

LAWS OF THE GILBERT ISLANDS
REVISED EDITION 1977

CHAPTER 98

TRAFFIC

ARRANGEMENT OF SECTIONS

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SCHEDULE

An Ordinance to make provision for the control of traffic and the licensing of motor vehicles, bicycles and drivers

Commencement: 20th February 1952

PART I

PRELIMINARY

1. This Ordinance may be cited as the Traffic Ordinance.

2. In this Ordinance unless the context otherwise requires—

“bicycle” includes tricycle;

“load” includes passengers;

“motor cycle” means a motor vehicle designed to travel on not more than 3 wheels and the weight of which unladen does not exceed 5 hundredweight;

“motor vehicle” means a vehicle propelled by means of mechanism contained within itself and constructed for use on roads and not on specially prepared ways and unless the context otherwise requires the term includes a trailer drawn by such vehicle;

2 of 1952
10 of 1965
10 of 1966
14 of 1966
8 of 1968
8 of 1971
3 of 1973
13 of 1973
(Cap. 71 of 1973)
L.N. 16/74
6 of 1975
16 of 1976
16 of 1977
L.N. 4/77
L.N. 78/77
Short title

Interpretation

"owner" in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement means the person in possession of a vehicle under that agreement;

"road" or "public road" means any road to which the public has access, and includes bridges over which a road passes;

"trailer" means a vehicle, ^(other than a handcart) drawn by a motor vehicle but not so articulated to it as to form an essential part of it;

"vehicle" includes bicycle.

3. For the purposes of this Ordinance motor vehicles are divided into the following classes—

Classification
of motor
vehicles

- A. Commercial Motor Vehicles. A commercial motor vehicle is a motor vehicle used for the carriage of goods for hire or reward or used in the course of trade or agriculture and includes any motor vehicle of a net weight exceeding 50 hundredweight;
- B. Public Service Vehicles. A public service vehicle is a vehicle used for the carrying of passengers or passengers and goods for hire or reward;
- C. Private Motor Vehicles. A private motor vehicle is any motor vehicle, other than a motor cycle, which is neither a commercial nor a public service vehicle;
- D. Standard Motor Cycles. A standard motor cycle is any motor cycle other than a Light Duty Motor Cycle;
- E. Light Duty Motor Cycles. A light duty motor cycle is a motor cycle propelled by means of an internal combustion engine, the cylinder capacity of which does not exceed 50 cubic centimetres. In this paragraph, "cylinder capacity" means the total volume of space within the cylinder, or cylinders, of the engine swept by the piston, or pistons, thereof;
- F. Trailers. Trailers are classified in accordance with the purposes for which they are used as set out above.

4. (1) The provisions of this Ordinance apply to all motor vehicles and persons in Government service:

Application
to
Government
and Army
vehicles

Provided that no fees shall be paid for the licensing of such vehicles nor for the licensing of Government employees to drive the same.

(2) The provisions of this Ordinance relating to the licensing and registration of motor vehicles and the licensing of drivers shall not apply to vehicles the property of Her Majesty's Forces or of the forces of any allied power nor to members of such forces whilst engaged in driving such vehicles.

15 of 77, s 2

PART II

REGISTRATION AND LICENSING OF MOTOR VEHICLES. LIGHTS

Appointment
of vehicle
licensing
officers

5. The Minister may appoint such persons, hereinafter in this Part referred to as "vehicle licensing officers", in such areas as he may deem expedient, for the purpose of issuing licences in respect of vehicles under the provisions of this Part.

Motor
vehicles to
be licensed

6. (1) No person shall drive or being the owner shall permit any other person to drive a motor vehicle upon a public road unless such vehicle is duly licensed under the provisions of this Part.

(2) No person shall take or being the owner permit any other person to take any bicycle upon a public road unless such bicycle is duly licensed under the provisions of this Part.

Exemption

7. (1) The provisions of section 6 (1) shall not apply to any person who with the permission in writing of any vehicle licensing officer drives a motor vehicle along a public road.

(2) in section 7 (2) by adding at the end of that subsection ^{15 of 77, s. 3} the following—

"or, where the Minister responsible for Local Government has by order determined that the provisions of this Ordinance relating to the licensing of bicycles shall not apply within the area of authority of a local government council, to any person who takes any bicycle upon a public road for any purpose within the area of authority of such local government council."

(Added, 15 of 77, s. 3)

Application
for, grant
and display
of motor
vehicle and
bicycle
licences

8. (1) Any person desiring to obtain a licence for a motor vehicle or for a bicycle shall make application in the prescribed form to a vehicle licensing officer, who shall, subject to section 12 and upon receipt of payment of the prescribed fee, issue to the applicant a licence in the prescribed form in respect of the motor vehicle or the bicycle:

Provided that the vehicle licensing officer may attach to any licence issued by him in respect of any motor vehicle such conditions as to the load which the motor vehicle may carry as may to him seem necessary having regard to the design of the motor vehicle and the safety and convenience of the public.

(2) With every motor vehicle licence issued and upon every renewal of a motor vehicle licence under this Part there shall be issued a licence disc which at all times shall be affixed to and

exhibited upon the near side of the licensed vehicle so as to be immediately discernible by a person standing at the nearside of the vehicle and shall at all times when the vehicle is in use upon a road be maintained in a clearly legible condition.

(3) In the event of a disc becoming lost, discoloured, defaced or illegible the holder may obtain a duplicate disc upon payment of the prescribed fee in the case of a disc which has been lost.

(4) Any person who uses a motor vehicle on a road or causes or permits a motor vehicle to be so used without having the licence disc affixed and exhibited in the manner, and maintained in the condition, provided in subsection (2) shall commit an offence.

