



SAMOA

## ROAD TRAFFIC (PAYMENT OF FINES) ACT 2009

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## ROAD TRAFFIC (PAYMENT OF FINES) ACT 2009

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.

*[Assent date: 25 June 2009]*

*[Commencement Date: 7 June 2010]*

**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. (*S.R. 2010/18*)

**2. Interpretation**—In this Act, unless the context otherwise requires:

“Commissioner” means the Commissioner of Police appointed under the Police Service Act 2009;

“Minister” means the Minister responsible for the Service;

“Service” has the same meaning given to it under the Police Service Act 2009; and

“Traffic Offence Notice” and “Notice” means a Traffic Offence Notice issued under this Act.

**3. Application – (1)** This Act applies to offences specified in the Schedule.

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

(a) to add an offence to the Schedule and the fine to be paid for that offence;

(b) to vary a 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 Commissioner.

**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 a fine under this section is to be made to an Office of the Service as approved by the Commissioner.

**(3)** The Commissioner must ensure that all fines collected under this section are deposited into the Treasury Fund.

**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 is to be recorded against the person served with a Traffic Offence Notice if the person elects to pay the stipulated fine under this Act.

**(3)** Nothing in this Act is to be construed as depriving a person of his or her right to be tried for the offence alleged against the person.

**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 Police Officer** – (1) The powers and procedures provided for under this Act may be exercised by Police Officers.

(2) For the purpose of the exercise of any power under this section a Notice issued by a Police Officer:

(a) must be in a form approved by the Commissioner; and

(b) signed for the Commissioner by a Police Officer.

(3) Any fine imposed under this section is recoverable to the Government.

**9. Offences** – (1) A person who:

(a) knowingly gives a false statement or information to a Police Officer; or

(b) bribes or attempts to bribe a Police Officer, –

in the implementation of the duties of an 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 6 months or both.

(2) A Police Officer who accepts as a bribe any money or thing offered by a person served with a Traffic Offence Notice under this Act, in return for 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 6 months or both.

**10. Limitation** – A person is not to be prosecuted for an 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 “2penalty 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**  
**(Sections 3 and 7)**

<u>OFFENCE</u>			<u>FINE IN PENALTY UNITS</u>
<b><u>ROAD TRAFFIC ORDINANCE 1960</u></b>			
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
8.	Sec 58	Road service licence	1
9.	Sec 36	Restriction on driving by young persons, etc	1
10.	Sec 38	Careless driving	1

<b><u>ROAD TRAFFIC REGULATIONS 1961</u></b>			
1.	Regulation 11	Use of dealer plates	1
1A.	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
4A.	Regulation 44	Maximum weight	1
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
9A.	Regulation 59	Routes	1
10.	Regulation 78	Motor cycles	0.5
11.	Regulation 82	Stopping and parking	1
12.	Regulation 102	Drivers	1
12A.	Regulation 103	Passengers	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
<b><u>ROAD TRAFFIC ORDER 1994</u></b>			
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
<b><u>ROAD TRAFFIC ORDERS</u></b>			
	For every other clauses in Road Traffic Orders not listed above		1

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**REVISION NOTES 2010–2019**

This is the official version of this Act as at 31 December 2019.

This Act has been revised by the Legislative Drafting Division from 2010 – 2019 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (b) Amendments have been made to up-date references to offices, officers and statutes.
- (c) Insertion of the commencement date
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General.
  - (i) “Every” and “any” changed to “a/an” or “each” where appropriate
  - (ii) Present tense drafting style where appropriate:
    - “shall be” and “has been” changed to “is/are” or “is/are to be”
    - “hereby” and “from time to time” (or “at any time” or “at all times”) removed
  - (iii) Removal/replacement of obsolete, archaic and Latin terms with plain language
    - “notwithstanding” changed to “despite”
    - “pursuant to” or “in accordance with the provisions of” changed to “under”
  - (iv) Numbers in words changed to figures
  - (v) Removal of superfluous terms
    - “the provisions of”
  - (vi) References throughout the Act to “Land Transport Authority” is substituted with “Authority” (as defined in section 2 of the Act)
  - (vii) Notation inserted in the arrangement of provisions to indicate that there is a Schedule to the Act.

- (viii) Correct authorizing provisions for the Schedule inserted (under the heading “Schedule”)

There were amendments made to this Act since the publication of the *Consolidated and Revised Statutes of Samoa 2007*:

*By the Road Traffic (Payment of Fines) Regulations 2014:*

**Schedule** - new offences inserted

*By the Miscellaneous (Ministerial Assignment) Amendment Act 2019* (No. 23), commenced on 1 July 2019:

**section 2** - repealed definition of “Authority”;  
inserted new definitions of “Commissioner” and “Service”;  
substituted “land transport” with “the Service in the definition of “Minister”;  
omitted “or the Land Transport Authority Act 2007” in the definition of “Traffic Offence Notice” and “Notice”.

**section 4** - for subsection (2) substituted “Land Transport Authority in consultation with the Commissioner of Police and shall be signed for the Commissioner of Police by the Police Officer” with “Commissioner”.

**section 5** - for subsection (2), substituted “the Land Transport Authority” with “an Office of the Service as approved by the Commissioner”;  
insert new subsection (3).

**section 8** - substituted.  
*NB* – all references to “Police Officers” in the Act were amended for consistency to capitalise the first letters of the term (as the Amendment Act made reference to ‘police officers’).

**Section 9** - omitted all references to “or to an officer of the Authority” and “or an officer of the Authority”.



Lemalu Hermann P. Retzlaff  
Attorney General of Samoa

*This Act is administered by  
the Land Transport Authority.*

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