



REPUBLIC OF NAURU

MOTOR TRAFFIC (TRAFFIC INFRINGEMENT NOTICES) REGULATIONS 2018

SL No. 12 of 2018

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Cabinet makes the following Regulations under section 117 of the *Motor Traffic Act 2014*:

PART 1 - PRELIMINARY

1 Short Title

These Regulations may be cited as the *Motor Traffic (Traffic Infringement Notices) Regulations 2018*.

2 Commencement

These Regulations come into effect on the date of notification in the Gazette.

3 Definitions

‘court’ means the District Court;

‘Clerk’ means the Clerk of the District Court as defined in the Courts Act 1972;

‘Registrar’ means the Registrar of Motor Vehicles;

PART 2 – PRESCRIBED OFFENCES AND PENALTIES

4 Prescribed fixed penalty offences

For the purposes of section 117(2)(a) of the Act, the prescribed fixed penalty offences are set out in Column 3 of Schedule 1.

5 Prescribed penalties

For the purposes of section 117(2)(b) of the Act, the corresponding prescribed fixed penalties for the prescribed offences under regulation 4 are set out in Column 4 of Schedule 1.

PART 3 – TRAFFIC INFRINGEMENT NOTICE

6 Prescribed Traffic Infringement Notice

For the purposes of section 117(2)(c) of the Act, the Traffic Infringement Notice which a Police officer may serve to an offender is set out in Schedule 2.

7 Police officer to inform offender

A Police officer who issues or serves a Traffic Infringement Notice on an offender under regulation 6 shall inform the offender:

(a) of the contents of the Traffic Infringement Notice;

- (b) that he or she must pay the penalty or appear in court to contest or defend the traffic infringement offence;
- (c) that payment of the penalty is to be made within 21 days of service of the Traffic Infringement Notice;
- (d) that non acceptance of the Traffic Infringement Notice is an offence;
- (e) that his or her driver's licence shall not be renewed until the penalty and costs ordered by the court is paid; and
- (f) that his or her vehicle may not be registered until the penalty and costs ordered by the court is paid.

PART 4 - PROCEDURES FOR DEALING WITH TRAFFIC INFRINGEMENT NOTICES

8 Traffic Infringement Notice list

- (1) The Nauru Revenue Office shall issue to the court and to the Director of Public Prosecutions a list of offenders, Traffic Infringement Notice numbers and unpaid fines within 7 days before the date on which the Traffic Infringement Notices are listed before the court in the form prescribed in Schedule 3.
- (2) The Clerk shall:
 - (a) list before the court for hearing of the Traffic Infringement Notices for which the fixed penalties imposed have not been paid on the dates specified in the Traffic Infringement Notices; and
 - (b) list the Traffic Infringement Notices on the same date as specified in Part 3 of the Traffic Infringement Notices.
- (3) The Director of Public Prosecutions shall issue a Notice to List in the form in Schedule 4 to the court to list all Traffic Infringement Notices for which the fixed penalties remain unpaid as notified by the Nauru Revenue Office under subregulation (1) at least 7 days before the date specified in Part 3 of the Traffic Infringement Notice.
- (4) Where the Nauru Revenue Office fails to provide the list in subregulation (1), the Director of Public Prosecutions shall issue a notice to the Nauru Revenue Office to provide the list of unpaid Traffic Infringement Notices which the Nauru Revenue Office shall comply with within 3 working days.
- (5) The Director of Public Prosecutions shall appear before the court for the prosecution of Traffic Infringement Notices.

9 Traffic Infringement Notice court appearances

- (1) Where the person pleads guilty on the date of the hearing of the traffic offence contained in Part 3 of the Traffic Infringement Notice, the court shall:
 - (a) impose a penalty for the offence as contained in the Act;
 - (b) order court costs of \$100.00; and
 - (c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.
- (2) Where the person is not present and is unrepresented in court, a plea of guilty shall be recorded and the matter dealt with in accordance with the procedure of the court and the court shall:
 - (d) impose a penalty for the offence as contained in the Act;
 - (e) order court costs of \$100.00; and
 - (f) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.
- (3) Where the person is present or represented by counsel or a pleader and pleads not guilty, the matter shall be dealt with in accordance with the procedure of the court.
- (4) If the person is found guilty after the hearing of a traffic infringement offence under subregulation (3), the court shall:
 - (a) impose the penalty for that offence under the Act;
 - (b) order court costs in an amount not exceeding \$200.00; and
 - (c) any such other orders the court deems fit to ensure compliance of the order of the court not limited to committal.

10 List of unpaid fines and costs to be issued by Clerk of the District Court

- (1) The Clerk shall from time to time issue a list of unpaid fines and costs to the Registrar and the Director of Public Prosecutions.
- (2) The list under subregulation (1) shall contain but is not limited to the:
 - (a) Traffic Infringement Notice serial number;
 - (b) name of the offender;
 - (c) vehicle registration number of the offender (if any);

- (d) date of the offence;
 - (e) offence in the Traffic Infringement Notice;
 - (f) date of the fine ordered by the court; and
 - (g) amount of the fine ordered by the court.
- (3) The Registrar upon the receipt of the list under subregulation (1) shall cause to register such fines and costs against the offender's vehicle.
 - (4) The Registrar shall not issue or renew any vehicle registration without a report from the court that no fines and costs in respect of a Traffic Infringement Notice or any other offences under the Act are registered against such vehicle.
 - (5) The Director of Public Prosecutions shall upon receipt of the list under subregulation (1) forward such list to the Registrar.
 - (6) The Registrar upon receipt of the list under subregulation (5), shall ensure that the fines and costs are registered against the offender's driver's licence number.
 - (7) If the offender does not possess a valid driver's licence, the Registrar shall register such penalty and costs against the offender's name.

11 Consequence of nonpayment of penalty and costs

Any unpaid penalties and costs under these Regulations shall be a bar to the:

- (a) renewal of a licence;
- (b) issuance of a driver's licence; and
- (c) renewal of registration of a vehicle registered under the offender's name.