MOTOR TRAFFIC

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Motor Traffic Act 2014

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The Motor Traffic Act 2014 No 16 was certified and commenced on 10 September 2014 (GN No 606/2014; Gaz 130/2014).

Amending Legislation	Certified	Date of Commencement
Motor Traffic (Amendment to Act) Regulations 2014 No 18	22 January 2015	22 January 2015
Motor Traffic (Amendment) Act 2015 No 6	24 March 2015	24 March 2015
Motor Traffic (Amendment) Act 2016 No 4	29 January 2016	29 January 2016
Crimes Act 2016 No 18	12 May 2016	12 May 2016
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Motor Traffic (Amendment) Act 2020 No 23	23 October 2020	23 October 2020
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Motor Traffic (Amendment) Act 2021 No 14	14 September 2021	14 September 2021
Motor Traffic (Amendment) Act 2023 No 8	7 June 2023	7 June 2023
Motor Traffic (Amendment) Act 2024 No 2	5 April 2024	5 April 2024
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

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

Enacted by the Parliament of Naoero as follows:
[cl am Act 21 of 2026 s 5, opn 12 May 2026]

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 and came into effect on 10 September 2014.

3 Repeal

The *Motor Traffic Act 1937* and the Regulations made thereunder are hereby repealed.

4 Parts

[s 4 omitted by the Law Revision Commission under powers authorised by Act 10 of 2019]

5 Definitions

(1) In this Act:

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

'approved insurance company'

[def rep Act 58 of 2016 s 4, opn 23 Dec 2016]

'approved insurer' means an insurer approved by the Minister for the purpose of this Act;

[def insrt Act 58 of 2016 s 4, opn 23 Dec 2016]

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

'authorised officer' means a person who has been authorised by the Registrar to perform any function under this Act;

[def insrt Act 41 of 2016 s 4, opn 8 Sep 2016; am Act 8 of 2023 s 4, opn 7 June 2023]

'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;

'classic vehicle'
[def rep Act 14 of 2021 s 4, opn 14 Sep 2021]

'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;

'fixed penalty' means a prescribed penalty payable by the offender upon receipt of a Traffic Infringement Notice;
[def insrt Act 6 of 2018 s 4, opn 6 Mar 2018]

'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;

'licenced' means licenced 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 8 metres in front of the vehicle; and
(b) not over one metre higher than the level where the vehicle is standing, when measured 25 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 vehicle with motor power wholly or partly derived from an external source of electricity, motorcycle and an auto rickshaw;
[def am Act 2 of 2024 s 4, opn 5 Apr 2024]

'Motor Vehicle Inspector' means a person appointed under Section 6A and includes authorised inspectors as defined under this Act;
[def insrt Act 41 of 2016 s 4, opn 8 Sep 2016]

'motor vehicles trader's licence' means a licence granted under Section 31;

'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 the Republic;

'Public Service' unless otherwise stated, means the public service of the Government of Naoero;
[def am Act 21 of 2026 s 5, opn 12 May 2026]

'registered' means registered under this Act;

'Registrar' means the Registrar of Motor Vehicles and Licences, who shall, for the purposes of this Act and Regulations, be the Secretary for Transport;
[def subst Act 8 of 2023 s 4, opn 7 June 2023]

'registration labels' means a label issued under Section 13;

'Regulations' means regulations made under Section 132;

'Republic' means the Republic of Naoero;
[def am Act 21 of 2026 s 5, opn 12 May 2026]

'Road Transport Officer' means a person appointed under Section 6A;
[def insrt Act 41 of 2016 s 4, opn 8 Sep 2016]

'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;

'Traffic Infringement Notice' means a notice issued under Section 117;

'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:
(a) in the case of a trader being a corporation, a director, manager or officer of the corporation; and
(b) 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; and

'vehicle' means any means of conveyance which runs on wheels but does not include any vehicle used on a railway.

(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

[s 6 rep Act 8 of 2023 s 5, opn 7 June 2023]

6A Road Transport Officer and Motor Vehicle Inspectors

(1) The Registrar may appoint persons to be Road Transport Officers and Motor Vehicle Inspectors.

(2) Road Transport Officers and Motor Vehicle Inspectors are authorised officers under this Act and are subject to the directions of the Registrar.

(3) Subject to subsection (2), Road Transport Officers and Motor Vehicle Inspectors have the following functions:
- (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.

(4) The Minister may by regulations expand on or create additional functions for Road Transport Officers and Motor Vehicle Inspectors.

[s 6A insrt Act 41 of 2016 s 5, opn 8 Sep 2016]

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PART 2 — REGISTRATION OF MOTOR VEHICLES

7 Motor vehicles to be registered

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

8 Exemptions from registration requirements

Notwithstanding 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

(1) [subs (1) rep Act 14 of 2021 s 5, opn 14 Sep 2021]

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) [subs (2) rep Act 14 of 2021 s 5, opn 14 Sep 2021]

[s 9 subst Act 41 of 2016 s 6, opn 8 Sep 2016]

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 shall have attached to it any document required by any provision of this Act or Regulations.

(4) An applicant shall, within 7 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 7 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.

(4) Subject to the requirements under subsection (3), the Regulations and to any other applicable provision of this Act, the Registrar may:
(a) register a motor vehicle; and
(b) issue a certificate of registration accordingly.

[subs (4) am Act 8 of 2023 s 6, opn 7 June 2023]

12 Length of registration

(1) Registration remains in force for 12 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 Registrar 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.

[subs (1) am Act 8 of 2023 s 7, opn 7 June 2023]

(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 shall be issued for the period that the motor vehicle remains the property of the Government but the motor vehicle shall 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

The Registrar shall keep a register containing the following information in relation to each registered motor vehicle:

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

(2) [subs (2) rep Act 8 of 2023 s 8, opn 7 June 2023]

(3) [subs (3) rep Act 8 of 2023 s 8, opn 7 June 2023]

[s 16 am Act 8 of 2023 s 8, opn 7 June 2023]

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 transferrable

(1) No person shall transfer or cause to be transferred, a registration number issued for a motor vehicle to another motor vehicle without the prior approval of the Registrar.

(2) A person who contravenes subsection (1), commits an offence and is liable to a fine not exceeding $500.

[s 18 subst Act 14 of 2021 s 6, opn 14 Sep 2021]

19 Sale and disposal of motor vehicles

(1) The owner of a motor vehicle who sells or disposes of the motor vehicle shall, within 7 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 subsection (1), 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 7 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 or her.

[The next page is 601,001]

20 Driver's licence required

(1) It is a requirement under this Act, that every person who drives a motor vehicle shall 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 or her driver's licence,
commits an offence and is liable to pay a fine of $100.

(3) Any person who has been granted a driver's licence under this Act, shall carry his or her licence at all times when driving a motor vehicle.

[subs (3) subst Act 6 of 2015 s 3 and Sch item [2], opn 24 Mar 2015]

(4) Any person who holds a driver's licence under this Act 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 Naoero Police Force,
and is liable to pay a fine of $200.

[subs (4) insrt Act 6 of 2015 s 3 and Sch item [2], opn 24 Mar 2015; am Act 21 of 2026 s 5, opn 12 May 2026]

21 Learner's permit

(1) A person over the age of 17 may apply to the Registrar for a learner's permit.

(2) The application shall:
(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 shall 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 grant a learner's permit to any person for any period not exceeding 1 year 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 shall, 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 shall then be taken to the Naoero Revenue Office for payment of a fee and issuing of a driver's licence.

[subs (4) am Act 21 of 2026 s 5, opn 12 May 2026]

(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 licenced driver is occupying the seat next to the learner, and in that case the licenced 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 shall 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;

(b) a member of the Naoero 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.

[subs (3) am Act 21 of 2026 s 5, opn 12 May 2026]

(4) The holder of a learner's permit shall 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) 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 shall 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.

24 Requirement to carry permit

(1) Any person who has been granted a learner's permit under this Act shall 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 Naoero Revenue Office for a driver's licence.

[s 25 am Act 21 of 2026 s 5, opn 12 May 2026]

26 Application for a licence to drive a motor vehicle

(1) The Naoero 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 Naoero Revenue Office that he or she is not less than 18 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 Naoero Revenue Office, with the approval of the Registrar, may, from time to time, renew any such licence.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The application shall:

(a) be in writing in the approved form;

(b) state the class of vehicle the person wishes to be licenced 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 7 working days, inform the applicant of the outcome of that application.

(4) A driver's licence shall:

(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 12 months and up to a maximum of 3 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 12 months and up to a maximum of 3 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 for:

(a) a motorcycle, 18 years;

(b) a private motor vehicle, 18 years; and

(c) a bus or commercial vehicle, 18 years and a minimum of 4 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 health practitioner to the effect that in the opinion of the health 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 valid, 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 the Republic 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 1 month from the date of entry into the Republic of the holder.

(2) Subsection (1) applies only where the holder of a foreign driver's licence:

(a) usually resides outside the Republic and is temporarily in the Republic;

(b) has not been given notice by the Registrar under subsection (3) that his or her foreign licence is not acceptable in place of a Naoero driver's licence; and

(c) is not otherwise disqualified from obtaining or holding a driver's licence in the Republic.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(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 or her efficiency in driving a motor vehicle, having regard to the safety of the public generally;

(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 Naoero Police Force,

and is liable to pay a fine of $200.

[subs (4) am Act 21 of 2026 s 5, opn 12 May 2026]

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 or she 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 or her 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 or her of one or more pairs of trader's plates of a type determined by the Registrar for use under such licence.

(5) An application for trader's plates shall be accompanied by the appropriate deposit prescribed by 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 31st 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 or she 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 or her 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 or her discretion refuse to grant a licence or renewal of licence to any person who, in his or her 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 Section 31(4);

the person aggrieved by the refusal may within 14 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 unlicenced 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 licenced.

(2) If subsection (1) 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, is as prescribed 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; or

(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.

[The next page is 601,201]

37 Speed measuring device

(1) A speed measuring device shall be:
  (a) prescribed; and
  (b) used for measuring the speed of a moving motor vehicle.

(2) The Commissioner of Police shall appoint police officers or any other authorised officers in writing for the purposes of using a speed measuring device.

[s 37 subst Act 14 of 2021 s 7, opn 14 Sep 2021]

38 Speed limit

(1) A motor vehicle shall not be driven:
  (a) at a speed exceeding 50 kilometres per hour;
  (b) at a speed exceeding 20 kilometres 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 a church; or
    (iii) while passing a hospital or health centre;
  (c) at a speed exceeding 16 kilometres per hour when overtaking a school bus which has stopped to drop off or pick up school children; or
  (d) at a speed exceeding such speed limit as may be prescribed in respect of any road or class of vehicles and notified in the Gazette.

(2) A person who drives a motor vehicle at a speed that is in excess of the speed limit provided in this Act or regulations, commits an offence and is liable to pay a fine not exceeding $500.

(3) A driver of a motor vehicle who fails or refuses to stop or park his or her vehicle when directed by a police officer, commits an offence and is liable to pay a fine not exceeding $1,000 or a term of imprisonment not exceeding 2 years or to both.

(4) The Cabinet may make regulations prescribing the fixed penalties for driving in excess of the speed limit provided in this Act or regulations.

[s 38 subst Act 14 of 2021 s 8, opn 14 Sep 2021]

39 Vehicles to keep to left

(1) Every motor vehicle that is driven on any road in the Republic 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 shall 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 shall give way to all motor vehicles and pedestrians.

41 Overtaking

(1) Every vehicle overtaking another vehicle on a road shall keep to the right side of the vehicle being overtaken except where:
(a) the driver of the vehicle being overtaken has signaled his or her 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 or her 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 shall 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;
(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) Where a bus has turned on its hazard lights, vehicles travelling behind it shall 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 shall 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 shall 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) Where 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 shall 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 provisions of this Act and if necessary for that purpose, shall stop his or her vehicle.

(3) A driver shall not increase the speed of his or her 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 shall 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 shall 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 shall 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 shall give a signal for at least 5 seconds before the driver moves the vehicle.

47 Signals when stopping or slowing down

(1) A driver shall give a stop signal in accordance with Section 48 before stopping or when suddenly slowing down.

(2) If the driver is stopping, the driver shall give the stop signal for at least 5 seconds to give sufficient warning to other road users.

(3) If the driver is slowing down suddenly, the driver shall give the stop signal while slowing down.

