offender is set out in Schedule 2.

7 Police officer to inform offender

A Police officer who issues or serves a Traffic Infringement Notice on an offender under regulation 6 shall inform the offender:

(a) of the contents of the Traffic Infringement Notice;

(b) that he or she must pay the penalty or appear in court to contest or defend the traffic infringement offence;

(c) that payment of the penalty is to be made within 21 days of service of the Traffic Infringement Notice;

(d) that non acceptance of the Traffic Infringement Notice is an offence;

(e) that his or her driver's licence shall not be renewed until the penalty and costs ordered by the court is paid; and

(f) that his or her vehicle may not be registered until the penalty and costs ordered by the court is paid.

PART 4 - PROCEDURES FOR DEALING WITH TRAFFIC INFRINGEMENT NOTICES

8 Traffic Infringement Notice list

(1) The Nauru Revenue Office shall issue to the court and to the Director of Public Prosecutions a list of offenders, Traffic Infringement Notice numbers and unpaid fines within 7 days before the date on which the Traffic Infringement Notices are listed before the court in the form prescribed in Schedule 3.

(2) The Clerk shall:

(a) list before the court for hearing of the Traffic Infringement Notices for which the fixed penalties imposed have not been paid on the dates specified in the Traffic Infringement Notices; and

(b) list the Traffic Infringement Notices on the same date as specified in Part 3 of the Traffic Infringement Notices.

(3) The Director of Public Prosecutions shall issue a Notice to List in the form in Schedule 4 to the court to list all Traffic Infringement Notices for which the fixed penalties remain unpaid as notified by the Nauru Revenue Office under subregulation (1) at least 7 days before the date specified in Part 3 of the Traffic Infringement Notice.

(4) Where the Nauru Revenue Office fails to provide the list in subregulation (1), the Director of Public Prosecutions shall issue a notice to the Nauru Revenue Office to provide the list of unpaid Traffic Infringement Notices which the Nauru Revenue Office shall comply with within 3 working days.

(5) The Director of Public Prosecutions shall appear before the court for the prosecution of Traffic Infringement Notices.

9 Traffic Infringement Notice court appearances

(1) Where the person pleads guilty on the date of the hearing of the traffic offence contained in Part 3 of the Traffic Infringement Notice, the court shall:

(a) impose a penalty for the offence as contained in the Act;

(b) order court costs of $100.00; and

(c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.

(2) Where the person is not present and is unrepresented in court, a plea of guilty shall be recorded and the matter dealt with in accordance with the procedure of the court and the court shall:

(d) impose a penalty for the offence as contained in the Act;

(e) order court costs of $100.00; and

(f) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.

(3) Where the person is present or represented by counsel or a pleader and pleads not guilty, the matter shall be dealt with in accordance with the procedure of the court.

(4) If the person is found guilty after the hearing of a traffic infringement offence under subregulation (3), the court shall:

(a) impose the penalty for that offence under the Act;

(b) order court costs in an amount not exceeding $200.00; and

(c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.

10 List of unpaid fines and costs to be issued by Clerk of the District Court

(1) The Clerk shall from time to time issue a list of unpaid fines and costs to the Registrar and the Director of Public Prosecutions.

(2) The list under subregulation (1) shall contain but is not limited to the:

(a) Traffic Infringement Notice serial number;

(b) name of the offender;

(c) vehicle registration number of the offender (if any);

(d) date of the offence;

(e) offence in the Traffic Infringement Notice;

(f) date of the fine ordered by the court; and

(g) amount of the fine ordered by the court.

(3) The Registrar upon the receipt of the list under subregulation (1) shall cause to register such fines and costs against the offender's vehicle.

(4) The Registrar shall not issue or renew any vehicle registration without a report from the court that no fines and costs in respect of a Traffic Infringement Notice or any other offences under the Act are registered against such vehicle.

(5) The Director of Public Prosecutions shall upon receipt of the list under subregulation (1) forward such list to the Registrar.

(6) The Registrar upon receipt of the list under subregulation (5), shall ensure that the fines and costs are registered against the offender's driver's licence number.

(7) If the offender does not possess a valid driver's licence, the Registrar shall register such penalty and costs against the offender's name.

11 Consequence of nonpayment of penalty and costs

Any unpaid penalties and costs under these Regulations shall be a bar to the:

(a) renewal of a licence;

(b) issuance of a driver's licence; and

(c) renewal of registration of a vehicle registered under the offender's name.

