

THE REPUBLIC OF KIRIBATI  
(No. 4 of 1989)

I assent,

*M. Kabai*  
Beretitenti.

11/6/1989

AN ACT TO MAKE PROVISION FOR THE PROTECTION OF  
PUBLIC HIGHWAYS AND FOR CONNECTED PURPOSES

Commencement:  
1989

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short title

1. This Act may be cited as the Public Highways Protection Act 1989.

Interpretation

2. In this Act unless the context otherwise requires -

"council" means a Local Government Council established under the Local Government Act 1984;

"Ministry" means a department or agency of the Government for the time being responsible for roads;

"police officer" has the meaning assigned to it under section 2 of the Police Ordinance;

"public highway" means any road designated a highway by order made by the Minister under section 10 of the State Acquisition of Lands Ordinance and includes any footpath, footway, bridlepath as well as any bridge, drain, causeway, kerb or gutter formed or used, or being formed or used, in conjunction with such road.

3(1) There is hereby established for Kiribati a Highways Authority (hereinafter referred to as "the Authority").

(2) The Authority shall consist of one or more officers to be appointed by the Minister by notice.

Cap. 73

Cap. 95B

Establishment  
of Highway  
Authority

owers and  
functions of  
the Authority

- 4(1) Subject to the provisions of this Act the Authority shall -
- (a) consider and advise the Minister on any matter relating to public highways in Kiribati referred to the Authority by the Minister;
  - (b) ensure that all public Highways are free from encroachment and other acts likely to damage public highways or otherwise adversely affect the safety or use of public highways;
  - (c) prohibit, restrict, control or regulate in a manner prescribed by the Minister -
    - (i) the excavation, digging, opening up, formation or construction or laying of any drain, sewer or electric power cables or lines in or on any public highway;
    - (ii) the dumping of rubbish or litter of any kind on any public highway;
    - (iii) any activity or any act of commission or omission which may, or is calculated or likely to damage, obstruct, hinder or prevent the free passage of any person or vehicle on any public highway; and
  - (d) at the request of any council, to advise or assist such council with regard to any matter relating to any road whether such road is a public highway or not.
- (2) Notwithstanding the provisions of subsection (1) of this section the Authority may authorise any person in writing to do any of the acts mentioned under subsection (1)(c)(i), (ii) and (iii) of this section upon such terms and conditions as the Authority thinks fit.
- 5(1) Without prejudice to section 4 of this Act, no person shall without the consent of the Authority in writing -
- (a) form, dig or open any drain or sewer in or on any public highway;
  - (b) remove or cause to be removed, from any public highway any sand, soil, stone, gravel or other matter used, or to be used in the formation of such public highway;
  - (c) break up or otherwise damage any public highway;
  - (d) wilfully obstruct or hinder or prevent the free passage of any person or vehicle on any public highway; or
  - (e) deposit rubbish or litter of any kind on any public highway.

(2) Any person who contravenes any of the provisions of subsection (1) of this section commits an offence and shall be liable upon conviction to a fine not exceeding \$200 or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

(3) In addition to the penalty referred to in subsection (2) of this section, the court may order such person to repair, dispose of, or make good the acts or omissions which constituted the offence or pay the cost of such repairs or of making good such acts or omissions.

(4) Notwithstanding the provisions of any other law, a police officer or any person authorised in writing by the Authority may arrest without a warrant any person who commits or has committed an offence under this Act.


(5) Where a person is arrested under subsection (4) of this section such person shall be taken without delay to the nearest police station and handed over to the police officer in charge of such station.

6(1) The Minister may make regulations prescribing all matters that are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

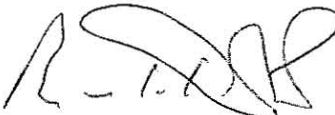
(2) In particular, and without limiting the generality of subsection (1) of this section the Minister may make regulations with regard to -

- (a) the matters specified in section 4(1)(c)(i), (ii) and (iii) of this Act;
- (b) the manner in which the authorisation mentioned in section 4(2) of this Act may be made; and
- (c) the form and the procedure in which an application for authorisation under section 4(2) of this Act may be made.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 18th May 1989 and is found by me to be a true and correctly printed copy of the said Bill.

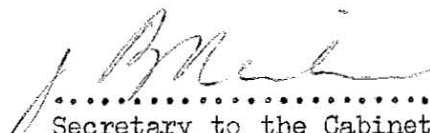
  
.....  
Clerk to the Maneaba ni Maungatabu

I certify that the above Act was on 18th May 1989 passed by the Maneaba ni Maungatabu on a certificate of urgency under section 68(3)(a) of the Constitution.

  
.....  
Speaker

Published by exhibition -

(a) at the Public Office of the Beretitenti this  
1<sup>st</sup> day of June 1989.

  
.....  
Secretary to the Cabinet

(b) at the Maneaba ni Maungatabu this 18<sup>th</sup>  
day of May 1989.

  
.....  
Clerk to the Maneaba ni Maungatabu

PUBLIC HIGHWAYS PROTECTION ACT 1989

EXPLANATORY MEMORANDUM

The principal object of this short Act is to protect public highways in Kiribati from encroachment and damage arising from unauthorised and wanton excavation, digging or opening up of drains, sewers, electric power cables or lines etc. on pain of penalties contained in the Act.

2. At present, there is no Highway Authority in Kiribati to control or regulate acts like those outlined above which damage or are likely to damage public Highways.
3. Clause 3 of the Act therefore seeks to establish a Highways Authority to be composed of one or more officers (i.e. a person or persons in the permanent or temporary employment of the Government) to be appointed by the Minister by notice.
4. The powers and functions of the Authority are outlined in Clause 4 of the Act while acts which constitute offences in relation to public highways under the Act are specified in clause 5 of the Act.
5. The Minister is empowered under clause 6 of the Act to make regulations prescribing all matters that need to be prescribed for carrying out or giving effect to the Act.
6. The expression "public highway" is defined under clause 2 of the Act to mean any road designated as such by the Minister by order.

Michael N. Takabwebwe  
Attorney General

LEGAL REPORT

I hereby certify my opinion that the above Act does not conflict with any provision of the Constitution and may properly be assented to by the Beretitenti.

Michael N. Takabwebwe  
Attorney General  
18th May 1989.