48 How to give a stop signal

(1) The driver of a vehicle shall 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 shall 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) Where a signal is required a driver shall 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) Where a driver shall signal by means indicated under subsection (1)(b), the driver shall:
(a) when he or she is about to stop, raise his or her right hand with his or her fingers extended and pointing upwards in such a manner as to be visible to any driver immediately following;
(b) when he or she is about to reduce the speed at which his or her vehicle is travelling, alternately raise and lower his or her hand with palm downwards in such a manner as to be visible to any person immediately following; or
(c) when he or she is about to turn to the right, extend his or her right arm horizontally in the direction in which he or she 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 shall 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 subsection (1), 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 shall 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) Where 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 shall 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 shall 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;
(b) the vehicle is a slow-moving vehicle and is obstructing or is likely to obstruct, the path of other vehicles or pedestrians;
(c) the driver stops the vehicle to sell a product that may attract children onto the road;
(d) the driver is driving in hazardous weather conditions; 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 shall 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, shall reduce his or her speed to enable him or her to stop before reaching the crossing and allow any pedestrian using the crossing, the right of way.
(2) A driver shall not drive his or her 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.
(2) A person in contravention of this Section, is guilty of an offence and is liable to a fine of $200.

57 Riding a motorcycle without a helmet

(1) A person shall not drive or ride on a road a motorcycle unless the person is wearing a safety helmet that is securely fastened.

[subs (1) am Act 4 of 2016 s 4, opn 29 Jan 2016]

(2) A safety helmet shall be free from damage, wear, tear or modifications that may adversely affect its safety.
(3) Where a passenger on a motorcycle is a child below the age of 8 it shall be acceptable for him or her to wear a bicycle helmet provided:
  (a) the helmet is in compliance with subsection (2); and
  (b) the driver of the motorcycle does not travel:
    (i) at a speed exceeding 30km per hour;
    (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; or

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

(2) A 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 5, commits an offence and upon conviction is liable to a fine of $500.

59 General road rules

(1) A driver of a motor vehicle shall:

(a) at all times comply with directions given by a member of the Naoero Police Force as to:

(i) the manner of approaching or departing from any place;

(ii) the manner of taking up or setting down passengers or loading or unloading goods; or

(iii) the regulation of traffic; or

(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.

[subs (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(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 or her 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 or she 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.

[The next page is 601,401]

PART 5 — RULES FOR PASSENGERS IN MOTOR VEHICLES AND PEDESTRIANS

60 Wearing of seatbelts

(1) A 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) A person who drives a motor vehicle and carries a passenger who is under 5 years old and seated in the front row of the motor vehicle commits an offence and is liable to a fine of $200.

(2) Where a passenger in a vehicle is less than 5 years of age, the child shall:
- (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) Where a passenger is above 5 years of age and seated in the front passenger seat of the vehicle, the child shall wear the seatbelt properly adjusted and fastened every time the vehicle is moving.

(4) A person who drives a motor vehicle and allows a passenger under the age of 12 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 18 to drive a motor vehicle, including a motorcycle, without a learner's permit, commits an offence and shall be liable to pay a fine of $1,000 and may have their vehicle impounded under Section 115.

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 shall:
  (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; or
  (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;
  (b) on a motorcycle; 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) A person in contravention of 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 shall not remain on it for longer than is necessary to cross the road.

[The next page is 601,601]

65 Unregistered motor vehicle

(1) A 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 or her vehicle impounded under Section 115.

(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 or her vehicle impounded under Section 115.

(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;
- (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 subsection (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 3 months; and
- (b) repeat the process in subsection (3).

(5) For a third offence under subsection (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 6 months; and
- (b) the disposal of the vehicle by auction or public tender to be conducted by the Department of Transport.

(6) Where a sale of a motor vehicle under this Section provides a greater amount than is necessary to defray the expenses of:
- (a) the removal;
- (b) impounding;
- (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 3 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) A 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 1 year and is subject also to any of the following:
   (a) a fine of $1,000;
   (b) imprisonment for 6 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.

67A Dangerous driving occasioning death

(1) A person is guilty of the offence of dangerous driving occasioning death if the motor vehicle driven by the person is involved in an impact occasioning the death of another person and the driver was, at the time of the impact, driving the motor vehicle:
   (a) under the influence of intoxicating liquor or of a drug;
   (b) at a speed dangerous to another person or persons;
   (c) in a manner dangerous to another person or persons; or
   (d) in a manner that is reckless or negligent.

(2) A person convicted for an offence under this Section, upon conviction is liable to imprisonment for 10 years.

[s 67A insrt Act 4 of 2016 s 5, opn 29 Jan 2016]

67B Dangerous driving occasioning grievous bodily harm

(1) A person is guilty of the offence of dangerous driving occasioning grievous bodily harm if the motor vehicle driven by the person is involved in an impact occasioning grievous bodily harm to another person and the driver was, at the time of the impact, driving the motor vehicle:
   (a) under the influence of intoxicating liquor or of a drug;
   (b) at a speed dangerous to another person or persons;
   (c) in a manner dangerous to another person or persons; or
   (d) in a manner that is reckless or negligent.

(2) A person convicted for an offence under this Section, upon conviction is liable to imprisonment for 7 years.

[s 67B insrt Act 4 of 2016 s 6, opn 29 Jan 2016]

68 Failure or refusal to give name

A driver of a motor vehicle who, upon being required by a member of the

Naoero Police Force in execution of his or her duty to give his or her name, fails or refuses to give his or her name, commits an offence and shall be liable to a fine of $200 or imprisonment for 2 months.

[s 68 am Act 21 of 2026 s 5, opn 12 May 2026]

69 Driving under influence of liquor

(1) A person who drives a motor vehicle while he or she is under the influence of intoxicating liquor or of a drug, commits an offence and is liable to a penalty under Section 79.

(2) A person who is found driving or in charge of a motor vehicle while:

(a) the proportion of alcohol in his or her breath exceeds the prescribed limit;

(b) the percentage of alcohol in his or her blood exceeds the prescribed limit; or

(c) under the influence of intoxicating liquor and in the assessment of a police officer fails an impairment test,

commits an offence under subsection (1) for driving or being in charge of a motor vehicle while under the influence of intoxicating liquor and upon conviction is liable to a penalty under Section 79.

[subs (2) subst Act 23 of 2020 s 4, opn 23 Oct 2020]

(3) Where a person is arrested for contravening this Section after being tested for the level of alcohol in the blood, he or she shall be held in custody for up to 12 hours before being interviewed or charged with an offence.

[subs (3) insrt Act 14 of 2021 s 9, opn 14 Sep 2021]

[s 69 subst SL 18 of 2014 regs 3 and 4, opn 22 Jan 2015]

70 Power to administer random breath tests

(1) A police officer may require any person whom he or she finds:

(a) driving or in charge of a motor vehicle;

(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 or she believes on reasonable grounds has within the preceding 1 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 1 hour, as is necessary to enable him or her 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 or her to a police station for that purpose.

70A Power to administer impairment test

(1) A police officer may require a person who is found driving or in charge of

a motor vehicle to undergo an impairment test, if the police officer has reasonable cause to believe that such person is under the influence of intoxicating liquor.

(2) An impairment test includes:
(a) a walk and turn assessment;
(b) an eye assessment;
(c) a pupillary assessment;
(d) a balance assessment;
(e) a finger to nose assessment; and
(f) a 1 leg stand assessment.

(3) A police officer may require a person specified under subsection (1) to:
(a) remain in the place where he or she was stopped, for a period of time that is reasonable in the circumstances, to undergo an impairment test; or
(b) accompany the police officer to another place for an impairment test.

(4) The police officer who conducts the test:
(a) shall record the test he or she required the person to take and his or her finding of such test in writing; and
(b) may take a video recording of the test being conducted using a mobile phone or other digital device.

(5) The tests recorded under subsection (4) is admissible as evidence in any proceedings in court by the police officer conducting the test or the police officer who takes the video or who recorded the test being conducted.

(6) A person who, when required by a police officer to undergo an impairment test, fails or refuses to do so, commits an offence and upon conviction is liable to a fine not exceeding $1,000 or a term of imprisonment not exceeding 6 months or to both.

(7) A person who fails or refuses to undergo an impairment test under this Section, may be arrested without a warrant by a police officer.

[s 70A insrt Act 23 of 2020 s 5, opn 23 Oct 2020]

71 Submission to breath-analysis test in certain cases

(1) Any police officer may require any person:
(a) whom he or she finds driving a motor vehicle or in charge of a motor vehicle and who behaves in a manner which indicates that his or her 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 such person's blood or proportion of alcohol in the person's breath exceeds the prescribed limit,

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

[subs (1) subst Act 23 of 2020 s 6, opn 23 Oct 2020]

(2) The provisions of subsection (1) 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 2 hours before the requirement is made and that such person behaved in a manner which indicated that his or her ability to drive a motor vehicle at such a time was impaired.

72 Furnishing of breath sample

(1) A person lawfully required by a police officer under the provisions of Section 70 or 71 to undergo a preliminary breath test or to furnish a sample of his or her 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 1 hour after driving or being in charge of the motor vehicle.

(3) No person shall be obliged to furnish a sample of his or her breath under Section 70 more than 2 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 or her 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 or her identity, at or in the vicinity of the place where he or she 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 or she is receiving medical treatment.

(5) Where a person is required to undergo a preliminary breath test under Section 70 or 71 and is receiving medical treatment, he or she:
- (a) may not be required to submit to the breath test where the health practitioners are of the opinion that it will be prejudicial to the health of such person; and
- (b) shall provide a sample of blood for testing the proportion of alcohol in his or her blood, which the medical practitioners shall obtain with or without the consent of such person.

[subs (5) subst Act 23 of 2020 s 7, opn 23 Oct 2020]

(6) A person who fails to submit to a breathalyser test or fails to furnish sufficient sample of breath into the device or instrument for the breath test for the reading of alcohol content under subsection (1), commits an offence and upon conviction is liable to:
- (a) mandatory suspension of his or her driver's licence for 3 months;
- (b) a maximum fine of $1,000;
- (c) imprisonment for 6 months; or
- (d) a combination of (a), (b) or (c) or all.

[subs (6) insrt Act 23 of 2020 s 7, opn 23 Oct 2020]

72A Right to elect blood test

(1) A person may elect to have a blood test where the result of his or her breath test exceeds the prescribed limit.

(2) Where a person elects to have a blood test under subsection (1), the result of such blood test shall take precedence over the result of a breath test.

(3) No person shall elect to undergo a blood test under subsection (1) more than 2 hours after the breathalyser test was initially administered.

[s 72A insrt Act 23 of 2020 s 8, opn 23 Oct 2020]

73 Refusal to furnish a sample

(1) Any person who, when required by a police officer pursuant to the provisions of Section 70(1) or 71(1) to undergo a breath test or to furnish a sample of his or her breath for analysis, refuses or fails to do so shall, subject to of Section 72(5), 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 or her breath for analysis pursuant to Section 70(1) or 71(1) if he or she satisfies the court that there was some reason of a substantial character for his or her refusal or failure other than a desire to avoid providing evidence which might be used against him or her.

(3) As soon as practicable after a person has been asked for a sample under subsection (1) and has refused to furnish such sample, the police officer shall sign and deliver to the person a certificate as included in Schedule 3.

[subs (3) insrt Act 6 of 2015 s 3 and Sch item [3], opn 24 Mar 2015]

(4) A copy of the certificate given in subsection (3) shall be *prima facie* evidence in any proceedings under subsection (1), unless the accused person gives notice within reasonable time in writing to the informant that he or she requires the officer giving the certificate to be called as a witness.

[subs (4) insrt Act 6 of 2015 s 3 and Sch item [3], opn 24 Mar 2015]

74 Certificate of breath analysis

(1) The police officer who conducts the breath test of a person by means of a breath-analysing device or instrument shall, as soon as practicable, sign and deliver to the person whose breath has been analysed a certificate contained in Schedule 2 stating:

(a) the percentage of alcohol indicated by the analysis to be present in such person's blood; or

(b) the proportion of alcohol in the person's breath; and

(c) the date and time at which the analysis was made.

(2) A certificate given in subsection (1) shall be *prima facie* evidence of any proceedings referred to in Section 75.

[subs (2) am Act 6 of 2015 s 3 and Sch item [1], opn 24 Mar 2015]

(3) Where an accused person requires the police officer who signed the certificate to be called as a witness, he or she shall give prosecution a notice in writing 10 days before the trial or hearing of the proceedings where such evidence is being sought to be relied upon by the prosecution including in Section 75(2).

[subs (3) am Act 6 of 2015 s 3 and Sch item [1], opn 24 Mar 2015]

(4) A certificate signed by the Commissioner of Police that a police officer is authorised by the Commissioner of Police to operate the breath-analysing device or instrument shall be admissible in any proceedings as evidence of the authority of that person.

