

GOVERNMENT OF FIJI GAZETTE SUPPLEMENT

No. 11

FRIDAY, 31st MARCH

2017

[LEGAL NOTICE NO. 22]

INCOME TAX (AMENDMENT) ACT 2017

Commencement Notice

IN exercise of the powers vested in me by section 1(2) of the Income Tax (Amendment) Act 2017, I hereby appoint 1 January 2016 as the commencement date of the Income Tax (Amendment) Act 2017.

Dated this 30th day of March 2017.

A. SAYED-KHAIYUM
Attorney-General and
Minister for Economy

[LEGAL NOTICE NO. 23]

LAND TRANSPORT ACT 1998

Land Transport (Traffic Infringement Notice) Regulations 2017

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IN exercise of the powers conferred on me by section 113(6)(h) of the Land Transport Act 1998, I hereby make these Regulations—

PART 1—PRELIMINARY

Short title and commencement

1.—(1) These Regulations may be cited as the Land Transport (Traffic Infringement Notice) Regulations 2017.

(2) These Regulations come into force on a date appointed by the Minister by notice in the Gazette.

Interpretation

2. In these Regulations, unless the context otherwise requires—

“Act” means the Land Transport Act 1998;

“Adjudicator” means a person who is responsible for the assessment and review of the images captured by a device;

“agent” means a person who is authorised by a principal to act on the principal’s behalf and includes an employee acting under the instructions of his or her employer;

“authorised officer” means a person appointed in writing by the Authority for the purposes of the Act or these Regulations;

“Authority” means the Land Transport Authority established under section 6 of the Act;

“certified image” means an image that has been assessed and reviewed by the Adjudicator under regulation 15;

“device” means a photographic detection device;

“Director” means the Director of Trade Measurement appointed under section 5(a) of the National and Trade Measurement Act 1989;

“image” means a visual illustration of an object that is captured by a device;

“late payment fee” means 50% of the fixed penalty a person is liable to pay under the Act or the subsidiary laws made under the Act;

“location code” means the code on an image for the location where that image was captured and the data recorded;

“Minister” means the Minister responsible for land transport;

“motor vehicle” means any automobile, motor car, motor carriage, motorcycle, traction engine, tractor, or other carriage or vehicle propelled or capable of being propelled by means of an engine powered wholly or partly by any volatile spirit, steam, oil, gas or electricity, or by any means other than human or animal power, but does not include—

(a) a bicycle propelled or capable of being propelled by means of an internal combustion engine that is fitted to but detachable from the bicycle, being an engine the generating capacity of which does not exceed 20 watts; or

(b) a wheelchair to be driven by a person with a disability;

“owner” means—

(a) subject to paragraph (b) and if the motor vehicle is registered, the person registered as the owner of the motor vehicle;

(b) if a registered motor vehicle is sold or otherwise disposed of by the person registered as the owner of the motor vehicle and he or she has given notice thereof to the Authority, the purchaser; or

(c) if a trade plate is placed on the motor vehicle under the authority of a trader identification permit, the person to whom the plate is issued;

“person” includes any company, association or body of persons, corporate or unincorporate;

“photographic detection device” means an approved device that captures images of offences committed under the Act and the subsidiary laws made under the Act;

“trade plate” means a registration plate authorised by a trader identification permit;

“trader identification permit” means a permit issued under regulation 33 of the Land Transport (Vehicles Registration and Construction) Regulations 2000; and

“Traffic Infringement Notice” means a notice issued under regulation 5.

Objectives

3. The objectives of these Regulations are to—

- (a) enforce traffic safety laws;
- (b) deter illegal activities on the road;
- (c) ensure that the use of motor vehicles is regulated for the purposes of safety, protection of the environment and law enforcement;
- (d) identify and record images of motor vehicles that exceed the speed limit or enter an intersection in contravention of a red light or red traffic arrow; and
- (e) establish a system that identifies each motor vehicle used on the road and the person who is responsible for it.

