

ROAD TRANSPORT AND TRAFFIC CONTROL ACT 1990

WESTERN SAMOA

Arrangement of Provisions

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1990, No. 22

AN ACT to amend the Ministry of Transport Act 1978 and the Road Traffic Ordinance 1960 to transfer certain functions from the Ministry of Transport to the Police Service.

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

1. Short Title and Commencement - (1) This Act may be cited as the Road Transport and Traffic Control Act 1990.

(2) This Act shall come into force on such date as shall be specified by the Head of State by Order.

2. Powers of Minister - Subsection (1) of section 5 of the Ministry of Transport Act 1978 is amended by inserting immediately before the words "civil aviation" the word "and" and by omitting the words "and road transport".

3. Assistant Secretary - Section 7 of the Ministry of Transport Act 1978 is amended by omitting the words "an Assistant Secretary Road Transport Division of the Ministry"

4. Administration of Road Traffic Ordinance 1960 - The first item in the First Schedule of the Ministry of Transport Act 1978 is repealed and the Road Traffic Ordinance 1960 shall henceforth be administered by the Police Service.

5. Transport Control Board - (1) Section 2 of the Road Traffic Ordinance 1960 is amended by inserting in its proper alphabetical position the following definition:-

" "Board" means the Transport Control Board constituted under the provisions of Part IV of this Ordinance."

(2) The Sixth Schedule of the Ministry of Transport Act 1987 is amended by repealing the first item therein and sections 51, 52, 53, 53A and 54 of the Road Traffic Ordinance 1960 are hereby revived and again form part of the law of Western Samoa.

6. Appointment of Officers - Section 3 of the Road Traffic Ordinance 1960 is repealed and the following section is substituted:-

" 3. Appointment of Officers - (1) The Minister may appoint a Principal Licensing Authority who shall be charged with the licensing of motor vehicles and trailers, and drivers other than riders of bicycles, and matters incidental thereto, and in default of any such appointment the Commissioner of Police Service shall be the Principal Licensing Authority.

(2) The Principal Licensing Authority may appoint such Licensing Authorities, and designate such licensing areas as may be necessary for carrying out the provisions of Part II of this Ordinance.

(3) The Commissioner of Police Service may appoint such inspectors as may be necessary for carrying out the provisions of this Ordinance.

(4) All appointments made under the provisions of this section shall be made by notice in the Savali."

7. Consequential amendments - (1) The Road Traffic Ordinance 1960 is further amended as follows:-

(a) By repealing in section 2 the definitions of "Assistant Secretary Road Transport", "Certifying Officer", "Examining Officer" and "Traffic Officer".

(b) By repealing section 5A.

(c) By omitting the words "traffic officer" wherever they occur in subsection (5) of section 27.

(d) By omitting from subsection (6) of section 49 the words "Assistant Secretary Road Transport" and substituting the words "Director of Works".

(e) By omitting the words "traffic officer" wherever they occur in subsection (1) of section 50 and in section 72B.

(2) All references to the Licence Controller in the provisions of the Road Traffic Ordinance 1960 specified in the First Schedule to this Act shall after the

commencement of this Act be read as references to the Principal Licensing Authority.

(3) All references to the Assistant Licence Controller in the provisions of the Road Traffic Ordinance 1960 specified in the Second Schedule to this Act shall after the commencement of this Act be read as references to the licensing authority, and the pronoun "his" in relation thereto shall be read as the pronoun "its".

(4) All references to the Assistant Secretary Road Traffic in the provisions of the Road Traffic Ordinance specified in the Third Schedule to this Act shall be read as references to the Board, and the pronoun "his" in relation thereto shall be read as the pronoun "its".

8. Repeals - (1) The Ministry of Transport Repeal Act 1984 is repealed.

(2) The Third, Fourth and Fifth Schedules to the Ministry of Transport Act 1978 are repealed.

SCHEDULES

FIRST SCHEDULE

Section 7(2)

Provisions of the Road Traffic Ordinance 1960 where references to the Licence Controller to be read as references to Principal Licensing Authority

Sections 2, 4, 8, 15(1), 19(1), 20, 27(2), 28(1), 35(6), 35(7), 38A(1), 44A(1), 44A(2), 44A(3), 45(1), 45(2), 72(4) and 72A(3).

SECOND SCHEDULE

Section 7(3)

Provisions of the Road Traffic Ordinance 1960 where references to the Assistant Licence Officer to be read as references to Licensing Authority

Sections 8, 9, 13(1), 14, 17(1), 17(3), 17(5), 17(6) 17(7), 17(8), 29(1), 29(2), 29(3), 29(4), 29(5), 32, 36(2) and 56(1).