[s 74 subst Act 23 of 2020 s 9, opn 23 Oct 2020]

75 Evidence of intoxication

(1) Where under this Act or any other written law a person is charged with an offence, the question as to whether such person was under the influence of intoxicating liquor may be established by:
  (a) an impairment test;
  (b) the result of the test of proportion of alcohol in the breath of any person;
  (c) the result of the test of the percentage of alcohol in the blood of any person; or
  (d) a combination of (a), (b) and (c).

(2) The results of the tests referred to under subsection (1) are admissible evidence for the purposes of the following offences:
  (a) dangerous driving under Section 67;
  (b) dangerous driving occasioning death under Section 67A;
  (c) dangerous driving occasioning grievous bodily harm under Section 67B;
  (d) driving or in charge of vehicle while under the influence of intoxicating liquor under Section 69; and
  (e) negligently causing serious harm under Section 73 of the *Crimes Act 2016*.

[s 75 am Act 6 of 2015 s 3 and Sch item [1], opn 24 Mar 2015; Act 18 of 2016 s 287 and Sch 2 Pt 14, opn 12 May 2016; subst Act 23 of 2020 s 10, opn 23 Oct 2020]

75A Evidence of intoxication if no prescribed instrument available

Where there is no prescribed instrument at hand, it shall be sufficient evidence that a person is under the influence of alcohol if the police officer finds that:
(a) the person is unsteady on his or her feet;
(b) the person is not able to walk along a straight line;
(c) the person's speech is unclear; or
(d) the person otherwise appears affected by alcohol.

[s 75A insrt SL 18 of 2014 reg 5, opn 22 Jan 2015]

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 or her 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 or her; 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 2 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 or her 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 or her blood is greater than the prescribed limit,

consumes intoxicating liquor within 2 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 or she 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 or her blood exceeds the prescribed limit or has furnished a sample of his or her breath under Section 71 and it has been ascertained thereby that the percentage of alcohol in his or her blood does not exceed the prescribed limit.

79 Penalties

(1) Any person who is convicted of an offence under Section 69(2) is liable to:

(a) for a first offence:

(i) mandatory suspension of his or her driver's licence for 6 months; and

(ii) a maximum fine of $1,000; or

(iii) imprisonment for 6 months;

(b) for a second offence:

(i) mandatory suspension of his or her driver's licence for 12 months; or

(ii) a maximum fine of $3,000; or

(iii) imprisonment for 12 months; and

(c) for a third offence:

(i) mandatory suspension of his or her driver's licence for 5 years; and

(ii) a maximum fine of $10,000; or

(iii) imprisonment for 3 years.

[subs (1) am SL 18 of 2014 reg 6, opn 22 Jan 2015; subst Act 23 of 2020 s 11, opn 23 Oct 2020]

(2) Any person who is convicted of an offence under Section 73(1) 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 3 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, Section 73(1) 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 or she has not previously been convicted of an offence under any of those sections, disqualify him or her for not less than 6 months from obtaining a licence; and

(b) if he or she has previously been convicted of an offence under any of those sections, disqualify him or her for not less than 12 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 or her blood.

81 Prescribed limits of alcohol

For the purposes of this Act, the

'prescribed limits' means:

(a) in the case of breath, the proportion of alcohol in the person's breath exceeds 0.0525 grams of alcohol per 210 litres of breath; and

(b) in the case of blood, the proportion of alcohol in the person's blood exceeds 50 milligrams of alcohol per 100 millilitres of blood.

[subs (2) am SL 18 of 2014 reg 7, opn 22 Jan 2015]

[s 81 subst Act 23 of 2020 s 12, opn 23 Oct 2020]

82 Failure or refusal to provide information

The owner or driver of a motor vehicle who, upon being required by a member of the Naoero Police Force in the execution of his or her duty to give any information which is in his or her power to give and which:

(a) 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; or

(b) in relation to any other information related to other provisions of this Act,

fails or refuses to give the information, commits an offence and is liable to pay a fine of $200.

[s 82 subst Act 6 of 2015 s 3 and Sch item [4], opn 24 Mar 2015; am Act 21 of 2026 s 5, opn 12 May 2026]

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 licenced to drive it;

(b) the motor vehicle complies with the requirements of Schedule 1;

(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 subsection (1)(c) if he or she 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 licenced to drive a motor vehicle.

84 False statements and unlawful possession of licences, etc

A 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 or her 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

(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.

[s 85 subst Act 6 of 2018 s 5, opn 6 Mar 2018]

86 Driving motor vehicle without consent of owner

A 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 speed 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 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.

[s 88 am Act 14 of 2021 s 10, opn 14 Sep 2021]

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 Section 88 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 the Republic 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

A 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 $1,000.

[The next page is 601,801]

91 Third party insurance requirement

(1) Subject to the provisions of this Part, 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.

(2) Any person who acts in contravention of subsection (1), commits an offence and is liable to pay a fine of $1,000 or imprisonment for 6 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 for a period of 6 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 6 months from the date of the conviction, and that no such licence in respect of that vehicle be issued during that period.

(4) A 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 or her and to which that order relates to the court by which he or she 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 shall be a policy which:

(a) is issued by an approved insurer; 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 her 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.

[subs (1) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(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;

(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;

(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 or her family, liability in respect of the death of or injury; or

(d) any contractual liability.

(3) A policy under subsection (1) shall not cover liability in excess of $40,000 for any claim made by or in respect of any or all passengers.

[subs (3) subst Act 8 of 2023 s 9, opn 7 June 2023]

(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 insurer under or in consequence 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 insurer, 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 insurer to such hospital the expenses reasonably incurred by such hospital in giving such treatment after deducting any monies actually received by such hospital in payment of a specific charge for such treatment:

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

[subs (5) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(6) An approved insurer 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.

[subs (6) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(7) A policy shall be of no effect for the purposes of this Act, unless and until there is delivered by the approved insurer 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.

[subs (7) am Act 58 of 2016 s 5, opn 23 Dec 2016]

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, emergency treatment is effected by a registered health 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 in respect of each person in whose case the emergency treatment is effected by him or her; and

(b) a sum, in respect of any distance in excess of one mile which he or she shall cover in order to proceed from the place where he or she is summoned to the place where the emergency treatment is carried out by him or her 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 health 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 or she 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, shall be made by request in writing served on him or her within 7 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 shall be made by the claimant, or in the case of a hospital, by an executive officer, and shall 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 or her at his or her 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 insurer for the purposes of Section 92(2).

[subs (7) am Act 58 of 2016 s 5, opn 23 Dec 2016]

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:

Provided 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 insurer any sums which the insurer may have become liable to pay under the policy and which have been applied to the satisfaction of the claims of the third parties.

[s 95 am Act 58 of 2016 s 5, opn 23 Dec 2016]

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) 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;

(b) the condition of the motor vehicle;

(c) the number of persons that the motor vehicle carries;

(d) the weight or physical characteristics of the goods that the motor vehicle carries;

(e) the times at which or the areas within which the motor vehicle is used;

(f) the horse power or value of the motor vehicle;

(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 insurer 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 insurer 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 insurer from that person.

[s 96 am Act 58 of 2016 s 5, opn 23 Dec 2016]

97 Duty of insurer 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) 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 insurer may be entitled to avoid or cancel or may have avoided or cancelled the policy, the insurer 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.

[subs (1) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(2) No sum shall be payable by an approved insurer under the provisions of subsection (1):

(a) in respect of any judgment unless before, or within 7 days after the commencement of the proceedings in which the judgment was given, the insurer has notice of the bringing of the proceedings;

(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 insurer 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;

(ii) after the happening of such event but before the expiration of 14 days from the taking effect of the cancellation of the policy, the certificate of insurance was surrendered to the insurer 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 14 days from the taking effect of the cancellation of the policy, the insurer had commenced proceedings under this Act in respect of the failure to surrender the certificate of insurance.

[subs (2) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(3) No sum shall be payable by an approved insurer under the provisions of this Act if, in an action commenced before or within 3 months after the commencement of the proceedings in which the judgment was given, the insurer has obtained a declaration that, apart from any provision contained in the policy, the insurer 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 insurer 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 7 days after the commencement of that action, it has given notice 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 or she desires, be made a party thereto.

[subs (3) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(4) If the amount which an approved insurer, under the provisions of this Section, becomes liable to pay in respect of the 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.

[subs (4) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(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 insurer 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 or she will accept the risk and if so at what premium and on what conditions.

[subs (5) am Act 58 of 2016 s 5, opn 23 Dec 2016]

[Title am Act 58 of 2016 s 5, opn 23 Dec 2016]

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 or she may incur, then:

(a) in the event of the insured becoming bankrupt or making a composition or arrangement with his or her creditors; or

(b) in the event of the insured being a corporation and a winding-up order being made or a resolution for the voluntary winding-up of the corporation being passed in respect of the corporation or a receiver or manager of the corporation'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 or her rights against the insurer 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.

[subs (1) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(2) Where, under the provisions of any written 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 or she 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 insurer under the policy shall, notwithstanding anything in any written law to the contrary contained, be transferred to and vest in the person to whom the debt is owed.

[subs (2) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(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 (2), the insurer 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 insurer 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 insurer in respect of such excess; and

(b) if the liability of the insurer 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.

[subs (4) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(5) This Section and Sections 100 and 101 shall not apply where a corporation is wound up voluntarily merely for the purposes of reconstruction or of amalgamation with another corporation.

(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) A 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 or she 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 insurer had not cancelled or avoided the policy and, if he or she 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 or her.

[subs (1) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(2) In the event of any person becoming bankrupt or making a composition or arrangement with his or her 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 corporation or of a receiver or manager of the corporation'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 or her, such information as may reasonably be required to ascertain whether any rights have been transferred to and vested in him or her 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 or her under the provisions of this Act against any particular insurer, that insurer shall be subject to the same duty as is imposed by the provisions of subsection (2) on the persons therein mentioned.

[subs (3) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(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 of it to be taken.

(5) A person who, without reasonable excuse, the onus of proving which shall be upon him or her, 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 corporation, a winding-up order has been made or a resolution for a voluntary winding-up has been passed with respect to that corporation no agreement made between the insurer 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.

[s 100 am Act 58 of 2016 s 5, opn 23 Dec 2016]

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 Section 98(1) or (2), 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 of this Section 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 insurer notice of all accidents affecting motor vehicles and of consequent actions

(1) On the occurrence 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 or she first becomes aware of the accident, to notify the insurer 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 insurer 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.

[subs (1) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(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 insurer 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 or she has knowledge of claim or action, also by the owner.

[subs (2) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(3) Neither the owner nor any other person shall, without the written consent of the insurer, enter upon or incur the expense of litigation as to any matter or thing in respect of which he or she is indemnified by a contract of insurance under this Act, nor shall he or she, without such consent, make any offer, promise, payment, or settlement, or any admission of liability as to any such matter.

[subs (3) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(4) Where 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 insurer shall be entitled to recover from him or her as a debt due to it an amount, equal to the total amount including costs, paid by the insurer in respect of any claim in relation to such matter.

[subs (4) am Act 58 of 2016 s 5, opn 23 Dec 2016]

[Title am Act 58 of 2016 s 5, opn 23 Dec 2016]

103 Insurer may settle claims

(1) An approved insurer 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

or her 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 of it.

(2) 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.

[s 103 am Act 58 of 2016 s 5, opn 23 Dec 2016]

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 recovery 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 or 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 health 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 7 days from the taking effect of the cancellation of such policy, surrender such certificate to the insurer 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.

[s 105 am Act 58 of 2016 s 5, opn 23 Dec 2016]

106 Certificates to be produced

(1) A person driving a motor vehicle on a road shall, on being so required by a police officer, give his or her 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 5 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 or her at the time its production was required, he or she 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 or she shall, as soon as possible, and in any case within 5 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) Where 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 or she proves to the satisfaction of the court that he or she acted without any intent to deceive, be guilty of an offence against this Act and upon conviction is liable, to a fine of $1,000 or to imprisonment for 2 years or to both.

(2) A 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;

(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;

(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;

(d) makes or has in his or her 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 $1,000 or to imprisonment for 2 years or to both such fine and imprisonment.

(3) Where any police officer has reasonable cause to believe that any certificate of insurance or any other certificate or document produced to him or her 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 or she 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 or she 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 serious 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 or her 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 a person in contravention of this subsection commits an offence and is liable to pay a fine of $1,000 or to imprisonment for 2 years or to both.

(2) Subsection (1) (b) shall not apply to any legal practitioner properly acting in the course of his or her profession.

(3) An 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 written law for the time being in force, a person applying for a vehicle licence or a renewal may be required to produce evidence to the satisfaction of the licencing 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 or her order or with his or her permission.

113 Appeal against refusal to issue or against cancellation of policy

(1) Where an approved insurer 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 30 days of the date upon which he or she 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.

