

CHAPTER 461

THE VEHICLES AND ROAD TRAFFIC (ENFORCEMENT AND ADMINISTRATION) ACT

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VEHICLES AND ROAD TRAFFIC (ENFORCEMENT AND ADMINISTRATION)

An Act to provide for the punishment of motor vehicle and road traffic offenders without the necessity for a court appearance, and matters incidental thereto.

(1st February, 1984.)

8/1983.

1. This Act may be cited as the Vehicles and Road Traffic (Enforcement and Administration) Act. **Short title.**

Interpretation.

2. In this Act—

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"driver", "road" and "vehicle" have the meanings * respectively assigned to those expressions by section 2 of the Vehicles and Road Traffic Act;

"fixed penalty" means the penalty prescribed under section 6;

"notice" means a document offering the opportunity for the discharge of any liability to conviction for the offence specified therein by payment of a fixed penalty in accordance with this Act;

Schedule.

"offence" means an offence listed in the Schedule, being an offence created by or under the enactment specified therein;

"proceedings" means proceedings by complaint before a Magistrate.

Police Officer may give or affix notice.

3. (1) Where a police officer has reason to believe that an offence has been or is being committed, it shall be lawful for him to give to the driver a notice charging him with the commission of such offence, and notifying him that a complaint will be made against him in respect thereof and requiring him either to pay the fixed penalty within the time specified in the notice or to appear at the court specified in the notice on the day and at the hour stated therein to answer the said complaint.

(2) Subject to this section, where a police officer finds a vehicle on any occasion and has reason to believe that an offence is being or has been committed in respect of that vehicle, the police officer may affix a notice to any part of the vehicle where the notice may easily be seen; and a notice so affixed shall for the purposes of this Act be deemed to have been given to the person liable for the offence, and notwithstanding any law to the contrary, the registered owner of such vehicle shall for the purposes of the proceedings instituted by the notice, be presumed to be the person liable for the offence.

(3) Where a police officer intends to proceed under subsection (1) or (2), the notice shall be given or affixed on the occasion when he had reason to believe that the offence was committed.

(4) The police officer shall send to the Magistrate for the Magisterial district in which the offence is alleged to have been committed, a duplicate of the notice, which duplicate shall be deemed to be a complaint laid before the Magistrate and a summons issued by the Magistrate for the purposes of the Magistrate's Code of Procedure Act.

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4. A notice given or affixed under section 3 shall be signed by the police officer and shall specify:—

Particulars to be specified in notice.

(a) the date, time and place of the giving or affixing of the notice;

(b) the section of the enactment creating the offence alleged, and such particulars of the offence as are required for proceedings under the Magistrate's Code of Procedure Act.

(c) the time within which the fixed penalty may be paid in accordance with section 5(2);

(d) the amount of the fixed penalty;

(e) the Clerk of the Magistrate to whom, and the address at or to which the fixed penalty may be paid or remitted;

(f) the address of the Magistrate's Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time of such appearance.

5. (1) Where a notice has been given under section 3, the driver or the registered owner of the vehicle, as the case may be, may pay the fixed penalty in accordance with the notice.

Payment of fixed penalty precludes prosecution.

(2) The time within which the fixed penalty is payable shall be ten days from the date of the notice, and where payment reaches the Clerk of the Magistrate after that time it shall not be receivable and shall be returned to the sender.

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(3) Where the fixed penalty is duly paid in accordance with the notice, no person shall then be liable to be convicted of the offence in respect of which the notice was given and the proceedings instituted by the notice shall be deemed to have been dismissed.

Amount of fixed penalty payable.

6. The fixed penalty for an offence shall be the amount specified in the third column of the Schedule for that offence.

Payment of fixed penalty.

7. (1) Payment of the fixed penalty shall be made to the Clerk of the Magistrate having jurisdiction in the district in which the offence is alleged to have been committed, and shall be dealt with in the same manner as payment of a fine imposed for an offence under the Magistrate's Code of Procedure Act.

(2) Payment of the fixed penalty shall be accompanied by the notice which shall be completed by the driver or the registered owner, as the case may be, in the manner prescribed.

Certificate of payment or non-payment of fixed penalty.

8. In any proceedings, a certificate that payment of the fixed penalty was or was not made to the Clerk of the Magistrate by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

Consequence of failure to pay or to appear.

9. Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the notice shall proceed in the manner prescribed by the Magistrate's Code of Procedure Act.

Unauthorised removal of or interference with notice.

10. A notice affixed to a vehicle under section 3(2) shall not be removed or interfered with except by or under the authority of the driver of the vehicle or the person liable for the offence in question; and any person contravening this section is liable on summary conviction to a fine of one thousand dollars.

Amendment of Schedule.

11. (1) The Governor-General may from time to time by order—

(a) add any offence to the Schedule; or

(b) remove any offence from the Schedule, and in particular he may alter the fixed penalty for any offence or prescribe a new fixed penalty in an amount not exceeding two hundred dollars.

(2) In subsection 1(a) "offence" means an offence against any enactment relating to the use of vehicles on roads and punishable on summary conviction.

12. The Governor-General may by regulations make provision as to any matter incidental to the operation of this Act, and in particular—

(a) for prescribing the form of notice; and

(b) for prescribing the duties of the Clerks of the Magistrate and the information to be supplied to them.

13. Regulations and orders made under this Act shall be subject to negative resolution of the Senate and the House of Representatives.

Regulations.

Regulations and orders subject to negative resolution.

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SCHEDULE

Ss. 6 and 11

<i>Offence</i> ^a	<i>Enactment</i>	<i>Fixed Penalty</i> \$
1. Using a motor vehicle or trailer without proper identification plate.	Regulation 5 of the Vehicles and Road Traffic Regulations.	40.00
2. Motor vehicle being used when identification mark not legible.	Regulation 6 of the Vehicles and Road Traffic Regulations.	40.00
3. Motor vehicle being used on a public road at night without illumination of rear identification plate.	Regulation 7 of the Vehicles and Road Traffic Regulations.	40.00
4. Motor vehicle in motion on a road at night without two lighted lamps at the front of the vehicle.	Regulation 17(1) of the Vehicle and Road Traffic Regulations.	75.00
5. Motor vehicle or trailer on a road at night without carrying one lamp showing a red light to the rear, of such intensity as to indicate clearly its presence on the road.	Regulation 17(3) of the Vehicle and Road Traffic Regulations.	40.00
6. Carrying spot lights or other swivelling lights on a motor vehicle without the authority of the Licensing Officer.	Regulation 17(4) of the Vehicles and Road Traffic Regulations.	40.00
7. Causing a motor vehicle to travel backwards at the junction of any roads or round a corner.	Regulation 19(1) of the Vehicles and Road Traffic Regulations.	40.00
8. Not applying brakes and stopping engine on quitting a motor vehicle.	Regulation 19(3) of the Vehicles and Road Traffic Regulations.	40.00
9. Failing to keep a motor vehicle on the left of the road without sufficient cause.	Regulation 19(5) (a) of the Vehicles and Road Traffic Regulations.	40.00

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<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i>
		\$
10. Failing to keep to the right or offside when overtaking other vehicles.	Regulation 19(5) (c) of the Vehicles and Road Traffic Regulations.	40.00
11. Driver of motor vehicle when being overtaken by other vehicles failing to drive as close to the side of the road as possible so as to allow such other vehicles to pass, or failing to give as much space as possible for the passing of other traffic or increasing the speed of the vehicle he is driving, whilst being overtaken by any other vehicle.	Regulation 19(5) (d) of the Vehicles and Road Traffic Regulations.	100.00
12. Driving so as to overtake other traffic without a clear or unobstructed view of the road ahead and of any intersecting roads or overtaking other traffic when the road ahead is not clear for a sufficient distance to enable him to overtake and get back to his proper side before meeting any traffic coming from the opposite direction and without causing the vehicle which is being overtaken to alter its speed.	Regulation 19(5) (e) of the Vehicles and Road Traffic Regulations.	100.00
13. Crossing a road or turning in a road or proceeding from one road into another road or driving from a place which is not a road into a road, or from a road into a place which is not a road, when unable to do so without obstructing any other traffic on the road.	Regulation 19(5) (f) of the Vehicles and Road Traffic Regulations.	100.00