SCHEDULE 1

Prescribed offences and fixed penalties

(Section 117; Regulations 4 and 5)

	Section of the Act	Fixed Penalty Offences	Fixed Penalty	Court costs	Penalty under the Act
1	18(2)	Driving a motor vehicle that upon it a number which was issued for another motor vehicle	$300.00	$100.00	$500
2	20(2)(a)	Driving a motor vehicle without a valid driver's licence	$75.00	$100.00	$100
3	20(2)(b)	Driving a motor vehicle of a different class from that stated in the driver's licence	$75.00	$100.00	$100
4	20(4)	Failure to carry driver's licence while driving and to produce drivers' licence on request	$100.00	$100.00	$200
5	23(5) and (6)	A holder of a learner's permit driving between 7pm and 7am	$100.00	$100.00	$200
6	24(2)	Purporting to be a learner driver but fails to produce a learner's permit	$75.00	$100.00	$100
7	30(4)	Person holding a foreign licence – failure to carry licence and to produce licence on request by a member of the police force	$100.00	$100.00	$200
8	37	Failure to obey the speed limit	$150.00	$100.00	$300
9	50 (2)	Driving vehicle at night or in hazardous weather conditions without vehicle lights operating effectively	$100.00	$100.00	$200
10	57(4)	Riding or driving a motorcycle without a helmet	$150.00	$100.00	$200
11	58 (1)	Driving a motorcycle upon a public highway with more than one person on the motorcycle	$200.00	$100.00	$300
12	58(2)	Driving a motorcycle upon a public highway and carrying a child under the age of 5.	$300.00	$100.00	$500
13	60(1)	Not wearing seat belt - 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.	$100.00	$100.00	$200
14	60(2)(a)	Not wearing seat belt - Passenger is less than 5 years of age, not seated in back seat and not wearing a seat belt.	$100.00	$100.00	$200
15	60(2)(b)	Not wearing seat belt - Passenger is travelling in the front seat of the motor vehicle and not wearing seat belt.	$100.00	$100.00	$200
16	60(2)(c)	Not wearing seat belt - Passenger is child travelling in the back seat but seated in the middle of the back seat	$100.00	$100.00	$200
17	60(2)(d)	Not wearing seat belt - Person driving the motor vehicle	$100.00	$100.00	$200
18	61(1)	Driving a motor vehicle and carrying a passenger under the age of 5 years and seated in the front row of the vehicle	$100.00	$100.00	$200
19	61(4)	Driving a motor vehicle and allowing a passenger under the age of 12 years to be seated in the back tray of vehicle without any adult accompaniment	$150.00	$100.00	$500
20	61(5)	Driving a motor vehicle and allowing another person to be seated with him or her behind the wheel of vehicle while travelling on a public road	$150.00	$100.00	$500
21	63(3)	Person:- (i) traveling on any part of the vehicle not designed for passenger carriage; (ii)standing on or in any part of moving vehicle; (iii)traveling in motor vehicle part of body outside a window or door.	$100.00	$100.00	$200
22	65(1)	Driving an unregistered motor vehicle on a road	$150.00	$100.00	$500 – including vehicle impounded
23	65(2)	Owns an unregistered vehicle and allowing that vehicle to be driven on a road	$150.00	$100.00	$500 – including vehicle impounded
24	66	Wilfully driving motor vehicle across the sidewalk in areas which provision is made for parking or turning vehicles	$50.00	$100.00	$100
25	68	Failure or refusal to give name upon being required by a Police officer	$100.00	$100.00	$200
26	82	Failure or refusal upon being required by a Police officer to provide information which may lead to identification of driver of vehicle when offence was committed against the Act	$100.00	$100.00	$200

SCHEDULE 2

TRAFFIC INFRINGEMENT NOTICE – FIXED PENALTY

(Section 117(2)(c); Regulation 6)

This Traffic Infringement Notice is issued pursuant to the powers given to the Nauru Police Force for an infringement of the Motor Traffic Act 2014 and these Regulations.	
Important Notice: The consequence of not paying a penalty or fine will result in: (i) the driver's licence not being renewed until such time the penalty or fine is paid; and (ii) the case of unregistered or defective vehicles, the vehicle shall not be registered unless the penalty and fine are paid.	

Infringement Notice No.:	
Date of Issue:	
Penalty Due:	
Due Date:	
Payment must be made at the Nauru Revenue Office within 21 days from the date of service of this infringement notice.	