Application

4. These Regulations apply throughout Fiji, including any person irrespective of that person’s nationality or citizenship.

PART 2—PROCEEDINGS FOR TRAFFIC INFRINGEMENT NOTICES

Issuance of Traffic Infringement Notice

5.—(1) A Traffic Infringement Notice must be issued and despatched by the Authority within 21 days from the date the offence is committed and any Traffic Infringement Notice issued beyond this period is deemed invalid.

(2) Pursuant to subregulation (1), a police officer or authorised officer must despatch a Traffic Infringement Notice in respect of the alleged commission of a fixed penalty offence under the Act or the subsidiary laws made under the Act—

- (a) by serving the Traffic Infringement Notice personally upon the person alleged to have committed the offence, acting in his or her own capacity or as an agent;
- (b) where the presence, at any time or for any period of time, of a motor vehicle in a place is evidence of the commission of the fixed penalty offence, by affixing a Traffic Infringement Notice to the vehicle in a conspicuous position; or
- (c) by serving through any electronic means as approved by the Authority, including by electronic mail to a valid electronic mailing address submitted by the person to the Authority and verified by the Authority.

(3) Notwithstanding subregulation (2), a Traffic Infringement Notice may also be despatched in the following ways in the case of an offence under Part 3—

- (a) by serving the Traffic Infringement Notice through registered mail sent to the owner of the motor vehicle’s postal address last recorded by the Authority; or
- (b) by serving the Traffic Infringement Notice at the owner of the motor vehicle’s physical address last recorded by the Authority upon a person who resides there, provided the person is not below the age of 18 years.

(4) If the Traffic Infringement Notice is affixed to a motor vehicle pursuant to subregulation (2)(b), the Traffic Infringement Notice must—

- (a) be issued by reference to the registered number of the motor vehicle; and
- (b) bear the date on which the Traffic Infringement Notice was affixed to the motor vehicle.

(5) In these Regulations, service is deemed to be effected if the Traffic Infringement Notice—

- (a) is in the form prescribed in Form 1 or Form 1A in the Schedule to the Land Transport (Prescribed Forms) Regulations 2000;
- (b) has been despatched to the person in accordance with this regulation; and
- (c) in the case of an offence detected by a photographic detection device, is accompanied by a Statutory Declaration form, as prescribed in Form 1B in the Schedule to the Land Transport (Prescribed Forms) Regulations 2000.

(6) The Authority may notify a person to whom a Traffic Infringement Notice is issued of the person's alleged commission of a fixed penalty offence under the Act or the subsidiary laws made under the Act and such notification may be made by—

- (a) Short Message Service (SMS) messaging to a registered mobile phone contact submitted by the person to the Authority and verified by the Authority; or
- (b) by electronic mail to a valid electronic mailing address submitted by the person to the Authority and verified by the Authority.

(7) Where a Traffic Infringement Notice is issued to an agent, the Authority must notify the principal prior to the expiry of the prescribed period and such notification may be made by—

- (a) Short Message Service (SMS) messaging to a registered mobile phone contact submitted by the person to the Authority and verified by the Authority; or
- (b) by electronic mail to a valid electronic mailing address submitted by the person to the Authority and verified by the Authority.

Fixed penalty

6. A person to whom a Traffic Infringement Notice is issued, is liable to a fixed penalty and must, within 90 days from the date the Traffic Infringement Notice is issued, undertake one of the following actions—

- (a) pay the fixed penalty in a single payment or by instalments;
- (b) make a Statutory Declaration to the Authority in accordance with section 85(3) or 85A(2) of the Act; or
- (c) elect to dispute the fixed penalty in court.

