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CHAPTER 29

ROAD TRAFFIC (CONTROL)

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JR 19 of 1962	JR 19 of 1971	Act 46 of 2000
JR 1 of 1963	JR 2 of 1972	Act 31 of 2001
JR 2 of 1963	JR 18 of 1972	Act 31 of 2003
JR 11 of 1963	JR 26 of 1974	Act 33 of 2005
JR 29 of 1964	Act 28 of 1985	Act 22 of 2006
JR 11 of 1965	Act 27 of 1986	Act 41 of 2006
JR 16 of 1965	Act 55 of 1989	Act 24 of 2007
JR 35 of 1966	Act 1 of 1990	Act 30 of 2008
JR 10 of 1967	Act 11 of 1990	Act 2 of 2010
JR 16 of 1968	Act 9 of 1992	Act 37 of 2013
JR 12 of 1969	Act 18 of 1992	Act 35 of 2017

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ROAD TRAFFIC (CONTROL)

To control wheeled traffic in Vanuatu.

PART 1 – GENERAL

1. Application
All wheeled traffic shall be subject to the provisions of this Act.

2. Interpretation
In this Act, unless the context otherwise requires –

“common vehicle" means every vehicle capable of transporting or intended for transporting eight persons or more not including the driver, children of less than 10 years being considered half a person up to a maximum of ten children;

“group insurance” means insurance, by which the vehicles of a number of persons are insured severally under a single contract between an insurer and another person;

"heavy vehicle" includes every vehicle the weight of which unladen is 4 tons or more;

"licensing authority" means the Director of Customs and Inland Revenue in Port Vila and every person authorised by the Minister responsible for finance in writing to receive such taxes;

"Minister" means the Minister responsible for transport;

"motor bicycle" includes every 2 wheeled vehicle being driven by automotive power, combustion engine or electrical power but excluding manual power;

“motor vehicle" includes every vehicle driven by automotive power, combustion engine or electrical power;

“policy” means any written contract of insurance whether contained in one or more documents;

“road” has the same meaning as in the Public Roads Act No. 35 of 2013;

“Road Administrator” has the same meaning as in the Public Roads Act No. 35 of 2013;

“town limits of Port Vila and Luganville” means the town limits as from time to time defined by an Order issued under section 1 of the Municipalities Act [Cap. 126];

"vehicle" includes every type of wheeled transport including tractors.

PART 2 – GENERAL PROVISIONS FOR TRAFFIC CONTROL APPLICABLE TO ALL ROAD USERS

Division 1 – Control of Vehicles

3. Vehicle to have a driver
Every vehicle, except trailers, must have a driver.

4. Vehicle to be driven on right hand side of road
(1) Every driver must at all times keep his vehicle to the right hand side of the road (particularly so when another road user arrives from the opposite direction or is ready to overtake). Overtaking will take place on the left. At cross roads, intersections of roads and forked roads, the driver of any vehicle shall give way to another coming on his right:

Provided that the driver of a vehicle on a road which has been designated a "major" road by Order of the Minister shall have the right of way, and the driver of a vehicle on a road on which a "STOP" or “GIVE WAY” sign has been placed, shall stop and shall yield the right of way.

(2) When a road is divided by a continuous white line every driver must drive to the right of this line.

5. Driver must indicate intention before manoeuvering

Every driver wishing to draw away from the curb, to overtake a vehicle travelling in the same direction, to stop or to change direction must indicate his intention clearly by hand or light signal. The signals used shall be in accordance with Schedule 6. Every driver wishing to overtake another vehicle shall if necessary sound his horn. A driver shall satisfy himself that no danger exists to other road users or himself before carrying out the above operations.

6. Driver not to intersect police or military ranks

No driver shall intersect the ranks of military or police detachments or processions.

7. Driver not to obstruct circulation of traffic

No driver shall leave his vehicle in such a way as to obstruct the circulation of traffic.

8. Driver to take precautions to ensure safety of public in event of accident

Every driver whose vehicle breaks down on a road by reason of an accident or other cause shall take such precautions as are necessary to ensure the safety of the public.

9. Vehicle not to cause nuisance

(1) In this section:

“obnoxious fume” means fumes that are emitted by an engine of a vehicle through its exhaust.

“excessive noise” means a sound considered as a nuisance caused by a broken exhaust of a vehicle or any other parts of the vehicle.

(2) A vehicle that uses a road must not emit obnoxious fume or cause excessive noise.

(3) If it appears to a police officer that any motor vehicle emits obnoxious fume or causes excessive noise, he or she must require the driver of that vehicle or owner of that vehicle to submit or resubmit the vehicle for examination by a vehicle examiner within such period as he or she may specify in the form prescribed in Schedule 9.

(4) A person who fails to submit his or her vehicle for examination as required under subsection (3) is guilty of an offence under this Act.

10. Obstructing road users prohibited

Pedestrians using a road must not cause obstruction to traffic. It shall be an offence for every driver or passenger in a vehicle by rash or negligent conduct to obstruct other road users.

11. Vehicle not to constitute or cause danger

No person shall drive, or being the owner, shall permit another person to drive, a vehicle on a road if the vehicle or any part thereof constitutes a danger or could cause a danger.

12. Causing death by reckless driving

A person who causes the death of another person by driving a motor vehicle on the road recklessly shall be guilty of an offence and shall be liable on conviction to a fine not exceeding VT 500,000 or to imprisonment for a term not exceeding 5 years or to both.

13. Reckless driving

A person who drives a motor vehicle on a road recklessly shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 1 year or to both.

14. Careless driving

A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road shall be guilty of an offence and liable on conviction to a fine not exceeding VT 50,000 or to imprisonment for a term not exceeding 6 months or to both.

15. Prohibition of heavy vehicles through the Central Business District

(1) Subject to subsection (2), a driver of a heavy vehicle that is designed to carry a tonnage as may be prescribed by Order, must not drive the vehicle through the Central Business District of Port Vila and Luganville.

(2) A driver of a heavy vehicle referred to under subsection (1) may drive the vehicle through the Central Business District of Luganville and Port Vila if the vehicle is used to deliver goods for a business that is located within the Central Business District of Luganville or Port Vila.

(3) Any person who contravenes subsection (1) is liable on conviction for a first offence to a fine not exceeding VT20, 000 or for a second or subsequent offence to a fine not exceeding VT40, 000 or to imprisonment for a term not exceeding three months or to both fine and imprisonment.

