



Transport Amendment Act 2015

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An Act to amend the Transport Act 1965 to provide for infringement offences to be prescribed by regulations and minor amendments

The Assembly enacts as follows—

- Title**
This is the Transport Amendment Act 2015.
- Commencement**
This Act comes into force on the 60th day after the date on which this Act becomes law in accordance with Article 34 of the Constitution.
- Principal Act amended**
This Act amends the Transport Act 1965.
- Section 3 amended: Interpretation**
Section 3 is amended by inserting the following definition in its appropriate alphabetical order:
“**infringement offence** means an offence against this Act that is declared to be an infringement offence by regulations made under section 107”.
- Section 5 amended: Penalty for contravention**
Section 5(1) is amended by replacing “1 penalty unit” with “3 penalty units”.

6 Section 36 amended: Parking of motor vehicles

Section 36 is amended by adding the following subsection:

“(2) A driver of a motor vehicle must ensure, when parking the vehicle on a prescribed road, that the vehicle is parked on the left side of the road.

“(3) A prescribed road means a road prescribed by Cabinet from time to time.”

7 Section 47 amended: Speed limits and penalties for exceeding speed limits

- (1) Section 47(1)(a)(i) is amended by replacing “25 miles an hour” with “40 kilometres per hour”.
- (2) Section 47(1)(a)(ii) is amended by replacing “35 miles per hour and a truck at a greater speed than 30 miles per hour” with “60 kilometres an hour and a truck at a greater speed than 50 kilometres per hour”.
- (3) Section 47(1)(a)(iii) is amended by replacing “15 miles per hour when within 50 yards” with “25 kilometres per hour when within 50 metres”.
- (4) Section 47(3) is amended by replacing “1 penalty unit” with “10 penalty units”.

8 New section 102A inserted

- (1) The following section is inserted after 102:

“102A Infringement offences

“(1) If a person is alleged to have committed an infringement offence, the person may –

“(a) be proceeded against in the normal manner by the laying of an information against the person; or

“(b) be served with an infringement notice by a constable delivering it, or a copy of it, personally to the person or the person’s last known place of residence or business.

“(2) An infringement notice must be in the prescribed form and must state –

“(a) details of the alleged infringement offence that are sufficient to fairly inform the person of the time, place, and nature of the alleged offence; and

“(b) the amount of the infringement fee; and

“(c) an address at which the infringement fee may be paid; and

“(d) the time within which the infringement fee must be paid; and

“(e) that the person has a right to request a hearing; and

“(f) what will happen if the person does not pay the fee and does not request a hearing; and

“(g) any other prescribed information.



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- “(3) If the person pays the infringement fee within the period stated in the infringement notice,—
- “(a) no further action may be taken against the person; and
 - “(b) no conviction may be entered against the person for the offence.
- “(4) If the person does not pay the infringement fee or request a hearing within the period stated in the infringement notice, the Police must serve the person with a reminder notice in the prescribed form that contains the same or substantially the same particulars as the infringement notice.
- “(5) If the person does not pay the infringement fee or request a hearing within the period stated in the reminder notice, proceedings may be commenced against the person by filing the reminder notice with the Court and, for that purpose,—
- “(a) the reminder notice must be treated as the information for the infringement offence; and
 - “(b) the Court is deemed to have made an order, on the date that the reminder notice is filed, that the defendant pay a fine equal to the amount of the infringement fee together with costs in the prescribed amount, but no conviction is entered against the person.
- “(6) A person requests a hearing by providing to the Police, within the period specified in the infringement notice or reminder notice, as the case may be, a notice, signed by the person, requesting a hearing and accepting or rejecting liability and, if accepting liability, the reasons, if any, as to why the Court should impose a lesser fine than the infringement fee for the offence.
- “(7) A person found guilty at a hearing held for the purposes of subsection (6) is liable to a fine equal to the amount of the infringement fee (unless the Court imposes a lesser amount) together with costs in the prescribed amount, but no conviction is entered against the person.
- “(8) To avoid doubt, if a person commits an infringement offence and proceedings against the person are taken in the normal manner under subsection (1)(a), the person is liable to pay not the infringement fee but the amount that the Court determines in accordance with the applicable provision of this Act. However, no conviction may be entered against the person.”

