

REPRINT

TRAFFIC ACT (CAP. 131)

As in force at: 1 October 2009

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This version is that in force at the date stated above. It does not include amendments made since that date.

For list of amendments see Endnotes

Note: the title of this Act was changed to Road Transport Act in 2009

AN ACT TO AMEND AND CONSOLIDATE THE LAW RELATING TO TRAFFIC ON THE ROADS AND TO MAKE FURTHER PROVISION AS TO ROAD SAFETY, AND FOR PURPOSES INCIDENTAL THERETO AND CONNECTED THEREWITH

TRAFFIC ACT (CAP. 131)

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PART I PRELIMINARY

1 Short title

This Act may be cited as the *Traffic Act*.

2 Interpretation

In this Act, except where the context otherwise requires:

“bridge” includes a drift and a ford;

“drive” in relation to a motor vehicle includes the steering of a motor vehicle;

“driver” means any person who drives or guides, or is in actual physical control of any vehicle on any road;

“driving licence” means a licence to drive a motor vehicle issued under this Act, and any document deemed or permitted to be used as a driving licence by any regulations made under this Act;

“goods vehicle” means a motor vehicle constructed or adapted for the primary purpose of carrying goods or other burden of any description;

“heavy goods vehicle” means a goods vehicle the weight of which unladen exceeds thirty-three hundredweights, and includes any motor vehicle, not being a public service vehicle, which is constructed or adapted to carry more than twelve passengers including the driver;

“heavy public service vehicle” means a public service vehicle licensed, designed, adapted or capable of being adapted, to carry more than twelve passengers inclusive of the driver;

“highway authority” means the Permanent Secretary of the Ministry of Public Works and utilities except where the Minister, by

notice, appoints any other person, body, authority or organisation to be a highway authority, and the Minister may appoint a highway authority either generally or in respect of any particular area or road;

“High Court” means the High Court established by section 77 of the *Constitution*;

“invalid carriage” means a mechanically propelled vehicle, the net weight of which does not exceed five hundredweights and which is specially designed and constructed and not merely adapted, for the use of a person suffering from some physical defect or disability and is solely used by such a person;

“inspector” means any person appointed to be an inspector of vehicles under section 4(3);

“light goods vehicle” means a goods vehicle other than a heavy goods vehicle;

“light public service vehicle” means a public service vehicle other than a heavy public service vehicle;

“motor cycle” means a motor vehicle, not being an invalid carriage, with less than four wheels, the weight of which unladen does not exceed eight hundredweights;

“motor tractor” means a mechanically propelled vehicle which is not constructed itself to carry passengers or a load, other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment, and the weight of which unladen does not exceed seven tons and a quarter;

“motor vehicle” means any mechanically propelled vehicle, excluding any vehicle running on a specially prepared way such as a railway or tramway or any vehicle deriving its power from overhead electric power cables or such other vehicles as may from time to time by regulations under this Act be declared not to be motor vehicles for the purpose of this Act;

“owner” in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in

possession of the vehicle under that agreement;

“private motor car” means a motor vehicle not being a motor cycle or an invalid carriage, which is constructed or adapted solely for the carriage of not more than twelve passengers including the driver, and their effects, but does not include a public service vehicle;

“provisional licence” means a licence issued under section 23;

“public service vehicle” means any motor vehicle which:

- (a) is licensed to carry passengers for hire or reward; or
- (b) plies for the carriage of passengers for hire or reward; or
- (c) is carrying passengers for hire or reward;

“road” means any public road within the meaning of the *Roads Act* or any Act replacing that Act and includes any other road or way, wharf or car park on which vehicles are capable of travelling and to which the public has access, and includes a bridge over which a road passes;

“traffic sign” means any sign, notice, signal, light or other device erected or in any way displayed or caused or permitted to be so erected or displayed by the highway authority under section 67, for the purpose of regulating, restricting or prohibiting traffic or vehicles of any kind, on a road;

“trailer” means any vehicle designed to be drawn by a motor vehicle, but does not include a sidecar attached to a motor cycle;

“vehicle” includes a motor vehicle, a trailer and any other conveyance used on the road;

“vehicle licence” means a vehicle licence issued under Part II.

3 Appointment and duties of the Principal Licensing Officer

- (1) There shall be a Principal Licensing Officer who shall be responsible for the registration of motor vehicles and trailers and for keeping records relating to every registered vehicle.

- (2) The Principal Licensing Officer shall have all the powers of a licensing officer.

4 Appointment and duties of licensing officers and inspectors

- (1) There may be appointed such number of licensing officers as may be necessary for the carrying out of the registration and licensing provisions of this Act.
- (2) A licensing officer may, subject to the directions of the Principal Licensing Officer, exercise any of the powers of the Principal Licensing Officer.
- (3) There may be appointed such number of inspectors as may be necessary for carrying out the provisions of this Act.

5 Manner of appointment

An appointment for the purposes of sections 3 or 4 shall be made pursuant to the *Constitution* in the case of an appointment to a public office, but otherwise shall be made by the Minister in the case of the Principal Licensing Officer and in any other case by the Principal Licensing Officer.

6 Classification of motor vehicles

Except where otherwise provided, motor vehicles shall, for the purposes of this Act, consist of the following classes:

- (a) heavy public service vehicles;
- (b) light public service vehicles;
- (c) heavy goods vehicles;
- (d) light goods vehicles;
- (e) motor tractors;
- (f) private motor cars;
- (g) motor cycles;

- (h) invalid carriages;
- (i) motor vehicles other than those specified in this section.

PART II LICENSING AND REGISTERING OF MOTOR VEHICLES

7 Vehicles to be licensed

- (1) Subject to section 13 any person who uses or permits to be used on a road, which is repairable at the public expense, any motor vehicle or trailer which is not licensed under and in accordance with the provisions of this Part, shall, unless such person, vehicle or trailer is exempted from the provisions of this section by or under the provisions of this Act or any regulations made thereunder, be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment.
- (2) For the purposes of subsection (1) any road which is wholly or in part repaired or repairable by the Government or any local authority or out of the Consolidated Fund or the funds of any local authority, shall be deemed to be a road which is repairable at the public expense.
- (3) Where any motor vehicle falls within two or more classes, one licence fee only shall be paid for any period in respect thereof and if different fees are fixed for such classes the licence shall be issued in respect of that class for which the highest fee is payable.
- (4) Any person who uses a motor vehicle for which a licence fee has been paid as a motor vehicle of a class for which a higher licence fee is payable and has not been paid and any person who permits any motor vehicle to be so used shall be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

8 Exemptions

The provisions of the last preceding section shall not apply to any person examining a motor vehicle pursuant to the request or instructions of a licensing officer or to any person who with the special or general permission in writing of a licensing officer given in

accordance with and subject to such conditions as may from time to time be prescribed, drives a motor vehicle along a road for the purposes of:

- (a) taking the vehicle to a licensing officer for registration; or
- (b) taking the vehicle to a motor garage for repairs; or
- (c) taking the vehicle to a place where it is intended to be used otherwise than on a road; or
- (d) for any other purpose specified in such permission.

9 Application for a motor vehicle licence

- (1) Application for a motor vehicle licence shall be made to a licensing officer.
- (2) Every application shall be in the prescribed form, and shall, except in the case of vehicles in the Public Service of the Crown or otherwise exempted from payment thereof, be accompanied by the prescribed fee.
- (3) A licensing officer shall refuse to license a motor vehicle:
 - (a) if it is required to be insured under the *Motor Vehicles (Third Party Insurance) Act* unless there is produced to him a certificate of insurance issued pursuant to that Act certifying that the vehicle has been so insured for the duration of the licence applied for or he is otherwise satisfied that there is in force in relation to the user of that vehicle such a security as complies with the requirements of the said Act, or
 - (b) if he is satisfied that the vehicle is not in a road-worthy condition or otherwise does not conform to any requirement of this Act, and may also send the vehicle for examination at the cost of the applicant.

10 Form and duration of licence

- (1) Every licence shall be in the prescribed form.
- (2) A vehicle licence not being a dealer's general licence may be issued

for a period of twelve months or of three months or for such other period or periods as the Minister may by order provide, and any such period whether provided by or under this subsection shall commence on the first day of the month during which the licence was issued.