(4) The Minister is to declare by Order the Central Business District of Port Vila and Luganville.

16. Driving when under influence of drink or drugs

It is an offence for any person to drive on the road when under the influence of alcoholic liquor or a drug to such an extent that the driver is incapable of properly controlling his vehicle. A police officer shall be empowered without warrant to arrest any person contravening this section.

Division 2 – Roundabouts

16A. Meaning of halfway around

In this Division –

“halfway around" a roundabout means a place, drawing an imaginary line through the centre of the roundabout, directly opposite the road from which a driver enters the roundabout .

Example:

View a roundabout as a 12 hour clock face with a driver entering the roundabout at 6 o'clock.

If the driver leaves the roundabout before 12 o'clock, the driver leaves the roundabout less than halfway around it.

If the driver leaves the roundabout at 12 o'clock, the driver leaves the roundabout halfway around it.

If the driver leaves the roundabout after 12 o'clock, the driver leaves the roundabout more than halfway around it.

16B. Giving way on entering a roundabout

A driver entering a roundabout must give way to traffic in the roundabout.

16C. Signalling when entering or leaving a roundabout

(1) If a driver intends leaving a roundabout more than halfway around it, the driver must give a left turn signal as the driver enters the roundabout.

(2) A driver must signal an intention to leave a roundabout by giving a right turn signal –

(a) as the driver enters the roundabout if the driver intends leaving the roundabout at the first exit the driver encounters after entering the roundabout, unless that first exit is more than halfway or is halfway around the roundabout; or

(b) if the driver intends leaving the roundabout at another exit that is more or less than halfway around the roundabout – as soon as the driver has passed the exit immediately before the exit the driver intends to leave by.

16D. Driving in a roundabout

A driver in a roundabout must keep any traffic island or other structure that is located at or near the centre of the roundabout on the driver's left hand side.

Division 3 – Traffic Accidents, Powers of Police

17. Driver to stop and to report to police in case of accident

Every driver involved in an accident causing personal injury or damage to property must immediately stop his vehicle. If the accident involves personal injury, the driver must advise the police authorities within 24 hours. Damage to property must be reported to the police authorities within 5 days:

Provided that on islands other than Efate, Espiritu Santo, Malekula and Tanna, the periods allowed in the second and third sentences above shall be increased to 15 days in each instance.

18. Inspection of vehicle suspected of involvement in accident

It shall be lawful for a police officer who has knowledge that, or a reasonable belief that a vehicle has been involved in an accident, to request permission of the owner or person in charge of such vehicle to inspect it at any time, and it shall be an offence for any such owner or person in charge of such vehicle to refuse to grant such permission or to refuse to make arrangements for such permission, or to obstruct in any way a police officer engaged in such inspection.

Division 4 – Other

19. Obligation to stop when requested to do so by police officer

Every driver or person in charge of a vehicle on a road shall stop upon signal by, or request of, any police officer on duty.

20. Minister may restrict, prohibit or control traffic on roads

(1) If the Minister is satisfied that the passage of vehicle traffic on any road should, by reasons of –

(a) the repair or reconstruction of the road;

(b) the undue congestion of traffic;

(c) danger to the public or any members thereof; or

(d) any other reasons of a like nature;

be restricted or prohibited, or controlled by one-way movement, or that the speed of vehicles should be restricted or that the passage, stopping or parking of vehicles should be in any way regulated or controlled, he may by Order prohibit, restrict or

regulate the use of any specified road or part thereof accordingly and shall in such Order authorise and prescribe the erection where necessary on the road affected of appropriate traffic signs in the form or forms set out in Schedule 7 or as prescribed by the Minister.

(2) Where any Order has been made under subsection (1), a Road Administrator shall forthwith erect or cause to be erected such traffic signs as are prescribed by such Orders wherever necessary on the road affected at clearly visible sites selected by him in order to give effect to the object of the Order.

(3) Any person who shall use or cause to permit to be used any vehicle on a road in contravention of any restriction, prohibition or other form of control imposed by any Order made under this section shall be guilty of an offence punishable on conviction thereof by a fine not exceeding VT 20,000 and on a second or subsequent offence under this section, to a fine not exceeding VT 60,000, or to imprisonment for a term not exceeding 3 months or to both such fine and imprisonment.

20A. Failure to comply with traffic signs, etc., an offence

Any person who –

(a) fails to comply with a traffic sign, other than a 'STOP' sign;

(b) damages, defaces or removes a traffic sign;

(c) directly or indirectly erects a sign capable of being confused with one of the traffic signs prescribed in Schedule 7,

is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 20,000 or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

PART 3 – GENERAL PROVISION FOR VEHICLES

21. Dimensions of vehicles

The width and length of a vehicle including any projections shall not exceed 8 feet 2½ inches (2½ metres) and 37½ feet (11 metres) respectively. The axle ends shall not project beyond the plane of the rest of the vehicle, provided that the foregoing measurements shall not apply to industrial, commercial, agricultural or animal drawn vehicles for which special approval has been given by a Road Administrator. The total loading of all vehicles including any articulated vehicles shall not exceed 8 tons per axle, or 24 tons overall, in the absence of special approval from a Road Administrator. Lumber or loose appendages carried on, or forming part of a vehicle other than tanker trucks, shall be secured so as not to project beyond the external planes of the vehicle nor drag upon the ground while it is in motion or stationary upon a road.

22. Tyres

All vehicles shall be fitted with pneumatic tyres or other covering of a sufficient elasticity approved by the Minister.

23. Restriction on use of wheel chains on vehicles

It shall be an offence for any person to drive a vehicle fitted with wheel chains on any tarred or metal road, or any other road, except where necessary.

24. Dimensions of permitted loads

The breadth and length of the load on any vehicle other than those specifically authorised under section 21 shall not exceed 8 feet 2½ inches (2½ metres) and 37½ feet (11 metres) respectively. Fixed or moveable seats may not project beyond the planes of the vehicle.

25. Loads not to cause danger to public

It is an offence to drive on a road any vehicle loaded in such a way as to cause danger to the public.

26. Registration plates and numbers

(1) No owner of any registered vehicle shall drive or permit such vehicle to be driven on a road unless it be fitted with plates in front and at the rear showing the registration number.

(2) The letters and numbers constituting the registration number shall not be less than three inches high and shall be white on a black background or such other colours as the Minister by Order prescribes or if in relief, to be of a design approved by the Commissioner of Police.