9. (1) Every bicycle licence issued under this Part shall expire on the 1st day of March in the year next following the year in which it was issued. Period of licence

(2) A motor vehicle licence issued under this Part shall be a yearly or half-yearly licence and every yearly licence shall expire 1 year after the day on which it was issued and every half-yearly licence shall expire 6 months after the day on which it was issued.

10. (1) Every vehicle licensing officer shall keep a register of licences issued by him in respect of motor vehicles under the provisions of this Part. Registration

(2) Upon first issuing a licence in respect of any motor vehicle the vehicle licensing officer shall enter in the register the name of the applicant as the owner of the motor vehicle and particulars of the class, type, make, colour and maker's engine number of the motor vehicle, and shall assign a registration number to the motor vehicle.

(3) The registration number shall consist of such letters and numbers as the vehicle licensing officer, subject to the directions of the Minister, may determine.

11. (1) On the change of ownership of any motor vehicle the registered owner shall within 7 days inform in writing the vehicle licensing officer of the area in which the motor vehicle is registered of the name and address of the new owner and the date of the change of ownership and shall at the same time surrender to the vehicle licensing officer any current licence issued to him in respect of the motor vehicle. Change of ownership

(2) On receipt of such information the vehicle licensing officer shall cause the name of the new owner to be entered in the register as the owner of the motor vehicle and shall issue without fee to the new owner a new licence in respect of the motor vehicle for the unexpired portion of the period of the current licence.

Licensing officer may require vehicle for examination

12. (1) A vehicle licensing officer may at any reasonable time require any applicant for or holder of any licence in respect of any motor vehicle to produce the motor vehicle for examination by him and if upon such examination it appears to him that the vehicle is not mechanically sound or does not comply with the provisions of any regulations made under this Ordinance or is in such a condition as to be a source of danger if used for the purpose for which it is licensed or to be licensed, he may refuse to issue or may suspend or cancel the licence as the case may be.

(2) For the purpose of satisfying himself as to the matters specified in subsection (1) a vehicle licensing officer may require the owner of a vehicle to have the vehicle inspected by a person operating a vehicle repair business (or other qualified person) specified by him and a report on its condition furnished to him.

Lights

13. Whilst being driven on a public road during the period between sunset and sunrise—

- (a) every motor vehicle other than a motor cycle or trailer shall exhibit at least 2 white lights at the front of the vehicle, and 1 red light at the back; and such white lights shall be placed on opposite sides of the vehicle and shall when the vehicle is in motion illuminate the road ahead to a distance of at least 150 feet and such red light shall be discernible from the rear at a distance of at least 150 feet;
- (b) every motor cycle shall exhibit at least 1 white light at the front of the vehicle, and 1 red light at the back, in the same manner as provided in paragraph (a);
- (c) every trailer shall carry at the back either a red light of the strength laid down in paragraph (a) or a red reflector capable of being seen at a distance of 150 feet when illuminated by the white lights of another vehicle;
- (d) every bicycle shall carry at the front a white light which shall illuminate the road ahead.

Offences

14. (1) Any person who contravenes any of the provisions of this Part or who uses a motor vehicle or bicycle or who permits such motor vehicle or bicycle to be used in contravention of such provisions or in contravention of any of the terms or conditions of

a licence or permit issued in pursuance of any of the provisions of this Ordinance is guilty of an offence.

(2) Any person who uses or permits to be used a vehicle as a commercial motor vehicle or as a public service vehicle without the vehicle being duly licensed as a commercial motor vehicle or public service vehicle, whichever is appropriate, shall be guilty of an offence.

PART III

- (3) by inserting immediately before Part III the following ^{15 of 77, s. 4} new Part—

PART IIA

RESTRICTIONS ON USE OF ROADS

Weights and
dimensions of
vehicles

14A. Any person who drives, or being the owner permits any other person to drive, on a public road a motor vehicle which does not comply with the following provisions shall be guilty of an offence—

- (a) the maximum weight of the vehicle laden or unladen shall not exceed—
 - (i) in total 30,000 kg; and
 - (ii) on the most heavily loaded axle group, that is to say, a group with 2 axles not less than 1 metre nor more than 2 metres apart, 14,000 kg; and

(2) A provisional driving licence shall be in such form, if any, as may be prescribed and shall be granted subject to the prescribed conditions.

(3) If any person to whom a provisional licence is granted fails to comply with any of the conditions subject to which it is granted, he shall commit an offence and shall be liable to a fine of \$100 and to imprisonment for 6 months.

(4) Where an applicant for a provisional driving licence holds such a licence or has held one during the period of 12 months ending on the date of coming into force of the licence applied for, and has held a previous provisional driving licence relating to a like class of motor vehicle within the period of 12 months ending on the date of the coming into force of the last provisional licence held by him, a licensing officer may refuse to grant the licence

applied for unless the applicant satisfies the licensing officer that he has reasonable cause for applying for the provisional driving licence first hereinbefore mentioned.

Ages at which persons may be licensed to drive

18. No licensing officer shall grant to any person a licence to drive any motor vehicle unless such person first establishes to the reasonable satisfaction of such officer that he is of or over the age of—

- (a) 16 years, where the vehicle to which the licence relates is a motor cycle;
- (b) 17 years, where the vehicle to which the licence relates is a private motor vehicle;
- (c) 21 years, where the vehicle to which the licence relates is a commercial or public service motor vehicle.

Grant and refusal of driving licences

19. (1) Every application for a driving licence shall contain particulars of—

- (a) the name, age and address of the applicant; and
- (b) any previous driving licence held by the applicant; and
- (c) the class of motor vehicle in respect of which the applicant desires a driving licence.