11 Registration

- (1) Upon the first issue of a motor vehicle licence or otherwise upon application for registration in the prescribed manner, a licensing officer shall enter in the register the particulars of the vehicle and shall assign a registration number to the vehicle.
- (2) The registration number shall consist of such figures or a combination of such figures and letters as the licensing authority may determine.

12 Identification plates

Any person who uses any motor vehicle on any road or causes or permits any motor vehicle to be so used without having affixed thereto in the prescribed manner, the prescribed number of identification plates of the prescribed design and colour on which is inscribed the registration number of the vehicle or the dealer's general licence shall be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment:

Provided that identification plates used under the authority of a dealer's general licence may be suspended from the vehicle and need not be affixed.

13 Licence to be displayed on vehicle

- (1) No vehicle which is required to be licensed shall be used on a road unless the licence, which shall be legible and in no way defaced, is displayed on the vehicle in the prescribed manner.
- (2) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months.

14 Duplicate licences

If a vehicle licence is lost, defaced, mutilated or rendered illegible, a licensing officer may issue a duplicate licence on payment of the prescribed fee:

Provided that any licence which has been lost and is subsequently found shall forthwith be returned to a licensing officer for cancellation.

15 New licence to be applied for in certain circumstances

- (1) The holder of a vehicle licence shall apply for a new licence:
 - (a) where he desires to use the vehicle for any purpose not authorised by the licence; or
 - (b) where the vehicle is so altered that a higher fee or licence of a different class is required.
- (2) A new licence under this section shall not be issued until the old licence has been surrendered.

16 Dealer's general licence

- (1) Upon application to him in writing and payment of the prescribed fee, a licensing officer may issue to any person one or more dealer's general licences subject to such terms and conditions as he may thereon specify, and in each such licence shall authorise the use of two identification plates of the prescribed nature.
- (2) Every dealer's general licence shall be subject to such conditions as may be prescribed and to which it is subject under subsection (1), and any holder of such a licence who contravenes or fails to comply with any of the terms or conditions to which his licence is subject shall be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

17 Cancellation of a dealer's general licence

- (1) A licensing officer may at any time cancel a dealer's general licence for a breach of any of the terms and conditions of the licence, or of any of the provisions of this Act which relate to dealer's general

licences.

- (2) The licensing officer shall give notice of such cancellation to the person to whom such licence was issued, and no refund shall be made in respect of the unexpired period of the licence.
- (3) Any person holding a dealer's general licence who is aggrieved by the decision of a licensing officer under this section may, within one month from the date of the service upon him of notice of cancellation, appeal to a Magistrate's Court and the decision of the court shall be final and conclusive and shall not be questioned in any court or proceedings whatsoever, and shall be binding upon the licensing officer.

18 Dealer's general licences may not be transferred without authority

No dealer's general licence issued under this Part shall be transferred or assigned without the authority of a licensing officer.

19 Recovery of licence fees by civil process

Where under this Part a licence is required and has not been obtained, a sum equal to the prescribed fee payable in respect of such licence shall be due and owing to the Principal Licensing Officer by the person failing to obtain the licence, and shall be a civil debt recoverable at the instance of any licensing officer.

PART III DRIVING LICENCES

20 Drivers to be licensed

- (1) No person shall drive a motor vehicle of any class on a road unless he is the holder of a valid driving licence or a provisional licence endorsed in respect of that class of vehicle.
- (2) No person who owns or who has charge of a motor vehicle of any class shall cause or permit any person to drive such motor vehicle unless such person is the holder of a valid driving licence or a valid provisional licence endorsed in respect of that class of motor vehicle.
- (3) No person shall be entitled to more than one driving licence under

this Act but a driving licence may be endorsed to permit the holder to drive one or more classes of motor vehicle.

- (4) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and liable on first conviction to a fine of 5,000 penalty units or to imprisonment for six months, and on a second or subsequent conviction to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment.
- (5) For the purpose of this section a motor vehicle shall be deemed not to be a public service vehicle unless it is plying for the carriage of passengers for hire or reward or is carrying passengers for hire or reward.

21 Issue, fees and duration of driving licences

- (1) Upon application therefor in the prescribed form a licensing officer may, subject to the provisions of this Act, grant a driving licence to the applicant.
- (2) A licensing officer shall not grant or renew a driving licence endorsed in respect of any class of motor vehicle unless the applicant:
 - (a) satisfies the licensing officer that he has passed a test of competence to drive that class of motor vehicle under section 27 or produces to the licensing officer a current driving licence issued to him by a recognised licensing authority, whether in Solomon Islands or elsewhere, in respect of that class of motor vehicle; and
 - (b) makes a declaration in the prescribed form that he is:
 - (i) not suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such class as he would be authorised by the licence to drive, to be a source of danger to the public;
 - (ii) able to read, with glasses if worn, a motor vehicle identification plate at a distance of twenty-five yards; and

- (iii) not disqualified from obtaining a driver's licence by order of a court.
- (3) If it appears to a licensing officer that there is reason to believe that an applicant for any driving licence is suffering from disease or physical disability likely to cause the driving by him of a motor vehicle, of the class or classes in respect of which the application for a licence is made, to be a source of danger to the public, he may refuse to grant such application.
- (4) Any person who is aggrieved by the refusal, under subsection (3), of a licensing officer to grant a licence may, after giving the licensing officer notice of his intention so to do, appeal to a Magistrate's Court which shall, after considering the grounds for such refusal make such order as it thinks fit, and any order so made shall be binding on the licensing officer, and shall be final and conclusive and shall not be questioned in any court or proceedings whatsoever.
- (5) Driving licences shall only be issued and renewed on payment of such fee and for such duration as may be prescribed.
- (6) If the applicant for a driving licence fails to produce his birth certificate, or a certificate as to his minimum age signed by a medical or dental practitioner registered under the *Medical and Dental Practitioners Act*, the opinion of the licensing officer shall be conclusive as to a person's age.

22 Extension of licence to other classes of vehicles

At any time during the validity of a driving licence, the holder may apply to a licensing officer for an addition to the classes of vehicles which the holder is permitted to drive, and the licensing officer, if satisfied that the applicant is competent to drive such additional class or classes of vehicles shall, subject to the provisions of this Act and upon payment of the prescribed fee, make such further addition by endorsement on the licence.

23 Provisional driving licence

- (1) Upon application therefor in the prescribed form and payment of the prescribed fee, a licensing officer may, subject to any conditions he may endorse thereon, grant a provisional licence endorsed in respect

of any class or classes of motor vehicle which, if the applicant held a driving licence, he would be entitled to drive, in order that he may learn to drive such class or classes of vehicle.

- (2) Provisional licences shall be valid for three months only but may, in the discretion of the licensing officer, be renewed for further periods of three months on payment of the fee prescribed for granting a provisional licence.
- (3) Any person who, being the holder of a provisional licence, fails to comply with any of the terms and conditions as may be endorsed thereon or as may be prescribed in relation thereto, shall be guilty of an offence and shall be liable to a fine of 2,000 penalty units or to imprisonment for two months or to both such fine and such imprisonment.

24 Form of driving licence

- (1) Driving licences and provisional licences shall be in the prescribed form.
- (2) The signature of the licence holder shall be affixed to the licence.
- (3) No person shall use a mutilated or defaced driving licence or provisional licence.
- (4) A driving licence issued to any person suffering from any disease or disability shall be subject to such restrictions or conditions as may be imposed by a licensing officer, and such restrictions or conditions shall be entered on the licence, which shall not be valid unless such conditions or restrictions are complied with by the holder thereof.

25 Production of driving licence

Any person driving a motor vehicle on a road shall carry his driving licence or provisional licence and, on being so required by a police officer, shall produce it for examination, and if he fails to do so, he shall be guilty of an offence and liable to a fine of 500 penalty units:

Provided that a person shall not be convicted of an offence against this section by reason only of failure to carry or to produce his driving licence or provisional licence if he produces it within three days at

such police station within Solomon Islands as may be specified by him at the time its production was required.