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<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i> \$
14. Turning from one road into another road to the left and not keeping as close as possible to the left of each road	Regulation 19(5) (g) of the Vehicles and Road Traffic Regulations.	40.00
15. Turning from one road into another to the right without driving round the point of intersection of the two roads, or keeping as close as possible to the left of each road.	Regulation 19(5) (h) of the Vehicles and Road Traffic Regulations.	40.00
16. Stopping a motor vehicle within a distance of 30ft. from a corner, drive, carriageway, or private road leading from a public road when not compelled to do so by the necessities of traffic on the road	Regulation 19(5) (i) of the Vehicles and Road Traffic Regulations.	40.00
17. Drawing up a motor vehicle alongside any other motor vehicle or backing a motor vehicle to the kerb stone of any foot-path or to the side of any road except for the purpose of turning.	Regulation 19(5) (j) of the Vehicles and Road Traffic Regulations.	40.00
18. Leaving a motor vehicle stationary on a road at night without so stopping the vehicle that it is as close as possible to the left hand side of the road facing the direction in which the vehicle is proceeding	Regulation 19(5) (k) of the Vehicles and Road Traffic Regulations.	40.00
19. Failing to conform to the rules of the road in regard to all kinds of traffic and to comply with the lawful directions of any police officer charged with the regulation of traffic and with any traffic sign.	Regulation 19(9) of the Vehicles and Road Traffic Regulations.	40.00

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<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i> \$
20. Failing to stop a motor vehicle and to remain stationary as long as may be necessary on the request of a police officer in uniform or of any person having charge of a horse.	Regulation 19(14) of the Vehicles and Road Traffic Regulations.	40.00
21. Carrying more persons in a motor vehicle than it was constructed to seat.	Regulation 19(16) of the Vehicles and Road Traffic Regulations.	40.00
22. Leaving or permitting to be left on any public road any motor vehicle which has broken down without taking the requisite steps to indicate its presence and position, by lighting or otherwise, to other persons using the road, or failing to take immediate steps to have it removed to as near left of the road as possible.	Regulation 19(17) of the Vehicles and Road Traffic Regulations.	100.00
23. Failing on the approach of any engine or other apparatus of a Fire Brigade proceeding to or from a fire or suspected fire, to draw up close to the left-hand side of the road and stop, leaving the centre of the road clear for the passage of such engine or other apparatus	Regulation 19(18) of the Vehicles and Road Traffic Regulations.	75.00
24. Putting petrol into a receptacle on or adjacent to any motor vehicle or into the tank of a motor vehicle while the engine is running, or while any light, other than an electric light, is alight on the vehicle or smoking or lighting a match or exposing a naked light in close proximity while petrol is being so filled.	Regulation 20 of the Vehicles and Road Traffic Regulations.	40.00

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<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i> \$
25. Using a motor vehicle without it being equipped with a reflecting mirror so constructed and fitted to the motor vehicle as to enable the driver of such motor vehicle to be or become aware of the presence in the rear of any other vehicle the driver of which is desirous of passing such motor vehicle.	Regulation 21 of the Vehicles and Road Traffic Regulations.	40.00
26. Driving or being in charge of a motor vehicle which causes a loud noise to the annoyance or disturbance of any person.	Regulation 22 of the Vehicles and Road Traffic Regulations.	40.00
27. Using a motor vehicle without all the tyres being maintained in such condition as to be free from any defect which might in any way cause damage to the surface of the road, or danger to persons in or on the vehicle or to any person using the road.	Regulation 23 of the Vehicles and Road Traffic Regulations.	40.00
28. Driving a motor vehicle on a road at a speed greater than the speed so specified as the maximum speed in relation to a vehicle of that class or description.	Section 53 of the Vehicles and Road Traffic Act.	100.00
29. Failing to conform with an indication given by the signs shown in the diagrams in the First or Second Schedule to the Vehicles and Road Traffic (Traffic Signs) Regulations.	Regulation 21 of the Vehicles and Road Traffic (Traffic Signs) Regulations.	40.00

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<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty</i> \$
30. Driver of motor lorry or motor truck travelling along Corn Alley or either north or south along that portion of Market Street which lies between Redcliffe Street and Newgate Street without permission in writing given by the Traffic Commissioner.	Regulation 43(1) of the Vehicles and Road Traffic Regulations.	40.00
31. Parking a motor vehicle in that portion of Market Street which lies between Redcliffe Street and South Street or in that portion of St. Mary's Street between Thames Street and Commissioner's Alley, or in that portion of Long Street between Market Street and Corn Alley.	Regulation 43(2) of the Vehicles and Road Traffic Regulations.	40.00