(2) On receipt of such application and of the prescribed fee the licensing officer shall, if he is satisfied that the applicant is competent to drive the class or classes of vehicle to which the application relates and is conversant with the traffic laws, issue to him a licence in the prescribed form to drive the class or classes of vehicle specified in the licence:

Provided that the licensing officer shall refuse to issue or to renew a licence in the case of any person who—

- (a) suffers from some disease or disability which would make it unsafe for him to drive the class of vehicle for which he applies for a licence;
- (b) is of intemperate habits of such a degree that it would be dangerous to the public to allow him to drive a motor vehicle;
- (c) is disqualified from obtaining a driver's licence by order of the court;
- (d) in the case of an application to drive a public service vehicle, is not considered by him to be a fit and proper person to drive that class of vehicle.

20. (1) Every driving licence shall be in the prescribed form and shall expire 1 year after the day on which it was issued but may be renewed upon payment of the prescribed fee and every renewal shall be endorsed on the licence.

General provisions regarding driving licences. Register of driving licences

(2) The driver of a motor vehicle shall on being so required by any police officer produce his driving licence for examination so as to enable such police officer to ascertain any particulars therein contained and if he fails to do so shall be guilty of an offence:

Provided that if within 48 hours after the production of his driving licence being so required the licensee produces his licence in person at such police station as may have been specified by him at the time production of the licence was required, he shall not be convicted under this subsection.

(3) A licensing officer may upon payment being made of the prescribed fee issue a duplicate driving licence to any person who satisfies him that his licence has become lost or accidentally destroyed; and in such a case the licensing officer may require the applicant to make a signed declaration as to the particulars on his licence and the circumstances under which it was lost or destroyed.

(4) Every licensing officer shall keep in the prescribed form a register of driving licences issued by him.

21. At any time during the validity of a driver's licence, the holder may apply to a licensing officer for an addition to the classes of vehicle which the holder is permitted to drive, and the licensing officer, if satisfied that the applicant is competent to drive such additional class or classes of vehicle, shall, subject to the other provisions of this Ordinance, make such further addition by endorsement on the licence.

Extension of driver's licence to other classes of vehicles

22. Any person who on any occasion drives a motor vehicle within 2 weeks of his arrival in the Gilbert Islands shall be deemed to be duly licensed under this Part then to do so where the Commissioner of Police is satisfied that he holds a licence valid in any country authorising him then to drive such a motor vehicle.

Foreign driving licences

PART IV

OFFENCES, PENALTIES, APPEAL, FEES, ETC.

23. Any person who drives a motor vehicle or bicycle without due care and attention or without reasonable consideration for other persons shall be liable to a fine of \$100 and imprisonment for 6 months.

Careless driving

Reckless
driving

24. (1) Any person who drives a motor vehicle recklessly shall be liable to a fine of \$200 and to imprisonment for 1 year.

(2) Any person who causes the death of another person by driving a motor vehicle recklessly shall be liable to imprisonment for 5 years.

Taking
vehicles
without
authority

25. (1) Any person who takes and drives away a vehicle without having either the consent of the owner thereof or other lawful authority shall be liable to a fine of \$200 and to imprisonment for 6 months.

(2) If on proceedings under this section the court is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would in the circumstances of the case have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

(3) If on the trial of a charge for stealing a vehicle the court is of the opinion that the defendant was not guilty of stealing the vehicle but was guilty of an offence under this section the court may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(4) A police officer may arrest without warrant any person whom he suspects upon reasonable grounds of having committed an offence under this section.

Driving etc.
whilst driving
efficiency
impaired by
drink or drug

26. (1) Any person who drives or attempts to drive or is in charge of a motor vehicle whilst his efficiency as a driver is impaired by drink or a drug shall be liable to a fine of \$200 and to imprisonment for 1 year.

(2) Any police officer may arrest without warrant any person who he reasonably suspects is committing an offence under this section.

(3) Where in any proceedings for an offence under this section in connexion with drink it is proved that the accused person drove or attempted to drive or was in charge of the motor vehicle in question within 2 hours after consuming any liquid containing alcohol and it is further proved that within that same period—

(a) the accused person committed any offence under this Ordinance in connexion with the manner in which he drove any motor vehicle (whether the motor vehicle in question or any other motor vehicle); or

(b) the accused person was involved in an accident in circumstances which give the court reasonable ground to

believe that the manner in which he drove any motor vehicle (whether the motor vehicle in question or any other motor vehicle) contributed to the accident, the court shall presume that the accused person drove or attempted to drive or was in charge of the motor vehicle in question, as the case may be, whilst his efficiency as a driver was impaired by drink, unless the contrary is proved.

(4) Where in any proceedings for an offence under this section in connexion with drink it is proved that the accused person consumed any liquid in circumstances which give the court reasonable ground to believe that the liquid contained alcohol the court shall presume that the liquid did contain alcohol, unless the contrary is proved.

27. (1) Upon the conviction of any person of the offence of manslaughter arising out of the driving of a motor car or of an offence under this Ordinance the court shall require such person to produce his licence and shall endorse the same with the particulars of the conviction and sentence and shall return the licence to the holder:

Court to endorse licence in case of conviction for certain offences

Provided that if the court makes an order for disqualification under the provisions of section 28 the court shall forward the licence duly endorsed to the Commissioner of Police.

(2) On the issue of a new licence to any person the endorsement, if any, appearing on the old licence shall be entered on the new licence.

28. (1) Subject to subsection (2), upon the conviction of a person of any offence under this Ordinance the court may make an order that such person be disqualified from holding a driving licence.

Disqualification of driver

(2) Upon the conviction of a person of the offence of manslaughter arising out of the driving of a motor vehicle or of a second or subsequent offence under any one or more of the sections 24, 25 and 26 the court shall make an order that such person be disqualified from holding a driving licence.

29. Any person who has been disqualified from holding a licence under the provisions of section 28 may at any time after the expiration of 6 months from the date of the order and from time to time apply to the court by which the order was made to remove the disqualification and on any such application the court may, if it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence and any other circumstances of the case,

Removal of disqualification

either by order remove the disqualification as from such date as may be specified in the order or refuse the application:

Provided that where an application under this section is refused a further application thereunder shall not be entertained if made within 3 months after the date of such refusal.