Failure to pay fixed penalty

7.—(1) If a person to whom a Traffic Infringement Notice is issued does not undertake any of the actions in regulation 6 within the prescribed period, the person is—

- (a) liable to pay a late payment fee in addition to the fixed penalty;
- (b) issued a departure prohibition order preventing the person from leaving Fiji; and
- (c) ineligible for the renewal of the person's licence or vehicle registration,

until the person undertakes one of the following actions—

- (i) pays the fixed penalty and late payment fee in a single payment or by instalments;
- (ii) makes a Statutory Declaration to the Authority in accordance with section 85(3) or 85A(2) of the Act; or
- (iii) elects to dispute the fixed penalty in court.

(2) If a person to whom a Traffic Infringement Notice is issued does not undertake any of the actions in regulation 6 within the prescribed period the Authority must notify the Director of Immigration at the end of the prescribed period.

(3) Upon receipt of the notification from the Authority under subregulation (2), the Director of Immigration must issue to the person a departure prohibition order stating—

- (a) the reasons for the issue of the departure prohibition order;
- (b) the fixed penalty and late payment fee that the person must pay; and
- (c) that the departure prohibition order may be lifted if the person to whom it has been issued undertakes one of the actions listed in subregulation (1).

(4) If a departure prohibition order is issued to a person under this regulation, the person to whom the departure prohibition order is issued may pay in full the penalty and late payment fee that the person is liable to, to the Authority or, if the person intends to leave Fiji, to the Department of Immigration at an International Airport in Fiji.

(5) Pursuant to subregulation (4), if a person pays in full the penalties or fees that the person is liable to, the departure prohibition order is deemed to be lifted and the person must not be prevented from leaving Fiji on the basis of the departure prohibition order issued under this regulation.

Statutory Declaration

8.—(1) For the purposes of regulation 5(5)(c), the owner of a motor vehicle may, by means of a Statutory Declaration, provide the name and address of the driver of the motor vehicle at the time the offence was committed, and may include the following information—

- (a) a statement setting out by or under what or whose authority, whether oral or written, the driver had control, use or management of the motor vehicle at the time the offence was committed;

- (b) the address of any premises, other than the address of the driver, from which the driver, or a person acting on behalf of the driver, had control, use or management of the motor vehicle at the time the offence was committed;
- (c) where the motor vehicle was part of a group of motor vehicles that were physically connected at the time the offence was committed, the name and address of the driver of any or all of the motor vehicles forming part of the group of motor vehicles at the time the offence was committed; or
- (d) any other relevant information or document attached to the Statutory Declaration.

(2) Where a motor vehicle has been stolen or sold to another person at the time an offence, under the Act or the subsidiary laws made under the Act, was committed, it is sufficient proof of his or her claim if the owner of the motor vehicle, in addition to his or her Statutory Declaration, provides a Police Report or a transfer document giving effect thereof to his or her claim.

Failure to take action within 12 months

9. If a person to whom a Traffic Infringement Notice is issued does not undertake any of the actions provided in regulation 7 within 12 months from the date the Traffic Infringement Notice is issued, the Traffic Infringement Notice takes effect as a conviction and the Authority may—

- (a) suspend the person's licence; and
- (b) seek from the court a sentence providing for the issuance of demerit points and maximum penalties for the offence.

Withdrawal of Traffic Infringement Notice

10.—(1) If a person to whom a Traffic Infringement Notice is issued makes a Statutory Declaration to the Authority under the Act or these Regulations and the Authority accepts the contents of the Statutory Declaration, the Authority may issue a withdrawal notice within 7 days from the receipt of the Statutory Declaration.

(2) For the purpose of subregulation (1), a Traffic Infringement Notice issued to a person is cancelled upon the service of a withdrawal notice on that person.

(3) A withdrawal notice must be in the form prescribed in Form 1C in the Schedule to the Land Transport (Prescribed Forms) Regulations 2000.

(4) Upon the cancellation of a Traffic Infringement Notice, the Authority must, in the case of a person identified by the Statutory Declaration to have been the driver of the vehicle when the offence was committed, issue to that person a Traffic Infringement Notice for the offence.

Evidence of acceptance of a Traffic Infringement Notice

11. A certificate signed by an authorised officer stating that the fixed penalty was or was not paid must, unless the contrary is proved, be conclusive evidence of the matters stated in the certificate.