THIRD SCHEDULE

Section 7(4)

Provisions of the Road Traffic Ordinance 1960 where references to the Assistant Secretary

Road Traffic to be read as references to the Board

Sections 2, 55(3), 55(8), 55(9), 55(10), 56(1), 57(2), 58(1), 58(2), 59, 60(1), 60(2), 60(3), 60(4), 60(5), 60(6), 61(1), 61(2), 62, 63(1), 63(2), 63(3), 64(1), 64(2), 66(2), 66(3), 67(1), 67(2), 67(3), 67(4), 68, 69, 72(4), 73(1), 73(2), 73(3), 74(1) and 74(3).

**FELAUAGA I AUALA MA LE PULEA O TAAVALE E
FEOAI I ALA TETELE 1990**

SAMOA I SISIFO

Faatulagaina o Alaiga

Igoa

1. Igoa Puupuu ma le Amataga
2. Pule a le Minisita
3. Failautusi Fesoasoani
4. Faafocina o le Tulafono o Taavale e Feoai i Ala Tetele 1960
5. Komiti Faatino e Pulea Taavale
6. Tofia o Ofisa
7. Teuteuga e mulimuli mai ai
8. Mea ua soloia

Faamatalaga

1990 Nu 22

O SE TULAFONO e teuteu ai le Tulafono o le Matagaluega o Felauaiga 1978 ma le Tulafono o Taavale Feoai i Ala Tetele 1960 ina ia siitia mai ai nisi o galuega faapitoa mai le Matagaluega o Felauaiga i le Matagaluega o Leoleo.

UA FAIA e le Fono Aoao Faitulafono o Samoa i Sisifo i totonu o le Palemene ua potopoto e faapea:-

1. Igoa Puupuu ma le Amataga - (1) E mafai ona taua leni Tulafono o le Tulafono o Felauaiga i Auala ma le Pulea o Taavale e Feoai i Ala Tetele 1990.

(2) O leni Tulafono o le a faamamaluina i se aso o le a faatulagaina e le Ao o le Malo i luga o se Tulafono Faa-Poloaiga.

2. Pule a le Minisita - O le Faafuaiupu (1) o le fuaiupu 5 o le Tulafono o le Matagaluega o Felauaiga 1978 ua teuteuina i le faaofiina i ai a o lumanai ia upu "vaalele sivili" le upu "ma" i le aveeseina o upu "ma felauaiga i auala".

3. **Failautusi Fesoasoani** - O le Fuaiupu 7 o le Tulafono o le Matagaluega o Felauaiga 1978 ua teuteuina i le aveeseina o upu "se Failautusi Fesoasoani o le Vaega o Taavale Feoi i Ala Tetele o le Matagaluega".

4. **Faafoeina o le Tulafono o Taavale Feoi i Ala Tetele 1960** - O le uluai mea taitasi o lo o i totonu o le Faamatalaga Muamua o le Tulafono o le Matagaluega o Felauaiga 1978 ua soloia ma o le Tulafono o Taavale Feoi i Ala Tetele 1960 o le a tatau ona toe tuuina atu e faafoeina e le Matagaluega o Leoleo.

5. **Komiti Faatino e Pulea Taavale** - (1) O le Fuaiupu 2 o le Tulafono o Taavale Feoi i Ala Tetele 1960 ua teuteuina i le faaofiina i ai i le tulaga talafeagai ai i le faasologa o mataitusi o le Pi le faamatalaga e faapea:-

"Komiti Faatino" o lona uiga o le Komiti Faatino e Pulea Taavale ua faavaeina e tusa ai ma aiaiga o le Vaega IV o lenei Tulafono."

(2) O le Faamatalaga Lona Ono o le Tulafono o le Matagaluega o Felauaiga 1987 ua teuteuina i le soloia o le uluai mea taitasi o lo o i ai ma fuaiupu 51, 52, 53, 53A ma le 54 o le Tulafono o Taavale Feoi i Ala Tetele 1960 ua toe aloaia nei ma toe avea o le Tulafono o Samoa i Sisifo.

6. **Tofia o Ofisa** - O le Fuaiupu 3 o le Tulafono o Taavale Feoi i Ala Tetele 1960 ua soloia ma ua suia i le fuaiupu e faapea:-

"3. **Tofia o Ofisa** - (1) E mafai e le Minisita ona tofia se Pulega autu o le Laiseneina o ia lea o le a tuuina atu i ai le laiseneina o taavale afi ma taavale toso lau uta, ma laisene avetaavale e ese ai na i lo tagata tietie uila vili vae, ma isi mataupu e faasino i ai, ma a fai e le faataunuuna sea tofiga o le a tatau ona avea le Komesina o Leoleo ma Pule autu o Laisene.

(2) O le Pulega autu o le Laiseneina e mafai ona ia tofia nisi tagata Pule mo Laisene, ma tofia ni nofoaga e faatino ai le faia o laisene e pei ona o le a manaomia mo le faatinoina o aiaiga o le Vaega II o lenei Tulafono.

(3) E mafai e le Komesina o Leoleo ona tofia ni tagata asiasi e pei ona o le a manaomia mo le faatinoina o aiaiga o lenei Tulafono.