26 Duplicate licences

If a driving licence or provisional licence is lost, defaced or mutilated, a licensing officer may, upon application therefor and payment of the prescribed fee, issue to the holder a duplicate licence or provisional licence:

Provided that where any licence or provisional licence which has been lost is subsequently found, the holder shall forthwith deliver up to the licensing officer such duplicate.

27 Driving tests

- (1) Driving tests for the purpose of this Act shall be conducted by such persons as may be appointed in writing, and in such manner as may be directed, in each case, by the Commissioner of Police.
- (2) No person shall undergo a driving test until he has paid the prescribed fee.

28 Revocation of driving licence upon application by the police

- (1) Upon application by a police officer of or above the rank of Assistant Superintendent, a Magistrate may:
 - (a) revoke the driving licence of any person who appears in the opinion of the Magistrate, to be suffering from a disease or disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public; or
 - (b) order a fresh test in the case of any holder of a driving licence who appears to the Magistrate to be so deficient in driving ability as to be a source of danger to the public, and, if the licence holder fails to pass such test, order that his licence shall be revoked.
- (2) Where the Magistrate has revoked a driving licence under subsection (1), the owner of such licence shall deliver his driving licence to the licensing officer, who shall endorse on it the reason for its revocation.

- (3) A licensing officer may restore a driving licence revoked under subsection (1) to the person in question:
- (a) in the case of a licence revoked under subsection (1)(a) if he is satisfied by means of a certificate from a medical practitioner registered under the *Medical and Dental Practitioners Act*, that such person is not suffering from disease or physical disability likely to cause the driving by him of a motor vehicle of the class or classes in respect of which his licence was issued to be a source of danger to the public; and
 - (b) in the case of a licence revoked under subsection (1)(b), if he passes a test for the class or classes of motor vehicle in respect of which his licence was originally granted.
- (4) Any person who is aggrieved by the revocation of a licence under this section may, after giving the Magistrate notice of his intention so to do, appeal to the High Court which shall, after considering the grounds for such revocation, make such order as it thinks fit, and any order so made shall be binding on all licensing officers.

29 Disqualification on conviction of certain offences

- (1) Where a person is convicted of an offence specified in Part I of the Schedule the court shall order him to be disqualified for such period not less than twelve months as the court thinks fit unless the court for special reasons thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.
- (2) Where a person is convicted of an offence specified in Part II of the said Schedule, the court may order him to be disqualified for such period as the court thinks fit.
- (3) Where a person convicted of an offence specified in the said Part I or the said Part II has within the three years immediately preceding the commission of the offence and since the commencement of this Act been convicted on not less than two occasions of an offence specified in those Parts and particulars of the conviction have been ordered to be endorsed in accordance with section 36, the court shall order him to be disqualified for such period not less than six months as the court thinks fit, unless the court is satisfied, having regard to all the circumstances, that there are grounds for mitigating the normal

consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified.

- (4) Where a person convicted of an offence under section 43(1) (driving or attempting to drive while under the influence of drink or drugs) has within the ten years immediately preceding the commission of the offence been convicted of such an offence, subsection (1) of this section shall apply in relation to him with the substitution of three years for twelve months.
- (5) The period of any disqualification imposed under subsection (3) of this section or on a conviction of an offence under section 35(b) (driving while disqualified) shall be in addition to any other period of disqualification imposed (whether previously or on the same occasion) in Solomon Islands whether under this Act or otherwise.
- (6) The foregoing provisions of this section shall apply in relation to a conviction of an offence committed by aiding, abetting, counselling or procuring, or inciting to the commission of an offence specified in the said Part I as if the offence were specified in the said Part II.
- (7) Where a person is convicted of an offence specified in the said Part I or Part II the court may, whether or not he has previously passed a test of competence to drive under this Act or under any Act repealed by this Act, and whether or not the court makes an order under the foregoing provisions of this section, order him to be disqualified until he has, since the date of the order, passed that test; and a disqualification by virtue of an order under this subsection shall be deemed to have expired on production to a licensing officer of satisfactory evidence, that the person disqualified has, since the order was made, passed that test.
- (8) In this section “**disqualified**” means disqualified for holding or obtaining a licence to drive a motor vehicle granted under this Part and “**disqualification**” shall be construed accordingly.
- (9) The Minister may by order amend or replace the Schedule and in doing so may provide for the insertion or addition of offences relating to the driving, use or control of motor vehicles under any law or Act having effect in Solomon Islands.

30 Appeal against disqualification and rule for determining end of period thereof

- (1) A person disqualified by an order of a court for holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court by or before which he was convicted may, if it thinks fit, pending the appeal suspend the disqualification.
- (2) In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction for holding or obtaining a licence, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

31 Removal of disqualification

- (1) Subject to the provisions of this section, a person who by an order of a court is disqualified for holding or obtaining a licence may apply to the court by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.
- (2) No application shall be made under the foregoing subsection for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is to say:
 - (a) two years, if the disqualification is for less than four years;
 - (b) one half of the period of the disqualification, if it is for less than ten years but not less than four years;
 - (c) five years in any other case;

and in determining the expiration of the period after which under this subsection a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was

suspended or he was not disqualified shall be disregarded.

- (3) Where an application under subsection (1) is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.
- (4) If under this section a court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.
- (5) The foregoing provisions of this section shall not apply where the disqualification was imposed by order under section 29(3).

32 Disqualification of persons under age

A person who under section 42 is prohibited by reason of his age from driving a motor vehicle or a motor vehicle of any class or description is disqualified for holding or obtaining a licence other than a licence authorising him to drive such motor vehicles, if any, as he is not by the said section forbidden to drive.

33 Disqualification to prevent duplication of licences

A person is disqualified for obtaining a licence under this Part authorising him to drive a motor vehicle of any class or description so long as he is the holder of another licence authorising him to drive a motor vehicle of that class or description, whether the licence is suspended or not.

34 Effect of disqualification

- (1) Where the holder of a licence is disqualified by an order of a court for holding or obtaining a licence, the licence shall be suspended so long as the disqualification continues in force, and during the time of suspension shall be of no effect.
- (2) A licence obtained by any person disqualified for holding or obtaining a licence shall be of no effect.
- (3) Notwithstanding anything in this Part a person disqualified by order

of a court under section 29(7) shall (unless he is disqualified for holding or obtaining a licence otherwise than by virtue of such an order) be entitled to obtain and hold a provisional licence and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted.

35 Offence of applying for or obtaining licence, or driving, while disqualified

If a person disqualified for holding or obtaining a licence:

- (a) applies for or obtains a licence while he is so disqualified; or
- (b) while he is so disqualified drives on a road a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description,

he shall be guilty of an offence and liable to imprisonment for twelve months, or, if the court thinks that having regard to the special circumstances of the case a fine would be an adequate punishment for the offence, to a fine of 10,000 penalty units or to both such imprisonment and such fine.

36 Endorsement of licence

- (1) Subject to subsection (2), where a person is convicted of an offence specified in Part I or Part II of the Schedule, the court shall order that particulars of the conviction, and, if the court orders him to be disqualified, particulars of the disqualification, shall be endorsed on any licence held by him; and particulars of any conviction or disqualification so endorsed may be produced as *prima facie* evidence of the conviction or disqualification.
- (2) If the court does not order the said person to be disqualified, the court need not order particulars of the conviction to be endorsed as aforesaid if for special reasons it thinks fit not to do so.
- (3) An order that the particulars of a conviction or a disqualification to which the convicted person has become subject are to be endorsed on any licence held by him, shall, whether he is at the time the holder of a licence or not, operate as an order that any licence he may then

hold or may subsequently obtain shall be so endorsed until he becomes entitled under subsection (7) to have a licence issued to him free from the particulars.