PART 3—PHOTOGRAPHIC TRAFFIC INFRINGEMENT PROCESSING

*Division 1—Photographic Detection Devices**Installation of a device*

12.—(1) A device must be approved for trade use in Fiji subject to the National and Trade Measurement Act 1989 before the device is installed.

(2) A device is approved for trade use in Fiji if it has been tested and calibrated by the Director.

(3) The Director must, after testing and calibrating the device in subregulation (2), issue a certificate under the National and Trade Measurement Act 1989 that the device has been tested and calibrated.

(4) The Director may issue the certificate in subregulation (3) with operating instructions.

(5) The Authority may install a device at a location determined by the Authority.

Functions of a device

13.—(1) A device must—

- (a) capture images of a motor vehicle entering an intersection in contravention of a red light or red traffic arrow;
- (b) measure the speed at which a motor vehicle is being driven and capture images of a motor vehicle travelling at a speed equal to or greater than the speed set on the device; or
- (c) capture images of offences committed under the Act and the subsidiary laws made under the Act.

(2) A device must also record data derived from the series of images of a motor vehicle captured in subregulation (1).

(3) The images captured in subregulation (1) must display the following information—

- (a) the serial number of the device;
- (b) the date and time when the images were captured and the data recorded;
- (c) the location code;
- (d) the speed limit applying to the length of the road on which the motor vehicle was travelling when the images were captured and the data recorded; and
- (e) the speed of the motor vehicle as measured by the device when the images were captured and the data recorded.

(4) For the purpose of this regulation, a motor vehicle with a trailer is deemed to be a single motor vehicle.

(5) This regulation does not—

- (a) limit the matters that may be indicated on or shown by an image captured by a device; or
- (b) limit the information included in an electronic file created by a device.

Proper use of a device

14.—(1) A device is used in the prescribed manner if—

- (a) where there is no direct server upload process, an authorised officer placing or removing the device or loading or unloading the removable media storage into or from the device—
 - (i) checks the time, date and location code in the display of the device and makes any correction that may be necessary to ensure that the correct data is displayed on the image printed from the reversal or negative film captured by the device;
 - (ii) checks the motor vehicle detector system to ensure that it is correctly monitoring the movement of motor vehicles at the location in the relevant direction of travel; and
 - (iii) ensures that when the device is installed and left unattended, it is securely kept;
- (b) the device has been tested, calibrated and certified under regulation 12;
- (c) the device is used in accordance with operating instructions, if any, approved by the Director; and
- (d) an authorised officer placing or removing the speed calculation unit or the control unit, or loading or unloading removable storage media, if any, into or from the control unit, or switching on or resetting the control unit after it has been inoperable for any reason—
 - (i) checks the time, date and location code and makes any correction that may be necessary to ensure that the correct data is recorded in the electronic file;
 - (ii) checks that the motor vehicle detectors are correctly responding to the movement of motor vehicles at the location; and
 - (iii) ensures that when the speed calculation unit and control unit are installed and left unattended, they are securely kept.

*Division 2—Procedure**Certification of images*

15.—(1) An Adjudicator must, within 7 days from the date an image is captured by a device, issue a certified image to an authorised officer for the issuance of a Traffic Infringement Notice.

(2) An Adjudicator must issue, to an authorised officer, a certified image in subregulation (1) with a report stating—

- (a) that the device is a certified and approved device under regulation 12;
- (b) that the device has been used in accordance with regulation 14;
- (c) that the certified image is an accurate copy of an image captured by the device at a stated date, time and place or is an accurate copy of a series of

images captured by that device at a stated date, place and during a stated period of time;

- (d) the speed limit applying to the length of road on which the motor vehicle was travelling; and
- (e) a measurement of the speed at which the motor vehicle was being driven.

(3) A certified image issued under subregulation (1) is *prima facie* evidence of everything indicated on or shown by the image.

