



**REPUBLIC OF NAURU
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Nauru

G.N.No.793/2024

MOTOR TRAFFIC (IMPOUND FEES AND NOTICES) (AMENDMENT) REGULATIONS 2024

SL No. 18 of 2024

Notified:

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The Cabinet makes the following Regulations under Section 132(1) of the *Motor Traffic Act 2014*:

1 Citation

These Regulations may be cited as the *Motor Traffic (Impound Fees and Notices) (Amendment) Regulations 2024*.

2 Commencement

These Regulations commence on the date they are notified in the Gazette.

3 Amendment of the Motor Traffic (Impound Fees and Notices) Regulations 2020

The *Motor Traffic (Impound Fees and Notices) Regulations 2020* are amended by the provisions of these Regulations.

4 Amendment of Regulation 3

Regulation 3 is amended by:

- (a) deleting the fullstop and substituting with ‘; and’ at the end of the definition of ‘*Act*’; and
- (b) inserting the following definition in its correct alphabetical order:

‘*mechanic*’ means a mechanic employed in the Government of Nauru Garage or any such other qualified person authorised by the Commissioner of Police to appraise the condition and value of a motor vehicle.’.

5 Amendment of Regulation 4

Regulation 4 is amended by deleting ‘police’ in subregulations (1)(b) and (3), and substituting with ‘Nauru Police Force’.

6 Amendment of Regulation 6

Regulation 6 is deleted and substituted with:

‘6 Notice for payment of impound fee

- (1) For the purpose of Section 116(3)(a) of the Act, a police officer authorised by the Commissioner of Police shall issue a notice for payment of an impound fee, after 30 days, in the form in Schedule 3.
- (2) For the purpose of Section 116(3)(b) of the Act, a police officer authorised by the Commissioner of Police shall issue a notice for payment of an impound fee, after 45 days, in the form in Schedule 4.’.

7 Insertion of new Regulation 7

New Regulation 7 is inserted after Regulation 6 as follows:

‘7 Non-payment of impound fee

- (1) A motor vehicle owner issued a notice of payment under Regulation 6(2), who does not pay the impound fee, shall be liable to have his or her motor vehicle disposed of by auction or public tender.

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- (2) For the purpose of Section 116(3)(a) and (b) of the Act, a police officer authorised by the Commissioner of Police shall before disposing a vehicle by auction or public tender, issue a notice to the owner in the form in Schedule 4.'

8 Insertion of new Regulation 8

A new Regulation 8 is inserted as follows:

'8 Conduct of auction or public tender

- (1) For the purpose of carrying out an auction or public tender of a motor vehicle under Section 116(3)(b) of the Act, the Commissioner of Police, shall ensure that :
- (a) a certificate of appraisal is obtained from the mechanic containing the value of the motor vehicle;
 - (b) arrange for the auction or public tender through advertisement to the general public;
 - (c) the motor vehicle is sold at the best price reasonably obtainable at the time of the sale;
 - (d) immediately upon the completion of the sale, pay the proceeds for the disposed motor vehicle into the Treasury Fund;
 - (e) a notice of the sale, in the Form in Schedule 5, is issued to the Registrar to enable registration of change of ownership of the motor vehicle;
 - (f) a report is provided to the Minister on the sale of the motor vehicle by auction which includes:
 - (i) value of the motor vehicle as appraised by the mechanic;
 - (ii) actual sale price of the motor vehicle; and
 - (iii) account of the defraying of the sale of the motor vehicle in accordance with paragraph (g);
 - (g) the monies obtained through the sale of vehicle by an auction or advertisement shall be, defrayed on the authorisation of the Commissioner of Police as follows:
 - (i) impounding fees;
 - (ii) fines or penalties;
 - (iii) arrears of any motor vehicle registration fees payable under the Act;
 - (iv) expenses for the auction or public tender; and
 - (v) any balance remaining to be paid to the owner of the motor vehicle.

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- (2) A police officer shall not be eligible to take part in the auction or public tender of a motor vehicle and any bid belonging to a police officer, shall not be considered in the auction or public tender process.
- (3) Upon the completion of the disposal and defraying of any proceeds from the sale of the impounded vehicle, the Commissioner of Police shall inform the owner of the sale of the impounded vehicle and the and the manner in which the proceeds were defrayed.’

9 Amendment of Schedule 3

Schedule 3 is deleted and substituted with:

‘SCHEDULE 3



REPUBLIC OF NAURU

MOTOR TRAFFIC ACT 2014

*[Section 116(3)(a);
Regulation 6]*

NOTICE OF PAYMENT OF IMPOUND FEE AFTER 30 DAYS

To:[insert full name of owner]

.....[insert residential address]

NOTICE is hereby given to you as the owner of Vehicle Registration Number:to pay an impound fee in the sum of \$.....for the said vehicle being impounded by the police for 30 days.

Dated this day of20....

.....

Authorised Police Officer

Note: Unless the fee is paid on the day the notice is issued, the amount will increase on a daily basis as provided for in the *Motor Traffic (Impound Fees and Notices) Regulations 2020.*

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10 Insertion of new Schedule 4

A new Schedule 4 is inserted after Schedule 3 as follows:

‘ SCHEDULE 4



REPUBLIC OF NAURU

MOTOR TRAFFIC ACT 2014

*[Section 116(3)(a) and (b);
Regulation 7]*

NOTICE OF PAYMENT OF IMPOUND FEE AFTER 45 DAYS

AND DISPOSAL OF MOTOR VEHICLE

To:*[insert full name of owner]*

.....*[insert residential address]*

NOTICE is hereby given to you as the owner of Vehicle Registration Number:to pay an impound fee in the sum of \$.....for the said vehicle being impounded by the police for 45 days.

TAKE FURTHER NOTICE that as the owner of Motor Vehicle Registration Number, if you fail to pay the impound fee on the day this notice is issued, your Motor Vehicle shall be disposed of by auction or public tender.

Dated this day of 20...

.....

Authorised Police Officer ’

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11 Insertion of new Schedule 5

A new Schedule 5 is inserted after Schedule 3 as follows:

'SCHEDULE 5



REPUBLIC OF NAURU

MOTOR TRAFFIC ACT 2014

[Section 116(3)(a) and (b);

Regulation 8(1)(e)]

NOTICE OF SALE OF VEHICLE BY AUCTION OR PUBLIC TENDER

To: Registrar for Motor Vehicles and Licences

From: Commissioner of Police

NOTICE is hereby given, that the motor vehicle with the following details was disposed of by auction* / public tender* by the Nauru Police Force on *[Date]* of *[Month][Year]*.

- (a) Model:
- (b) Year:
- (c) Motor Vehicle Registration No:
- (d) Registered owner:
- (e) Vin/Frame/Engine/Chassis no.

* delete whichever is not applicable

TAKE FURTHER NOTICE that the successful bidder, who has now become the new proprietor of the said motor vehicle. The details of the new owner requiring registration under Regulations are as follows:

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(a) [*Full Name*]; and

(b) [*Residential Address*]

REQUEST is made for the registration details for the said motor vehicle to be recorded in the Motor Vehicle Register.

.....
Commissioner of Police

[*Date*]/[*Month*]/[*Year*]