Control of
hand carts
on road

30. Any person who propels a hand cart on a road in a manner which endangers his own safety or that of any other person is guilty of an offence.

General
penalty

31. Any person who is guilty of an offence under this Ordinance or Regulations made thereunder for which no special penalty is provided shall be liable to a fine of \$200 and to imprisonment for 6 months.

Appeal

32. Any person aggrieved by the decision of any officer appointed to issue licences under this Ordinance may at any time within 30 days of the date of the decision appeal to the magistrates' court.

Fees

33. (1) The fees prescribed in the Schedule shall be paid in respect of the matters therein set out.

(2) Except in so far as may be otherwise directed by the Minister all fees prescribed under this Ordinance shall be paid into the Consolidated Fund:

Provided that the Minister may exempt any person or class of persons from payment, in whole or in part, of any fee or fees prescribed by this Ordinance and similarly may at any time withdraw or revoke any such exemption, and may authorise the refund to any person or class of persons of the whole or any part of any fee paid by such person or class of persons under this Ordinance, but in no case shall such refund be authorised unless application therefor shall have been made to the Minister during the currency of the licence or within 3 months of the date of expiration of the licence in respect of which the application for refund is made.

(3) The Minister shall have power by order to substitute from time to time new categories and scales of fees for those prescribed in the Schedule.

(4) The holder of any licence issued under paragraph 1 of the Schedule may, upon production of such licence to the vehicle licensing officer, request the licence to be cancelled and if less than one half of the period of the licence has expired, the vehicle licensing officer shall refund to him one half of the licence fee paid.

34. (1) The Minister may make regulations for the better carrying out of the provisions of this Ordinance and with a view to improving road safety and reducing road accidents and in particular, but without derogation from the generality of the foregoing for all or any of the following purposes—

Regulations

- (a) prescribing the minimum mechanical requirements of motor vehicles to ensure safety;
- (b) prescribing the use of sound, hand and mechanical signals;
- (c) prescribing the rules to be observed by foot passengers upon any road and by drivers of motor vehicles or bicycles whilst driving;
- (d) making provision for the erection and observance of traffic signs;
- (e) prescribing speed limits;
- (f) prescribing parking places;
- (g) prescribing tests of competence to drive motor vehicles, the qualifications and appointment of persons by whom such tests may be conducted, the eligibility of persons to submit themselves to such tests and the terms and conditions upon which they may so submit themselves;
- (h) prescribing the lights to be exhibited by motor vehicles while at rest on any public road during the period between sunset and sunrise;
- (i) prescribing the areas in which and the manner in which registration numbers shall be displayed on motor vehicles; and
- (j) requiring, subject to such exceptions as may be specified in the regulations, persons driving or riding (otherwise than in side cars) on motor cycles of any class specified in the regulations to wear protective headgear of such description as may be so specified.

(2) Any person contravening any regulation made under this section shall be guilty of an offence.

35. The Minister may by notice prescribe the forms to be used in relation to any matter required to be done under this Ordinance.

Forms

SCHEDULE

FEES
(Section 33)

| | \$ | c. |
|---|----|----|
| 1. Yearly Motor Vehicle Licences | | |
| A. Commercial Vehicles— | | |
| (i) Designed to carry load not exceeding 1 ton | 40 | 00 |
| (ii) Designed to carry load exceeding 1 ton | 60 | 00 |
| (iii) Tracked vehicles and Prime Movers | 60 | 00 |
| (iv) Trailers with 2 wheels | 8 | 00 |
| (v) Trailers with 4 wheels | 16 | 00 |
| B. Public Service Vehicles— | | |
| (vi) Designed to carry load not exceeding 1 ton | 40 | 00 |
| (vii) Designed to carry load exceeding 1 ton | 60 | 00 |
| C. Private Motor Vehicles— | | |
| (viii) Standard Motor Cycles | 12 | 00 |
| (ix) Light Duty Motor Cycles | 8 | 00 |
| (x) Other Private Motor Vehicles | 20 | 00 |
| 2. Provisional Driving Licence | 1 | 00 |
| 3. Renewal of Driving Licence | 1 | 00 |
| 4. Duplicate of Driving Licence | 1 | 00 |
| 5. Fee for examination of motor vehicle by a licensing officer under section 12 | 2 | 00 |
| 6. An application for new driving licence under section 19 including any test | 2 | 00 |
| 7. Licence disc to replace a lost licence disc | 1 | 00 |
| 8. Bicycle licence \$2 or such other fee as the Minister responsible for local government may determine for a particular local government council area. | | |

[Subsidiary]

SUBSIDIARY LEGISLATION

Appointment of vehicle licensing officers under section 5

G.N. 23/76

The following officers are appointed vehicle licensing officers for the areas over which they exercise jurisdiction—

Clerk, Betio Town Council
 Clerk, Teinainano Urban Council
 Island Executive Officer, Abaiang
 Island Executive Officer, Abemama
 Island Executive Officer, Aranuka
 Island Executive Officer, Arorae
 Island Executive Officer, Beru
 Island Executive Officer, Butaritari
 Island Executive Officer, Kuria
 Island Executive Officer, Maiana
 Island Executive Officer, Makin
 Island Executive Officer, Marakei
 Island Executive Officer, Nikunau
 Island Executive Officer, Nonouti
 Island Executive Officer, North Tabiteuea
 Island Executive Officer, Onotoa
 Island Executive Officer, Rural Tarawa

[Subsidiary]

Island Executive Officer, South Tabiteuea
 Island Executive Officer, Tamana
 District Officer, Ocean Island
 District Officer, Line Islands.