[subs (1) am Act 58 of 2016 s 5, opn 23 Dec 2016]

(2) Where an order is made by a court under the provisions of subsection (1) directing an insurer to issue a policy of insurance or to cancel a notification of cancellation, that company shall act accordingly.

[subs (2) am Act 58 of 2016 s 5, opn 23 Dec 2016]

[The next page is 602,001]

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 or her 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; or

(d) obstructing a police officer or any other person carrying out his or her 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 or her 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 12 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; or

(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; and

(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 regulations, 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.

(3) 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.

[subs (3) renum Act 6 of 2015 s 3 and Sch item [5], opn 24 Mar 2015]

(4) 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 in accordance with subsection (1) (c).

[subs (4) renum and am Act 6 of 2015 s 3 and Sch item [5], opn 24 Mar 2015]

(5) A person who disobeys a direction given under this Section, commits an offence and is liable on conviction to the prescribed penalty.

[subs (5) renum Act 6 of 2015 s 3 and Sch item [5], opn 24 Mar 2015]

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 Naoero Revenue Office but payment of such a fee does not remove any other liability created by this Act.

[subs (2) am Act 21 of 2026 s 5, opn 12 May 2026]

(3) Where a motor vehicle has been impounded under Section 115, the owner shall:

(a) be issued with a notice for payment after 30 days and then after 45 days of the vehicle being impounded; and

(b) if the owner of the motor vehicle fails to pay the necessary amount to have his or her vehicle released, the police shall dispose of the vehicle by auction or public tender.

(4) Where 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 3 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 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.

[s 117 subst Act 6 of 2018 s 6, opn 6 Mar 2018]

118 Proceedings for Traffic Infringement Notices

(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.

[subs (1) subst Act 6 of 2018 s 7, opn 6 Mar 2018]

(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 28 days from the date of the notice, specified in the notice unless:
(i) not later than 21 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; or
(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; and
(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 14 days after the day on which the offence is alleged to have been committed.

(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.

[subs (4) subst Act 6 of 2018 s 7, opn 6 Mar 2018]

(5) Nothing in this Section shall be taken to prevent the institution of proceedings under any other provision of this Act.

(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.

[subs (6) insrt Act 6 of 2018 s 7, opn 6 Mar 2018]

(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.

[subs (7) insrt Act 6 of 2018 s 7, opn 6 Mar 2018]

119 Acceptance of a Traffic Infringement Notice

(1) Where 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 21 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.

(2) Where 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 28 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.

(3) Where a Traffic Infringement Notice served upon a person has not been accepted by payment of the fixed penalty within 21 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 1972*.

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 Section 119(1)(b), 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.

[The next page is 602,201]

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 written law in force in the Republic.

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.

127A Fees and fines

Any fee or fine paid or recovered under this Act forms part of the revenue of the Office of the Registrar and may be used as part of the Registrar's operational budget.

[s 127A insrt Act 41 of 2016 s 7, opn 8 Sep 2016]

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.

128A Restriction on importation of motor vehicles not more than 12 years

(1) Where a person intends to import a second-hand motor vehicle, which was manufactured not more than 12 years prior to the intended date of

importation into the Republic, such person shall comply with the requirements which may be prescribed from time to time by the Cabinet.

(2) Any motor vehicle imported into the Republic shall comply with the prescribed environmental requirements or any other written law.

(3) A person who fails to comply with the requirements under subsections (1) and (2), commits an offence and upon conviction is liable to a fine not exceeding $10,000 or a term of imprisonment not exceeding 2 years or to both.

(4) Where any motor vehicle is imported in contravention of the provisions of this Act or any other written law, the Registrar may:
(a) direct that such a vehicle be re-exported out of the Republic at the cost of the importer; or
(b) decline to register such vehicle.

[s 128A subst Act 14 of 2021 s 11, opn 14 Sep 2021]

128B Prohibition on importation of motor vehicles manufactured over 12 years

(1) Subject to Section 128C, no person shall import into the Republic any motor vehicle which was manufactured more than 12 years prior to the intended date of importation.

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

[s 128B insrt Act 14 of 2021 s 12, opn 14 Sep 2021]

128C Motor vehicles manufactured over 12 years

(1) Where a person intends to import a motor vehicle which was manufactured more than 12 years prior to the date of importation into the Republic, he or she shall not purchase or ship such a motor vehicle without the prior approval of the Registrar.

(2) The Cabinet may make regulations for the purposes of subsection (1).

(3) A person who contravenes this Section, commits an offence and upon conviction is liable to a fine not exceeding $10,000 or a term of imprisonment not exceeding 2 years or to both.

[s 128C insrt Act 14 of 2021 s 13, opn 14 Sep 2021]

129 General offence

(1) A 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 3 months or to 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) A 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) The 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;

(c) the administration of breath tests or breath analysis;

(d) any matter relating to public service vehicles, including the prescription of:

(i) standards of:

(A) safety;

(B) serviceability; and

(ii) the manner and methods by which public service vehicles may ply for hire; and

(iii) tariff;

(e) fees and the waiver or reduction of fees;

(f) matters relating to the class of vehicles, licences and permits including the prescription of new classes, licences and permits;

(g) matters pertaining to the movement of vehicles or vehicle parts into and out of the Republic;
(h) matters relating to documentation and record keeping;
(i) number plates or trader's plates, including the form and dimensions of the plates;
(j) matters relating to the impounding of vehicles, including the designation of an impound area;
(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;
(l) matters relating to the environment pursuant to the purpose of this Act;
(m) fines and sentences for offences against the Act and the regulations; and
(n) prescribe or amend any forms contained in the Schedules to be used for the purposes of this Act.

[subs (2) am Act 23 of 2020 s 3, opn 23 Oct 2020]

(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 next page is 602,401]

SCHEDULE 1

[Section 65(3)]

MOTOR VEHICLES

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 steerage 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.

[The next page is 602,601]

SCHEDULE 2

[Section 74]

EVIDENTIARY CERTIFICATE — SUPPLY SAMPLE

[Sch 2 subst Act 6 of 2015 s 3 and Sch item [6], opn 24 Mar 2015; am Act 21 of 2026 s 5, opn 12 May 2026]

REPUBLIC OF NAOERO

MOTOR TRAFFIC ACT 2014

I, a Police Officer of the Naoero Police Force, hereby certify:

(1) that I am a person authorised by the Commissioner of Police to operate a breath-analysing instrument;

(2) that on the. . . . . .day of . . . . . , 20. . . . .at. . . . . .am/pm, at. . . . . .the defendant was required by me to provide a sample of his/her breath for breath analysis on a breath analysis 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 Cabinet by notice published in the Gazette;

  (b) an instrument in relation to which regulations made under this Act with respect to breath-analysing instruments were complied with; and

  (c) in proper working order and properly operated by me in accordance to law;

(4) the defendant provided a sample of his/her breath for analysis in accordance with my directions;

(5) that the instrument indicated that the percentage of alcohol present in the blood of the defendant was. . .. .percent;

(6) as soon as practicable after the breath analysis was carried out, I delivered a copy of this certificate to the defendant.

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

Name:.....

Signed:.....

AUTHORISED OPERATOR

[The next page is 602,801]

SCHEDULE 3

[Section 74]

EVIDENTIARY CERTIFICATE — REFUSAL TO SUPPLY SAMPLE

[Sch 3 insrt Act 6 of 2015 s 3 and Sch item [7], opn 24 Mar 2015; am Act 21 of 2026 s 5, opn 12 May 2026]

REPUBLIC OF NAOERO

MOTOR TRAFFIC ACT 2014

I, a Police Officer of the Naoero Police Force, hereby certify:

(1) that I am a person authorised by the Commissioner of Police to operate a breath-analysing instrument;

(2) that on the. . . . . .day of. . . . . , 20. . . . . .at. . . . . .am/pm, at . . . . . .the defendant was required by me to provide a sample of his/her breath for breath analysis on a breath analysis 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 Cabinet by notice published in the Gazette;

  (b) an instrument in relation to which regulations made under this Act with respect to breath-analysing instruments were complied with; and

  (c) in proper working order and properly operated by me in accordance to law;

(4) that the defendant refused to provide a sample of his/her breath for analysis in accordance with my directions;

(5) as soon as practicable after the breath analysis was carried out, I delivered a copy of this certificate to the defendant.

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

Name:.....

Signed:.....

AUTHORISED OPERATOR

[The next page is 603,001]

Motor Traffic Regulations 2014

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SCHEDULE — FEES

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Motor Traffic Regulations 2014

TABLE OF AMENDMENTS

The Motor Traffic Regulations 2014 SL 10 were notified and commenced on 15 September 2014 (GN No 580/2014; Gaz 122/2014).

Amending Legislation	Notified	Date of Commencement
Motor Traffic (Amendment) Regulations No 1 2014 SL No. 15	16 October 2014	16 October 2014
Motor Traffic (Amendment) Regulations 2016 SL No. 21	6 September 2016	6 September 2016
Motor Traffic (Amendment) Regulations 2017 SL No. 7	21 March 2017	21 March 2017
Motor Traffic (Amendment) Regulations No 2 2017 SL No. 16	2 August 2017	2 August 2017
Motor Traffic (Amendment) Regulations 2018 SL No. 15	20 November 2018	20 November 2018
Motor Traffic (Amendment) Regulations 2020 SL No. 18	17 July 2020	17 July 2020
Motor Traffic (Amendment) Regulations 2021 SL No. 10	17 June 2021	17 June 2021
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Motor Traffic (Amendment) Regulations 2022 SL No. 5	27 May 2022	27 May 2022
Motor Traffic (Amendment) Regulations 2024 SL No. 11	2 May 2024	2 May 2024
Motor Traffic (Amendment) (No 2) Regulations 2024 SL No. 15	7 May 2024	7 May 2024
Motor Traffic (Amendment) (No 3) Regulations 2024 SL No. 26	15 August 2024	15 August 2024
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 603,401]

The Cabinet makes the following Regulations under the *Motor Traffic Act 2014*:

PART 1 — PRELIMINARY

1 Citation

These Regulations may be cited as the *Motor Traffic Regulations 2014*.

2 Commencement

These Regulations commence on the day on which they are published in the Gazette.

3 Repeal

The *Registration Labels Regulations 1973, Motor Traffic (Fees) Regulations 2012* and *Motor Traffic (Fees) (Amendment) Regulations 2014* are hereby repealed.

4 Interpretation

In these Regulations:

'Act' unless otherwise stated, means the *Motor Traffic Act 2014*;

'approved garage' has the same meaning as in the Act;

'commercial motor vehicle' means:

(a) a container mover and a prime mover (being a motor vehicle built to tow a semi-trailer);
(b) a motor vehicle used by a commercial enterprise or business house for the carriage of goods or for the transporting of its employees; or
(c) a motor vehicle that is used for a taxi service or a rental service as provided in these Regulations;

'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 Regulation 5;

'plates' unless otherwise stated, has the same meaning as number plates;

'ply for hire' means to drive a taxi on the road to search for, or be available for, hire;

'rental service' means the letting of a motor vehicle for an agreed period on hire or rent for the carriage of passengers or of goods, or both, to a person who drives the vehicle or provides a driver for the vehicle;

'rental vehicle operator' means a person who has been issued with a rental vehicle permit to operate a rental vehicle business;

'rental vehicle permit' means a permit that is issued under Regulation 14(b);

'rental vehicle' means a vehicle that has been issued with a rental vehicle permit under these Regulations;

'semi-trailer' means a trailer that has:

(a) one axle group or single axle towards the rear; and

(b) a means of attachment to a prime mover that would result in some of the load being imposed on the prime mover;

'stand for hire' means, in the case of a taxi, to be parked ready to accept requests for hire;

'taxi' means a passenger motor vehicle which may carry no more than four passengers in addition to the driver and which is licenced to stand and ply for hire as a taxi;

'taxi operator's permit' means a permit issued by the Registrar certifying that the motor vehicle is authorised to carry out taxi services;

'taxi services' means a business activity consisting of the provision and co-ordination of taxi services to passengers given for hire or reward; and

'trader plates' means plates that are issued under Regulation 7 to a trader who has been issued with a motor vehicles trader's licence under Section 31 of the Act.

[The next page is 603,601]

PART 2 — NUMBER PLATES

5 Number plates

(1) The owner of a motor vehicle shall, within 7 days of the motor vehicle being registered, and after payment of the prescribed fee, firmly affix to the motor vehicle the number plates issued by the approved garage.

(2) Subject to subregulation (6), the number displayed on the plate issued under subregulation (1), shall be the same number issued under Section 13(1)(a) of the Act.