(4) If an image is a copy of a series of images captured by a device during a period of time, that image may be considered with other images in the series of images.

Owner onus offence

16.—(1) The owner of a motor vehicle is liable for an offence detected by a device.

(2) If more than one person owns a motor vehicle in relation to which an offence is detected under subregulation (1), each owner is jointly and severally liable under subregulation (1).

(3) The owner of a motor vehicle may provide a Statutory Declaration stating that—

- (a) he or she was not the driver of the motor vehicle at the time the offence was committed;
- (b) the motor vehicle was stolen;
- (c) the motor vehicle was being driven without the consent of the owner of that motor vehicle;
- (d) the motor vehicle has been de-registered; or
- (e) the motor vehicle has lawfully changed ownership or possession.

Authorised officer to issue Traffic Infringement Notice

17. An authorised officer must issue and despatch a Traffic Infringement Notice to the owner of a motor vehicle within 14 days from the date of receipt of the certified image in accordance with the procedure under regulation 5.

PART 4—OFFENCES

Removal of Traffic Infringement Notice

18.—(1) Subject to subregulation (2), a person who removes or interferes with a Traffic Infringement Notice affixed to a motor vehicle in accordance with regulation 5 commits an offence and is liable upon conviction to the prescribed penalty under the Schedule to the Act.

(2) It is a defence to a prosecution of a person for an offence under subregulation (1) that the person was acting on behalf of the—

- (a) owner of the motor vehicle to whom the Traffic Infringement Notice was issued to; or
- (b) person having immediate lawful charge of the motor vehicle.

Unauthorised installation and display of devices and equipment

19.—(1) A person must not, without the approval of the Authority—

- (a) install a device—
 - (i) on, above or near a road or road related area; or
 - (ii) on a vehicle on, above or near a road or road related area; or
- (b) interfere with, change or remove a device installed or displayed—
 - (i) on, above or near a road or road related area; or
 - (ii) on a vehicle on, above or near a road or road related area.

(2) A person must not install or display a sign, signal, marking, structure or other equipment that might reasonably be mistaken for a device—

- (a) on, above or near a road or road related area; or
- (b) on a vehicle on, above or near a road or road related area.

(3) Any person who contravenes subregulation (1) or (2) commits an offence and is liable upon conviction to a fine not exceeding \$2,000.

Removal of unauthorised equipment

20.—(1) This regulation applies if a person installs or displays a sign, signal, marking, structure or other equipment in contravention of these Regulations.

(2) The Authority or an authorised officer may—

- (a) direct the person, orally or in writing, to remove the equipment within a stated reasonable time; or
- (b) remove the equipment.

(3) If the person is given a direction under subregulation (2)(a), that person must comply with that direction.

(4) Any person who contravenes subregulation (3) commits an offence and is liable upon conviction to a fine not exceeding \$2,000.

Presumption of lawful installation or display

21. In a proceeding for an offence against these Regulations, other than an offence against regulation 19, a device installed or displayed on, above or near a road or road related area, or on a vehicle on, above or near a road or road related area, is deemed to have been lawfully installed or displayed under these Regulations.

Revocation

22. The Land Transport (Photographic Detection Device) Regulations 2013 is hereby revoked.

Transitional

23. Nothing in these Regulations affects the prosecution of an offence under Part 5 of the Land Transport (Photographic Detection Device) Regulations 2013 where a charge relating to the offence was made prior to the commencement of these Regulations.

Made this 31st day of March 2017.

P. K. BALA
Minister for Infrastructure and Transport

[LEGAL NOTICE NO. 24]

LAND TRANSPORT ACT 1998

Land Transport (Prescribed Forms) (Amendment) Regulations 2017

IN exercise of the powers conferred on me by section 113 of the Land Transport Act 1998, I hereby make these Regulations —

Short title and commencement

1.—(1) These Regulations may be cited as the Land Transport (Prescribed Forms) (Amendment) Regulations 2017.