Appointment of licensing officers under section 15

The following officers are appointed licensing officers for the purposes of the G.N. 3/73 Ordinance within the areas specified—

| <i>Officer</i> | <i>Area</i> |
|---|---|
| (a) Every executive officer to a local government council | The area of authority of the council |
| (b) The Secretary to the Chief Minister | Phoenix Islands Group |
| (c) Every administrative officer in charge of a district | Those parts of his district for which no other licensing officer has been appointed |

Direction regarding fees under section 33 (2)

All fees prescribed in the Schedule to the Ordinance shall, in respect of the various matters specified in the said Schedule and when due and payable within the area of authority of local government councils, be paid into and form part of the revenues of the said councils. L.N. 66/68

Regulations under section 34**TRAFFIC REGULATIONS**

G.N. 53/54
 G.N. 207/59
 L.N. 11/61
 L.N. 59/66
 L.N. 60/66
 L.N. 12/71
 L.N. 53/72
 3 of 1973
 16 of 1976

1. These Regulations may be cited as the Traffic Regulations. Citation
2. (1) (i) Every motor vehicle and trailer and its steering gear shall be in good working order and in such safe mechanical condition as not to endanger the driver, other occupants of the vehicle or any person upon the road, or cause damage to public or private property. Road-worthiness and vehicle requirements
- (ii) Braking: Every motor vehicle shall be equipped with brakes capable of controlling the movement of and of stopping the vehicle in an efficient, safe and rapid way under any conditions of loading on any up or down gradient on which the vehicle is operated; and the braking shall be operated by means of 2 devices so constructed that, in the event of failure of one of the braking devices, the other shall be capable of stopping the vehicle in a reasonable distance.
- (iii) Driving Mirror: Every motor vehicle other than motor cycles shall be equipped with at least 1 driving mirror of adequate dimensions so placed as to enable the driver to view from his seat the road to the rear of the vehicle.
- (iv) Every motor vehicle capable of travelling at a speed in excess of 20 miles per hour, other than motor cycles, shall be fitted with a windscreen.

[Subsidiary]

- (v) Windscreen Wiper: Every motor vehicle fitted with a windscreen, other than a motor cycle, shall have 1 or more efficient windscreen wipers functioning without constant control by the driver and which prevent interference by weather conditions with the view of the driver and every such windscreen wiper shall at all times while the vehicle is used on a road be maintained in good and efficient working order.
 - (vi) Warning Device: Every motor vehicle shall be equipped with an audible warning device in the form of a horn or klaxon, except that police vehicles, fire engines and ambulances may be fitted with sirens.
 - (vii) Every motor vehicle shall at all times while it is being used on any road be equipped with tyres which are maintained in such condition as to be free from any defect which in any way might cause damage to the surface of the road or danger to persons on or in the vehicle or to other persons using the road.
 - (viii) Every motor vehicle shall be fitted with a silencer or other contrivance suitable and sufficient for reducing as far as may be reasonably possible the noise caused by escape of exhaust gases from the engine and every such silencer or other contrivance shall at all times while the vehicle is used on a road be maintained in good and efficient working order and shall not be altered in such a way that the noise caused by the escape of exhaust gases is made greater by the alteration.
- (2) No motor cycle shall carry more than 2 persons; and the person not driving the said motor cycle shall be seated behind the driver on a seat or carrier and shall be provided with 2 adequate footrests.
- (3) Not more than 3 passengers, exclusive of the driver, shall be carried on any motor cycle provided with a side car.
- (4) Every trailer shall be fitted with a braking device capable of preventing the rotation of the wheels when the trailer is uncoupled.
- (5) Every cycle shall be equipped with:
- (a) An efficient brake on the back wheel;
 - (b) An audible warning device; and
 - (c) A red light or a red reflex reflector and a white surface in the rear during the period between sunset and sunrise.
- (6) A vehicle shall not have a red light or red reflector directed to the front, except fire engines which may be fitted as high as possible with a front red light to be displayed when responding to an alarm of fire.
- (7) Except with the written permission of the police, loads on vehicles shall not exceed 8 feet in width nor more than 4 feet from the centre line and shall not exceed 20 feet in length; and loads projecting more than 4 feet beyond the rear of the vehicle shall display a white cloth not less than 2 square feet in area from the extremity of the load.
- (8) (i) Any vehicle licensing officer and any police officer in uniform may test any vehicle on any road for the purpose of ascertaining whether the requirements imposed by law as to brakes, silencers, steering gear, tyres and lighting equipment and reflectors are complied with as respects the vehicle and of bringing to the notice of the driver any failure to comply with those requirements, and for the purpose of testing the vehicle such officer may, if he is duly licensed to drive a vehicle of that class, drive it.

[Subsidiary]

(ii) Where it appears to a vehicle testing officer or a police officer that, by reason of an accident having occurred owing to the presence of a vehicle on a road or where in his opinion the vehicle is apparently so defective that it ought not to be allowed to proceed without a test being carried out, he may require a test to be carried out and if he is not to carry out the test himself may require that the vehicle shall not be taken away until the test has been so carried out.

(iii) If any person obstructs a vehicle licensing officer or police officer acting under this paragraph he shall commit an offence.

3. (1) Drivers of motor vehicles shall signal their intention to reduce speed or change direction in such a manner as to give ample notice of intention. Signals

(2) Unless prevented by sudden emergency the driver of a motor vehicle shall—

- (a) if about to stop or suddenly reduce speed, extend the right arm directly outwards from the right or offside of the vehicle with the upper arm horizontal and the forearm vertical;
- (b) if about to turn to the right or to draw out from the kerb to the right, extend the right arm directly outwards from the right or offside of the vehicle in a horizontal position;
- (c) if about to turn to the left or to pull in to the kerb to the left, extend the right arm directly outwards from the right or offside of the vehicle and rotate the arm slowly in an anti-clockwise direction with the elbow flexed and the palm of the hand facing the front:

Provided however that if a motor vehicle is fitted with an efficient automatic signalling device the driver may indicate his intention by means of such device.