(3) In the case of a motorcycle, trailer or auto rickshaw, it is sufficient for the purposes of the Act that one plate be securely affixed in an upright position on the rear of the vehicle.

(4) In the case of any other kind of motor vehicle, one plate shall be displayed on the front of the motor vehicle and one plate shall be displayed on the rear of the motor vehicle.

(5) For all motor vehicles covered under the Act and these Regulations, it is a requirement that number plates be securely affixed in an upright position and displayed so that the unique identifying number on the plate is easily visible at all times:
  (a) in the case of the front plate, from the front of the motor vehicle; and
  (b) in the case of the rear plate, from the rear of the motor vehicle.

(6) A person seeking to affix to his or her vehicle a personalised number plate shall:
  (a) submit to the Registrar the proposed letters, numbers or combination of both, to be written on the number plate;
  (b) wait for the approval from the Registrar to be forwarded to the approved garage; and
  (c) upon approval being granted, pay the prescribed fee under these Regulations.

(7) Where the figures or letters, or both, on a number-plate, including personalised number plates, are so defaced that they are not easily legible, the owner of the motor vehicle to which the number plate is affixed shall notify the approved garage.

(8) The approved garage shall:
  (a) on receipt of a notification under subregulation (7); and
  (b) on payment by the owner of the motor vehicle of the fee specified in the Regulations,

  supply to that owner a new number plate or number plates.

(9) On receipt of a new number plate or number plates under subregulation (8), the owner of the motor vehicle in respect of which the new number plate or number plates is supplied, shall forthwith surrender the defaced number plate to the approved garage.

(10) Subject to subregulation (6), an owner of a motor vehicle shall not cause or permit a number plate bearing a number other than the registered number of that motor vehicle to be affixed to that motor vehicle.

6 Form of number plates

(1) A number plate for a motor vehicle issued under these Regulations shall bear:

(a) for the official vehicle of the President, the Republic of Naoero ***"coat of arms"*** on a white background;

(b) for the official vehicles of Cabinet Ministers, the letters ***"GM"*** followed by two numerals in sequential order in black on a white background;

(c) for the official vehicles of members of the Diplomatic Corps, the letters ***"DC"*** followed by numerals in sequential order in black on a white background;

(d) for the official vehicles of the United Nations Joint Presence Office, the letters ***"UNJP"*** followed by numerals in sequential order in black on a white background;

(e) for the official vehicle of the Speaker of Parliament, the letters ***"PN SPKR"*** in black on a white background;

(f) for the official vehicle of the Chief Justice, the letters ***"NCJ"*** followed by numerals in black on a white background;

(g) for the official vehicles of the Naoero Electoral Commission, the letters ***"NEC"*** followed by numerals in sequential order in black on a white background;

(h) for the official vehicles of the Naoero Judiciary, the letters ***"NJS"*** followed by numerals in sequential order in black on a white background;

(i) for the official vehicles of the Naoero Police Force, the letters ***"NPF"*** followed by numerals in sequential order in black on a white background;

(j) for the official vehicles of the Parliament, the letters ***"PN"*** followed by numerals in sequential order in black on a white background;

(k) for motor vehicles, including buses, owned by the Republic including an instrumentality of the Republic or a statutory body:

(i) in the case of a motor vehicle, other than a motorcycle, the letters ***"RON"*** and three numerals in a series commencing in sequential order with ***"RON 001"*** and ending with ***"RON 999"*** and the sequential order series shall continue with the letters ***"RON"*** to commence in sequential order with ***"RON AO1"*** and ending with ***"RON Z99"*** in black on a white background; and

(ii) in the case of a motorcycle, one letter and three numerals in a series commencing in sequential order with ***"R 001"*** in black on a white background;

(l) for traders' motor vehicles, taxi operators' permits, rental vehicle permits and trailers:

(i) the letters ***"TT"*** followed by three numerals in sequential order in black on a white background and ending with ***"TT 999"***; and

(ii) at the end of the ***"TT 999"*** series, the sequential numbering series beginning with ***"0001"*** shall apply;

(m) for commercial motor vehicles, other than those with taxi or rental vehicle permits, the letters ***"AAB"*** followed by three numerals and commencing in sequential order with ***"AAB 001"*** and ending with ***"AAB 999"*** and the sequential order series shall continue with the

letters ***"AAB"*** to commence in sequential order with ***"AAB A01"*** and ending with ***"AAB Z99"*** in black on a white background;

(n) for private or company bus plates, the letter ***"B"*** followed by three numerals and commencing in sequential order with ***"B 001"*** in black on a white background;

(o) for privately owned motor vehicles, three letters followed by three numerals in a series commencing in sequential order with ***"AAA 001"*** and ending with ***"AAA 999"*** in black on a white background and at the end of the ***"AAA 999"*** series, the following sequential numbering series shall apply:

(i) the middle letter of ***"AAA"*** only changes in the order 'A to Z'; and

(ii) the numerals shall commence as '001 to 999' at the change in each numbering series;

(p) for privately owned motorcycles, two letters followed by three numerals in a series commencing in sequential order with ***"AA 001"*** and ending with ***"AA 999"*** in black, on a white background and at the end of the "AA 999" series:

(i) the second letter of ***"AA"*** only changes in the order 'A to Z'; and

(ii) the numerals shall commence as '001 to 999' at the change in each numbering series;

(q) for vehicles of the Naoero Postal Services Corporation, the letters ***"POST"*** followed by two numerals in sequential order in a series commencing with "POST 10" and ending with "POST 99" in black on a white background;

(r) for vehicles of the Naoero Maritime and Port Authority, the letters "NMPA" followed by 2 numerals in sequential order commencing with '01' in black on a white background;

(s) for vehicles of the Naoero Shipping Line, the letters "NSL" followed by 2 numerals in sequential order commencing with '01' in black on a white background;

(t) for vehicles of the Asian Development Bank, the letters "ADB" followed by 2 numerals in sequential order commencing with "01" in black on a white background;

(u) for the official vehicle of the Deputy Speaker of Parliament, the letters "PN DEPUTY" in black on a white background;

(v) for the official vehicle of a Deputy Minister, the letters ***"DM"*** followed by numerals commencing with ***"01"*** in sequential order in black on a white background; and

(w) for the official vehicle of the People's Republic of China, the letters ***"CN DC"*** followed by numerals commencing with ***"01"*** in sequential order in black on a white background.

[subreg (1) am SL 18 of 2020 reg 4, opn 17 July 2020; SL 10 of 2021 reg 4, opn 17 June 2021; SL 5 of 2022 reg 4, opn 27 May 2022; SL 11 of 2024 reg 4, opn 2 May 2024; SL 15 of 2024 reg 4, opn 7 May 2024; SL 26 of 2024 reg 4, opn 15 Aug 2024; Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Registrar may issue to motor vehicles including buses owned by the Republic, the Police Force, an instrumentality of the Republic or a statutory body, number plates of the type issued to privately owned motor vehicles under subregulation 6(1)(o).

(3) Except as provided by the Act, these Regulations or any other law, a person shall not drive a motor vehicle having on it a number plate other than one prescribed under subregulation (1).

(4) Any person who contravenes subregulation (3) commits an offence and is liable to pay a penalty of $200.

[reg 6 subst SL 28 of 2018 reg 4, opn 20 Nov 2018]

6A Registration labels to be colour coded

For the purpose of Section 13 of the Act, registration labels issued shall be colour coded as authorised by the Registrar for each year.

[reg 6A insrt SL 28 of 2018 reg 5, opn 20 Nov 2018]

[The next page is 603,801]

PART 3 — TRADER'S PLATES

7 Issuing of trader's plates

Trader's plates are issued to those who have been granted a motor vehicle trader's licence under Section 31 of the Act.

8 Use of trader's plates

(1) A motor vehicles trader's licence in respect of motor vehicles entitles the holder, while the licence is in force:
   (a) to a pair of trader's plates issued to him or her to any motor vehicle that is in his or her possession or the possession of his or her employee; and
   (b) to attach, in accordance with Regulation 6(1)(e) the plates to any vehicle that is being used for a *bona fide* purpose connected with the manufacture, repair, painting, testing, demonstration, sale or exchange of the vehicle or its delivery to another trader, a purchaser or the owner.

(2) A trader who attaches a trader's plate or permits trader's plates to be attached to a vehicle to which he or she is not entitled to attach such plates, commits an offence and is liable to pay a penalty of $500.

9 Cessation or transfer of business

(1) Any trader who ceases to be engaged in the business of a trader as licenced under the Act, shall within 14 days after ceasing to carry on that business, notify the Registrar in writing of that fact and return to the Registrar or to the approved garage the motor vehicles trader's licence and the trader's plates issued to him or her.

(2) A person to whom the business of a trader has been sold or transferred shall:
   (a) apply in writing to the Registrar; and
   (b) upon payment of the prescribed fee, have the unexpired period of the motor vehicles trader's licence transferred to him or her.

10 Surrender of trader's plates on demand

Where the Registrar is satisfied that a trader has ceased to be engaged in the business of a trader, he or she may demand the return of any trader's plates issued to the trader and the person holding the plates shall within 14 days return the plates to the Registrar or to the approved garage.

11 Non-renewal of trader's licence

Where a trader does not intend to apply for the renewal of his or her motor vehicle trader's licence, he or she shall, not later than 14 days after the date on which the licence was due for renewal:
(a) notify the Registrar in writing of that fact; and
(b) return to the Registrar the licence issued to him or her and the trader's plates held by him or her.

12 Record of use of trader's plates

(1) A trader shall, within 24 hours after the time any vehicle to which a trader's plate is attached leaves his or her premises make a record of:

(a) the date on which the vehicle departed from his or her premises;
(b) the number of the trader's plate attached to the vehicle;
(c) the make of the vehicle;
(d) the name of the driver of the vehicle;
(e) the times at which the vehicle departed from and returned to his or her premises; and
(f) the purpose for which the vehicle was used.

(2) Where at any time, the trader is requested by the Registrar or the Police to furnish the above records, he or she shall within reasonable time, produce such records for inspection.

(3) Any trader failing to comply with subregulation (2), commits an offence and is liable to pay a fine of $200.

13 Furnishing of information to the Registrar

A trader shall, if requested, furnish to the Registrar a list of the names and addresses of all persons to whom he or she has sold or from whom he or she has purchased, motor vehicles together with particulars of the type, manufacture, horsepower, engine number, chassis number, weight and registration number of each vehicle.

[The next page is 604,001]

14 Applying for permit

A person may apply to the Registrar for a permit of the following type:

(a) a taxi operator's permit to an applicant who applies to engage in taxi services; or

(b) a rental vehicle permit to an applicant who applies to engage in rental car services.

15 Form of application

(1) An application for the grant or renewal of a taxi operator's permit or rental vehicle permit shall be made to the Registrar and be in the form and contain such particulars or documentation as the Registrar may require.

(2) An application made under subregulation (1), shall be accompanied by the prescribed fee.

16 Conditions of permit

The Registrar shall place any necessary conditions on any permit issued under these Regulations.

17 Validity of permit

A permit issued under Regulation 14, shall remain valid for 1 year, unless and until it is revoked, suspended or surrendered.

18 Offence to operate without permit

A person who is not the holder of a permit issued under Regulation 14 and is carrying out any taxi services or rental car services, commits an offence and is liable to pay a fine of $1,000.

19 Permit not transferable

Subject to Regulation 21, a permit issued under these Regulations is not transferrable.

20 Plates to be issued

(1) A taxi operator's permit and a rental vehicle permit, entitles the holder, while the permit is in force:

(a) to a pair of plates issued to him or her for each of the vehicles being used in the business; and

(b) to attach the plates, in accordance with Regulation 6(1)(e), to any vehicle that is being used for a *bona fide* purpose connected with the provision of taxi services or rental car services.

(2) A person who attaches taxi operator's plates or rental vehicle plates to a vehicle to which he or she is not entitled to attach the plates, commits an offence and is liable to pay a fine of $500.

21 Cessation or transfer of taxi or rental business

(1) A taxi operator or rental vehicle operator who ceases to be engaged in the business as permitted under these Regulations, shall within 14 days after so ceasing to carry on that business, notify the Registrar in writing of that fact and return to the Registrar any plates issued to him or her.

(2) A person to whom the taxi operator business or rental vehicle business has been sold or transferred shall:
   (a) apply in writing to the Registrar; and
   (b) upon payment of the prescribed fee, have the unexpired period of the permit transferred to him or her.

22 Surrender of taxi and rental plates on demand

Where the Registrar is satisfied that a person has ceased to be engaged in the business of taxi services or rental vehicle services, he or she shall demand the return of any plates issued and the person holding the plates shall within 14 days return the plates to the Registrar.

