

SAMOA

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2009, No. 8

AN ACT to provide persons who have committed certain road traffic offences with the right to elect to pay a pecuniary penalty as a substitute to court conviction.

[25th June 2009]

BE IT ENACTED by the Legislative Assembly of Samoa in Parliament assembled as follows:

1. Short title and commencement-(1) This Act may be cited as the Road Traffic (Payment of Fines) Act 2009.

(2) This Act commences on a date to be nominated by the Minister.

2. Interpretation - In this Act, unless the context otherwise requires -

“Authority” means the Land Transport Authority established under the Land Transport Authority Act 2007;

“Minister” means the Minister responsible for land transport;

“Traffic Offence Notice” and “Notice” means a Traffic Offence Notice issued under this Act or the Land Transport Authority Act 2007.

3. Application-(1) This Act applies to offences specified in the Schedule of this Act.

(2) The Head of State, acting on the advice of Cabinet, may make regulations:

- (a) to add any offence to the Schedule and the fine to be paid for that offence;
- (b) to vary any fine prescribed in the Schedule.

4. Traffic Offence Notice-(1) A Police Officer may serve a Traffic Offence Notice on a person who has committed an offence to which this Act applies.

(2) A notice issued under this section shall be in the form approved by the Land Transport Authority in consultation with the Commissioner of Police and shall be signed for the Commissioner of Police by the Police Officer.

5. Procedure-(1) A person who has been served with a Traffic Offence Notice may elect to pay the fine stated in the Notice, within the time specified in the notice.

(2) The payment of any fine under this section shall be made to the Land Transport Authority.

6. Effect of payment of fine-(1) The payment of a fine under section 5 shall avoid any further prosecution for the offence stipulated in the notice.

(2) No conviction shall be recorded against the person served with a Traffic Offence Notice if he or she elects to pay the stipulated fine in accordance with this Act.

(3) Nothing in this Act shall be construed as depriving any person of their right to be tried for the offence alleged against them.

7. Amount of fine-(1) Each Notice issued under this Act shall specify a fine.

(2) The amount of each fine shall be as specified in the Schedule to this Act and may be for a lesser sum than that prescribed by the Fines (Review and Amendment) Act 1998.

8. Powers may be exercised by officers of the Authority-(1) The powers and procedures provided for under this Act may be exercised by officers of the Land Transport Authority authorised for that purpose under the Land Transport Authority Act 2007.

(2) For the purposes of the exercise of any power under this section:

(a) a Notice issued by an officer of the Authority under this Act -

(i) shall be in the form approved by the Authority;

(ii) may be signed for the Chief Executive Officer of the Authority by the authorised officer of the Authority;

(b) the provisions of section 6 shall apply if the fine is paid to the Authority;

(c) the provisions of section 7 shall apply to the procedures applied under this Act by the authorised officers of the Authority.

(3) Any fines and fees imposed by an officer of the Authority under this section may be recovered by the Authority, and for this purpose, notwithstanding any provision of this Act to the contrary:

(a) the Chief Executive Officer of the Authority may nominate places and officers to which fines and fees are to be paid by persons served with a Notice under this Act;

(b) the fines and fees recovered by the Authority shall form part of the revenues of the Authority;

(c) the Authority may commence and continue any prosecution of any person served with a Notice under this Act who -

(i) does not pay the fine; or

(ii) elects to have the matter determined in court.

(4) No person may be served with a Notice by a police officer and an officer of the Authority given in accordance with this section for the same offence arising from the same circumstances.

(5) Where a Notice is served on any person by both a police officer and an officer of the Authority for the same offence arising from the same circumstances the payment of the fine or fines stipulated in anyone of the Notices shall be a final discharge of any liability that the person may have under both Notices.

9. Offences-(1) A person who:

(a) knowingly gives any false statement or information to a Police Officer or to an officer of the Authority; or

(b) bribes or attempts to bribe a Police Officer or an officer of the Authority,

in the implementation of the duties of any officer under this Act commits an offence and is liable to a fine not exceeding 5 penalty units or imprisonment for a term not exceeding six (6) months or both.

(2) A Police Officer or an officer of the Authority who accept as a bribe any money or thing offered by a person served with a Traffic Offence Notice under this Act in return of that person not being served with a Traffic Offence Notice commits an offence and is liable to a fine not exceeding 5 penalty units or imprisonment not exceeding a term of six (6) months or both.

10. Limitation - No one shall be prosecuted for any offence to which this Act applies unless the prosecution is commenced within 12 months from the date of the Traffic Offence Notice.

11. Amendment - Section 73(4) of the Road Traffic Ordinance 1960 is amended by omitting “\$50” and substituting it with “2 penalty units”.

12. Regulations - The Head of State acting on the advice of Cabinet may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

SCHEDULE

(Section 7)

<u>OFFENCE</u>			<u>FINE IN PENALTY UNITS</u>
<u>ROAD TRAFFIC ORDINANCE 1960</u>			
1.	Sec 7	Vehicle to be licensed (unlicensed vehicle)	1
2.	Sec 13	Registration (no registration plate)	1
3.	Sec 37	Speed Limit If Driver is 10 miles/hr or less in excess of Speed Limit. If Driver is more than 10 miles/hr in excess of Speed Limit.	1 2
4.	Sec 27	Licensing of drivers (Unlicensed driver)	1
5.	Sec 38A	Dangerous overcrowding of vehicles	0.5 for driver 0.5 for each passenger
6.	Sec 38B	Unsafe vehicles	1
7.	Sec 50	Drivers & pedestrian to comply with traffic directions and signs	1

<u>ROAD TRAFFIC REGULATIONS 1961</u>			
1.	Regulation 12	Fixing of plates	0.5
2.	Regulation 31	Silencer	1
3.	Regulation 32	Emission of smoke & sparks	1
4.	Regulation 34	Lights	0.5
5.	Regulation 45	Securing of load	1
6.	Regulation 50	Obstruction of road	1
7.	Regulation 53	Travelling in insecure position	1
8.	Regulation 54	Dangerous and inconsiderate driving	1
9.	Regulation 55	Number of passengers	0.2 per adult 0.1 per student
10.	Regulation 78	Motor cycles	0.5
11.	Regulation 82	Stopping and parking	1
12.	Regulation 102	Drivers	1
13.	Regulation 109	General Rules (Speed Limits) If Driver is 10 miles/hr or less in excess of Speed-Limit. If Driver is more than 10 miles/hr in excess of Speed Limit.	1 2
<u>ROAD TRAFFIC ORDER 1994</u>			
1.	Clause 11	No parking or turning in specified places	0.5
2.	Clause 12	No u-turn	0.5
3.	Clause 13	No left turn	0.5
4.	Clause 16	Traffic lights	1
5.	Clause 20	Seat belts to be worn	1

6.	Clause 21	Carriage of children in motor vehicle	1
7.	Clause 22	Motorcycle helmet to be worn	1
<u>ROAD TRAFFIC ORDERS</u>			
	For every other clauses in Road Traffic Orders not listed above		1

The Road Traffic (Payment of Fines) Act 2009 is administered by the Samoa Land Transport Authority.