(3) Every driver of a motor vehicle, cyclist, and every foot passenger upon a road shall comply with the directions of any police officer in uniform engaged in directing traffic.

(4) In the event of any accident, collision or commotion or congestion or obstruction or danger to traffic on any road the driver of any vehicle within the immediate vicinity shall obey the reasonable direction or instruction of any police officer.

4. (1) (i) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby personal injury is caused to a person other than the driver of that motor vehicle or damage is caused to a vehicle other than that motor vehicle or to an animal other than an animal in or upon that motor vehicle, the driver of the motor vehicle shall stop and if required to do so by any person having reasonable grounds for so requiring, give his name and address and also the name and address of the owner and the identification marks of the vehicle. Accidents

(ii) In any case in which, owing to the presence of a motor vehicle on a road, an accident occurs whereby personal injury is caused to a person other than the driver of that vehicle, and in any case in which the driver of a motor vehicle, when lawfully required to do so under the provisions of subparagraph (i), for any reason does not give the information lawfully required to be given thereunder, such driver shall report the accident at a police station or to a police officer as soon as reasonably practicable, and in any case within 24 hours of the occurrence of the accident in question.

[Subsidiary]

- (iii) Any person—
- (a) who fails to stop when required to do so under the provisions of subparagraph (i); or
 - (b) who fails to report to a police station or police officer when required to do so under the provisions of subparagraph (ii)
- shall be liable to a fine of \$100 and to imprisonment for 6 months.
- (iv) In this paragraph "animal" means any horse, cattle, pig, goat or dog.
- (2) The driver of any vehicle using the roadway shall make way or stop when signalled by the siren or whistle of a police vehicle, fire engine or ambulance.

Rules of
the road

5. (1) No person shall cause or permit to be on a road a motor vehicle which is not attended by a person duly licensed to drive it, unless the engine is stopped.
- (2) When approaching other road users, drivers shall take such precautions as may be required for the safety of the said road users.
- (3) Every driver and every cyclist shall keep his vehicle or his cycle, as the case may be, as close as practicable to the left hand side of the road.
- (4) The driver of a vehicle shall at all times have its speed under control and shall drive in a reasonable and prudent manner and shall slow down or stop whenever circumstances so require.
- (5) On the approach of any vehicle or other road users, drivers shall:
- (a) when meeting, leave sufficient space for the vehicle or other road users coming from the opposite direction to pass in safety;
 - (b) when being overtaken, keep as close as practicable to the left hand side of the carriageway and not accelerate.
- (6) Drivers intending to overtake shall make sure that there is sufficient room and a visibility of not less than 300 feet ahead to permit overtaking without danger and shall after overtaking bring their vehicle back to the left hand side of the road after making sure that this will not inconvenience the vehicle or road user overtaken.
- (7) Every driver approaching any road junction shall take special precautions to avoid accidents.
- (8) Every driver before starting to turn into a road shall:
- (a) make sure that he can do so without danger to other road users;
 - (b) give adequate notice of his intention to turn;
 - (c) if he intends to turn off the road on the left of the direction in which he is travelling, move as far over to that side as practicable;
 - (d) if he wishes to leave the road to the right of the direction in which he is travelling, move as near as practicable towards the middle of the carriageway;
 - (e) in no case hamper the traffic from the opposite direction.
- (9) When approaching or crossing a road intersection drivers shall give way to any vehicle approaching or crossing on the right.
- (10) All necessary precautions shall be taken to ensure that the load of a vehicle shall not be a cause of damage or danger.
- (11) Cyclists shall use tracks where there is an obligation for them to do so.

[Subsidiary]

(12) Cyclists shall not proceed more than 2 abreast on the carriageway.

(13) Cyclists shall not be towed by vehicles.

6. (1) The Commissioner of Police may on any road erect, place or post warning signs (hereinafter in these Regulations called "traffic signs") to indicate to persons using such road—

(a) that a road junction lies ahead;

(b) that a steep hill lies ahead;

(c) that it is necessary to halt at any major road;

(d) that it is necessary to reduce speed by reason of any major road ahead;

(e) that an area in which speed is restricted commences;

(f) that the road becomes narrow ahead;

(g) that a school is in the vicinity and that particular caution is to be exercised;

(h) that an area in which speed is restricted ends;

(i) that a hospital is in the vicinity and that particular caution is to be exercised;

(j) that a round-about lies ahead;

(k) that road users should keep to the left hand side of the road;

(l) that a place is a bus-stop;

(m) that no parking is allowed.

(2) A traffic sign to indicate one of the matters specified in paragraph (1) shall be of such size, colour and design as the Commissioner of Police may in each case determine.

(3) Any person who without lawful authority erects or causes to be erected any traffic signs shall commit an offence.

(4) Any person who wilfully damages, removes, alters, disfigures or obscures any traffic sign shall be guilty of an offence.

(5) Any person driving any vehicle on any road who fails to obey or conform to any indication given to persons using such road by any traffic sign shall be guilty of an offence.

(6) Every traffic sign erected, placed or posted on a road shall be deemed—

(a) to be of the size, colour and design determined in respect of that sign under paragraph (2); and

(b) to have been lawfully erected, placed or posted,

unless the contrary is proved.

7. (1) The vehicles of the classes specified below shall not be driven on any road at any speed in excess of that specified in the case of each respectively, that is to say—

(a) Private Motor Vehicles and Taxis—40 miles per hour;

(b) Public Service Vehicles other than Taxis—30 miles per hour;

(c) Commercial Vehicles—20 miles per hour.

(2) Any person driving any vehicle in contravention of paragraph (1) shall be guilty of an offence.

[Subsidiary]

(3) Any person driving any vehicle at a speed in excess of the authorised maximum speed within any area for which a maximum speed is indicated by traffic signs shall be guilty of an offence.

