

THE REPUBLIC OF KIRIBATI  
(No. 1 of 1987)

I assent,

*N. Tebas*  
Beretitenti

30/7/1987

AN ACT TO LEVY TOLLS IN RESPECT OF THE USE OF  
THE CAUSEWAY LINKING BAIRIKI ISLAND WITH  
BETIO ISLAND, AND FOR CONNECTED PURPOSES

Commencement:

30/7/1987

MADE by the Maneaba ni Maungatabu and assented to by the  
Beretitenti.

PART I  
PRELIMINARY

title

1. This Act may be cited as the Nippon Causeway Tolls  
Act 1987.

pretation

2. In this Act unless the context otherwise requires -

"Nippon causeway" means the causeway linking Bairiki Island with  
Betio Island and Nei Teba fisheries channel under it  
hereinafter referred to as "the causeway";

"toll" means a toll leviable under this Act;

"the Special Fund" means the Special Fund established pursuant  
to section 7.

PART II  
TOLLS

to levy  
for use  
Causeway

3(1) The Minister acting in accordance with the advice of the  
Cabinet may, subject to the provisions of this Act, levy tolls  
in respect of vehicles using the causeway.

(2) Tolls levied under subsection (1) of this section shall be laid before the Maneaba ni Maungatabu within forty-eight hours of the day on which the next meeting of the Maneaba commences and shall come into operation on publication unless the Maneaba by resolution amends it or rejects it as the case may be.

s relating  
tolls

4(1) The Minister acting in accordance with the advice of the Cabinet may by order make provision as to the classes of vehicles using the causeway in respect of which the tolls are to be levied and as to the scales and other provisions in accordance with which they are to be levied.

(2) An order made under subsection (1) of this section shall be laid before the Maneaba ni Maungatabu within forty-eight hours of the day on which the next meeting of the Maneaba commences and shall come into operation on publication unless the Maneaba by resolution amends it or rejects it as the case may be.

(3) Any such scales or other provisions may provide for tolls to be levied at different rates by reference to such circumstances or combination of circumstances (whether relating to classes of vehicles, seasons of the year, days of the week, times of day or otherwise) as the Minister may consider appropriate.

(4) Provision may be made by any such order for enabling persons to compound in advance for the payment of tolls, at such rates as may be specified in the order; and any such provision may include provision for the issue of season tickets or prepaid vouchers to persons so compounding.

(5) For the avoidance of doubt the classification of motor vehicles made pursuant to subsection (1) of this section need not correspond with the classification made under section 3 of the Traffic Ordinance.

(6) An order under this section may provide that vehicles of any description specified in that behalf in the order (notwithstanding that they are vehicles of a class specified in the order pursuant to subsection (1) of this section) shall be exempted from the payment of tolls.

ations for  
ing payment  
tolls

5(1) Provision may be made by regulations made by the Minister acting in accordance with the advice of the Cabinet, under this section -

- (a) for the designation of one or more places on or near the causeway at which tolls (other than tolls previously compounded for) are to be paid;
- (b) as to the persons by whom such tolls are to be paid and the manner in which they are to be paid whether by paying them to a person authorised to receive them or by placing coins in apparatus provided for the purpose or otherwise;

(c) for securing that vehicles in respect of which tolls are leviable do not use the causeway without payment of the tolls.

(2) In relation to vehicles using the causeway and approaching a place designated in accordance with paragraph (a) of subsection (1) of this section, regulations made in pursuance of paragraph (c) of that subsection may include provisions for prohibiting or otherwise preventing any such vehicle from further proceeding along the causeway until any toll leviable in respect of the vehicle has been paid.

(3) Any such regulations may provide that if tickets or receipts are issued to persons paying tolls, the person in charge of a vehicle in respect of which any ticket or receipt has been issued shall, at any time when the vehicle is using the causeway, produce the ticket or receipt, on being required to do so, for inspection by any person designated by or under the regulations.

(4) Regulations under this section may include such provisions as the Minister may consider appropriate for adapting or modifying the general provisions of the regulations in relation to vehicles in respect of which tolls have been compounded for, including provisions as to the production and surrender of season tickets or prepaid vouchers.

(5) Any regulations made under this section may provide for a notice, specifying the classes of vehicles in respect of which tolls are leviable, to be displayed at each place designated in accordance with subsection (1)(a) of this section.

PART III  
FINANCIAL PROVISIONS

Interpretation

6. In this Part of this Act "Minister" means the Minister responsible for finance.

Establishment of  
Special Fund  
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7. A special Fund to be known as Nippon Causeway Maintenance Fund shall be established in accordance with section 107(2) of the Constitution and section 13 of the Public Finance (Control and Audit) Ordinance.

Payments into the  
Special Fund

8. There shall be paid into the Special Fund -  
(a) any money appropriated by the Maneaba ni Maungatabu for the purposes of the Fund; and  
(b) any monies collected as tolls under this Act or orders or regulations made thereunder; and  
(c) any other money lawfully available to the Fund.