(2) These Regulations come into force on a date appointed by the Minister by notice in the Gazette.

Schedule amended

2. The Schedule to the Land Transport (Prescribed Forms) Regulations 2000 is amended by deleting Form 1 and substituting the following —

“FORM 1 – TRAFFIC INFRINGEMENT NOTICE

LAND TRANSPORT (TRAFFIC INFRINGEMENT NOTICE) REGULATIONS 2017
(Regulation 5(5)(a))

**LAND TRANSPORT AUTHORITY
TRAFFIC INFRINGEMENT NOTICE**

TRAFFIC INFRINGEMENT NOTICE NO.:

To: _____ (Name)

of _____ (Address)

OR

The driver (or registered owner): _____, of

Motor Vehicle Registration No.:

Statement of Offence: _____

Particulars of Offence: _____

Contrary to:

1. This offence carries a maximum penalty of \$ _____ and _____ demerit points. If you do not wish to contest this Notice, you are required to pay a Fixed Penalty of \$ _____ to the Land Transport Authority.
2. The payment of the Fixed Penalty is due within 90 days from the date of issue of this Notice and is payable at any Land Transport Authority Office nearest to you. All liability in respect of the offence will be discharged and no further action will be taken against you with respect to this particular offence.
3. If you were not the driver of the motor vehicle at the time of the offence and wish to contest this Notice, you must fill in a Statutory Declaration Form and disclose to the Land Transport Authority the name and address of the driver of the motor vehicle at the time of the offence (including other relevant information and necessary documentation) within 90 days from the date of issue of this Notice.
4. If you wish to contest this Notice for any other reason, you may elect to dispute this Notice in court.
5. If you fail to pay the Fixed Penalty, provide a Statutory Declaration or dispute this Notice in court within 90 days from the date of issue of this Notice, you —
 - (a) will be liable to a late payment fee equivalent to 50% of the fixed penalty, in addition to the Fixed Penalty;
 - (b) will be issued a departure prohibition order preventing you from leaving Fiji; and
 - (c) will not be able to renew your licence or vehicle registration.
6. You may pay your Fixed Penalty and late payment fee in a single payment or in instalments.
7. The departure prohibition order and your ineligibility for licence or vehicle registration renewal will continue until you pay your Fixed Penalty and late payment fee in full or provide a Statutory Declaration or elect to dispute this Notice in court.
8. If you do not pay your Fixed Penalty and late payment fee in full or provide a Statutory Declaration or elect to dispute this Notice in court within 12 months from the date this Notice is issued to you, this Notice will take effect as a conviction and the Land Transport Authority may suspend your licence and seek the maximum penalty and demerit points applicable, from the court.

(Name of Authorised Officer or Police Officer)

(Signature of Officer)

(Date)

AFFIDAVIT OF SERVICE

(To be completed in all cases)

I, _____, the Authorised Officer or Police Officer whose signature appears on the Traffic Infringement Notice above, make oath and say that, on the _____ day of _____, 20__ at _____ I did serve upon the accused person specified therein

OR

affix in a conspicuous position, on the motor vehicle specified therein the copy of that Traffic Infringement Notice.

Sworn by the above named Authorised Officer/Police Officer this ____ day of _____ 20__.

Before: _____

Justice of Peace or Commissioner for Oaths.

FORM 1A – TRAFFIC INFRINGEMENT NOTICE FOR OFFENCE DETECTED BY PHOTOGRAPHIC DETECTION DEVICE

LAND TRANSPORT (TRAFFIC INFRINGEMENT NOTICE) REGULATIONS 2017 (Regulation 5(5)(a))

LAND TRANSPORT AUTHORITY TRAFFIC INFRINGEMENT NOTICE FOR OFFENCE DETECTED BY PHOTOGRAPHIC DETECTION DEVICE

TRAFFIC INFRINGEMENT NOTICE NO.:

To: _____ (Name of owner of motor vehicle)

of _____ (Address)