- (4) A person who is prosecuted for any offence specified in Part I or Part II of the Schedule and who, being the holder of a licence, has at least two days before the date of the hearing been required by the court or a police officer so to do, shall:
 - (a) cause the licence to be delivered to a court not later than the day before the date appointed for the hearing; or
 - (b) post the licence, at such a time that in the ordinary course of post it would be delivered not later than that day, in a letter duly addressed to the court and either registered or sent by a recorded delivery service; or
 - (c) have the licence with him at the hearing;

and if he is convicted of the offence and the court makes an order under subsection (1), the court shall require the licence to be produced to it for endorsement; and if the offender, having been so required as aforesaid has not posted the licence or caused it to be so delivered and does not produce it, he shall be guilty of an offence and liable to a fine of 2,000 penalty units, and the licence shall be suspended from the time when its production was required until it is produced to the court and shall, while suspended, be of no effect.

- (5) On the issue of a new licence to a person, any particulars ordered to be endorsed on any licence held by him shall be entered on the licence unless he has become entitled under subsection (7) to have a licence issued to him free from those particulars.
- (6) If a person whose licence has been ordered to be endorsed with any particulars and who has not previously become entitled under subsection (7) to have a licence issued to him free from those particulars applies for or obtains a licence without giving particulars of the order, he shall be guilty of an offence and shall be liable to a fine of 2,000 penalty units and any licence so obtained shall be of no effect.

- (7) Where an order has been made in respect of a person under this

section or any previous Act requiring any licence held by him to be endorsed with any particulars, he shall be entitled either on applying for the grant of a licence or, subject to payment of the prescribed fee and to surrender of any subsisting licence, on application at any time, to have issued to him a new licence free from the particulars, if the application is made not less than three years after the date of the conviction in consequence of which the order was made or, if it was a conviction of an offence under section 43 (which relates to driving or being in charge when under the influence of drink or drugs) not less than ten years after that conviction.

- (8) In this section **“licence”** means a licence to drive a motor vehicle granted under Part III, and **“disqualified”** means disqualified for holding or obtaining such a licence; and **“disqualification”** shall be construed accordingly.

37 Supplementary provisions as to disqualifications and endorsements

- (1) Where a court orders particulars to be endorsed on a licence held by a person, or where by an order of a court a person is disqualified for holding or obtaining a licence, the court shall send notice of the order to the licensing officer by whom the licence was granted and, in the case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the officer by whom it was granted, and that officer shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.
- (2) Where on an appeal against any such order the appeal is allowed, the court by which the appeal is allowed shall send notice thereof to the licensing officer who issued the licence.
- (3) Where a person is disqualified by order of a court under section 29(7), then on the return to him of any licence held by him, or on the issue to him of a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.

PART IV OFFENCES CONNECTED WITH DRIVING AND USE OF MOTOR VEHICLES

38 Causing death by reckless or dangerous driving

A person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be guilty of an offence and liable to imprisonment for five years.

39 Reckless and dangerous driving generally

If a person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be guilty of an offence and liable:

- (a) on conviction by the High Court, to a fine of 20,000 penalty units or to imprisonment for two years or to both such fine and such imprisonment;
 - (b) on conviction by a Magistrate's Court, to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment, or in the case of a second or subsequent conviction to a fine of 10,000 penalty units or to imprisonment for twelve months or to both such fine and such imprisonment.
- (2) If upon the trial of a person for an offence against section 38 the court is not satisfied that his driving was the cause of the death but is satisfied that he is guilty of driving as mentioned in subsection (1), it shall be lawful for the court to convict him of an offence under this section.

40 Careless and inconsiderate driving

- (1) If a person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using

the road, he shall be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months, and in the case of a second or subsequent conviction to a fine of 7,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

- (2) Where a person is charged with an offence under section 39, and the court is of opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under this section to be preferred forthwith against the person charged and may thereupon proceed with that charge, so however that such person or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charges being so preferred, adjourn the hearing.

41 Speeding

- (1) Any person who drives a motor vehicle on a road at a speed greater than the speed prescribed by any order under section 68 or the speed prescribed for such vehicle or class of vehicles in any regulations under section 82, shall be guilty of an offence and liable to a fine of 5,000 penalty units, or in the case of a second or subsequent conviction, to a fine of 7,000 penalty units or to imprisonment for six months.
- (2) A person prosecuted for such an offence as aforesaid shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding a specified limit.

42 Minimum age for driving an penalty for contravention

- (1) A person shall not drive on a road a motor vehicle of a class or description specified in the first column of the following Table if he is under the age specified in relation thereto in the second column of that Table:

Provided that any person who satisfies the licensing officer that he has, before the commencement of this Act, been in possession of a licence authorising him to drive a motor vehicle in Solomon Islands shall, notwithstanding the provisions of this section, but subject to the other provisions of this Act, be entitled to receive a licence in respect of the same class or description of vehicles which he was by such licence authorised to drive.

TABLE

	<i>Class or description of motor vehicle</i>	<i>Age</i>
1	Motor cycle or invalid carriage	16
2	Private motor car or light goods vehicle	17
3	Public service vehicle	21
	or, with the written consent of a licensing officer	18
4	All other motor vehicles	18

- (2) The Minister may by order add to, amend or replace the foregoing table:

Provided that no such addition, amendment or replacement shall affect the validity of a valid driving licence subsisting at the date of the coming into effect of such addition, amendment or replacement.

- (3) A person who drives, or causes or permits a person to drive, a motor vehicle in contravention of the provisions of this section relating to the minimum age for driving a motor vehicle shall be guilty of an offence and shall be liable to a fine of 2,000 penalty units, or in the case of a second or subsequent conviction to a fine of 5,000 penalty units or to imprisonment for six months.

43 Driving or being in charge, when under the influence of drink or drugs

- (1) A person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence and liable:
 - (a) on conviction by the High Court, to a fine of 20,000 penalty units or to imprisonment for two years or to both such fine and such imprisonment;
 - (b) on conviction by a Magistrate's Court, to a fine of 10,000 penalty units or to imprisonment for twelve months or in the case of a second or subsequent conviction to a fine of 10,000 penalty units or to imprisonment for twelve months.
- (2) A person who, when in charge of a motor vehicle which is on a road or other public place (but not driving the vehicle) is unfit to drive through drink or drugs shall be guilty of an offence and liable:
 - (a) on conviction by the High Court, to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment;
 - (b) on conviction by a Magistrate's Court, to a fine of 5,000 penalty units or to imprisonment for six months, or in the case of a second or subsequent conviction to a fine of 5,000 penalty units or to imprisonment for six months.

A person shall be deemed for the purposes of this subsection not to have been in charge of a motor vehicle if he proves:

- (i) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive through drink or drugs; and
 - (ii) that between his becoming unfit to drive as aforesaid and the material time he had not driven the vehicle on a road or other public place.
- (3) A police officer may arrest without warrant a person whom he suspects upon reasonable grounds of having committed an offence

under this section.

- (4) Where a person convicted of an offence under subsection (2) has been previously convicted of an offence under subsection (1), he shall be treated for the purposes of the said subsection (2) as having been previously convicted under that subsection.
- (5) For the purposes of this section, a person shall be taken to be unfit to drive if his ability to drive properly is for the time being impaired.

44 Condition of vehicle

- (1) No vehicle shall be used on a road unless such vehicle and all parts and equipment thereof, including lights and tyres, comply with the requirements of this Act, and are at all times maintained in such a condition that the driving of the vehicle is not likely to be a danger to other users of the road or to persons travelling on the vehicle.
- (2) No motor vehicle the weight or dimensions of which laden or unladen exceeds the maximum weight or dimensions provided for such vehicles by this Act shall be used on a road.

45 Limitation of loads

- (1) No vehicle shall be used on a road with a load greater than the load specified by the manufacturer of the chassis of the vehicle or than the load capacity determined by an inspector under this Act.
- (2) No vehicle shall be used on a road if it is loaded in such a manner as to make it a danger to other persons using the road or to persons travelling on the vehicle; and should any load or part of a load fall from any vehicle on to a road such fact shall be *prima facie* evidence that the vehicle was loaded in a dangerous manner until the contrary is proved to the satisfaction of the court.
- (3) For the purpose of this section, persons travelling on a vehicle shall be deemed to be part of the load.