9 Section 107 replaced: Regulations

(1) Section 107 is repealed and the following section is substituted—

“107 Regulations

Cabinet may make regulations—

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- “(a) prescribing fines, not exceeding 10 penalty units, for the breach of any regulations made under this Act:
 - “(b) declaring the offences against this Act that constitute infringement offences:
 - “(c) prescribing infringement fees not exceeding 10 penalty units for infringement offences (which may be different fees for different offences, including different fees for a first, second, or subsequent offence):
 - “(d) prescribing forms to be used for the purposes of this Act:
 - “(e) providing for any other matters contemplated by this Act that are necessary for its full administration or necessary for giving it full effect.”
-

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I, Togiavalu Pihigia, Speaker of the Niue Assembly, certify that the requirements of Article 34 of the Niue Constitution have been complied with.

SIGNED AND SEALED at the Assembly Chambers this

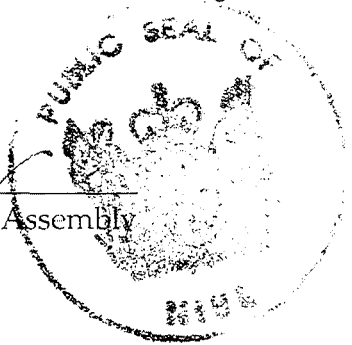
9th

day of

March

2015.


Speaker of the Niue Assembly



COUNTERSIGNED in the presence of the Speaker



Clerk of the Niue Assembly

This Act is administered by the Niue Police Department
This Act was passed by the Niue Assembly on the 25th day of February 2015.



**FAKATUFONO TOHI KE FAKAHUI E MATAPATU FAKATUFONO
TOHI MA E PUHALATŪ MO E TAU PELEO AFI 2015**

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Ko e Fakatufono Tohi Fakalatalata nei ke Fakahui aki e Matapatu Fakatufono Ma e Puhalatū mo e tau Peleo Afi ke maeke he tau agahala holia ke fai talahauaga fakalā fakatufono mo e tau fakahui ikiiki

Ko e Fono Ekepule ke fakagahua tuga a nā i lalo -

- 1 Mataulu**
Ko e Fakatufono Tohi nai ko e Fakatufono Tohi ke Fakahui e Matapatu Fakatufono Ma e Puhalatū mo e tau Peleo Afi 2015.
- 2 Kamataaga**
Ke fakagahua e Fakatufono Tohi nai he aho 60 ka mole atu e aho ne fakamooli ai he Fono Ekepule ke eke mo Matafakatufono Tohi muiua ni ke he Matakupu 34 he Tohi Fakave.
- 3 Fakahui e Matapatu Fakatufono Tohi**
Ko e Fakatufono Tohi nai ke fakahui aki e Matapatu Fakatufono Tohi Puhalatū mo e tau Peleo Afi 1965.
- 4 Fakahui e Matakupu 3: Fakakakanoaga**
Fakahui e Matakupu 3 ka tuku e kakano nā i lalo ke he haana a fakapapahiaga matatohi kua lata tonu:

“agahala kua holia kakano ko e agahala ke he Fakatufono Tohi nai ne kua fakahigoa ko e agahala kua holia tuga kua fakakite he tau lā fakatufono ne taute ki lalo hifo he matakupu 107”.

5 **Fakahui e Matakupu 5: Fakahala ke lata ma e agahala**
Kua fakahui e Matakupu 5(1) ko e “1 e uniti agahala” ka e hukui aki e 3 e uniti agahala”.

6 **Fakahui e Matakupu 36: Fakatūtūaga he tau peleo afi**
Kua fakahui e Matakupu 36 ka e lalafi atu he taha matakupu nā i lalo:

“(2) Kua lata he tagata fakaholo peleō afi ke fakatū haana a peleō afi he puhalatū kua fafati, ke mailoga kua fakatu e peleō afi he faahi hema.”

“(3) Ko e puhalatu ne fafati ko e puhalatu kua fafati he Fono Ikipule he tau magaaho kehekehe.”