The registered owner of Motor Vehicle Registration No.:

Postal Address: _____ Phone No.: _____

Statement of Offence: _____

Particulars of Offence: _____

Contrary to: _____

Photographic Detected Offence

1. This offence carries a maximum penalty of \$_____ and _____demerit points. If you do not wish to contest this Notice, you are required to pay a Fixed Penalty of \$_____ to the Land Transport Authority.
2. The payment of the Fixed Penalty is due within 90 days from the date of issue of this Notice and is payable at any Land Transport Authority Office nearest to you. All liability in respect of the offence will be discharged and no further action will be taken against you with respect to this particular offence.
3. If you were not the driver of the motor vehicle at the time of the offence and wish to contest this Notice, you must fill in the attached Statutory Declaration Form and disclose to the Land Transport Authority the name and address of the driver of the motor vehicle at the time of the offence (including other relevant information and necessary documentation) within 90 days from the date of issue of this Notice.
4. If you wish to contest this Notice for any other reason, you may elect to dispute this Notice in court.
5. If you fail to pay the Fixed Penalty, provide a Statutory Declaration or dispute this Notice in court within 90 days from the date of issue of this Notice, you—
 - (a) will be liable to a late payment fee equivalent to 50% of the fixed penalty, in addition to the Fixed Penalty;
 - (b) will be issued a departure prohibition order preventing you from leaving Fiji; and
 - (c) will not be able to renew your licence or vehicle registration.
6. You may pay your Fixed Penalty and late payment fee in a single payment or in instalments.
7. The departure prohibition order and your ineligibility for licence or vehicle registration renewal will continue until you pay your Fixed Penalty and late payment fee in full or provide a Statutory Declaration or elect to dispute this Notice in court.
8. If you do not pay your Fixed Penalty and late payment fee in full or provide a Statutory Declaration or elect to dispute this Notice in court within 12 months from the date this Notice is issued to you, this Notice will take effect as a conviction and the Land Transport Authority may suspend your licence and seek the maximum penalty and demerit points applicable, from the court.

_____ <i>(Name of Authorised Officer)</i>	_____ <i>(Signature of Officer)</i>	_____ <i>(Date)</i>
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AFFIDAVIT OF SERVICE
(To be completed in all cases)

I, _____, the Authorised Officer whose signature appears on the Traffic Infringement Notice above, make oath and say that, on the _____ day of _____, 20__ at _____ I did serve upon the accused person specified therein the copy of that Traffic Infringement Notice by

(Mode of service)

Sworn by the above named Authorised Officer this _____ day of _____ 20__.

Before: _____
 Justice of Peace or Commissioner for Oaths.

FORM 1B – STATUTORY DECLARATION FORM

LAND TRANSPORT (TRAFFIC INFRINGEMENT NOTICE) REGULATIONS 2017
(Regulations 5(5)(c), 6(b), 7(ii) and 8)

**LAND TRANSPORT AUTHORITY
 STATUTORY DECLARATION**

TRAFFIC INFRINGEMENT NOTICE NO.:

Note:

- Print clearly using BLOCK LETTERS in the space provided.
- All applicable sections must be completed.
- Complete and return this Form within 90 days or, alternatively, within 12 months from the date of issue of the Traffic Infringement Notice that this Declaration applies to.
- IF YOU ARE RETURNING THIS FORM, **DO NOT MAKE PAYMENT** AS A NEW TRAFFIC INFRINGEMENT NOTICE MAY BE ISSUED TO THE PERSON YOU NAME.
- Please submit your completed Form by hand delivery or post by registered mail to the Photographic Traffic Infringement Processing Unit, Land Transport Authority, PO Box 6677, Valelevu, Nasinu.