46 Penalty for improper condition or overloading

- (1) Any person who drives or uses or causes or permits to be used on a road a vehicle in contravention of the provisions of section 44 or

section 45 shall be guilty of an offence and liable to a fine of 5,000 penalty units, or to imprisonment for six months, or to both such fine and such imprisonment.

- (2) For the purpose of subsection (1), any person who is shown to the satisfaction of the court to be responsible for the maintenance of the vehicle, and any person who is shown to the satisfaction of the court to have been responsible for the loading of the vehicle, shall be deemed to have used the vehicle on the road.

(3)

- (a) In any case where a motor vehicle or trailer is twice or more times, in a period of twelve months, the subject of a successful prosecution under any of the provisions of section 44 or section 45, the court may order the appropriate licensing officer to suspend the licence of such vehicle for a period of six months.
 - (b) The licensing officer shall thereupon suspend the licence of such vehicle for such period, and the owner of the vehicle shall return the licence of the vehicle to the licensing officer who shall not issue another licence in respect of such vehicle until the termination of the period of suspension.
 - (c) No vehicle licence shall be returned or new licence granted in respect of a vehicle whose licence has been so suspended unless an inspector certifies that the vehicle is fit in all respects for use upon the road.
- (4) When a vehicle licence has been suspended under subsection (3), no refund of licence fee shall be made.

47 Motor racing on public roads

A person who promotes or takes part in a race or trial of speed between motor vehicles on a road shall, unless the race or trial is authorised by and conducted in accordance with the directions of the Commissioner of Police or other police officer deputed by him for that purpose, be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

48 Restriction on carriage of persons on motor cycles

- (1) It shall not be lawful for more than one person in addition to the driver to be carried on a two-wheeled motor cycle on a road, nor shall it be lawful for any such person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat.
- (2) If a person is carried on a cycle in contravention of the foregoing subsection, the driver of the cycle shall be guilty of an offence and liable to a fine of 500 penalty units, or in the case of a second or subsequent conviction to a fine of 1,000 penalty units.

**PART V OFFENCES CONNECTED WITH RIDING OF
PEDAL CYCLES**

49 Reckless and dangerous cycling

If a person rides a bicycle or tricycle, not being a motor vehicle, on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be guilty of an offence and liable to a fine of 3,000 penalty units or to imprisonment for three months, or in the case of a second or subsequent conviction to a fine of 4,000 penalty units or to imprisonment for three months.

50 Careless and inconsiderate cycling

If a person rides a bicycle or tricycle, not being a motor vehicle, on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be guilty of an offence and liable to a fine of 2,000 penalty units or to imprisonment for two months, or in the case of a second or subsequent conviction to a fine of 3,000 penalty units or to imprisonment for three months.

51 Cycling when under the influence of drink or drugs

- (1) A person who, when riding a bicycle or tricycle, not being a motor vehicle, on a road or other public place, is unfit to ride through drink

or drugs shall be guilty of an offence and liable to a fine of 3,000 penalty units or to imprisonment for three months, or in the case of a second or subsequent conviction to a fine of 4,000 penalty units or to imprisonment for three months.

- (2) A police officer may arrest without warrant a person whom he suspects upon reasonable grounds of having committed an offence under this section.
- (3) For the purposes of this section, a person shall be taken to be unfit to ride if his ability to ride properly is for the time being impaired.

52 Cycle racing on roads

A person who promotes or takes part in a race or trial of speed on a road between bicycles or tricycles, not being motor vehicles, shall, unless the race or trial is authorised by and conducted in accordance with the directions of the Commissioner of Police or any police officer deputed by him for that purpose, be guilty of an offence and liable to a fine of 500 penalty units.

PART VI OFFENCES CONNECTED WITH MOTOR VEHICLES AND TRAFFIC GENERALLY

53 Drivers to comply with traffic directions

- (1) Where a police officer in uniform is for the time being engaged in the regulation of traffic on a road, or where a traffic sign has been lawfully placed on or near a road, a person driving or propelling a vehicle who:
 - (a) neglects or refuses to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic when directed to do so by the police officer in the execution of his duty; or
 - (b) fails to comply with the indication given by the sign,shall be guilty of an offence and liable to a fine of 2,000 penalty units, or in the case of a second or subsequent conviction to a fine of 3,000 penalty units.

54 Pedestrians to comply with directions to stop given by police officers regulating vehicular traffic

Where a police officer in uniform is for the time being engaged in the regulation of vehicular traffic on a road, a person on foot who proceeds across or along the carriageway in contravention of a direction to stop given by the police officer, in the execution of his duty, either to persons on foot or to persons on foot and other traffic, shall be guilty of an offence and liable to a fine of 500 penalty units, or in the case of a second or subsequent conviction to a fine of 1,000 penalty units.

55 Leaving vehicles in dangerous position

If a person in charge of a vehicle causes or permits the vehicle to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence and liable to a fine of 1,000 penalty units, or in the case of a second or subsequent conviction to a fine of 3,000 penalty units or to imprisonment for three months.

56 Obstructing driver of motor vehicle

- (1) No person in a motor vehicle shall molest or obstruct the driver of such motor vehicle while it is in motion.
- (2) In no motor vehicle on a road shall passengers be carried in such numbers or in such a position as to be likely to interfere with the safe driving of such motor vehicle, and in the event of a contravention of the provisions of this subsection the driver and the person in charge of the motor vehicle shall be guilty of an offence.
- (3) No person driving a motor vehicle on a road shall be in such a position that he cannot control the same or obtain a full view of the road and traffic ahead.
- (4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine of 3,000 penalty units or to imprisonment for three months.

57 Riding in dangerous position

- (1) Except for the purpose of testing or repairing a motor vehicle, no person shall ride or be carried on the footboard, tailboard, steps, mudguards, canopy, roofing or elsewhere on the outside of any vehicle, on a road.
- (2) No person shall ride or be carried on any load upon a vehicle on a road if such a proceeding is unsafe by reason of the insufficiency of space available for such person to stand or sit, or by reason of the position in which he is carried or the height or arrangement of the load.
- (3) No person shall ride or be carried, nor shall any person cause or permit any other person to ride or be carried upon any vehicle on a road in circumstances in which the person riding or carried may sustain injury by reason of the absence of such railings, sides, tailboards or other things as afford adequate means of hold or support.
- (4) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine of 3,000 penalty units or to imprisonment for three months.

58 Throwing objects at or impeding progress of vehicles on roads

- (1) Any person who throws any object at any vehicle on a road or at any person in or on such vehicle, or who places any object on any road or by any means impedes the progress of any vehicle whereby injury or damage might be caused to such vehicle or to any other vehicle or to any person, shall be guilty of an offence and liable to a fine of 3,000 penalty units or to imprisonment for three months.
- (2) A police officer may arrest without warrant a person whom he suspects on reasonable grounds of having committed an offence under this section.

59 Taking vehicles without authority

- (1) A person who takes and drives away a vehicle without having either the consent of the owner thereof or other lawful authority shall (subject to the next following subsection) be liable:

- (a) on conviction by the High Court, to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment;
 - (b) on conviction by a Magistrate's Court, to a fine of 3,000 penalty units or to imprisonment for three months.
- (2) If on proceedings under this section the court is satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor, the accused shall not be liable to be convicted of the offence.
- (3) If on the trial of a charge for stealing a vehicle the court is of the opinion that the defendant was not guilty of stealing the vehicle but was guilty of an offence under this section, the court may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.
- (4) A police officer may arrest without warrant a person whom he suspects upon reasonable grounds of having committed an offence under this section.

60 Offence to tamper with motor vehicles

- (1) Any person who without lawful authority or reasonable cause tampers with the brake or other part of the mechanism of any motor vehicle shall be guilty of an offence and liable to a fine of 1,000 penalty units or in the case of a second or subsequent conviction to a fine of 3,000 penalty units or to imprisonment for three months.
- (2) A police officer may arrest without warrant a person whom he suspects upon reasonable grounds of having committed an offence under this section.

61 Penalisation of holding or getting on to vehicle in order to be towed, or carried

If a person otherwise than with lawful authority or reasonable cause takes or retains hold of, or gets on to, a motor vehicle or trailer while in motion on a road, for the purpose of being drawn or carried he shall be guilty of an offence and liable to a fine of 500 penalty units

or in the case of a second or subsequent conviction to a fine of 1,000 penalty units.

