

REPUBLIC OF VANUATU

**BILL FOR THE
PUBLIC ROADS (AMENDMENT)
ACT NO. OF 2026**

Explanatory Note

This Bill amends the Public Roads Act No. 35 of 2013 (“the Act”) to fill in several gaps and limitations within the Act that have not been addressed resulting in the Act not being implemented effectively over the past years.

The amendment includes the following:

- (a) repeal of section 40 of the Act as it caters for both offences and penalties. The penalties for offences committed are all the same despite the seriousness of the offences being different. The Act is amended to ensure penalties for offences committed under this section are different according to the seriousness of the offences, and to increase the penalties for those offences.
- (b) introduce a penalty notice provision for the Road Administrator to impose a penalty notice on a person who breaches the provision of the Act. Currently there is no penalty notice provision in the Act; and
- (c) provides for other specific matters that can be provided for in the Regulations.

These amendments will strengthen the work of the Road Administrator and the officers of the Department of Public Works. In particular, the amendments will:

- (a) introduce a fair and transparent penalty system to penalize individuals who commit an offence under the Act; and
- (b) empower the Minister to prescribe application fees and application forms as required by this Act.

Minister of Infrastructure and Public Utilities



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An Act to amend the Public Roads Act No. 35 of 2013.

Be it enacted by the President and Parliament as follows-

1 Amendment

The Public Roads Act No. 35 of 2013 is amended as set out in the Schedule.

2 Commencement

This Act commences on the day on which it is published in the Gazette.

SCHEDULE

AMENDMENTS OF PUBLIC ROADS ACT NO. 35 OF 2013

1 Subsection 17(1)

After “works” insert “or a special event”

2 Subsection 37(1)

After “standards”, insert “and approval process”

3 Subsection 37(2)

After “standards” (wherever occurring), insert “or approval process”

4 Section 40

Repeal the section, substitute

“40 Offences

A person must not:

- (a) undertake a prohibited activity; or
- (b) carry out unapproved works on, under or over a public road; or
- (c) wilfully obstruct, hinder, threaten or use insulting language to the Road Administrator or an authorised officer in the exercise of his or her functions or powers under this Act; or
- (d) provide false or misleading information or report to the Road Administrator or an authorised officer; or
- (e) occupy any part of a public road without lawful authority under this Act; or
- (f) contravene any other provision of this Act or a Regulation made under it.

40A Penalties

- (1) A person who contravenes paragraph 40(a) commits an offence and is liable on conviction:

- (a) for an individual - to a fine not exceeding VT500,000 or imprisonment for a term not exceeding 3 years, or both; and
 - (b) for a body corporate - to a fine not exceeding VT2,000,000.
- (2) A person who contravenes paragraph 40(b) commits an offence and is liable on conviction:
- (a) for an individual - to a fine not exceeding VT600,000 or to imprisonment for a term not exceeding 5 years, or both; and
 - (b) for a body corporate - to a fine not exceeding VT3,000,000.
- (3) A person who contravenes paragraph 40(c), (d), (e) or (f) commits an offence and is liable on conviction:
- (a) for an individual - to a fine not exceeding VT1,000,000 or to imprisonment for a term not exceeding 5 years, or both; and
 - (b) for a body corporate - to a fine not exceeding VT3,000,000.

40B Penalty notice

- (1) The Road Administrator may serve a penalty notice on a person if it appears to the Road Administrator that the person has committed an offence under any provision of this Act or its Regulations.
- (2) A penalty notice is a notice to the effect that if the person served does not wish to have the matter determined by a Court, the person may pay within a time and to a person specified in the notice, the amount of penalty stated in the penalty notice.
- (3) A penalty notice may be served personally or by post.
- (4) If the amount of penalty prescribed for the purposes of this section for an alleged offence is paid under this section, no person is liable to any further proceedings for the alleged offence.
- (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 Regulations may:
- (a) prescribe the amount of penalty payable for the offence if dealt with under this section; and
 - (b) prescribe different amounts of penalties for different offences or classes of offences.
- (7) The amount of a 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.
- (8) 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.”

5 Section 44

Repeal the section, substitute

“44 Regulation

- (1) The Minister may, on the advice of the Director General, 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 the provisions of this Act.
- (2) Without limiting subsection (1), the Minister may, on the advice of the Director General, make Regulations for all or any of the following:
- (a) prescribe application fees or other charges payable with respect to any matter done or required to be done under this Act or its Regulations;
 - (b) prescribe application forms or any other forms required to be done under this Act.”