7 **Fakahui e Matakupu 47: Tau fakakaupāaga holo mo e tau fakahala ka molea atu e tau fafatiaga mafiti**

(1) Kua fakahui e Matakupu 47(1)(a)(i) ke utakehe e tau kupu e “25 e maila he tulā” mo e hukui aki e tau kupu “40 e kilomita he tulā”.

(2) Kua fakahui e Matakupu 47(1)(a)(ii) ke uta kehe e tau kupu e “35 e maila he tula mo e tulaki kua molea atu e 30 e kilomita he tula” mo e hukui aki e tau kupu nai “60 e kilomita he tula mo e tulaki kua molea atu e 50 kilomita he tula”.

(3) Kua fakahui e Matakupu 47(1)(a)(iii) uta kehe tau kupu e “15 e maila he tulā kaeke kua hā ki loto he 50 e iata” ka e hukui aki e tau kupu e “25 e kilomita he tulā kaeke kua hā ki loto he 50 e mita”.

(4) Kua fakahui e Matakupu 47(3) ko e “1 e uniti agahala” aki e “10 uniti agahala”

8 **Fakahui e Fakatufono Tohi ke tuku ki loto e matakupu foou**

(1) Ke tuku e matakupu foou nai ka ōti e matakupu 102:

“102A Tau Agahala kua Holia

“(1) Kaeke kua tuahā kua holia he tagata e taha agahala, to maeke he tagata ia –

“(a) Ke taute e taha hokotaki ki a ia ke he puhala mahani mau ai mo e tuku atu e taha fakamatalaaaga; mo e tu ki mua he Fakafiliaga; po ke

“(b) ke finatu fakahako ni e leoleo ke taatu ki a ia e taha fakailoaga holifono po ke lagaki he tohi ia po ke taatu ke he kaina ne nofo fakahiku ai a ia po ke pisinisi he tagata ia.

“(2) Kua lata he fakailoaga holifono ke taute ke he laupepa pauaki mo e kua lata ke tohia –

- “(a) ai e tau talahauaga ke he Mata Fakatufono kua holia e ia kua talahau ki ai ke fakailoa fakamitaki ke he tagata e magaaho, aho, matakavi mo e fakakakanoaga ke he agahala haana; mo e
- “(b) katoa he tau tupe ke totogi ma e holifono; mo e
- “(c) matakavi ke totogi ki ai e tupe totogi ma e holifono; mo e
- “(d) tau magaaho ke fakakaupā mai ai e totogi he tupe ma e holifono nai; mo e
- “(e) ke fai tonuhia e tagata ke ole ke fai Fakafiliaga; mo e
- “(f) tau mena ka tutupu kaeke ke nā kai totogi e tupe nai mo e nā kai ole ke fai fakafiliaga; mo e
- “(g) ha fakamatalaaga foki kua lata.
- “(3) Kaeke kua totogi he tagata e tupe ma e agahala kua holia e ia ki lalo hifo he tau magaaho fafati ne kua tohia ke he fakailoaaga holifono, -
- “(a) to nā kai fai mena foki ke taute ke he tagata; mo e
- “(b) to nā kai fai fakamauaga agahala ke lauia ai ke he haana higoa; mo e
- “(4) Kaeke kua nā kai totogi he tagata e tupe ma e agahala kua holia e ia po ke ole ke mouā taha fakafiliaga ke he tau magaaho kua fafati ki ai ki loto he fakailoaaga holifono, kua lata he Faahi Leoleo ke taatu e taha tohi fakamanatu kua taute ke he laupepa pauaki mo e hā i ai e tau talahauaga kua tatai po ke teitei tatai ni ke he fakailoaaga holifono ne kua tufa age fakamua.
- “(5) Kaeke kua nā kai totogi he tagata e tupe totogi ma e agahala kua holia e ia ke he tau magaaho fafati ki loto he tohi fakamanatu, ke fai tauteaga ke taute ke he tagata ia ke taatu e taha tohi fakamanatu ke he Fakafiliaga mo e, kaeke kua pihia, -
- “(a) ke fakaaoga e tohi fakamanatu kia eke ia mo talahauaga ke he Fakailoaaga Holifono kua holia e ia; mo e
- “(b) talahau ai kua taute he Fakafiliaga e taha poakiaga, he aho ne taute ai e tohi fakamanatu, ke totogi he tagata e tau tupe tatai mo e tupe ma e agahala kua holia e ia mo e falu a totogi ke he tau tupe katoa, ka e nā kai fai fakahala ke tuku atu ki a ia.
- “(6) Taute he tagata e ole ke he Faahi Leoleo ke fai fakafiliaga, ke he tau magaaho fafati ki loto he fakailoaaga ma e agahala kua holia e ia po ke tohi fakamanatu, kaeke kua lata ke taute pihia, ti taute e taha fakailoaaga, fakamooli he tagata, ole ke fai fakafiliaga mo e talia po ke nā kai talia e agahala kua holia e ia, tau kakano, kaeke kua fai, ke he tau kakano kua manako ai ke fakaaoga he Fakafiliaga e tau tupe fakahala kua tokolalo mai he tau tupe ma e agahala kua holia e ia ke lata ma e agahala.