**Residential
Address:**

Phone No.:

Give Notice that the person named below was responsible for the offence as prescribed in the Traffic Infringement Notice: *(You are required to provide the name and address of the driver of the motor vehicle at the time the offence was committed)*

Name:

Address:

(You may also provide the following information in the space provided) [Please tick the relevant box if such information will be provided]

☐

The authority, whether oral or written, by which the driver had control, use or management of the motor vehicle at the time the offence was committed;

☐

The address of any premises, other than the address of the driver, from which the driver, or a person acting on behalf of the driver, had control, use or management of the motor vehicle at the time the offence was committed;

☐

Where the motor vehicle was part of a group of motor vehicles that were physically connected at the time the offence was committed, the name and address of the driver of any or all of the motor vehicles forming part of the group of motor vehicles at the time the offence was committed;

☐

If the motor vehicle was stolen at the time an offence was committed, provide a Police Report;

☐

If the motor vehicle was sold to another person at the time an offence was committed, provide a transfer document.

☐

Any other reason or information:

I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1970.

Declared at _____
 this _____ day of _____
 20_____ before me and I certify that the
 declaration was read over in the _____
 language to the Declarant who appeared fully to
 understand the meaning thereof.



(Signature of Declarant)

(Office held or nature of Appointment)

FORM 1C – WITHDRAWAL NOTICE

LAND TRANSPORT (TRAFFIC INFRINGEMENT NOTICE) REGULATIONS 2017
(Regulation 10(3))

**LAND TRANSPORT AUTHORITY
 WITHDRAWAL NOTICE**

To: _____ *(Name of owner of motor vehicle)*
of: _____ *(Address)*

The registered owner of Motor Vehicle Registration No.:

Full Name: _____ **Title:** _____ **Date of Birth:** _____

Residential Address: _____

Postal Address: _____ **Phone No.:** _____

WITHDRAWAL NOTICE

Upon receiving your Statutory Declaration dated _____ and upon disclosure of the name of the driver of the said Motor Vehicle, the Land Transport Authority pursuant to regulation 10 of the Land Transport (Traffic Infringement Notice) Regulations 2017 hereby withdraws Traffic Infringement Notice No. _____ served on you on the _____ day of _____ 20 ____.

<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Name of Authorised Officer)</i>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Signature of Officer)</i>	<hr style="border: 0; border-top: 1px solid black; margin-bottom: 5px;"/> <i>(Date)"</i>
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Made this 31st day of March 2017.

P. K. BALA
Minister for Infrastructure and Transport

[LEGAL NOTICE NO. 25]

LAND TRANSPORT ACT 1998

Land Transport (Fees and Penalties) (Amendment) Regulations 2017

IN exercise of the powers conferred on me by section 113 of the Land Transport Act 1998,
I hereby make these Regulations—

Short title and commencement

1.—(1) These Regulations may be cited as the Land Transport (Fees and Penalties) (Amendment) Regulations 2017.

(2) These Regulations come into force on a date appointed by the Minister by notice in the Gazette.

(3) In these Regulations, the Land Transport (Fees and Penalties) Regulations 2000 is referred to as the “Principal Regulations”.

Schedule 1 amended

2. Schedule 1 to the Principal Regulations is amended in “Part I – MISCELLANEOUS FEES” by inserting in column 1, after paragraph (i) the following new paragraph—

“(j) For payment of a Traffic Infringement Notice beyond the prescribed 90-day period, 50% of the fixed penalty.”.

Schedule 2 amended

3. Schedule 2 to the Principal Regulations is amended in the “PENALTIES” table, after the last row of the table, by inserting the following—

Section/ Regulation	TIN Code	Offence	Fixed Penalty		Maximum Penalty	
			Demerit Points	Penalty	Demerit Points/ Suspension	Penalty
1	2	3	4	5	6	7
“OFFENCES UNDER THE LAND TRANSPORT (TRAFFIC INFRINGEMENT NOTICE) REGULATIONS 2017						
19	654	Unauthorised installation and display of devices and equipment				\$2,000
20	655	Failure to remove unauthorised equipment				\$2,000”

Made this 31st day of March 2017.

P. K. BALA
Minister for Infrastructure and Transport