62 Carelessness while in charge of animals

Any person driving or conducting any cattle, dog or other animal who, on any road, fails to exercise reasonable care to keep it or them under proper control, or allows such cattle, dog or other animal to become a danger or annoyance to other persons using the road, shall be guilty of an offence and liable to a fine of 500 penalty units.

PART VII ACCIDENTS

63 Duty to stop and report

(1) If, in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby injury or damage is caused to any person, vehicle, or animal, the driver of the motor vehicle shall:

- (a) stop, and if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle; or
- (b) if he has reasonable cause to believe that the safety of his person, passengers or vehicle would be endangered by so stopping, proceed forthwith to the nearest police station and there make a report of the accident and of his reasons for not stopping.

(2) If in the case of any such accident as aforesaid:

- (a) the driver of a motor vehicle does not for any reason give his name and address to any such person as aforesaid; or
- (b) any property or any other vehicle is damaged and the owner or other person in charge of such vehicle or property is not present; or
- (c) any injury has been caused to any person,

the driver shall report the accident at a police station or to a police

officer as soon as reasonably possible.

- (3) The owner of a motor vehicle shall supply the police with all information necessary for the identification of a driver involved in an accident.
- (4) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and liable to a fine of 3,000 penalty units or to imprisonment for three months, or in the case of a second or subsequent conviction to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment.
- (5) Nothing in this section shall be construed to the prejudice of the provisions of section 55 nor to require any person to stop or leave his vehicle in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road.

64 Inspection of vehicle involved in an accident

Where an accident arises out of the presence of a motor vehicle on a road, any police officer in uniform or upon production of his authority if so required, may:

- (a) inspect such vehicle and for that purpose may enter at any reasonable time any premises where the vehicle is; and
- (b) order any person in charge of such vehicle not to move it for such reasonable time as he may require for the purpose of investigating the cause of the accident and preparing any plan or report,

and any person who obstructs any police officer in the due exercise of his powers or performance of his duties under this section, or fails to comply with any order under this section, shall be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

PART VIII REGULATION OF TRAFFIC

65 Highway Code

- (1) The Minister may cause to be prepared a code (in this section referred to as the Highway Code) comprising such directions as appear to him to be proper for the guidance of persons using roads, and may from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.
- (2) The Highway Code and any alterations proposed to be made in the provisions thereof shall be laid before Parliament, and, if a resolution of Parliament is passed within thirty days of their being so laid that such Code be revoked or amended in accordance with such resolution, such Code shall be deemed to be revoked or amended accordingly, but without prejudice to anything previously done or suffered by virtue thereof.
- (3) A failure on the part of any person to observe any provisions of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

66 Powers to regulate traffic

Without prejudice to any powers or duties of the police under this Act or any other Act, it shall be lawful for any police officer:

- (a) to regulate all traffic and to keep order and prevent obstruction in all roads, parking places and other places of public resort;
- (b) to divert traffic temporarily or to restrict or close and deny public access to any road, parking place or other place of public resort, where any emergency or any assembly or other event appears to render advisable such a course.

67 Traffic signs

- (1) Subject to and in conformity with such general or other directions as may be given by the Minister, the highway authority, after consultation with the Commissioner of Police may cause or permit traffic signs to be erected, placed or displayed on or near a road in respect of which it is the highway authority:

Provided that where the highway authority is not the local authority having jurisdiction over the area concerned, it shall also consult such local authority.

- (2) Notwithstanding anything to the contrary contained in subsection (1), the Minister may in writing require the highway authority to remove, erect, place or display any traffic sign on or near any road under or within the area of its jurisdiction, within such reasonable time as he may specify, and the highway authority shall comply with such requirement.
- (3) Traffic signs shall be of the prescribed size, colour and type except where the Commissioner of Police authorises the erection or retention of a sign of another character.
- (4) After the commencement of this Act, no traffic signs shall be placed on or near any road except under and in accordance with the preceding provisions of this section:

Provided that nothing in this subsection shall apply to any notice in respect to the use of a bridge.

- (5) All traffic signs shall be deemed to be of the prescribed or authorised size, colour and type and to have been lawfully erected, placed or displayed until the contrary is proved.
- (6) A police officer of or above the rank of Inspector may, by notice in writing, require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such notice the police officer may effect the removal, doing as little damage as may be, and may recover as a civil debt from the person so in default the expense incurred in so doing:

Provided that the provisions of this subsection shall not apply in the case of any sign or object so long as its retention is expressly authorised by the highway authority.

68 Highway authority may prescribe speed limits

- (1) A highway authority may, with the approval of the Minister, by order prescribe speed limits for any area or road in respect of which it is the highway authority:

Provided that where the highway authority is not the local authority having jurisdiction over the area concerned, it shall consult such local authority.

- (2) Notwithstanding anything to the contrary contained in subsection (1), the Minister may by order amend or revoke any order made under that subsection, and may in like manner prescribe speed limits for any area or road.
- (3) Subject to section 67, a highway authority shall erect and maintain traffic signs so as plainly to indicate to drivers entering or leaving such areas or roads the speed limits and where they begin and end.
- (4) Any speed limits prescribed under this section shall be in addition to and not in derogation of any limits prescribed under section 82(1).

69 Closure of roads

- (1) It shall be lawful for the highway authority or any public officer authorised by it for the purposes of this section (hereinafter in this section referred to as an authorised officer), for the purpose of preventing damage being caused to any road or for the purpose of carrying out any works which it may consider necessary or desirable in connection with the maintenance or improvement of any road, to close the whole or any part of such road to all vehicles or any particular type of vehicles at any time for any period it may think fit:

Provided that the power conferred by this subsection shall not be exercised in relation to any road not repaired or repairable at the public expense within the meaning of section 6(2), except with the express or implied consent of the person or persons who repair such road.

- (2) No driver or person in charge of a vehicle shall drive or haul a vehicle or cause it to be driven or hauled over any bridge on or near which a conspicuous notice has been placed to the effect that such bridge is insufficient to carry traffic in excess of a specified weight or axle or wheel loading unless the gross weight and the axle and wheel loading of such vehicle and any trailer attached thereto is less than the weight and loading specified or unless he has obtained the consent in writing of the highway authority or an authorised officer.
- (3) No driver or person in charge of any vehicle shall drive or haul the vehicle or cause it to be driven or hauled over any portion of a road which is closed to traffic and where a conspicuous notice is displayed to the effect that the road is closed, unless he has received the permission in writing of the highway authority or an authorised officer.
- (4) No person shall place or display in such manner a notice of such nature, as is described in subsection (2) or subsection (3), without lawful authority or reasonable cause.
- (5) Any person who contravenes any of the provisions of this section shall be guilty of an offence and liable to a fine of 2,000 penalty units, or in the case of a second or subsequent conviction to a fine of 3,000 penalty units.

70 Injury to bridges

If any injury to a bridge or road is caused through any contravention of this Act, it shall be lawful for the highway authority to make good such injury and to recover the cost thereof from the owner of the vehicle, and a certificate signed by the highway authority of the amount of the cost of making good such injury shall be conclusive evidence of the amount payable by such owner.

PART IX GENERAL

71 Inspection of vehicles

- (1) It shall be lawful for any police officer in uniform to stop any vehicle, and for any police officer, licensing officer or inspector:
 - (a) to enter any vehicle;

- (b) to drive any vehicle or cause any vehicle to be driven;
- (c) upon reasonable suspicion of any offence under this Act, to order and require the owner of any vehicle to bring the vehicle to him,

for the purpose of carrying out any examination and test of any vehicle with a view to ascertaining whether the provisions of this Act are being complied with or with a view to ascertaining whether any vehicle is being used in contravention of this Act.

- (2) A licensing officer or a police officer of or above the rank of Inspector, may require the holder of any vehicle licence or the owner or any person in possession of any vehicle which he has reasonable cause to believe is used on a road, to produce the vehicle at such reasonable time and place as he shall specify for the purpose of carrying out any examination or test as aforesaid.
- (3) Any person who fails to comply with any instruction or order given under this section shall be guilty of an offence and liable to a fine of 1,000 penalty units.