“(7) Ko e tagata kua agahala ki loto he Fakafiliaga ne kua taute ke lata ma e taha vala he vala (6) ke totogi e tau tupe tatai mo e tau tupe totogi ma e agahala kua holia e ia (a to ke he mai kaeke kua poaki he Fakafiliaga e tau tupe tokolalo) fakalataha mo e tau tupe totogi pauaki, ka e nākai fai Fakamauaga kua Agahala ke tohia ke he tagata.

“(8) Ke nakai fai fakauaua, kaeke kua fai agahala kua holia he tagata mo e kua taute e tau tauteaga ki a ia ke he puhala mahani mau ki lalo hifo he taha vala he vala (1)(a), nākai totogi he tagata e tupe ma e agahala kua holia e ia ka ko e tupe ni kua fifili he fakafiliaga munitua ke he fakavēaga kua lata munitua ke he Fakatufono Tohi nai. Pete ia, nākai fai Fakamaamaaga kua tohia ke he agahala he tagata.”

9 Matakupu 107 ke hukui aki: Tau Lā Fakatufono

(1) Uta kehe e Matakupu 107 ka e hukui aki e matakupu nā i lalo -

“107 Tau Lā Fakatufono

Maeke he Fono Ikipule ke taute e tau lā fakatufono—

“(a) taute e tau tupe totogi, nākai molea e 10 e uniti agahala, ma e holiaaga he hā lā fakatufono ne kua taute ki lalo hifo he Fakatufono Tohi nai:

“(b) fakamooli e tau agahala he Fakatufono Tohi nai kua eke ia mo tau agahala kua holia e ia:

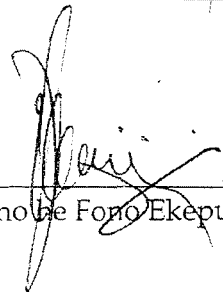
“(c) taute e tau tupe totogi ma e agahala kua holia e ia ke nākai molea e 10 e uniti agahala ma e tau agahala kua holia e ia (kaeke ko e tau tupe totogi kua kehekehe ma e tau agahala kehekehe, putoia ai e tau tupe totogi ke lata ma e agahala fakamua, ke ua aki po ke loga atu):

“(d) taute e tau laupepa fakapuke ma e fakaāogaaga he Fakatufono Tohi nai:

“(e) taute e falu he ha mena ke lata ma e Fakatufono Tohi nai ne kua lata ma e haana a fakagahuaaga katoatoa po ke kua lata ma e haana a maopoopoaga”.


KO AU KO, Togiavalu Pihigia, ko e Fakatonu Fono he Fono Ekepule ha Niue,
kua fakamooli munitua atu ke he tau fakavēaga he Matakupu 34 he Tohi
Fakavē ha Niue.

FAKAMOOLI MO E FAKAMAILOGA he Fale Fono he Aho 9th nai he
Mahina Masi 2015.


Fakatonu Fono he Fono Ekepule ha Niue



FAKAMOOLI FOKI ki mua he Fakatonu Fono


Fakamau Kupu he Fono Ekepule ha Niue

Ko e Faahi Gahua Leoleo ke fakagahua e Fakatufono Tohi nai.
Kua fakamooli ai he Fono Ekepule ha Niue e Fakatufono Tohi nei he Aho 25
he mahina Fepuali 2015.