23 Non-renewal of permit

Where a person does not intend to apply for the renewal of his or her permit, he or she shall, not later than 14 days after the date on which the permit was due for renewal:
(a) notify the Registrar in writing of that fact; and
(b) return to the Registrar the permit issued to him or her and the plates held by him or her.

24 Record to be maintained by rental vehicle operator

(1) A person holding a permit for a rental vehicle operator's business shall, before any vehicle to which plates are attached, leaves his or her premises, make a record of:
   (a) the person to whom the vehicle has been rented;
   (b) the date on which the vehicle departed and returned to his or her premises;
   (c) the number of the plates attached to the vehicle; and
   (d) the make of the vehicle.

(2) Where at any time, the rental vehicle operator is requested by the Registrar or the Police to furnish the above records, he or she shall within reasonable time, produce such records for inspection.

(3) A person failing to comply with subregulation (2), commits an offence and is liable to pay a fine of $200.

25 Requirement to make information available

A person dealing in a rental vehicle operator's business shall, if requested, furnish to the Registrar a list of the names and addresses of all persons to whom he or she has rented, together with particulars of the type, manufacture, horsepower, engine number, chassis number, weight and registration number of each vehicle.

[The next page is 604,201]

PART 5 — FEES

26 Fees

All fees payable under the Act or these Regulations are set out in the Schedule.

[The next page is 604,401]

SCHEDULE

[Regulation 26]

FEES

[Sch subst SL 21 of 2016 reg 4, opn 6 Sep 2016]

Registration or Renewal of Motor Vehicle		Fee per annum
Passenger car/van/UTE		
Private passenger	Petrol driven – 0 -2600cc	$40
	Petrol driven – 2601cc and over	$45
	Non-petrol driven – 0 -2600cc	$50
	Non-petrol driven – 2601cc and over	$55
Commercial Passenger		
(Rental- car/van/ute)	Petrol driven – 0 -2600cc	$50
	Petrol driven – 2601cc and over	$55
	Non-petrol driven – 0 -2600cc	$60
	Non-petrol driven – 2601cc and over	$65
Trailer		
Less than 3500kg (Boat/Luggage)		$40
More than 3500kg(Boat/Luggage)		$45
Freight Trailer		$1000
Prime Mover (Tractor Unit)		$100
Container Trailer		$5000
Side Lifter		$5000
Bulldozers/trucks and similar vehicles		$75
Motorcycle		
Private passenger	Petrol driven - 0- 60cc	$25
	Petrol driven - 61cc – 600cc	$30
	Petrol driven – 601cc and over	$35
Commercial passenger (Motorcycle)	Petrol driven - 0- 60cc	$35
	Petrol driven - 61cc – 600cc	$40
	Petrol driven – 601cc and over	$45
Commercial Vehicles		
Goods truck/van/utility/car (Business)	Petrol driven - 0-3500kg GVM	$55

	Non-petrol driven - 0-3500kg GVM	$75
	Petrol driven - 3501-6000kg GVM	$60
	Non-petrol driven - 3501-6000kg GVM	**$80**
	Petrol driven – 6000 GVM and over	$95
	Non-petrol driven – 6000 GVM and over	$100
SPECIAL REGISTRATION FEES: Classic vehicles		
Land rovers		**$100**
Vintage cars		**$200**
OTHER FEES:		
Vehicle Inspection	Private passenger car/van/truck	$35
	Heavy Trailer	$45
	Light Trailer	$35
	Motor cycle	$30
	Commercial goods truck/van/utility/cars/rentals	$70
	Heavy Trailer	$60
	Light Trailer	$45
	Motorcycle	$35
Certificate of road worthiness		$5
Licence or renewal of licence to drive motor vehicle		$15
Permit licence to learn to drive a motor vehicle		$7.50
Motor vehicles trader's licence for motor vehicles other than motor cycles (or renewal of such licence)		$150
Motor vehicles trader's licence for motor cycles only (or renewal of such licence)		$75
Taxi operator's permit		$200
Rental car operator's permit		$200
Transfer Form		$25
Transfer of certificate of registration of commercial motor vehicle		$15
Transfer of certificate of registration of private motor vehicle		$15
Transfer of motor vehicle trader's licence for unexpired period of licence		$75
Transfer of taxi operator's permit and rental car operator's permit		$85
Duplicate drivers licence (where original is destroyed or lost)		$30

Specialised number plates		$500
First Issue number plates	Vehicle	**$55**
	Motorcycle	**$45**
Replacement number plates	Vehicle	$80
	Motorcycle	**$50**

[The next page is 605,601]

Motor Traffic (Approved Garage) Notice 2023

TABLE OF AMENDMENTS

The Motor Traffic (Approved Garage) Notice 2023 SL 15 was notified and commenced on 28 June 2023 (GN No 698/2023; Gaz 123/2023).

Amending Legislation	Notified	Date of Commencement

[The next page is 605,801]

I, Honourable Martin Hunt, MP, Minister responsible for Transport, acting pursuant to Section 5(1) of the *Motor Traffic Act 2014* give notice that the Land Transport Inspection Garage under the Department of Transport is the approved garage, with effect from 1 July 2023.

The *Motor Traffic (Approved Garage) Notice 2014* is revoked.

[The next page is 608,401]

Motor Traffic (Breath Analysis Machine) Notice 2015

TABLE OF PROVISIONS

Clause

1 Citation
2 Commencement
3 Meaning of 'prescribed device'
4 Meaning of 'breath-analysing instrument'

[The next page is 608,601]

Motor Traffic (Breath Analysis Machine) Notice 2015

TABLE OF AMENDMENTS

The Motor Traffic (Breath Analysis Machine) Notice 2015 SL 7 was notified and commenced on 22 April 2015 (GN No 199/2015; Gaz 52/2015).

Amending Legislation	Notified	Date of Commencement

[The next page is 608,801]

I, Baron Divavesi Waqa, Acting Minister for Transport, acting in accordance with powers vested in me by Section 80 of the *Motor Traffic Act 2014* and in consultation with Cabinet, hereby notify the public of the following:

1 Citation

This Notice may be cited as the *Motor Traffic (Breath Analysis Machine) Notice 2015*.

2 Commencement

This Notice shall commence on the date on which it is published in the Gazette.

3 Meaning of 'prescribed device'

For the purposes of conducting a preliminary breath test under Section 70 of the *Motor Traffic Act 2014*, a ***'prescribed device'*** means the handheld portable breath analysing device known as the Drager Alcotest 5510.

4 Meaning of 'breath-analysing instrument'

For the purposes of Section 71 of the *Motor Traffic Act 2014*, a ***'breath-analysing instrument'*** means the breath test machine known as the Drager Alcotest 9510.

[The next page is 610,001]

Motor Traffic (Traffic Infringement Notices) Regulations 2018

TABLE OF PROVISIONS

Regulation *Title*

PART 1 — PRELIMINARY

1 Citation
2 Commencement
3 Definitions

PART 2 — PRESCRIBED OFFENCES AND PENALTIES

4 Prescribed fixed penalty offences
5 Prescribed penalties

PART 3 — TRAFFIC INFRINGEMENT NOTICE

6 Prescribed Traffic Infringement Notice
7 Police officer to inform offender

PART 4 — PROCEDURES FOR DEALING WITH TRAFFIC INFRINGEMENT NOTICES

8 Traffic Infringement Notice list
9 Traffic Infringement Notice court appearances
10 List of unpaid fines and costs to be issued by Deputy Registrar of the District Court
11 Consequence of nonpayment of penalty and costs

SCHEDULE 1 — PRESCRIBED OFFENCES AND FIXED PENALTIES

SCHEDULE 2 — TRAFFIC INFRINGEMENT NOTICE – FIXED PENALTY

SCHEDULE 2A — TRAFFIC INFRINGEMENT NOTICE – FIXED PENALTY

SCHEDULE 3 — NOTICE OF RETURNS

SCHEDULE 4 — TRAFFIC INFRINGEMENT NOTICE PRAECIPE

[The next page is 610,201]

Motor Traffic (Traffic Infringement Notices) Regulations 2018

TABLE OF AMENDMENTS

The Motor Traffic (Traffic Infringement Notices) Regulations 2018 SL 12 were notified and commenced on 11 May 2018 (GN No 356/2018; Gaz 74/2018).

Amending Legislation	Notified	Date of Commencement
Motor Traffic (Traffic Infringement Notices) (Amendment) Regulations 2019 SL 31	24 October 2019	24 October 2019
Motor Traffic (Traffic Infringement Notices) (Amendment) Regulations 2020 SL 20	17 July 2020	17 July 2020
Motor Traffic (Traffic Infringement Notices) (Amendment) No 2 Regulations SL 30	22 September 2020	22 September 2020
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Motor Traffıc (Traffıc Infringement Notices) (Amendment) Regulations 2025 SL 59	26 December 2025	26 December 2025
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 610,401]

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

PART 1 — PRELIMINARY

1 Citation

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;

'Deputy Registrar' means the Deputy Registrar of the District Court as defined in the *District Court Act 2018*; and

'Registrar' means the Registrar of Motor Vehicles.

[The next page is 610,601]

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.

[The next page is 610,801]

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 shall be in:

(a) the prescribed form in Schedule 2;
(b) the prescribed form in Schedule 2A; or
(c) in a form approved by the Commissioner of Police.

[reg 6 subst SL 30 of 2020 s 4, opn 22 Sep 2020; am SL 59 of 2025 reg 4, opn 26 Dec 2025]

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 shall 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.

[The next page is 611,001]

PART 4 — PROCEDURES FOR DEALING WITH TRAFFIC INFRINGEMENT NOTICES

8 Traffic Infringement Notice list

(1) The Naoero 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.

[subreg (1) am Act 21 of 2026 s 5, opn 12 May 2026]

(2) The Deputy Registrar 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 Naoero Revenue Office under subregulation (1) at least 7 days before the date specified in Part 3 of the Traffic Infringement Notice.

[subreg (3) am Act 21 of 2026 s 5, opn 12 May 2026]

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

[subreg (4) am Act 21 of 2026 s 5, opn 12 May 2026]

(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; 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; 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 a legal practitioner and pleads not guilty, the matter shall be dealt with in accordance with the procedure of the court.

(4) Where 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; 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 Deputy Registrar of the District Court

(1) The Deputy Registrar 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.

[The next page is 611,201]

SCHEDULE 1

[Section 117; Regulations 4 and 5]

PRESCRIBED OFFENCES AND FIXED PENALTIES

[Sch 1 subst SL 31 of 2019 s 4, opn 24 Oct 2019]

	Section of the Act	Fixed Penalty Offences	Fixed Penalty	Court costs	Penalty under the Act
1	18(2)	Driving motor vehicle with another vehicle's registration number	$300	$100	$500
2	20(2)(a)	No valid driver's licence	$50	$100	$100
3	20(2)(b)	Driving vehicle of different class from that in driver's licence	$50	$100	$100
4	20(4)	Failure to carry and to produce driver's licence	$75	$100	$200
5	23(5) and (6)	Driving between 7pm and 7am on a learner's permit	$75	$100	$200
6	24(2)	Failure to produce learner's permit	$50	$100	$100
7	30(4)	Failure to carry and to produce on request foreign driver's licence	$100	$100	$200
8	37	Disobeying speed limit	$100	$100	$300
9	50 (2)	Driving at night without operating lights	$100	$100	$200
10	57(4)	Riding or driving a motorcycle without a helmet	$100	$100	$200
11	58 (1)	Driving with more than one person on the motorcycle	$150	$100	$300
12	58(2)	Driving motorcycle and carrying child under 5 years in back tray or directly behind driver	$300	$100	$500
13	60(1)	Not wearing seat belt while travelling in a motor vehicle in excess of the prescribed speed limit	$75	$100	$200
14	60(2)(a)	Passenger under 5 years not seated in back and not wearing seat belt	$75	$100	$200
15	60(2)(b)	Passenger in front seat not wearing seat belt	$75	$100	$200
16	60(2)(c)	Passenger under 5 years seated in middle of back seat not wearing seat belt	$75	$100	$200
17	60(2)(d)	Driver not wearing seat belt	$75	$100	$200
18	61(1)	Passenger under 5 years seated in front seat of vehicle	$100	$100	$200

19	61(4)	Driving and allowing passenger under 12 years to be seated in back tray of vehicle without an adult	$150	$100	$500
20	61(5)	Driving and allowing another person to be seated behind wheel of vehicle on public road	$150	$100	$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.	$75	$100	$200
22	65(1)	Driving unregistered motor vehicle	$100	$100	$500 – including vehicle impounded
23	65(2)	Owner allowing unregistered vehicle to be driven on road	$100	$100	$500 – including vehicle impounded
24	66	Driving across sidewalk for parking or turning vehicles	$50	$100	$100
25	68	Failure or refusal to give name	$100	$100	$200
26	82	Failure or refusal to provide information	$100	$100	$200

[The next page is 611,401]

SCHEDULE 2

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

TRAFFIC INFRINGEMENT NOTICE – FIXED PENALTY

[Sch 2 subst SL 20 of 2020 s 4, opn 17 July 2020; am Act 21 of 2026 s 5, opn 12 May 2026]

This Traffic Infringement Notice is issued pursuant to the powers given to the Naoero Police Force for an infringement of the *Motor Traffic Act 2014* and these Regulations.	Infringement Notice No:
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.	Date of Issue: Penalty Due: Payment shall be made at the Naoero Revenue Office within 21 days from the date of service of this infringement notice.