(3) Different classes of vehicle shall be distinguished by affixing in a conspicuous position on the registration plate whichever of the following styles of registration label is appropriate –

(a) for a taxi, a red letter 'T' on a white background or such other colours as the Minister by Order prescribes;

(b) for a public vehicle, a red letter 'B' on a white background or such other colours as the Minister by Order prescribes;

(c) for a hire or rental vehicle, a white reflective letter 'H' on a green background or such other colours as the Minister by Order prescribes;

(d) for an automobile dealer trade vehicle the white letters "ADT" on a red background or such other colours as the Minister by Order prescribes;

Provided that the Minister may prescribed other styles of registration label for any other class of vehicle.

(4) The registration number shall be clearly visible by day to a person standing 20 yards to the front or rear of the vehicle. At night the rear plate shall be clearly illuminated by a light and shall be visible at the same distance.

(5) Notwithstanding subsection (1) of this section, motor cycles shall require a plate at the rear only.

27. Vehicle to be illuminated between sunset and sunrise

Between sunset and sunrise every vehicle on a road shall be illuminated by 2 white or yellow headlights in front, visible from a distance of 164 yards (150 metres), and by two red lights, one at the left and one at the right visible from a distance of 164 yards (150 metres). Motor cycles shall be illuminated by a white or yellow headlight in front and a red light at the rear visible from a distance of 164 yards (150 metres).

28. Bicycle to be illuminated between sunset and sunrise

Between sunset and sunrise every person riding a bicycle on a road shall illuminate his vehicle by a white or yellow headlamp in front, visible for a distance of 150 metres, and by a red reflector at the rear.

29. Stationary motor vehicles to show lights

Between sunset and sunrise all motor vehicles, excluding motor cycles, stationary on a road must show two white or yellow lights at the front and two red lights at the rear.

30. Vehicle to be fitted with warning devices

Every vehicle using the road must be fitted with an audible warning device, other than a siren or whistle, in working order. The use of a siren or whistle may be authorised by the Minister for certain types of public vehicles. Audible warning devices may only be used for giving necessary warning to other road users.

31. Vehicle to be fitted with 2 independent brakes

Every vehicle using a road must be equipped with 2 independent brakes in working order.

32. Certificate of roadworthiness

(1) For the purposes of this section –

"public vehicle" means a vehicle being used for the purpose of carrying passengers for hire or reward;

"roadworthy condition" means a condition in which the vehicle or any part thereof does not constitute a danger or could not cause danger;

"vehicle examiner" means a person authorised under subsection (1A) to examine motor vehicles.

(1A) The Director of the Department responsible for public works may authorise officers of the Department and other suitably qualified persons to examine motor vehicles. An authorisation must be in writing.

(2) The owner of a motor vehicle must, once in every year present the vehicle to a vehicle examiner for examination for the purpose of ascertaining whether the motor vehicle is in a roadworthy condition.

(2A) If the vehicle examiner is satisfied that the motor vehicle is in a roadworthy condition, the vehicle examiner must issue to the owner of the motor vehicle a certificate to that effect in the form prescribed in Schedule 8.

(3) If it appears to any police officer, that any motor vehicle is being driven in an unroadworthy condition he may require the driver thereof to submit it for examination within such period as he may specify in the form prescribed in Schedule 9 by a vehicle examiner and any person who on being so required fails so to submit his said motor vehicle shall be guilty of an offence under this Act.

(4) Where any person is required under the provisions of subsection (3) to submit a motor vehicle for examination the vehicle examiner may, notwithstanding that the person submitting the said vehicle is in possession of a valid certificate issued under the provisions of subsection (2) in respect of the said vehicle, if he is not satisfied that it is in a roadworthy condition cancel the said certificate.

(5) No person shall drive any motor vehicle in respect of which there is no valid certificate issued under the provisions of subsection (2) and if he does so drive he shall be guilty of an offence.

(6) A certificate of roadworthiness is valid for a period of one year from the date on which it was issued.

(7) The regulations may prescribe different fees in relation to different kinds of motor vehicles.

PART 4 – REGISTRATION AND LICENSING

33. Registration of motor vehicle

(1) Every motor vehicle shall be registered in accordance with the provisions of this Act.

(2) Every owner of a motor vehicle newly imported into Vanuatu shall apply for registration of such vehicle to the licensing authority within I month of the date of importation in the form prescribed by Schedule 1.

(3) The licensing authority shall, upon receipt of an application for registration of a motor vehicle, and on payment of the registration fee at the rate specified in subsection (4),

cause such motor vehicle to be registered under serial number and shall issue to the owner a registration book in the forms prescribed in Schedule 2.

(4) The registration fee payable under subsection (3) shall be 7% of the retail purchase price, excluding any tax or duty payable under any Act or instrument, in the case of new vehicles and 7% of the declared fair market value, excluding any tax or duty payable under any Act or instrument, in the case of second hand vehicles directly imported by individuals for personal use.

(5) With effect from the relevant date no motor vehicle shall be registered under subsection (1) unless such vehicle is constructed so as to be steered from the left side of that vehicle.

(6) For the purpose of subsection (5), 'relevant date' means a date specified by the Minister by Order published in the Gazette.

34. Annual tax

(1) The owner of every motor vehicle using a road shall pay the annual tax set out in Schedule 10 and no person shall drive, or, being the owner, permit any other person to drive such motor vehicle on the road unless the prescribed taxes have been paid to the Director of Customs and Inland Revenue.

(2) Where the motor vehicle is normally used on an Island other than Efate or Espiritu Santo, the rates of tax set out in Schedule 10 in respect of such vehicle shall be reduced by fifty percent.

(3) Any person contravening the provisions of subsection (1) is guilty of an offence and shall be liable on conviction to a fine not exceeding VT 20,000.

35. Payment of annual tax

(1) The tax prescribed in Schedule 10 shall become payable in full for 1 year on 1 January of each year, and shall be paid by 31 March of that year:

Provided that, if the said tax is not paid by 31 March aforesaid, but is paid in April, it shall be increased by 25 per cent and, if paid in May, by 50 per cent.

(2) Any person who fails to pay the said tax and the amount by which it has been increased before 31 May of the year in which it becomes due shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding VT 50,000.

36. Reduced tax

Where the commencement of use of any vehicle on a road occurs after 1 January in any year the tax payable shall be proportionate in complete months to the period from the date of the said commencement of use to 31 December of the same year:

Provided that in this section any part of a month shall be deemed to constitute a complete month for the purpose of calculating the amount of the said tax.