Parking

8. (1) Stationary vehicles shall be kept off the carriageway if feasible or if not as close as possible to the edge of the carriageway on the left hand side with the vehicle facing in the direction of the traffic.

(2) Vehicles shall not be left waiting where they are likely to cause danger or obstruction and in particular at or near a bend in the road or the top of a hill.

(3) Vehicles shall not be parked within 30 feet of a road intersection.

(4) Unless angle parking is indicated by signs or road markings, vehicles shall be parked with the left side parallel to the road side.

(5) Drivers shall not leave vehicles until they have taken all necessary precautions to avoid an accident.

(6) Any driver or other person in charge of a vehicle who causes or permits it to be left on any part of any road in contravention of the provisions of this regulation shall commit an offence.

(7) Any vehicle parked in contravention of the provisions of this regulation or of an indication given by a traffic sign erected in accordance with regulation 6 (1) (m) may be removed by a police officer or any person acting under the instruction of a police officer and any costs incurred thereby shall be borne by the owner of the vehicle.

Parking
lights

9. (1) Motor vehicles while at rest on any public road during the period between sunset and sunrise shall exhibit lights visible at 150 feet from either direction of the road, where only 1 light is provided at either front or rear, this shall be placed on the side nearest to traffic coming from the opposite direction:

Provided that when a stationary vehicle is illuminated so as to be clearly visible at 150 feet it may be parked without exhibiting any lights.

(2) Any person who causes or permits any vehicle to be on any road in contravention of any of the provisions of this regulation shall be liable to a fine of \$25:

Provided however that no person shall be convicted of an offence against this regulation if such person, being the driver or the person in charge of such vehicle, proves to the satisfaction of the court before which the charges shall be brought that the offence arose through the negligence or default of some person whose duty it was to provide the vehicle with lights.

Registration
plates

10. (1) Motor vehicles using a public road shall display registration numbers of approved pattern affixed to the front and rear of the vehicle in such a manner as to be clearly visible at a distance of 65 feet in normal daylight.

(2) The letters shall be in capital Latin characters and the figures in Arabic numerals. The letters and numerals shall be not less than 2 inches in height and their strokes not less than $\frac{1}{4}$ of an inch in width; and the letters shall be in white or in silver on a black ground with the major axis horizontal.

[Subsidiary]

(3) When the registration number is displayed on special plates these plates shall be fixed in a position and in a plane perpendicular to the longitudinal axis of the vehicle; and when the number is fixed to or painted on the vehicle itself this shall be done on vertical or nearly vertical surfaces at the front and rear of the vehicle.

(4) Every trailer using a public road shall display a registration number of approved pattern affixed to the rear of the vehicle in such a manner as to be clearly visible at a distance of 65 feet in normal daylight.

(5) The registration number displayed at the rear of a motor vehicle or trailer shall be capable of illumination at night time so that it can be read at a distance of 65 feet.

11. (1) Not more than 1 trailer shall be drawn by any motor vehicle. Trailers

(2) A public service vehicle while carrying passengers shall not draw a trailer.

(3) A trailer shall not carry passengers.

12. (1) Every public service vehicle licensed to carry more than 6 passengers shall be constructed, fitted and equipped as follows— Public service vehicles

(a) All doors shall open outward and be fitted on either side with suitable handgrips;

(b) All doors shall be so constructed and maintained as to be readily opened in case of emergency;

(c) Steps shall be fitted which shall be of such a kind as to provide a safe and convenient means of entering and leaving the vehicle.

(d) An efficient fire extinguisher and first aid equipment shall at all times be carried on the vehicle;

(e) Seats provided for passengers shall be of the number and kind stated in the licence for such vehicle.

(2) The maximum number of passengers which a public service vehicle may carry shall be attached to the licence for such vehicle as a condition of issue by the licensing officer and shall at no time be exceeded.

13. A public service vehicle licensed for the carriage for hire or reward of not more than 6 passengers, exclusive of the driver, otherwise than upon specified routes, shall display the word "TAXI" on the front and back of such vehicle in black capital Latin characters 4 inches in height and ½ inch in width of strokes upon a white background. Taxis

14. (1) The driver of a vehicle when acting as such shall—

(a) behave in a civil and orderly manner;

(b) take all reasonable precautions to ensure the safety of passengers in or on entering or alighting from the vehicle;

(c) not cause the vehicle to remain stationary on a road longer than is reasonably necessary to pick up or set down passengers except at a stand or place where such vehicles are permitted to stop for a longer time than is necessary for that purpose.

Conduct of drivers and passengers

(2) No driver or passenger, when in or on the vehicle, shall throw out of the said vehicle any bottle, liquid or litter or any article or thing likely to annoy persons or to cause danger or injury to any person or property.

[Subsidiary]

(3) No driver of or passenger travelling in or on a vehicle shall attach to or throw from or trail from the said vehicle any streamer, balloon, flag or other article in such manner as to overhang the road or to obstruct the view of the said driver.

(4) No passenger travelling in or on a vehicle shall obstruct or impede the driver of the said vehicle in the carrying out of his duty upon or in connection with the vehicle.

Conditions
subject to
which
provisional
driving
licences are
issued

15. All provisional driving licences issued under the provisions of section 17 are granted subject to the following conditions—

- (a) that the holder thereof will not drive a motor vehicle of a class which he is thereby provisionally licensed to drive unless there is exhibited at both the front and the rear of the vehicle plates (which are of a size and are so affixed as to be easily discernible to other users of the road) bearing the capital letter "L" in red on a white ground;
- (b) that the holder thereof will not drive a motor vehicle of any class which he is thereby provisionally licensed to drive (other than a motor cycle) unless there is immediately beside him a person licensed under the Ordinance to drive the said vehicle accompanying him for the purpose of instructing him in driving;
- (c) that the holder thereof will not drive a motor vehicle of any class which he is thereby provisionally licensed to drive while it is laden or while there is on, or in, it any person other than himself and one other person accompanying him for the purpose of instructing him in driving; and
- (d) that if the holder thereof is disqualified to drive a motor vehicle under any law for the time being in force in the Gilbert Islands such licence shall be void and of no effect.

