

ROADS (AMENDMENT) ACT, 1994

ARRANGEMENT OF CLAUSES

CLAUSE

- 1. Short title and commencement
- 2. Interpretation
- 3. New Section 15A
- 4. Transitional provision
- 5. Immunity

FIJI

ACT NO. 8 OF 1994



I assent.

[L.S.]

K. K. T. MARA

President

[10 May 1994]

**AN ACT**

## TO AMEND THE ROADS ACT

ENACTED by the Parliament of Fiji—

*Short title, commencement, etc.*

1.—(1) This Act may be cited as the Roads (Amendment) Act, 1994 and shall come into force on the day of its assent.

*Interpretation*

2. In this Act, unless the context otherwise requires:—

"the principal Act" means the Roads Act;

"speed retarders" include road humps, bumps or such other constructions or erections made to control, limit or restrict the speed of traffic in public roads;

"suitable warning signs" include road signs which conform with the provisions of

the Traffic (Signs)  
Regulations

*New Section 15A*

3. The principal Act is amended by inserting the following Section immediately after Section 15:—

*"And construct or erect speed retarders"*

- 15A (1) The Permanent Secretary may, if he is satisfied that in the interest of safety it is necessary to limit the speed of vehicles travelling on any public road, construct or erect speed retarders on any public road.
- (2) Without limiting the generality of subsection (1) and notwithstanding the proviso to Section 2 of this Act, speed retarders may be constructed or erected on public roads at such points in towns, villages and settlements, as the Permanent Secretary considers desirable and be of a design, height and width as shall not constitute a hazard or danger to drivers and other occupants of motor vehicles travelling on such roads, as well as to pedestrians, side appurtenances and any abutting property of such roads.
- (3) Where speed retarders are constructed or erected, suitable warning signs shall be placed or installed at an appropriate distance and place to give adequate advance warning of the speed retarders.
- (4) Any person who, unlawfully removes, dismantles or interferes in any way with a speed retarder constructed or erected under the provisions of this Act shall be guilty of an offence and shall be liable on conviction to a fine of not less than one hundred dollars or to imprisonment for a term of not less than one month or to both such fine and term of imprisonments."

*Transitional provision*

4. The Permanent Secretary shall cause an inspection and examination of speed retarders constructed and erected on any public road prior to the coming into force of this Act to be made and shall assess whether such speed retarders have been constructed or erected in conformity with the provisions of Section 15A of the principal Act and if any such speed retarders do not so conform, he shall take all necessary and reasonable steps to ensure that works are undertaken to upgrade the speed retarders in conformity with Section 15A of the principal Act.

*Immunity*

5. The State shall be immune from civil responsibility in respect of the commission of any offence or the breach of any law and in respect of any damage or injury to property or person resulting either directly or indirectly from the illegal construction or erection of speed retarders by any person or persons, and no Court shall entertain any action or make any decision or order or grant any remedy or relief in any proceedings instituted against the State in relation thereto.

Passed by the House of Representatives this Twentieth day of April in the year of our Lord one thousand, nine hundred and ninety-four.

Passed by the Senate this third day of May in the year of our Lord one thousand, nine hundred and ninety-four.