37. Refund of tax

(1) Where any vehicle in respect of which tax has been paid –

(a) becomes definitively unusable; or

(b) is not in operation but is placed in storage;

the owner thereof may apply to the Director of Customs and Inland Revenue in writing for a refund of tax in respect of the period calculated in complete months –

(i) in the case of the said vehicle becoming definitively unusable, from the date of commencement of such unusability to 31 December of the same year; or

(ii) in the case of the vehicle not being in operation but placed in storage, of the said storage in excess of 5 months between the date of such placement and 31 December of the same year:

Provided that no part of a month shall be deemed to constitute a complete month for the purpose of calculating the amount of the said refund.

(2) For the purposes of this section the word "storage" shall include the mounting of a vehicle on blocks.

38. Display of sticker

Every owner of a vehicle being used on a road shall display or cause to be displayed in a conspicuous position on the right hand side of the said vehicle, the sticker provided by the Director of Customs and Inland Revenue.

38A. Sticker not to be issued without roadworthy certificate and payment of fee

A sticker referred to in section 38 must not be issued to the owner of the vehicle unless –

(a) a valid roadworthy certificate is available for the vehicle at the time the sticker is issued; and

(b) the prescribed tax under section 34 for the vehicle has been paid.

39. Vehicle temporarily imported exempt from registration and from tax

The provisions of sections 33, 34, 35 and 38 shall not apply to a vehicle temporarily introduced into Vanuatu for a period not exceeding 4 months, in respect of which, upon application by the owner to the licensing authority, exemption has been granted from registration and payment of tax.

40. Notification of change of ownership

When the ownership of a motor vehicle changes the last owner and the new owner shall, within 7 days of such change of ownership, give notice thereof to the licensing authority stating the name and address of the new owner. The latter shall, within the same period, furnish the licensing authority with the registration book for registration of the change of ownership and shall pay the transfer fee prescribed by the Minister by Order.

PART 5 – THIRD PARTY INSURANCE

41. Compulsory third party insurance

(1) No person shall use or cause or permit any other person to use any motor vehicle on a road unless there is in force in relation to that vehicle a policy of third party insurance or a policy of third party group insurance covering liability arising from the use of such vehicle by any person on a road for the death or bodily injury of any person, other than a passenger in such motor vehicle issued by an insurance company or a registered finance organisation.

(2) The amount of liability insured shall be unlimited.

(3) No such policy of third party insurance or a policy of third party group insurance shall be avoided or vitiated by reason of any term or condition thereof whatsoever and any such term or condition of any policy of third party insurance or a policy of third party group insurance shall be deemed to be null and void.

(4) The provisions of this section shall not apply to motor vehicles owned by the State.

PART 6 – DRIVING LICENCES

42. Driver of motor vehicle to have driving licence

Every driver of a motor vehicle other than a learner driver must be in possession of a driving licence delivered according to the provision of section 44. All learner drivers must be accompanied by a holder of a valid driving licence:

Provided that a person passing through or residing in Vanuatu for a period not exceeding 3 months shall be deemed to comply with the provisions of this section if he is in possession of a current international driving licence, or a current driving licence issued by the licensing authority of a country other than Vanuatu.

43. Driver to present driving licence and vehicle documents at request of police officer

Every person driving a vehicle on a road must, upon request by a police officer, present within 5 days his driving licence, the vehicle registration book, the certificate of insurance and the certificate granted under section 32(2).

43A. Driving test

Any person wishing to obtain a driving licence issued under section 44 shall, in addition to requirements set out in that section, undertake oral, written and practical tests conducted by the Police Department which shall cover motor vehicles generally and matters pertaining to this Act.

44. Driving licences

Driving licences in the form prescribed in Schedule 3 shall be granted by the licensing authority upon payment of the fee prescribed by the Minister by Order to any applicant for such in the form prescribed in Schedule 4, provided that –

(a) in the case of applications for a licence to drive a common vehicle, the applicant has attained the age of 21 years and produces a certificate of medical fitness issued not more than 6 months previously;

(b) in the case of applications for licences to drive cars or motor cycles exceeding 125 cubic centimetres capacity, the applicant has attained the age of 18 years;

(c) in the case of applications for licences to drive motor cycles between 50 cubic centimetres and 125 cubic centimetres the applicant has reached the age of 16 years;

(d) in the case of applications to drive motor bicycles of less than 50 cubic centimetres capacity, the applicant has reached the age of 14 years;

(e) in all cases applicants do not suffer from any disease or physical disability of such a nature to render their driving of a vehicle a source of danger to the public.

45. Minimum age for driving motor vehicle or motor cycle

No person shall drive a motor vehicle or motor cycle exceeding 125 cubic centimetres capacity until he has attained the age of 18 years.

46. Duration of driving licences

A driving licence referred to in section 44 is to be granted by the licensing authority for a period of three year. In the case of loss or destruction, a duplicate may be delivered by the licensing authority upon payment of the fees prescribed by the Minister by Order.

46A. Renewing driving licences

(1) Subject to subsection (3), a holder of a driving licence that has an expiry date must on the expiry of that licence have his or her licence renewed by the licensing authority for a period of 3 years.

(2) A holder of a driving licence that does not have an expiry date must present his or her licence to the licensing authority, on or before a date to be specified by the Minister by Order, to be issued with a new driving licence that has a validity of 3 years.

(3) A driving licence is not to be renewed unless the holder of the licence:

(a) pays to the licensing authority the renewal fee prescribed by the regulations; and

(b) produces to the licensing authority a medical certificate in the prescribed form.

(4) If the holder of a driving licence fails to renew his or her driving licence:

(a) the holder of the licence is guilty of an offence and is liable on conviction to a fine or imprisonment under subsection 53(1); and

(b) the licence of such holder is to be revoked until such time the licence is renewed.

46B. Lost driving licence

A licensing authority must not issue a new driving licence to a person who has lost his or her driving licence unless the person has paid a fee prescribed by the Regulation for the issue of a new licence.

47. Learner driver's licence

(1) No person shall drive a car as a learner driver unless he is in possession of a learner driver's licence issued in accordance with the provisions of this section.

(2) A learner driver's licence shall be –

(a) issued on the payment of such fee as may be prescribed under this section;

(b) in such form as may be prescribed under this section;

(c) of 1 year's duration;

(d) issued subject to a suitable medical certificate and evidence of the age of the applicant being produced;

(e) limited to the types of vehicle the holder may drive.

