

REPUBLIC OF VANUATU

BILL FOR

THE ROAD TRAFFIC (AMENDMENT ACT

NO 12 OF 1981

Explanatory Note

Under the Road Traffic Joint Regulation No 4 of 1962, a person convicted of an offence thereunder could in addition to any penalty imposed by the court, be permanently or temporarily disqualified from driving a motor car or motor bicycle.

However under the law, the power of disqualification was given to the Resident Commissioners; and recently the practice has been for the Prime Minister on the recommendation of the Court convicting an offender, to sign a disqualification order. This is an unsatisfactory state of affairs as the Prime Minister in such a case would be exercising a judicial function which properly belongs to the courts. There is also a difficulty with appeals against a disqualification order. To whom can one appeal a decision of the Prime Minister? Under this amendment the courts would impose disqualification, and an appeal against such order would be to the higher court.

As the law now stands disqualification from driving could be permanent, and could be imposed for any offence under the Regulation, even if very minor.

The present amendment empowers a court to impose disqualification for a limited period not exceeding five years, and only in respect of the more serious road traffic offences e.g. dangerous driving; driving under the influence of alcohol, etc.

APRIL 1981

F. TIMAKATA
DEPUTY PRIME MINISTER
AND MINISTER OF
HOME AFFAIRS

REPUBLIC OF VANUATU

BILL FOR
THE ROAD TRAFFIC (AMENDMENT) ACT No. OF 1981

To amend section 47A of the Road Traffic Joint Regulation No.4 of 1962.

Be it enacted by the President and Parliament as follows :-

Amendment of
JR.4/62.

1. The Road Traffic Joint Regulation No.4 of 1962 is hereby amended by repealing subsection (1) of section 47A and substituting the following :-

"(1) Where a person is convicted by a competent court of an offence under sections 12, 13, 13A, 14, 15 or 19 of this Regulation, the court may, in addition to any other punishment it may impose, disqualify that person from driving a motor vehicle or motor bicycle or both for a temporary period not exceeding five years."

Commencement.

2. This Act shall come into force on the date of its publication in the Gazette.