



SAMOA

ROAD TRAFFIC (PAYMENT OF FINES) ACT 2009

Arrangement of Provisions

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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>
<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
8.	Sec 58	Road service licence	1
9.	Sec 36	Restriction on driving by young persons, etc	1
10.	Sec 38	Careless driving	1
<u>ROAD TRAFFIC REGULATIONS 1961</u>			
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
<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
ROAD TRAFFIC ORDERS			
	For every other clauses in Road Traffic Orders not listed above		1

REVISION NOTES 2010–2020/3 March 2021

This is the official version of this Act as at 3 March 2021.

This Act has been revised by the Legislative Drafting Division from 2010 – 2020/3 March 2021 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”.

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