(3) A holder of a learner driver's licence shall not carry any passengers other than the person instructing him.

(4) All persons holding a learner driver's licence shall display at front and rear of the vehicle a plate containing the letter "L" in red on a white background which letter shall be not less than 12 centimetres high;

(5) Any person driving as a learner driver who fails to comply with the provisions of subsections (1), (3) and (4) is guilty of an offence and on conviction shall be liable to a fine not exceeding VT 20,000.

(6) To avoid doubt, this section does not apply to any person who is in possession of a valid driving licence obtained under section 44 and who intends to apply for a driving licence of another category of the vehicle.

48. Driving instructions

Driving instructions shall not be conducted within the town limits of Port Vila and Luganville between the hours of 7 a.m. and 8 a.m., 11 a.m. and 12 noon, 1 p.m. and 2 p.m., 4 p.m. and 5 p.m. on days other than holidays.

49. Certificate of ability to drive

A certificate of ability to drive a vehicle in the form prescribed in Schedule 5 shall be produced to the licensing authority by all applicants for a driving licence who are not holders of a current driving licence issued outside Vanuatu.

50. Entitlement to certificate of ability to drive

A certificate of ability to drive a vehicle may be delivered on demand by every examiner authorised for this purpose by the Minister to any person who –

(a) passes a driving test in the presence of such examiner; and

(b) has paid to the licensing authority the fees prescribed by the Minister by Order; and

(c) has not failed a driving test by another examiner within the previous 3 months.

Such application shall be made to any examiner.

PART 7 – OFFENCES AND PENALTIES

51. False declarations

It shall be an offence knowingly to make a false declaration in any application for a certificate, licence, permit, transfer or registration of a vehicle under the provisions of this Act.

52. Taking and driving away vehicle without consent

It is an offence to take and drive away any vehicle without the consent of the owner or of an authorised person.

53. Offences and penalties

(1) Except as provided in sections 12, 13, 14, 15, 20(3), 20A, 34, 35, 47, 55 and subsections (2) and (3) of this section, any person who contravenes a provision of this Act shall be guilty of an offence and shall be liable to a fine not exceeding VT 10,000 or to imprisonment not exceeding 1 month, or to both such fine and imprisonment:

Provided that a police officer of the rank of inspector or above, upon consideration of the report sent to him or if he himself establishes the contravention, may issue an offender with a compounding notice giving such offender the option of paying a fine on the scale prescribed by the Minister or appearing before the court for trial.

(2) Any person convicted by a competent court of offences against the provisions of section 11, 18, 23, 25, 32(3), 32(5) or 45 shall be liable to pay a fine not exceeding VT 30,000 or to imprisonment not exceeding 3 months or to both such fine and imprisonment.

(3) Any person convicted by a competent court of offences against section 16, 41(1), 51 or 52 shall be liable to a fine not exceeding VT 100,000 or imprisonment not exceeding 1 year, or to both such fine and imprisonment.

53A. Offence for failure to pay tax or fee

(1) Any person who fails to pay any tax or fee payable under this Act by the date on which the fee or tax is payable (if any) is guilty of an offence punishable on conviction by a fine not exceeding VT 50,000.

(2) In subsection (1), tax includes the amount by which the tax payable under section 34 has been increased under section 35(1).

53B. Penalty notices

(1) A Customs officer or Police officer may serve a penalty notice on a person if it appears to the officer that the person has committed an offence under section 53A or such other section as is prescribed by the regulations.

(2) A penalty notice is a notice to the effect that, if the person does not wish to have the offence determined by a court, the person may pay, within the time and to the person specified in the notice the amount of penalty prescribed by the regulations for the offence.

(3) If the amount of penalty prescribed for the purpose of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.

(4) A penalty notice may be served personally or by post.

(5) Payment under this section is not to be regarded as an admission of liability for the purpose of, nor in any way affect or prejudice, any civil proceeding arising out of the same occurrence.

(6) The amount of penalty prescribed under this section for an offence must not exceed the maximum amount of penalty which could be imposed for the offence by a court.

(7) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.

54. Power of police officer to stop offenders

(1) Any police officer may challenge and summon to stop any driver of a vehicle who has committed an offence against the provisions of this Act in order to appraise him of the offence committed and to record particulars of identity.

(2) Any police officer may detain any vehicle concerned in an offence which seriously jeopardizes the safety of road users, the state of preservation of the roads or their normal use.

(3) Upon a request from the owner of a vehicle detained under subsection (2), the vehicle is to be released temporarily to the owner for the sole purpose of having the vehicle repaired.

(4) Within one working day after the repairs are completed, the vehicle must be returned to the place of detention for inspection by a police officer and the owner must advise the officer of the repairs made to the vehicle.

(5) If upon inspection of the vehicle, the police officer is satisfied that the vehicle no longer seriously jeopardizes the safety of road users or the state of preservation of the roads or their normal use, the vehicle is to be released to the owner.

(6) If upon inspection of the vehicle, the police officer is not satisfied that the vehicle no longer seriously jeopardizes the safety of road users or the state of preservation of the roads or their normal use, the vehicle is to be released temporarily again to the owner for the sole purpose of having the vehicle repaired, and this subsection and subsections (4) and (5) apply in respect of the release.

(7) A vehicle is forfeited to the State if the owner does not make a request under subsection (3) within 10 working days after the detention.

54A. Power to stop vehicles

(1) Any police officer may challenge and summon to stop any driver of any vehicle for the purpose of determining whether or not –

(a) the vehicle has on display a sticker provided as required by section 38; or

(b) the vehicle is registered in accordance with the requirements of this Act.

(2) The police officer may detain the vehicle if he or she is satisfied that –

(a) the vehicle does not have on display a sticker as required by section 38; or

(b) the vehicle is not registered in accordance with the requirements of this Act.

(3) A detained vehicle must be released if within 10 working days or such longer period determined by a police officer after the detention –

(a) a sticker for the vehicle is provided as required by section 38; or

(b) the vehicle is registered in accordance with the requirements of this Act; or

(c) if applicable both paragraphs (a) and (b) are satisfied

(4) A detained vehicle is forfeited to the State if paragraph (a), (b) or (c) of subsection (3) (whichever applies) is not satisfied within the period mentioned in subsection (3).

