

**ACT NO. 33 OF 2021**

I assent.

J. K. KONROTE  
President

[30 July 2021]

**AN ACT****TO AMEND THE LAND TRANSPORT ACT 1998**

ENACTED by the Parliament of the Republic of Fiji—

*Short title and commencement*

- 1.—(1) This Act may be cited as the Land Transport (Budget Amendment) Act 2021.
- (2) This Act comes into force on a date or dates appointed by the Minister by notice in the Gazette.
- (3) In this Act, the Land Transport Act 1998 is referred to as the “Principal Act”.

*Section 2 amended*

2. Section 2 of the Principal Act is amended by—

- (a) in the definition of “parking place” after “taxi”, inserting “rank or”;
- (b) after the definition of “public street”, inserting the following new definition—

““rank” when used in relation to a parking place for taxis means a parking area provided by the appropriate council or highway authority for use by taxis;” and

- (c) in the definition of “stand”, deleting “parking area provided by the appropriate council or highway authority” and substituting “privately owned parking area approved by the Authority”.

*Sections 24B and 24C inserted*

3. The Principal Act is amended after section 24A by inserting the following new sections—

*“Public Service Vehicle Levy*

24B.—(1) The Public Service Vehicle Levy at a rate prescribed by regulations is to be paid by public service vehicle permit holders, except for rental permit holders.

(2) The Public Service Vehicle Levy must be paid annually before registering or renewing the registration of a public service vehicle.

(3) Notwithstanding section 24, the Public Service Vehicle Levy must be collected by the Authority and paid into the Public Service Vehicle Trust Fund established under section 24C.

*Public Service Vehicle Trust Fund*

24C.—(1) This section establishes a fund to be known as the Public Service Vehicle Trust Fund for the maintenance, upgrade and development of public service transport facilities, including stations, ranks, bases and stands provided by the appropriate council or highway authority.

(2) The Public Service Vehicle Trust Fund consists of—

- (a) the Public Service Vehicle Levy payable under section 24B;
- (b) all interest and other income derived from the money and investments comprising the Public Service Vehicle Trust Fund;
- (c) any money which may be appropriated by Parliament for the Public Service Vehicle Trust Fund; and
- (d) any money received by the Public Service Vehicle Trust Fund under any written law.

(3) The Public Service Vehicle Trust Fund is to be administered and managed by the permanent secretary responsible for finance.

(4) The permanent secretary responsible for finance must cause proper accounts to be kept and must, as soon as practicable after the end of each financial year, cause to be prepared for that financial year a trust account statement of receipts and payments of the Public Service Vehicle Trust Fund.

(5) The permanent secretary responsible for finance must cause the trust account statement of receipts and payments to be audited by the Auditor-General.

(6) The permanent secretary responsible for finance must, as soon as practicable, send a copy of the trust account statement of receipts and payments and a copy of the Auditor-General’s report to the Minister.”.

*Section 34 amended*

4. Section 34(1) of the Principal Act is amended by—
- (a) in paragraph (c) after “;”, inserting “or”; and
  - (b) deleting paragraph (d).

*Section 39 amended*

5. Section 39(2) of the Principal Act is amended by—
- (a) in paragraph (a) after “;”, inserting “and”; and
  - (b) deleting paragraph (b).

*Section 53 amended*

6. Section 53 of the Principal Act is amended by—
- (a) in subsection (1)(b)—
    - (i) in paragraph (i) after “;”, deleting “and”; and
    - (ii) deleting paragraph (ii) and inserting the following new paragraphs—
      - “(ii) authorises the use of a motor vehicle exempted under section 61(2) for the carriage of goods in relation to the principal activity of the owner, subject to this Act and the conditions of the licence; and
      - (iii) limits the carriage of passengers to—
        - (A) *bona fide* employees and persons directly involved in the carrying on of the business of the owner;
        - (B) *bona fide* employees and persons directly involved in the carrying on of the principal activity of the owner;
        - (C) patrons or guests of the business; or
        - (D) students, assisted persons or adherents of the principal activity of the owner;”; and
  - (b) after subsection (1), inserting the following new subsection—
    - “(1A) For the purposes of subsection (1)(b), principal activity includes the operation of a school, charitable or religious organisation or similar institution but does not include any commercial activity as may be determined by the Authority.”.

*Section 65 amended*

7. Section 65 of the Principal Act is amended by—
- (a) in subsection (2)(a), deleting “base for which it is issued, or from an approved stand outside that base, for the carriage of passengers within, from or to that base” and substituting “zone for which it is issued, for the carriage of passengers within, from or to that zone”; and

(b) after subsection (4), inserting the following new subsections—

“(5) Where a police officer or authorised officer has reasonable cause to suspect that a person has committed an offence under subsection (4), the officer may seize and remove to a place of safe custody the motor vehicle used in the commission of the offence.

(6) If the person is convicted of the offence, the Authority may cause the motor vehicle to be sold by auction or by public tender in a manner prescribed by regulations.”.

*Section 67 amended*

**8.** Section 67(1) of the Principal Act is amended after “marking” by inserting “ranks,”.

*Section 113 amended*

**9.** Section 113(4)(q) of the Principal Act is amended after “bases,” by inserting “zones”.

Passed by the Parliament of the Republic of Fiji this 30th day of July 2021.