PART 1 – OFFENCE DETAILS

Offender:

Surname:…… Given Names: ……

Nature of Offence: contrary to section ….. of the Motor Traffic Act 2014 and regulation 4 of the Motor Traffic (Traffic Infringement Notices) Regulations 2018 - …….

Location: ..…….. Date: …… Time: ……

Driver Licence Number: ……Licence Class: ……Licence Expiry Date: …..……

Vehicle Registration Number: ……Vehicle Model: …… Vehicle Colour: ……

Police Officer's Signature: .....Police Officer's Name:…….. Date: / / 20

Acknowledgement of Service of Infringement Notice by: Name and Signature: ……

Note:

1. This Notice must only be served to the Offender at the time of the offence or as soon as practicable.

2. If the offender refuses to accept the Notice, he or she commits an offence under section 118(7) for which he or she is liable to a fine not exceeding $5,000.

PART 2 – TIME FOR PAYMENT OF PENALTY

A. Take Notice that the penalty shall be paid to the Nauru Revenue Office within 21 days of the date of the issuance of this infringement notice. Failure or late payment of the penalty will result in payment of additional costs in the sum of $.....

B. Contesting the Infringement Notice

If you intend to defend or contest the Notice, you are to appear in person or by a legal representative in court on the date and time provided in Part 3.

PART 3 – NOTICE TO ATTEND TO COURT

Take Notice that if you intend to contest or defend this notice, you must attend the District Court at Yaren on …… day the …….. day of ……. 20…. at ……..noon for the hearing.

If you fail to attend to the hearing, the court will proceed to hearing of the infringement notice in your absence and impose a fine and costs.

If you fail to pay the fine and costs ordered by the court, you will be arrested under a committal warrant without any further notice.

AFFIDAVIT OF SERVICE

I …….. Police officer make oath/solemnly affirm that I did on the …… day of ……..20……. served the offender …… the original copy of this TIN at …….. (time) on (date)…… **AND** he/she acknowledged service by affixing his/her signature to this TIN.

Police officer: …… Before me: ……

(Commissioner for Oaths)

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3	20(2)(b)	Driving a motor vehicle of a different class from that stated in the driver's licence	$75.00	$100.00	$100
4	20(4)	Failure to carry driver's licence while driving and to produce drivers' licence on request	$100.00	$100.00	$200
5	23(5) and (6)	A holder of a learner's permit driving between 7pm and 7am	$100.00	$100.00	$200
6	24(2)	Purporting to be a learner driver but fails to produce a learner's permit	$75.00	$100.00	$100
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9	50 (2)	Driving vehicle at night or in hazardous weather conditions without vehicle lights operating effectively	$100.00	$100.00	$200
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11	58 (1)	Driving a motorcycle upon a public highway with more than one person on the motorcycle	$200.00	$100.00	$300
12	58(2)	Driving a motorcycle upon a public highway and carrying a child under the age of 5 years.	$300.00	$100.00	$500
13	60(1)	Not wearing seat belt - 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.	$100.00	$100.00	$200
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25	68	Failure or refusal to give name upon being required by a Police officer	$100.00	$100.00	$200
26	82	Failure or refusal upon being required by a Police officer to provide information which may lead to identification of driver of vehicle when offence was committed against the Act	$100.00	$100.00	$200

SCHEDULE 3

MOTOR TRAFFIC ACT 2014

(Regulation 8(1))

NOTICE OF RETURNS

To: The Director of Public Prosecutions
The Clerk of the District Court

Take Notice that the following return for the following Traffic Infringement Notices are as follows:

TIN NUMBER	NAME OF OFFENDER	PENALTY	PAID OR UNPAID	DATE OF PAYMENT (IF PAID)

Dated: ...../……./20……

……. *(Name and signature)*
Deputy Secretary for Finance (Revenue)/Revenue Officer

SCHEDULE 4

MOTOR TRAFFIC ACT 2014

(Regulation 8(3))

Traffic Infringement Notice Praecipe

To: The Clerk of the District Court

THIS PRAECIPE is issued to request the listing of the following Traffic Infringement Notices for hearing:

TIN NUMBER	NAME OF OFFENDER	PENALTY	PAID OR UNPAID	DATE OF PAYMENT (IF PAID)

Dated: ...../……./20……

……
Director of Public Prosecutions