(5) Upon a request from the owner of a vehicle detained under this section, the vehicle is to be released temporarily to the owner for the sole purpose of obtaining a roadworthy certificate (see section 32(2)) in order to obtain a sticker under section 38.

54AA. Additional power to stop vehicle

(1) In addition to section 54A, any police officer may challenge and summon to stop any driver of a vehicle for the purpose of determining whether or not:

(a) the driver of the vehicle has renewed his or her driving licence as required under section 46A; or

(b) the driver of the vehicle is in possession of a valid driving licence.

54B. Assistance to police officers

An officer appointed under section 19A of the Municipalities Act [Cap. 126] as a municipal warden may assist a police officer under section 54 or 54A.

55. Disqualification

(1) Where any person is convicted of an offence against section 12, 13, 14, 16, 41, 52 or this section, the court may, in addition to any punishment it may impose, disqualify that person from driving a motor vehicle for a period not exceeding 5 years.

(2) Where a person is disqualified from driving under this section, the court shall endorse his driving licence accordingly.

(3) Any person who drives his motor vehicle whilst disqualified from so doing under this section shall be guilty of an offence, and shall be liable to a fine not exceeding VT 100,000 or to imprisonment for a term not exceeding 1 year or to both.

PART 8 – MISCELLANEOUS

56. Refund of fees

Upon application, refund of any fees prescribed in Orders made under this Act may be authorised by the Minister. A copy of such application shall be sent to the licensing authority of the area in which the applicant resides.

57. Radar speed meters

(1) In any proceedings under this Act against any person for driving a motor vehicle at a speed in excess of the maximum lawful speed prescribed thereby, a certificate purporting to be signed by the Director of Public Works certifying that on any date not more than 4 months prior to the date of the commission of the alleged offence an approved radar speed meter operated by the Vanuatu Police Force has been tested and stating the degree of accuracy with which such radar speed meter recorded the speed of an approaching motor vehicle, shall be without proof of the signature of the said Director of Public Works admissible in evidence in such proceedings and in the absence of proof to the contrary shall be sufficient proof of the accuracy of such radar speed meter on the date of the commission of the alleged offence.

(2) For the purposes of subsection (1), the expression "an approved radar speed meter" means a radar speed meter of a type approved by the Minister.

57A. Exemptions

The State shall, in respect of vehicles it owned, be exempt from –

(a) the payment of the registration fee under section 33; and

(b) the payment of the annual tax under section 34.

57B. Regulations

(1) The Minister may make regulations, not inconsistent with this Act, prescribing all matters which are necessary or required to be prescribed and for the carrying out or giving effect to this Act.

(2) In particular and without prejudice to the generality of the powers conferred by subsection (1), the Minister may, from time to time, taking into account views of any interest group, make regulations as appear to him proper for the guidance and information for persons using the roads.

(3) A failure on the part of any person to observe any provisions of any regulation made under subsection (2) shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

(4) The Minister may, with the prior approval of the Council of Ministers make regulations to amend, vary, replace or repeal any schedule other than schedule 10 to this Act.

58. Recovery of fees or taxes

(1) Any tax or fee payable under this Act is recoverable as a debt due to the State in a court of competent jurisdiction.

(2) In subsection (1), tax includes the amount by which the tax payable under section 34 has been increased under section 35(1).

59. Regulations

(1) The Minister may make regulations:

(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.

(2) Without limiting subsection (1), the Regulations may:

(a) prescribe fees to be charged in respect of matters under this Act; or

(b) prescribe vehicle standards as the Minister considers necessary; or

(c) prescribe activities which are prohibited when driving a vehicle along a public road; or

(d) prescribe fines not exceeding VT500,000 for breach any Regulations made under this section.

SCHEDULE 1

(Section 33)

REGISTRATION OF A MOTOR VEHICLE

1. Name of Owner .....
2. Address of Owner .....
3. Make and Date of Make of Vehicle .....
4. Type of Vehicle .....
5. Method of Propulsion .....
6. Colour.....
7. Number of Chassis.....
8. Number of Motor .....
9. Horse Power .....
10. Number of Cylinders .....
11. Weight (a) Laden .....
    (b) Unladen .....
12. Maximum Authorised Number of Passengers (excluding the driver) .....
13. Date of Importation .....

Signature of Applicant: ..... Date: .....

SCHEDULE 2

(section 33(3))

REGISTRATION BOOK FOR MOTOR VEHICLE

1. Number of Vehicle .....
2. Name of Owner .....
3. Address of Owner .....
4. Type of Vehicle .....
5. Method of Propulsion .....
6. Colour.....
7. Number of Chassis .....
8. Number of Motor .....
9. Horse Power .....
10. Number of Cylinders .....
11. Weight (a) Unladen .....
    (b) Laden .....
12. Maximum Number of Passengers Authorised (including Driver) .....
13. Date of Importation .....
14. Registered .....
15. Changes of Ownership (as follows) .....
16. Dates of Examinations of the Vehicle .....

SCHEDULE 3

(section 44)

LICENCE TO DRIVE

Licence Number ..... Delivered ..... day of ..... 19 ..... to drive ..... vehicles in the following categories –

Common Vehicle:

Heavy Vehicle:

Motor Vehicle:

Motor Cycles of more than 125 c.c. capacity:

Motor Cycles of less than 125 c.c. capacity: but more than 50 c.c. capacity:

Motor Cycles of less than 50 c.c. capacity:

Photograph:

Personal Particulars –

(i) Date of Birth .....

(ii) Height .....

(iii) Colour of Eyes .....

(iv) Colour of Hair .....

Endorsements:

SCHEDULE 4

(section 44)

APPLICATION FOR DRIVING LICENCE

1. Name of Applicant .....
2. Address of Applicant .....
3. Date of Birth .....
4. Height .....
5. Colour of Eyes .....
6. Colour of Hair .....
7. Category of Permit required –

   Motor Cycle of less than 50 c.c. capacity;
   Motor Cycle of less than 125 c.c. capacity but more than 50 c.c.;
   Motor Cycle of more than 125 c.c. capacity; Motor Vehicle;
   Heavy Motor Vehicle;
   Common Vehicle;
8. Particulars of other Driving Licences held by the Applicant .....
9. Has the Applicant already been refused a Driving Licence .....

MEDICAL CERTIFICATE

I, the undersigned declare to the best of my knowledge that the applicant does not suffer from any illness or physical handicap which would be likely to cause public danger were he in charge of a motor vehicle.