72 Removal of vehicles from road

- (1) Where any vehicle is found in use on a road in contravention of the provisions of this Act, or where any vehicle has been left on any road or other public place in such circumstances as to make it appear that such vehicle has been abandoned or should be removed to a place of safety, or where any vehicle has been left on a road in a position which causes or is likely to cause danger to other road users and the owner or driver cannot readily be found, it shall be lawful for any police officer or any inspector to take the vehicle or cause it to be taken to a police station or other place of safety by such method, route and under such conditions as he may consider necessary, having regard to all the circumstances of the case.
- (2) Where under subsection (1) it is considered necessary to have a vehicle towed, transported, driven, or otherwise removed, or where it is considered necessary to carry out emergency repairs or to adjust or off-load any part of the load of such vehicle, any expense incurred thereby shall be payable by the owner of the vehicle, and no such vehicle shall be released from the police station or other place of

safety until either:

- (a) such expenses have been paid to the person to whom they are due; or
 - (b) such person certifies in writing that he is willing to allow the vehicle to be removed before he receives such expenses due to him.
- (3) A police officer or inspector who orders the removal of a vehicle under this section shall not be held liable for any damage to or loss of any item from such vehicle during its removal to or detention at a police station or other place of safety.
- (4) Any police officer, licensing officer or inspector, if he is of the opinion that any vehicle is being used in contravention of section 44 or section 45 or in contravention of any regulations relating to the construction, use and equipment of vehicles, may by order in writing prohibit the use of such vehicle under such conditions and for such purposes as he may consider necessary for the safety of the public or to ensure that such vehicle does comply with the aforementioned provisions; and where any such order specifies any repairs or defects, it shall remain in force until the repairs or defects specified therein have been satisfactorily completed and remedied and the vehicle has been certified as complying with the aforesaid conditions with respect to construction, use and equipment.
- (5) Any person who permits the use of, or drives, any vehicle in respect of which any prohibition or restriction is in force other than in conformity with any conditions or for such purpose as may have been specified shall be guilty of an offence and liable to a fine of 10,000 penalty units or to imprisonment for twelve months, or to both such fine and such imprisonment.
- (6) Where any vehicle is required to be examined and tested for the purpose of being certified as complying with the provisions of this Act, the fee, if any, shall be paid by the owner of the vehicle.
- (7) Any person who fails to comply with any instruction or order given under this section shall be guilty of an offence and liable to a fine of 2,000 penalty units.

73 Detention of vehicles

It shall be lawful for any police officer to detain at a police station or other place of safety any vehicle which has been removed from a road or other public place under section 72 until such inquiries have been made by the police as they may think necessary in the circumstances of the case.

74 Certificate of inspector to be admissible in evidence

- (1) If in any proceedings under this Act any question arises as to whether a vehicle does or does not comply with any provisions of this Act, the certificate of an inspector to the effect that he has examined the vehicle and as to the result of his examination may be read as evidence and shall be *prima facie* evidence of such examination and as to the result thereof, although the inspector is not called as a witness.
- (2) The court, if it thinks fit, may summon and examine the inspector as to the subject matter of his certificate.

75 Warning to be given before prosecution

Where a person is prosecuted for an offence under any of the sections of this Act relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving or to careless driving, he shall not be convicted unless:

- (a) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the sections aforesaid would be considered; or
- (b) within fourteen days of the commission of the offence a summons for the offence was served on him; or
- (c) within the said fourteen days a notice of the intended prosecution, specifying the nature of the alleged offence and the time and place where it is alleged to have been committed, was served on or sent by registered post to him or to the person registered as the owner of the vehicle at the time of the commission of the offence:

Provided that:

- (i) failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that:
 - (a) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or
 - (b) the accused by his own conduct contributed to the failure;
- (ii) the requirement of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

76 Certified extract from records to be admissible in evidence

In any proceedings under this Act, an extract from the records of registered vehicles, certified under the hand of a licensing officer, may be received in evidence although the licensing officer is not called as a witness, and shall be *prima facie* evidence of the facts therein set forth.

77 Owner or other person to furnish information as to identity of driver of vehicle

- (1) Where the driver of a vehicle is alleged to be guilty of an offence under this Act:
 - (a) the owner of the vehicle shall give such information as to the identity of the driver as he may be required to give by a police officer; and
 - (b) any other person shall, if required by a police officer, give all information which it is in his power to give as to the identity of the driver or which may lead to the identification of the driver.
- (2) A person who fails to comply with the requirements of paragraph (a)

of the last foregoing subsection shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver of the vehicle was, and a person who fails to comply with the requirement of paragraph (b) of that subsection shall be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months or to both such fine and such imprisonment.

78 Owner to keep list of drivers employed

- (1) Any person who employs any other person to drive a motor vehicle shall keep a written record of the name, address and driving licence number of such other person.
- (2) Such record shall be preserved for a period of six months after the date when such person ceases to be employed as a driver, and shall be made available to any police officer on demand.
- (3) Any person who fails to comply with the provisions of subsection (1) shall be guilty of an offence and liable to a fine of 1,000 penalty units.

79 Verification of facts

Any person to whom any application is made for anything to be done under this Act may require any facts stated in the information to be verified to his satisfaction.

80 Giving false information

Any person who makes any statement which to his knowledge is false or in any respect misleading in connection with any information lawfully demanded or required under this Act shall be guilty of an offence and liable to a fine of 5,000 penalty units or to imprisonment for six months, or to both such fine and such imprisonment, and if such statement is made to any person in connection with an application for any licence or permit the court convicting such person may also order that such licence or permit be not granted for a stated period.

81 Fraudulent imitation, etc., of documents

Any person who fraudulently imitates, alters, mutilates, destroys or

uses, or fraudulently lends or allows to be used by any other person, any licence, document, plate or mark issued or prescribed under this Act shall be guilty of an offence and liable to a fine of 10,000 penalty units or to imprisonment for twelve months, or to both such fine and such imprisonment.

82 Regulations

- (1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act and without prejudice to the generality of the foregoing, such regulations may prescribe:
 - (a) anything which by this Act is required to or may be prescribed or provided for, and notwithstanding that such thing may be prescribed or provided for by notice or order;
 - (b) the forms to be used for any purposes of this Act;
 - (c) the weight of goods and passengers, the number of passengers which vehicles may carry, the method by which seating capacity is to be determined and the gross weight of vehicles;
 - (d) the size and weight including the maximum axle and wheel loading of vehicles which may be permitted on any class or road or on any bridge and the manner in which, if at all, vehicles whose size, weight or axle or wheel loading is in excess of the maximum prescribed, may be allowed to use any road or bridge;
 - (e) the construction of, and equipment to be carried by any class of vehicle, and in particular the type of tyres, lights and warning instruments to be carried by any class of vehicle, and any restriction on the carrying or use of lights and warning instruments;
 - (f) the carrying on any class of vehicle of any special identification plates;
 - (g) all matters relating to the inspection, registration, licensing, regulation and control of vehicles or any class thereof and to the conditions which may be imposed in regard thereto;

- (h) the regulation of the conduct of drivers and conductors of public service vehicles, and the wearing by them of special badges and uniforms and the fees to be paid for any badges provided by an authority;
- (i) conditions of service and hours of work for persons employed by owners of public service and commercial vehicles;
- (j) the regulation of carriage of luggage and goods on public service vehicles;
- (k) measures for controlling the issue of public service vehicle licences and for regulating public service vehicles or any class or description thereof, their use and operation and in particular and without prejudice to the generality of the foregoing, for controlling their fares and charges, requiring the installation of meters, appointing public stands, bus-stops and parking places, controlling the plying for hire and directing in what place such vehicles shall or shall not stop to put down or pick up passengers and on what routes or streets such vehicles may or may not ply for hire;
- (l) the rules of the road, and the signals to be given and obeyed by the drivers of vehicles;
- (m) the procedure to be adopted, the conditions to be observed and the form to be used in connection with the issue of documents necessary for international travel, and the use of such documents in Solomon Islands;
- (n) conditions on which motor vehicles licensed outside Solomon Islands may be used within Solomon Islands and on which persons holding driving licences or permits issued outside Solomon Islands may be allowed to drive within Solomon Islands;
- (o) measures for controlling or prohibiting the movement of vehicles of any specified class or description generally or between such hours and in such areas or on such roads as may be specified;
- (p) measures for controlling or prohibiting the use of vehicles of any

specified class or description on any sea beach or foreshore or other place to which the public have access;