(4) O tofiga uma ua faia e tusa ai ma aiaiga o lenei fuaiupu e tatau ona faia i luga o se faasilasilaga i totonu o le Savali.

7. Teuteuga e mulimuli mai ai - (1) O le Tulafono o Taavale Feoi i Ala Tetele 1960 ua toe teuteuina e faapea:-

(a) I le soloia i totonu o le fuaiupu 2 faamatalaga o "Failautusi Fesoasoani o Felauaiga i Auala", "Ofisa Faamaonia" ma "Ofisa Tau Taavale".

(b) I le soloia o le fuaiupu 5A.

(c) I le aveeseina o upu "ofisa tau taavale" i so o se mea o lo o faaoga i ai i totonu o le faafuaiupu (5) o le fuaiupu 27.

(d) I le aveeseina mai le faafuaiupu (6) o le fuaiupu 49 ia upu "Failautusi Fesoasoani o Felauaiga i luga o Auala" ma ia suia i upu "Faatonu Sili o Galuega".

(e) I le aveeseina o upu "ofisa tau taavale" i so o se mea o lo o faaoga ai i totonu o le faafuaiupu (1) o le fuaiupu 50 ma i le fuaiupu 72B.

(2) O faamatalaga uma faasino i le Ofisa e Pulea Laisene i aiaiga o le Tulafono o Taavale Feoi i Ala Tetele 1960 e pei ona faatulagaina i totonu o le Faamatalaga Lona Lua i lenei Tulafono e tatau ina ua tuanai le aso e amata ai lenei Tulafono ona faitauina e pei ai o ni faamatalaga i le pulega autu o le laiseneina.

(3) O faamatalaga uma faasino i le Pule Fesoasoani o Laisene i totonu o aiaiga o le Tulafono o Taavale Feoi i Ala Tetele 1960 e pei ona faatulagaina i totonu o le Faamatalaga Lona Lua i lenei Tulafono e tatau ina ua tuanai le aso e amata ai lenei Tulafono ona faitauina e avea o ni faamatalaga i le pulega tau laisene ma o le soa nauna "lana" e pei ona faasino i ai e tatau ona faitauina o se soa nauna "o ana mea".

(4) O faamatalaga uma faasino i le Failautusi Fesoasoani o Taavale Feoi i Ala Tetele i totonu o aiaiga o le Tulafono o Taavale Feoi i Ala Tetele e pei ona faatulagaina i totonu o le Faamatalaga Lona Tolu o lenei Tulafono e tatau ona faitau e avea ai o ni faamatalaga faasino i le Komiti Faatino, ma o le soa nauna "lana" e pei ona faasino i ai e tatau ona faitauina e avea ma soa nauna "o ia mea".

8. Soloia - (1) O le Tulafono e Soloia ai le Matagaluega o Felauaiga 1984 ua soloia.

(2) O Faamatalaga Lona Tolu, Fa ma le Lima faasino i le Tulafono o le Matagaluega o Felauaiga 1978 ua soloia.

FAAMATALAGA

FAAMATALAGA MUAMUA

Fuaiupu 7(2)

Aiaiga o le Tulafono o Taavale Feoi i Ala Tetele 1960 i mea o lo o faamatalaina ai le Ofisa e Pulea Laisene ina ia faitauina e avea ma faamatalaga faasino i le Pulega autu o le laiseneina.

Fuaiupu 2, 4, 8, 15(1), 19(1), 20, 27(2), 28(1), 35(6), 35(7), 38A(1) 44A(1), 44A(2), 44A(3), 45(1), 45(2), 72(4) ma le 72A(3).

FAAMATALAGA LONA LUA

Fuaiupu 7(3)

Aiaiga o le Tulafono o Taavale Feoi i Ala Tetele 1960 i mea o lo o faamatalaina ai le Ofisa Fesoasoani o Laisene ina ia faitauina e avea ma faamatalaga i le Pulega autu o le Laiseneina.

Fuaiupu 8, 9, 13(1), 14, 17(1), 17(3), 17(5), 17(6), 17(7), 17(8), 29(1), 29(2), 29(3), 29(4), 29(5), 32, 36(2) ma le 56(1).

FAAMATALAGA LONA TOLU

Fuaiupu 7(4)

Aiaiga o le Tulafono o Taavale Feoi i Ala Tetele i 1960 i mea o lo o faamatalaina ai le Failautusi Fesoasoani o Taavale Feoi i Ala Tetele ina ia faitauina e avea ma faamatalaga faasino i le Komiti Faatino.

Fuaiupu 2, 55(3), 55(8), 55(9), 55(10), 56(1), 57(2), 58(1), 58(2), 59, 60(1), 60(2), 60(3), 60(4), 60(5), 60(6), 61(1), 61(2), 62, 63(1), 63(2), 63(3), 64(1), 64(2), 66(2), 66(3), 67(1), 67(2), 67(3), 67(4), 68, 69, 72(4), 73(1), 73(2), 73(3), 74(1) ma le 74(3).