PART 1 – OFFENCE DETAILS

Offender:

Surname: . . . . . Given Names: . . . . . .

Residential Address: . . . . . Telephone number: . . . . . .

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: . . . . . .

Particulars of Offence: . . . . . .

. . . . . .

. . . . . .

. . . . . .

Police Officer's Signature: . . . . . Police Officer's Name: . . . . . .

Date: / / 20. . . .

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

Note:

1. This Notice shall 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 Naoero 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 shall attend the District Court at Yaren on. . . . . day the. . . . . day of. . . . . 20. . . . at. . . . . noon for the hearing.

If you fail to attend 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 and be imprisoned.

	Section of the Act	Fixed Penalty Offences	Fixed Penalty	Court costs	Penalty under the Act
1	18(2)	Driving motor vehicle with another vehicle's registration number	$300	$100	$500
2	20(2)(a)	No valid driver's licence	$50	$100	$100
3	20(2)(b)	Driving vehicle of different class from that in driver's licence	$50	$100	$100
4	20(4)	Failure to carry and to produce driver's licence	$75	$100	$200
5	23(5) and (6)	Driving between 7pm and 7am on a learner's permit	$75	$100	$200
6	24(2)	Failure to produce learner's permit	$50	$100	$100
7	30(4)	Failure to carry and to produce on request foreign driver's licence	$100	$100	$200
8	37	Disobeying speed limit	$100	$100	$300
9	50 (2)	Driving at night without operating lights	$100	$100	$200
10	57(4)	Riding or driving a motorcycle without a helmet	$100	$100	$200
11	58 (1)	Driving with more than one person on the motorcycle	$150	$100	$300
12	58(2)	Driving motorcycle and carrying child under 5 years in back tray or directly behind driver	$300	$100	$500
13	60(1)	Not wearing seat belt while travelling in a motor vehicle in excess of the prescribed speed limit	$75	$100	$200

14	60(2)(a)	Passenger under 5 years not seated in back and not wearing seat belt	$75	$100	$200
15	60(2)(b)	Passenger in front seat not wearing seat belt	$75	$100	$200
16	60(2)(c)	Passenger under 5 years seated in middle of back seat not wearing seat belt	$75	$100	$200
17	60(2)(d)	Driver not wearing seat belt	$75	$100	$200
18	61(1)	Passenger under 5 years seated in front seat of vehicle	$100	$100	$200
19	61(4)	Driving and allowing passenger under 12 years to be seated in back tray of vehicle without an adult	$150	$100	$500
20	61(5)	Driving and allowing another person to be seated behind wheel of vehicle on public road	$150	$100	$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.	$75	$100	$200
22	65(1)	Driving unregistered motor vehicle	$100	$100	$500 – including vehicle impounded
23	65(2)	Owner allowing unregistered vehicle to be driven on road	$100	$100	$500 – including vehicle impounded
24	66	Driving across sidewalk for parking or turning vehicles	$50	$100	$100
25	68	Failure or refusal to give name	$100	$100	$200
26	82	Failure or refusal to provide information	$100	$100	$200

[The next page is 611,601]

SCHEDULE 2A

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

TRAFFIC INFRINGEMENT NOTICE – FIXED PENALTY

[Sch 2A insrt SL 30 of 2020 s 5, opn 22 Sep 2020; am Act 21 of 2026 s 5, opn 12 May 2026]

This Traffic Infringement Notice is issued pursuant to the powers given to the Naoero Police Force for an infringement of the *Motor Traffic Act 2014* and the *Motor Traffic (Traffic Infringement Notices) Regulations 2018*.	Infringement Notice No:	
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.	Date of Issue:	
	Penalty Due:	
	Payment shall be made at the Naoero 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: . . . . . .

Address:. . . . . Phone number:. . . . . .

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 shall 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 Naoero 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 shall attend the District Court at Yaren on. . . . . day the. . . . . day of. . . . . 20. . . . at. . . . . noon for the hearing.

If you fail to attend 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.

	Section of the Act	Fixed Penalty Offences	Fixed Penalty	Court costs	Penalty under the Act
1	18(2)	Driving motor vehicle with another vehicle's registration number	$300	$100	$500
2	20(2)(a)	No valid driver's licence	$50	$100	$100
3	20(2)(b)	Driving vehicle of different class from that in driver's licence	$50	$100	$100
4	20(4)	Failure to carry and to produce driver's licence	$75	$100	$200
5	23(5) and (6)	Driving between 7pm and 7am on a learner's permit	$75	$100	$200
6	24(2)	Failure to produce learner's permit	$50	$100	$100
7	30(4)	Failure to carry and to produce on request foreign driver's licence	$100	$100	$200
8	37	Disobeying speed limit	$100	$100	$300
9	50(2)	Driving at night without operating lights	$100	$100	$200
10	57(4)	Riding or driving a motorcycle without a helmet	$100	$100	$200
11	58(1)	Driving with more than one person on the motorcycle	$150	$100	$300
12	58(2)	Driving motorcycle and carrying child under 5 years in back tray or directly behind driver	$300	$100	$500
13	60(1)	Not wearing seat belt while travelling in a motor vehicle in excess of the prescribed speed limit	$75	$100	$200
14	60(2)(a)	Passenger under 5 years not seated in back and not wearing seat belt	$75	$100	$200
15	60(2)(b)	Passenger in front seat not wearing seat belt	$75	$100	$200

16	60(2)(c)	Passenger under 5 years seated in middle of back seat not wearing seat belt	$75	$100	$200
17	60(2)(d)	Driver not wearing seat belt	$75	$100	$200
18	61(1)	Passenger under 5 years seated in front seat of vehicle	$100	$100	$200
19	61(4)	Driving and allowing passenger under 12 years to be seated in back tray of vehicle without an adult	$150	$100	$500
20	61(5)	Driving and allowing another person to be seated behind wheel of vehicle on public road	$150	$100	$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.	$75	$100	$200
22	65(1)	Driving unregistered motor vehicle	$100	$100	$500 – including vehicle impounded
23	65(2)	Owner allowing unregistered vehicle to be driven on road	$100	$100	$500 – including vehicle impounded
24	66	Driving across sidewalk for parking or turning vehicles	$50	$100	$100
25	68	Failure or refusal to give name	$100	$100	$200
26	82	Failure or refusal to provide information	$100	$100	$200

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SCHEDULE 3

MOTOR TRAFFIC ACT 2014

NOTICE OF RETURNS

[Regulation 8(1)]

To: The Director of Public Prosecutions
The Deputy Registrar 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**

[The next page is 612,001]

SCHEDULE 4

REPUBLIC OF NAOERO

MOTOR TRAFFIC ACT 2014

TRAFFIC INFRINGEMENT NOTICE PRAECIPE

[Regulation 8(3)]

[Sch 4 am Act 21 of 2026 s 5, opn 12 May 2026]

To: The Deputy Registrar 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

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Motor Traffic (Impound Fees and Notices) Regulations 2020

TABLE OF PROVISIONS

Regulation	*Title*
1	Citation
2	Commencement
3	Definition
4	Impound fee
5	Notice to seize and remove motor vehicle or trailer to impound facility
6	Notice for payment of impound fee
7	Non-payment of impound fee
8	Conduct of auction or public tender
	SCHEDULE 1 — IMPOUND FEES
	SCHEDULE 2 — NOTICE TO SEIZE AND REMOVE MOTOR VEHICLE OR TRAILER TO IMPOUND FACILITY
	SCHEDULE 3 — NOTICE OF PAYMENT OF IMPOUND FEE AFTER 30 DAYS
	SCHEDULE 4 — NOTICE OF PAYMENT OF IMPOUND FEE AFTER 45 DAYS AND DISPOSAL OF MOTOR VEHICLE
	SCHEDULE 5 — NOTICE OF SALE OF VEHICLE BY AUCTION OR PUBLIC TENDER

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Motor Traffic (Impound Fees and Notices) Regulations 2020

TABLE OF AMENDMENTS

The Motor Traffic (Impound Fees and Notices) Regulations 2020 SL 21 were notified and commenced on 17 July 2020 (GN No 444/2020; Gaz 140/2020).

Amending Legislation	Notified	Date of Commencement
Revised Written Laws Act 2021 No 7	1 June 2021	1 June 2021
Motor Traffic (Impound Fees and Notices) (Amendment) Regulations 2024 SL 18	14 June 2024	14 June 2024
Constitution (Amendment) (No 2) Act 2026 No 21	12 May 2026	s 5: 12 May 2026

[The next page is 613,401]

The Cabinet makes the following Regulations under Section 132(1) of the *Motor Traffic Act 2014*:

1 Citation

These Regulations may be cited as the *Motor Traffic (Impound Fees and Notices) Regulations 2020*.

2 Commencement

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

3 Definition

In these Regulations:

'Act' means the *Motor Traffic Act 2014*; and

[def am SL 18 of 2024 reg 4, opn 14 June 2024]

'mechanic' means a mechanic employed in the Government of Naoero Garage or any such other qualified person authorised by the Commissioner of Police to appraise the condition and value of a motor vehicle.

[def insrt SL 18 of 2024 reg 4, opn 14 June 2024; am Act 21 of 2026 s 5, opn 12 May 2026]

4 Impound fee

(1) For the purpose of Section 116 of the Act:

(a) the impound fee shall be imposed and calculated on a weekly basis in accordance with Schedule 1; and

(b) the impound fee shall be paid by the owner of the impounded vehicle at the Naoero Revenue Office and a receipt shall be produced to the Naoero Police Force before the impounded vehicle is released.

[subreg (1) am SL 18 of 2024 reg 5, opn 14 June 2024; Act 21 of 2026 s 5, opn 12 May 2026]

(2) The impound fee in Schedule 1 shall not include any other costs under the Act.

(3) The impound fee shall become payable immediately upon expiry of 24 hours from the time the vehicle is impounded by the Naoero Police Force.

[subreg (3) am SL 18 of 2024 reg 5, opn 14 June 2024; Act 21 of 2026 s 5, opn 12 May 2026]

5 Notice to seize and remove motor vehicle or trailer to impound facility

(1) For the purpose of Section 115 of the Act, where a motor vehicle or trailer is seized by a police officer:

(a) a notice to seize and remove the vehicle shall be issued immediately to the owner of the vehicle by the police officer; and

(b) the vehicle shall be removed to an impound facility by the police officer.

(2) For the purpose of subregulation (1)(a), the police officer shall issue the notice in the form set out in Schedule 2.

6 Notice for payment of impound fee

(1) For the purpose of Section 116(3)(a) of the Act, a police officer authorised by the Commissioner of Police shall issue a notice for payment of an impound fee, after 30 days, in the form in Schedule 3.

(2) For the purpose of Section 116(3)(b) of the Act, a police officer authorised by the Commissioner of Police shall issue a notice for payment of an impound fee, after 45 days, in the form in Schedule 4.

[reg 6 subst SL 18 of 2024 reg 6, opn 14 June 2024]

7 Non-payment of impound fee

(1) A motor vehicle owner issued a notice of payment under Regulation 6(2), who does not pay the impound fee, shall be liable to have his or her motor vehicle disposed of by auction or public tender.

(2) For the purpose of Section 116(3)(a) and (b) of the Act, a police officer authorised by the Commissioner of Police shall before disposing a vehicle by auction or public tender, issue a notice to the owner in the form in Schedule 4.