Driving tests

16. (1) Before issuing a driving licence to any person under the provisions of section 19, a licensing officer shall satisfy himself that such person is conversant with the traffic laws for time being in force in the Gilbert Islands and is competent to drive the class or classes of vehicle to which such licence relates and no officer shall be so satisfied unless and until such person establishes to his reasonable satisfaction that he is either—

- (a) so conversant with the traffic laws for the time being in force in the Islands and is the holder of a current driving licence issued by the proper authority in some country other than the Islands; or
- (b) that he has passed a driving test and obtained a certificate under paragraph (6).

(2) For purposes of this regulation the Commissioner of Police may appoint fit and proper persons to be driving examiners.

(3) Any person wishing to submit himself for a driving test under this regulation must make application to a licensing officer and be in possession of a valid provisional driving licence relating to the class of motor vehicle in respect of which he requires to be licensed.

(4) A person submitting himself for a driving test under this regulation must for the purpose thereof provide a motor vehicle of the appropriate class.

(5) When any person fails to pass a driving test under this regulation he shall be informed by the driving examiner who conducts such test for the reasons for such failure; and without the written permission of the Commissioner of Police no person shall submit himself to a driving test under this regulation if within the 3 months immediately preceding he has failed another such test.

[Subsidiary]

(6) When, as the result of a driving test under this regulation, a person satisfies a driving examiner that he is conversant with the traffic laws for the time being in force in the Gilbert Islands and that he is competent to drive any class or classes of vehicle, the driving examiner shall issue a certificate to that effect.

17. No person shall refuse to supply information on any matter to which these Regulations relate or shall give misleading information or a false name to a licensing officer or police officer.

Misleading information or refusal to supply information

18. The Minister may by order in writing exempt any part of the Gilbert Islands from the provisions of all or any of the above Regulations.

Exemptions

19. Any persons who on any road uses, or causes or permits to be used, any vehicle which fails to comply with any of the requirements prescribed by these Regulations with respect to such vehicle or its parts, equipment or accessories, the number of passengers carried by it, or the packing or adjustment of its load shall be liable to a fine of \$50:

Contra-vention of Regulations by drivers, etc.

Provided however that no person shall be convicted of an offence under sub-paragraph (i), (ii), (iii), (iv), (v), (vi) or (vii) of regulation 2 (1) or under regulation 2 (4) if it shall be made to appear to the court before which the charge shall be brought that—

- (a) the defect occurred in the course of the journey during which the contravention was detected; or
- (b) that at the time when the contravention was detected steps had already been taken to have the defect remedied with all reasonable expedition.

20. Any person who on any road uses, or causes or permits to be used, any bicycle which fails to comply with any of the requirements prescribed by these Regulations with respect to such bicycle or its parts, equipment or accessories, the number of persons carried by it or the manner in which persons are carried by it shall be liable to a fine of \$20.

Contra-vention of Regulations by cyclists, etc.

Exemptions under regulation 18

The Gilbert Islands, other than Ocean Island, are exempt from the provisions of regulation 2 (5) (c). G.N. 123/57

The Gilbert Islands, other than Ocean Island, are exempt from the provisions of regulation 11 (3) provided that such exemption shall not permit more than 1 person per 4 square feet of uncovered trailer floor area up to a maximum of 15 persons to be carried in or upon any trailer at any time. L.N. 36/69

That part of Ocean Island (Banaba) immediately on the western side of the Tabiteuea sports field is exempt from the provisions of regulation 5 (1) for a period not exceeding 1 hour each morning provided that vehicles are parked facing south-west and that there is present at all times an attendant who is a duly licensed driver. L.N. 23/78

[Subsidiary]

Forms prescribed to be used by notice under section 35

G.N. 157/52 The following forms have been prescribed—

THE GILBERT ISLANDS

T/O 1:

TRAFFIC ORDINANCE (Cap. 98)

BICYCLE LICENCE
(Section 8)

Island19.....
Name of Licensee
Address of Licensee
Fee Paid—50 cents

Vehicle Licensing Officer.

FRONT:

THE GILBERT ISLANDS

T/O 2:

TRAFFIC ORDINANCE (Cap. 98)

MOTOR VEHICLE LICENCE
(Section 8)

Type of Vehicle
Make of Vehicle
Owner's Name
Owner's Address

Registered Number In Class

This licence authorises the vehicle described above to be used on a public road
from the date of issue until 31st December 19

(Date) Place
Fee Paid Revenue Receipt

BACK: Conditions:

[Subsidiary]

T/O 3:

THE GILBERT ISLANDS

TRAFFIC ORDINANCE (Cap. 98)

REGISTER OF MOTOR VEHICLES
(Section 10)

| | |
|-----------------|-----------------------|
| Class | Owner's Name |
| Type | Owner's Address |
| Make | |
| Colour | Licence No. |
| Engine No. | Date of Issue |

T/O 4:

FRONT: THE GILBERT ISLANDS

TRAFFIC ORDINANCE (Cap. 98)

DRIVING LICENCE
(Section 19)

| | |
|---------------|------------------|
| Name | Licence No. |
| Address | |

is licensed to drive the

undermentioned classes of motor vehicles—

This licence expires on 31st December 19

| | |
|-----------------------|-----------------------|
| Fee Paid— | Revenue Receipt |
| (Date) | |
| Signature of Licensee | Licensing Officer |

BACK:
Endorsements:
Renewals

NOTE—This Ordinance has been amended by the Traffic Ordinance 1977 (15 of 1977) which *inter alia* places certain restrictions on weight and dimensions of vehicles and their loads when on public roads.