- (q) measures for generally restricting or regulating the use of vehicles in such manner as the circumstances and safety on the roads may appear to him to require, and for the further, better or more convenient carrying out of any provisions of this Act;
 - (r) the maximum speed at which any class of vehicle may be driven upon a road;
 - (s) measures for regulating the carriage of persons on pedal cycles on roads;
 - (t) measures requiring, subject to such exceptions as may be specified, persons driving or riding (otherwise than in sidecars) on motor cycles of any class or description specified, to wear protective headgear of such description as may be specified, and such measures may make different provisions in relation to different circumstances;
 - (u) measures for the refund of the whole or any part of any licence fee paid under this Act;
 - (v) measures designed to secure the safety of all persons on roads including persons travelling in vehicles;
 - (w) the penalties which may be imposed for the breach of such regulations, which penalties shall not exceed, unless a higher penalty is provided for under this Act:
 - (i) in the case of a first conviction, a fine of 2,000 penalty units or imprisonment for two months, or both such fine and such imprisonment;
 - (ii) in the case of a second or subsequent conviction, a fine of 3,000 penalty units or imprisonment for three months, or both such fine and such imprisonment.
- (2) In any case when the Minister has not prescribed a suitable form under paragraph (b) of section (1), the Principal Licensing Officer

may direct that a particular form shall be used for a particular purpose.

83 Highway authorities' powers to make traffic orders

- (1) Subject to the provisions of this Act and any regulations made thereunder, a highway authority may, with the approval of the Minister, by order:
 - (a) prescribe any of the matters specified in paragraphs (h), (j), (k), (n), (o) and (r) of section 82 (1);
 - (b) prohibit the use of sound signals on any specified road between specified hours or restrict the use of sound signals; and
 - (c) regulate and restrict the parking of vehicles or classes of vehicles:

Provided that where the highway authority is not the local authority having jurisdiction over the area concerned, the highway authority shall first consult the local authority.

- (2) Nothing in this section shall be deemed to permit any highway authority to exercise any of the powers conferred by this section in respect of any area outside the area in respect of which such authority has been appointed.
- (3) Any person who contravenes any order made under this section shall be guilty of an offence and liable to a fine of 1,000 penalty units.

84 Power to suspend, etc., application of Act

The Minister may, by notice, suspend, restrict or limit the application of all or any of the provisions of this Act, either generally or in respect of any part of Solomon Islands or any particular class or classes or description of persons or vehicles, for such period and subject to such conditions as he may think fit and, similarly, may exempt any person or vehicle or any class or classes or description of person or vehicles from all or any of such provisions.

85 Exemption of fire engines, etc., from speed limits

No speed limit imposed by or under this Act nor any traffic sign

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restricting the speed of vehicles on any road shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of such speed limit or traffic sign would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

86 Application to Crown

This Act shall apply to vehicles and persons in the Public Service of the Crown except to the extent that such vehicles and persons have been exempted under this Act.

SCHEDULE

(Section 29)

PART I

OFFENCES INVOLVING OBLIGATORY DISQUALIFICATION

1. An offence under section 35 (b) (driving while disqualified).
2. Manslaughter by the driver of a motor vehicle.
3. An offence under section 38 (causing death by dangerous driving).
4. An offence under section 39 (dangerous driving, etc.) committed within three years after a previous conviction of an offence under that section or under section 38 thereof.
5. An offence under section 43(1) (driving, etc., under the influence of drink or drugs).

PART II

OFFENCES INVOLVING DISCRETIONARY DISQUALIFICATION

6. An offence of driving without a licence contrary to section 20, committed by driving a motor vehicle in a case where either no licence authorising the driving of that vehicle could have been granted to the offender or, if a provisional (but no other) licence to drive it could have been granted to him, the driving would not have complied with the conditions thereof.
7. An offence under section 23(3) (failure to comply with conditions of provisional licence).
8. An offence under section 39 (dangerous driving, etc.) committed otherwise than as mentioned in paragraph 4 of this Schedule.
9. An offence under section 40 (careless driving, etc.).
10. An offence mentioned in section 41(1) (speeding).
11. An offence under section 42 (driving, or causing or permitting a

person to drive, a motor vehicle in contravention of the provisions of the Act relating to the minimum age for driving motor vehicles).

12. An offence under section 43(2) (being in charge of a motor vehicle while under the influence of drink or drugs).

13. An offence under section 46 (using a vehicle which is in a defective condition or overloaded) committed by using a vehicle on a road or causing or permitting a vehicle to be so used either:

- (a) so as to cause, or to be likely to cause danger by the condition of the vehicle or its parts or accessories, the number of passengers carried by it or the weight, distribution, packing or adjustment of its load; or
- (b) in breach of a requirement as to brakes, steering gear or tyres.

14. An offence under section 47 (racing, etc.).

15. An offence under section 48(2) (carrying passengers on motor cycle in contravention of the section).

16. An offence under section 53 (failure to comply with traffic directions) committed in respect of a motor vehicle by a failure to comply with a direction of a police officer or an indication given by a traffic sign.

17. An offence under section 55 (leaving vehicle in dangerous position) committed in respect of a motor vehicle.

18. An offence under section 59 (taking, etc., motor vehicle without authority).

19. An offence under section 63 (failure to stop, etc., after accident).

20. An offence under section 8 of the Motor Vehicles (Third-Party Insurance) Act (use of motor vehicle not insured against third-party risks).

21. An offence under section 66 of the Liquor Act (consuming liquor in a vehicle).

ENDNOTES

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KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 131 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act from that date to 1 October 2009.

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LIST OF LEGISLATION

Traffic Act (Cap. 131)

<i>Constituent legislation:</i>	5 of 1967 (Commenced 1 January 1968)
	4 of 1968
	10 of 1969
	LN 154/1967
	16 of 1972
	LN 46A of 1978
	LN 88 of 1978
	21 of 1987
	6 of 1992

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

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LIST OF AMENDMENTS

s 7	amd by Act No. 14 of 2009
s 12	amd by Act No. 14 of 2009
s 13	amd by Act No. 14 of 2009

s 16	amd by Act No. 14 of 2009
s 20	amd by Act No. 14 of 2009
s 23	amd by Act No. 14 of 2009
s 25	amd by Act No. 14 of 2009
s 35	amd by Act No. 14 of 2009
s 36	amd by Act No. 14 of 2009
s 39	amd by Act No. 14 of 2009
s 40	amd by Act No. 14 of 2009
s 41	amd by Act No. 14 of 2009
s 42	amd by Act No. 14 of 2009
s 43	amd by Act No. 14 of 2009
s 46	amd by Act No. 14 of 2009
s 47	amd by Act No. 14 of 2009
s 48	amd by Act No. 14 of 2009
s 49	amd by Act No. 14 of 2009
s 50	amd by Act No. 14 of 2009
s 51	amd by Act No. 14 of 2009
s 52	amd by Act No. 14 of 2009
s 53	amd by Act No. 14 of 2009
s 54	amd by Act No. 14 of 2009
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s 56	amd by Act No. 14 of 2009
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s 62	amd by Act No. 14 of 2009
s 63	amd by Act No. 14 of 2009
s 64	amd by Act No. 14 of 2009
s 69	amd by Act No. 14 of 2009
s 71	amd by Act No. 14 of 2009
s 72	amd by Act No. 14 of 2009
s 77	amd by Act No. 14 of 2009
s 78	amd by Act No. 14 of 2009
s 80	amd by Act No. 14 of 2009
s 81	amd by Act No. 14 of 2009
s 82	amd by Act No. 14 of 2009
s 83	amd by Act No. 14 of 2009