[reg 7 insrt SL 18 of 2024 reg 7, opn 14 June 2024]

8 Conduct of auction or public tender

(1) For the purpose of carrying out an auction or public tender of a motor vehicle under Section 116(3)(b) of the Act, the Commissioner of Police, shall ensure that:

(a) a certificate of appraisement is obtained from the mechanic containing the value of the motor vehicle;

(b) arrange for the auction or public tender through advertisement to the general public;

(c) the motor vehicle is sold at the best price reasonably obtainable at the time of the sale;

(d) immediately upon the completion of the sale, pay the proceeds for the disposed motor vehicle into the Treasury Fund;

(e) a notice of the sale, in the Form in Schedule 5, is issued to the Registrar to enable registration of change of ownership of the motor vehicle;

(f) a report is provided to the Minister on the sale of the motor vehicle by auction which includes:

(i) value of the motor vehicle as appraised by the mechanic;

(ii) actual sale price of the motor vehicle; and

(iii) account of the defraying of the sale of the motor vehicle in accordance with paragraph (g);

(g) the monies obtained through the sale of vehicle by an auction or advertisement shall be, defrayed on the authorisation of the Commissioner of Police as follows:

(i) impounding fees;

(ii) fines or penalties;

(iii) arrears of any motor vehicle registration fees payable under the Act;

(iv) expenses for the auction or public tender; and

(v) any balance remaining to be paid to the owner of the motor vehicle.

(2) A police officer shall not be eligible to take part in the auction or public

tender of a motor vehicle and any bid belonging to a police officer, shall not be considered in the auction or public tender process.

(3) Upon the completion of the disposal and defraying of any proceeds from the sale of the impounded vehicle, the Commissioner of Police shall inform the owner of the sale of the impounded vehicle and the and the manner in which the proceeds were defrayed.

[reg 8 insrt SL 18 of 2024 reg 8, opn 14 June 2024]

[The next page is 613,601]

SCHEDULE 1



REPUBLIC OF NAOERO

MOTOR TRAFFIC ACT 2014

[Section 116; Regulation 4]

IMPOUND FEES

[Sch 1 am Act 21 of 2026 s 5, opn 12 May 2026]

	Type of vehicle	**Impound Fee per week**
1	Motor cycles	$30
2	Buses	$100
3	Commercial and private passenger motor vehicles	$100
4	Trailers	$75
5	Any other vehicle	$50

[The next page is 613,801]

SCHEDULE 2

REPUBLIC OF NAOERO

MOTOR TRAFFIC ACT 2014

[Section 115; Regulation 5]

NOTICE TO SEIZE AND REMOVE MOTOR VEHICLE OR TRAILER TO IMPOUND FACILITY

[Sch 2 am Act 21 of 2026 s 5, opn 12 May 2026]

To: . . . . . *[insert full name of owner]*
. . . . . *[insert residential address]*

NOTICE is hereby given to you as the owner of Vehicle Registration Number: ..... that your vehicle is now seized and impounded for *(state the reasons)*:

.....

.....

.....

.....

.....

Vehicle will be impounded at: ..... *[insert place of impound facility]*.

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

. . . . . .
Police Officer

. . . . . .
Rank of Police Officer

[The next page is 614,001]

SCHEDULE 3



REPUBLIC OF NAOERO

MOTOR TRAFFIC ACT 2014

[Section 116(3)(a); Regulation 6]

NOTICE OF PAYMENT OF IMPOUND FEE AFTER 30 DAYS

[Sch 3 subst SL 18 of 2024 reg 9, opn 14 June 2024; am Act 21 of 2026 s 5, opn 12 May 2026]

To: . . . . . *[insert full name of owner]*
. . . . . *[insert residential address]*

NOTICE is hereby given to you as the owner of Vehicle Registration Number: ..... to pay an impound fee in the sum of $..... for the said vehicle being impounded by the police for 30 days.

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

.....
Authorised Police Officer

Note: Unless the fee is paid on the day the notice is issued, the amount will increase on a daily basis as provided for in the *Motor Traffic (Impound Fees and Notices) Regulations 2020*.

[The next page is 614,201]

SCHEDULE 4



REPUBLIC OF NAOERO

MOTOR TRAFFIC ACT 2014

[Section 116(3)(a) and (b); Regulation 7]

NOTICE OF PAYMENT OF IMPOUND FEE AFTER 45 DAYS AND DISPOSAL OF MOTOR VEHICLE

[Sch 4 insrt SL 18 of 2024 reg 10, opn 14 June 2024; am Act 21 of 2026 s 5, opn 12 May 2026]

To: . . . . . *[insert full name of owner]*
. . . . . *[insert residential address]*

NOTICE is hereby given to you as the owner of Vehicle Registration Number: ..... to pay an impound fee in the sum of $..... for the said vehicle being impounded by the police for 45 days.

TAKE FURTHER NOTICE that as the owner of Motor Vehicle Registration Number ....., if you fail to pay the impound fee on the day this notice is issued, your Motor Vehicle shall be disposed of by auction or public tender.

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

.....
Authorised Police Officer

[The next page is 614,401]

SCHEDULE 5

REPUBLIC OF NAOERO

MOTOR TRAFFIC ACT 2014

[Section 116(3)(a) and (b); Regulation 8(1)(e)]

NOTICE OF SALE OF VEHICLE BY AUCTION OR PUBLIC TENDER

[Sch 5 insrt SL 18 of 2024 reg 11, opn 14 June 2024; am Act 21 of 2026 s 5, opn 12 May 2026]

To: Registrar for Motor Vehicles and Licences
From: Commissioner of Police:

NOTICE is hereby given, that the motor vehicle with the following details was disposed of by auction* / public tender* by the Naoero Police Force on *[Date]* of *[Month][Year]*.

(a) Model:

(b) Year:

(c) Motor Vehicle Registration No:

(d) Registered owner:

(e) Vin/Frame/Engine/Chassis no.

* delete whichever is not applicable

TAKE FURTHER NOTICE that the successful bidder, who has now become the new proprietor of the said motor vehicle. The details of the new owner requiring registration under Regulations are as follows:

(a) [*Full Name*]; and

(b) [*Residential Address*]

REQUEST is made for the registration details for the said motor vehicle to be recorded in the Motor Vehicle Register.

.....
Commissioner of Police

[Date]/[Month]/[Year]

[The next page is 615,201]

CODE OF PRACTICE

REPUBLIC OF NAOERO

MOTOR TRAFFIC ACT 2014

IMPAIRMENT TESTS

A. INTRODUCTION

1.

The *Motor Traffic Act 2014* ('Act') as amended on 23rd October 2020 introduced the impairment tests for the assessment of a person who is found to be driving or in charge of a motor vehicle under the influence of intoxicating liquor. This Code is to ensure a uniform assessment and procedure by authorised persons in performing impairment tests to determine whether a person is under the influence of intoxicating liquor.

2.

The impairment tests assess or determine the ability of the person to divide his or her attention to more than one task. In carrying out the impairment tests, the authorised officer is assessing 3 things:

(a) a person's ability to divide his or her attention to more than one task;
(b) the person's balance; and
(c) the person's coordination.

3.

The Act provides for the following assessments:

(a) a walk and turn assessment;
(b) an eye assessment;
(c) pupillary assessment;
(d) balance assessment;
(e) a finger to nose assessment; and
(f) a 1 leg stand assessment.

4.

The police officers authorised to carry out the tests, must, in addition to the necessary training, be provided with and keep a copy of this Code at all times.

B. APPROVAL OF AUTHORISED OFFICERS

5.

The Commissioner of Police must authorise police officers to carry out the impairment tests after being satisfied that such police officers have attained the

necessary skills to carry out an objective assessment of any person found to be driving or in charge of a motor vehicle while being under the influence of intoxicating liquor.

C. PROCEDURE FOR TEST

6.

Authorised police officers must give clear instructions to a person prior to carrying out the impairment tests.

7.

In order to determine or assess whether a person is under the influence of intoxicating liquor, an authorised police officer must carry out 2 separate tests. That is, each person is subject to 2 impairment assessments. This ensures a more objective assessment of a person's impairment status.

D. THE CATEGORIES OF TESTS:

(a) Walk and turn assessment:

Before a walk-and-turn test begins, the officer must give clear instructions to the driver. The person must follow the police officer's instructions in performing the physical movements.

The police officer must clearly instruct a person to:

(i) take twelve steps forward;
(ii) walk heel-to-toe;
(iii) walk along a straight line;
(iv) turn on one foot; and
(v) return twelve steps in the opposite direction.

In carrying out this test, the police officer must look for 8 signs of the person being impaired. A person may be impaired if he or she:

(i) starts walking before the police officer completes giving instructions;
(ii) cannot keep balance while listening to the instructions;
(iii) does not touch heel-to-toe;
(iv) does not walk in straight line;
(v) loses balance while turning;
(vi) stops while walking to regain balance;
(vii) takes an incorrect number of steps; and
(viii) uses arms to balance.

(b) Eye assessment:

Before carrying out an eye assessment, the police officer must:

a. ascertain that the person understands and is able to follow the instructions;
b. ascertain whether the person wears glasses or contact lenses. A person must remove his or her glasses or hard contact lenses before the assessment is carried out.
c. instruct the person to be assessed to:
    (i) look straight ahead;
    (ii) keep his or her eyes open; and
    (iii) focus on the stimulus and follow the stimulus with his or her eyes.

The police officer must place the stimulus (penlight) at a comfortable distance (about 12 to 15 inches away) from the person's eyes. The stimulus must be held above eye level so that the person's eyes are wide open when they look directly

at it.

The person must be able to follow the stimulus with his or her eyes. If the person's eyes are twitching at a certain angle, this is a sign of having a high blood alcohol level.

(c) Pupillary assessment:

Before a pupillary assessment, the police officer must:

a. instruct the person to be assessed to:
   (i) look straight ahead;
   (ii) keep his or her eyes open.
b. ascertain the person understands and is able to follow the instructions;
c. ascertain whether the person wears glasses or contact lenses.

The assessment must be undertaken using a gauge to be held adjacent to the appropriate side of the person's face to allow the police a process of comparison to estimate the size of the person's pupil.

The police officer must record if the person's eyes are watery and whether the eyes display any redness.

(d) Balance assessment;

Before carrying out the balance assessment, the police officer must instruct the person:

(i) to stand up straight with heels and toes together and with arms down on the person's sides;
(ii) to remain in that position while the remaining instructions are given; and
(iii) not to begin or do anything until he or she is told to.

Thereafter, the police officer must require the person to:

(i) tilt his or head head back slightly and then close his or her eyes;
(ii) to bring his or her head forward, open his or her eyes and say stop when he or she thinks 30 seconds has passed.

The police officer must record whether:

(i) the person was able to balance while being instructed;
(ii) the person sways, steps or raises arms during the test;
(iii) the person's eyes were open;
(iv) the person's head was lowered;
(v) the person was able to complete the assessment;
(vi) the person asked to stop the assessment.

(e) Finger to nose assessment:

Before carrying out the finger to nose balance assessment, the police officer must instruct the person to:

(i) close his or her eyes;
(ii) tilt the head back slightly; and
(iii) touch the nose with the index finger.

This is repeated 3 times on each hand, for a total of 6 attempts.

While performing this assessment, the police officer must look for a number of signs that indicate that the person is under the influence of intoxicating liquor. These include:

(i) inability to follow instructions;
(ii) swaying or person unable to keep balance;
(iii) eyelid or body tremors;
(iv) speaking or making sounds during the test; and
(v) failing to touch finger to nose.

The police officer must note when the person shows 2 or more signs of impairment.

(f) One leg stand assessment:

A 1 leg stand assessment is a divided attention test. The police officer must give clear instructions to a person before conducting a one leg stand assessment. The police officer must instruct the person to stand with one foot about 6 inches off the ground and keep his or her arms down at the person's sides. The police officer must then instruct the person to count from 1,001 (one-thousand-one, one thousand two, etc.) until the police officer instructs the person to put his or her foot down. The police officer must not unnecessarily prolong the test.

While the person is counting down, the police officer must look for these signs whether it is demonstrated by the person undergoing the test:

(i) hopping to maintain balance;

(ii) putting the foot down;

(iii) swaying while balancing; and

(iv) using arms to balance.

The police officer must note when the person shows 2 or more signs of impairment under this test.

8.

All impairment tests administered and carried out by authorised police officers shall be recorded in an appropriate form approved by the Commissioner of Police.

[The next page is 617,001]

Motor Traffic (Approved Insurer) Notice 2023

TABLE OF AMENDMENTS

The Motor Traffic (Approved Insurer) Notice 2023 SL 13 was notified and commenced on 14 June 2023 (GN No 629/2023; Gaz 108/2023).

Amending Legislation	Notified	Date of Commencement

[The next page is 617,201]

I, Honourable Martin Hunt, MP, Minister responsible for Transport, acting pursuant to Section 5 of the *Motor Traffic Act 2014* ('Act') give notice that the **Department of Transport** is the approved insurer.

The *Motor Traffic (Approved Insurer) Notice 2014* is repealed.

This Notice commences on the date of its publication in the Gazette.

[The next page is 630,001]