Payments out of  
Special Fund

9(1) There shall be paid out of the Special Fund -  
(a) the amount of any expenditure by the Republic on the costs of maintenance of the causeway; and

- (b) the expenses, as approved by the Minister with the concurrence of the Minister responsible for roads generally, of the administration and carrying into effect of the provisions of this Act.

(2) No money shall be paid out of the Special Fund except in accordance with a Warrant under the hand of the Minister authorising the Chief Accountant to issue the money to the accounting officer responsible for operating the Fund.

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al Fund  
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10. In the performance of his functions under this Part of this Act and under section 13 of the Public Finance (Control and Audit) Ordinance in relation to the Special Fund the Minister shall use his best endeavours to manage the Special Fund in such a way that, taking one year with another, the income of the Fund is not less than sufficient to meet its outgoings including depreciation charges.

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11(1) The Minister shall, before the end of each financial year, submit to the Maneaba ni Maungatabu -

- (a) a statement showing the estimated income and expenditure of the Special Fund for the current financial year; and
- (b) estimates of the income and expenditure of the Special Fund for the next financial year.

(2) The Minister shall, within six months after the end of each financial year, lay before the Maneaba ni Maungatabu a report dealing generally with the operations of the Special Fund during the preceding financial year and containing the audited statement of accounts for that financial year.

#### PART IV SUPPLEMENTARY PROVISIONS

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12. The Minister may by regulations impose such prohibitions and restrictions as he may consider necessary -

- (a) for preventing damage to any part of the causeway or to any structure, works or apparatus on, under or over any such part of the causeway or used in connection with the control of traffic on the causeway or in connection with the levying of tolls;
- (b) for preventing notices and signs placed on or near any part of the causeway, or on any such structure, works or apparatus, in connection with the regulation of traffic on any part of the causeway or in connection with the levying of tolls from being removed, defaced or obscured.

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13. Any person who -

- (a) wilfully refuses, or without reasonable excuse neglects or fails to pay a toll which he is required to pay under this Act or order or regulations made thereunder or wilfully avoids payment of any such toll; or
- (b) wilfully, with intent to defraud, claims or takes the benefit of any exemption from the tolls (whether the exemption in question subsists by virtue of section 4(5) of this Act or otherwise) without being entitled to that benefit; or
- (c) in circumstances not falling within either of the preceding paragraphs, contravenes provisions of this Act or any orders or regulations made under this Act, shall be guilty of an offence and liable on summary conviction to a fine not exceeding \$100 and in default of payment of such fine, to imprisonment for a term not exceeding 2 months.

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14. Without prejudice to any proceedings under section 13, any toll which remains unpaid after it has become due for payment shall be summarily recoverable by the Republic from the person liable to pay the toll as a civil debt.

This printed impression has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on 6th July, 1987 and is found by me to be a true and correctly printed copy of the said Bill.



Clerk to the Maneaba  
ni Maungatabu

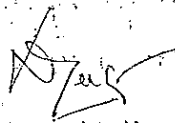
I certify that the above Act, was on the 6th day of July, 1987 passed by the Maneaba ni Maungatabu on a certificate of urgency under section 68(3)(a) of the Constitution.



Speaker

Published by exhibition -

(a) at the Public Office of the Beretitenti this  
30<sup>th</sup> day of July 1987.



Secretary to the Cabinet.

(b) at the Maneaba ni Maungatabu this 30<sup>th</sup> day  
of July 1987.



Clerk to the Maneaba  
ni Maungatabu

NIPPON CAUSEWAY TOLLS ACT 1987.

EXPLANATORY MEMORANDUM

This Act seeks to empower the Minister concerned, acting in accordance with the advice of the Cabinet, by order to levy tolls for the use of the new Nippon Causeway by owners of vehicles.

An order made by the Minister in respect of the levying of tolls shall be laid before the Maneaba ni Maungatabu within forty-eight hours of the day on which the next meeting of the Maneaba commences and shall come into operation on publication unless the Maneaba by resolution amends it or rejects it as the case may be.

Section 4 of the Act empowers the Minister to classify vehicles using the causeway in respect of which tolls are to be levied and prescribe the scales and the criteria in accordance with which tolls are to be levied.

An order made by the Minister under Section 4 of the Act shall be laid before the Maneaba ni Maungatabu within forty-eight hours of the day on which the next meeting of the Maneaba commences and shall come into operation on publication unless the Maneaba by resolution amends it or rejects it as the case may be.

Sections 7, 8 and 9 establish a Special Fund (outside the Consolidated Fund) into which shall be paid, among others, all tolls collected in respect of the use of the causeway. All monies required by the Republic to meet or defray maintenance costs of the said causeway and fisheries channel shall also be paid out of the said Special Fund.

Section 13 makes it an offence wilfully to refuse or neglect to pay a toll which is required to be paid under this Act.

Michael N. Takabwebwe  
The Attorney General  
13 March 1987.

LEGAL REPORT

I hereby certify that in my opinion none of the provisions of the above Act conflict with the Constitution and that the Beretitenti may properly assent to the Act.

Michael N. Takabwebwe  
The Attorney General  
6th July 1987