Luganville: Port Vila:

SCHEDULE 5

(section 49)

CERTIFICATE OF ABILITY TO DRIVE

I, the undersigned, certify that M ……. living at …… has passed a driving test for the categories –

(a) Common Transport
(b) Heavy Motor Vehicle
(c) Motor Vehicle
(d) Motor Cycles of more than 125 c.c. capacity
(e) Motor Cycles of less than 125 c.c but more than 50 c.c. capacity
(f) Motor Cycles of less than 50 c.c. capacity

SCHEDULE 6

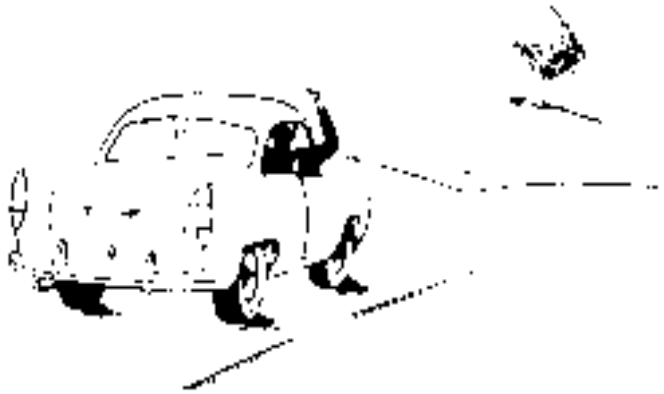
(section 5)

HAND SIGNALS

Motor Vehicle (right hand drive)
Hand signal for turning to the right



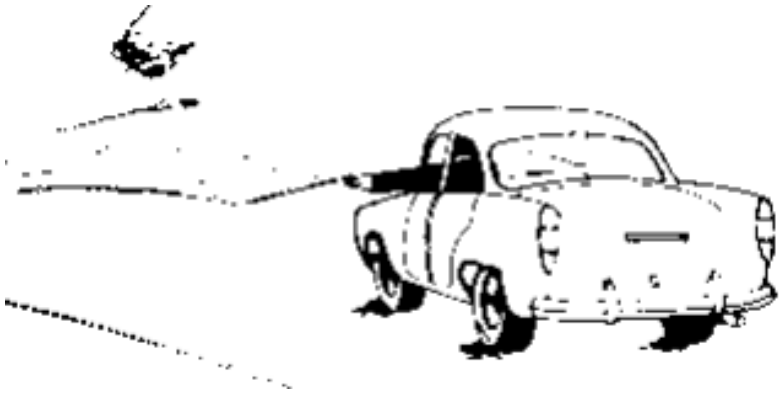
Motor Vehicle (right hand drive)
Hand signal for turning to the left



Motor Vehicle (right hand drive)
Hand signal to slow down or stop



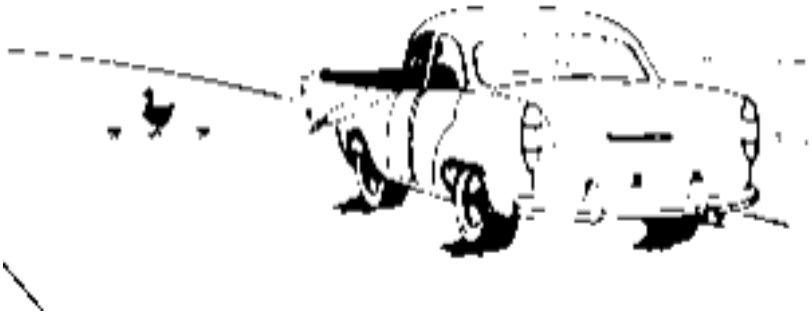
Motor Vehicle (left hand drive)
Hand signal for turning to the left



Motor Vehicle (left hand drive)
Hand signal for turning to the right



Motor Vehicle (left hand drive)
Hand signal to slow down or stop



SCHEDULE 7

(section 20)

TRAFFIC SIGNS

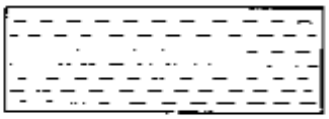
The colour of the different signs is represented in accordance with the code hereunder –



White



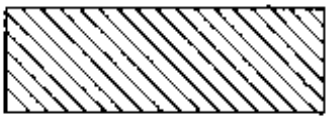
Royal blue



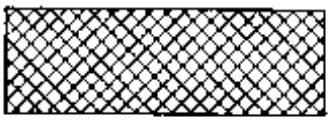
Cream



Yellow



Red



Green

A – WARNING SIGNS



1a Bend to right



1b Bend to left



1c Series of bends



2 Uneven road



3 Road narrows



4 Slippery road



5 Road works



6 Swing bridge



7 Level crossing with barrier ahead

A – WARNING SIGNS (continued)



8 Cross roads where the driver is obliged to give way to traffic on right



9 Junction of major and minor road



10 Give way to traffic on major road



8a Junction of a minor road with a road on which a stop is obligatory



10a Distance to stop sign ahead



11 Dangerous cross roads



12 Beware low flying aircraft



13a Children



13b Pedestrian crossing



15 Cattle



16 Steep hill (may be shown upwards or downwards)

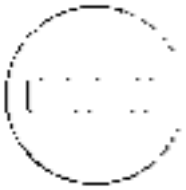


14 Specific Danger Plate to indicate the nature of danger in two languages



17 Traffic signals

B – SIGNS GIVING ORDERS



1 No entry



2a No left turn



2b No right turn



3 No overtaking



4 Stop for Customs



5 Stop for Police



6 No waiting



6a
Waiting on one side alternately



6b



7 All motor vehicles prohibited



8 With laden weight limit if necessary



9 No cycling



10 Stop and give way at cross roads



11 Width Limit



12 Height Limit



13a Maximum speed limit



13b Minimum speed limits



14 Other prohibitions as defined



15 Horns may not be used (except to avoid an accident)



16 Turn left ahead ONE WAY ONLY



17 Cyclists and riders of motorcycles of less than 50 c.c. only



18 Roundabout keep right



19 End of maximum speed limit
Note: In remaining cases a plate will be placed beneath the original prohibitory sign stating “END/FIN”

C – INFORMATION SIGNS



1 Parking place



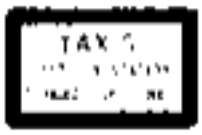
2 Hospital



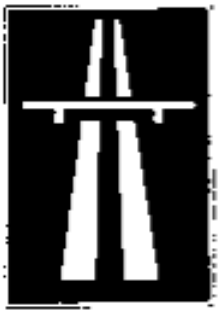
3 Danger of fire



4 No through road



5 Miscellaneous information of which the nature is mentioned



6 Entry to motorway



7 End of motorway

SCHEDULE 8

(section 32(2))

CERTIFICATE OF ROADWORTHINESS

I, …… having examined motor vehicle/heavy vehicle/public vehicle Regd. No. …… hereby certify that it is apparently in a roadworthy condition.

Signed: ……

SCHEDULE 9

(section 32(3))

NOTICE TO SUBMIT VEHICLE FOR EXAMINATION

You …….. are hereby required to submit motor vehicle Reg. No. …….. for an examination by a person appointed for the purpose at ……. ……..on ……

Signed: ……

SCHEDULE 10

(section 34)

ANNUAL MOTOR VEHICLE TAX

1.	The annual tax on motor vehicles shall be as follows:	
(a)	Motor Bicycles	
	(i) with an engine capacity of 100 c.c. or less	VT 6,732;
	(ii) with an engine capacity exceeding 100 c.c.	VT 8,976;
(b)	Motor Cars which expression includes any vehicle adapted for the carriage of up to eight passengers on permanent seats:	
	(i) with an engine capacity of 1,100 c.c. or less	VT 11,220;
	(ii) with an engine capacity exceeding 1,100 c.c. but not exceeding 1,500 c.c.	VT 14,586;
	(iii) with an engine capacity exceeding 1,500 c.c. but not exceeding 2,000 c.c.	VT 19,635;
	(iv) with an engine capacity exceeding 2,000 c.c. but not exceeding 2,500 c.c.	VT 25,245;
	(v) with an engine capacity exceeding 2,500 c.c.	VT 38,000;
(c)	Other vehicles (including vehicles designed or adapted for the carriage of more than eight passengers):	
	(i) designed to carry a payload of less than 1 ton	VT 10,659;
	(ii) designed to carry a payload of 1 ton but not exceeding 2 tons	VT 21,318;
	(iii) designed to carry a payload exceeding 2 tons but not exceeding 3 tons	VT 31,416;
	(iv) designed to carry a payload exceeding 3 tons but not exceeding 5 tons	VT 40,392;
	(v) designed to carry a payload exceeding 5 tons but not exceeding 10 tons	VT 60,000;
	(vi) designed to carry a payload exceeding 10 tons	VT 85,000.
2.	Automobile Dealer Trade Plate	VT 38,000.

Table of Amendments (since the Revised Edition 1988)

[Note that this Act was re-numbered in the 1988 Edition, but amending Act 55 of 1989 referred to the earlier section numbers. Where these are different, the earlier section numbers are in brackets following the Act.]

2	*Amended by Acts 55 of 1989, 11 of 1990, 31 of 2003, 24 of 2007, 30 of 2008, 37 of 2013*
4	*Amended by Act 55 of 1989*
9	*Substituted by Act 22 of 2006*
15	*Substituted by Act 55 of 89 [13A], Act 22 of 2006*
16A-16D	*Inserted by Act 4 of 1999*
20(1)	*Amended by Act 55 of 1989 [18(1)]*
20(2)	*Amended by Act 37 of 2013*
20(4)	*Repealed by Act 55 of 1989 [18(4)]*
20A	*Inserted by Act 55 of 1989 [18A]*
21	*Amended by Act 37 of 2013*
26	*Substituted by Act 55 of 1989 [25], amended by Act 31 of 2003*
27	*Amended by Act 55 of 1989 [26]*
29	*Amended by Act 55 of 1989 [28]*
32(1)	*Amended by Act 31 of 2003, Act 22 of 2006*
32(1A)	*Inserted by Act 31 of 2003*
32(2)	*Amended by Act 31 of 2003, Act 22 of 2006*
32(2A)	*Inserted by Act 22 of 2006*
32(3)	*Amended by Act 22 of 2006*
32(4)	*Amended by Act 22 of 2006*
32(6),(7)	*Inserted by Act 22 of 2006*
33(3)	*Amended by Act 1 of 1990*
33(4)	*Inserted by Act 1 of 1990, amended by Acts 18 of 1992, 31 of 2003, 41 of 2006*
33(5),(6)	*Inserted by Act 18 of 1992*
34	*Substituted by Act 55 of 1989 [33]*
34(1)	*Amended by Act 31 of 2003*
35(2)	*Amended by Act 55 of 1989 [33A]*
37(1)	*Amended by Act 31 of 2003*
38	*Amended by Act 31 of 2003*
38A	*Inserted by Act 31 of 2003*
Part 4A	*Repealed by Act 24 of 2007*
40A-40E	*Inserted by Act 11 of 1990*
41(1)	*Amended by Act 30 of 2008*
41(3)	*Amended by Act 30 of 2008*
41(4)	*Amended by Act 2 of 2010*
43A	*Inserted by Act 55 of 1989 [38A]*
44	*Amended by Act 9 of 1992*
46	*Amended by Act 31 of 2003, Act 22 of 2006*
46A(2)	*Amended by Act 41 of 2006*
46A,46B	*Inserted by Act 31 of 2003*
46A,46B	*Substituted by Act 22 of 2006*
47(5)	*Inserted by Act 55 of 1989 [37A(5)]*
47(6)	*Inserted by Act 22 of 2006*
51	*Amended by Act 24 of 2007*

53(1)	*Amended by Act 31 of 2003*
53(2)	*Amended by Act 55 of 1989 [46], Act 22 of 2006*
53A,53B	*Inserted by Act 31 of 2003*
53B(1)	*Amended by Act 22 of 2006*
53B(8)	*Repealed by Act 22 of 2006*
54(3-7)	*Inserted by Act 31 of 2003*
54A,54B	*Inserted by Act 31 of 2003*
57A	*Amended by Act 2 of 2010*
57A,57B	*Inserted by Act 55 of 1989 [47C, 47D]*
54AA	*Inserted by Act 22 of 2006*
58	*Inserted by Act 31 of 2003*
59	*Inserted by Act 31 of 2003*
59	*Substituted by Act 22 of 2006, 35 of 2017*
Sched 10	*Substituted by Act 55 of 1989 [Sched.H], amended by Acts 18 of 1992, 46 of 2000, 31 of 2001*
Whole of the Act	*Public road or public roads replaced with road or roads repectively*