

BILL NO. 12 OF 2015

A BILL

FOR 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 (Amendment) Act 2015.
- (2) This Act shall come into force on the date of its publication in the *Gazette*.
- (3) In this Act, the Land Transport Act 1998 shall be referred to as the “Principal Act”.

Section 87 amended

2. Section 87 of the Principal Act is amended—
 - (a) in paragraph (b) by deleting the words “and the demerit points”; and
 - (b) by inserting the following new paragraph after paragraph (b)—

“(c) prescribing demerit points.”

Section 89 deleted

3. The Principal Act is amended by deleting section 89.

Section 90 amended

4. Section 90 of the Principal Act is amended by deleting subsections (3)(b) and (4).

Section 93 amended

5. Section 93 of the Principal Act is amended by deleting subsection (2).

LAND TRANSPORT (AMENDMENT) BILL 2015

EXPLANATORY NOTE

(This note is not part of the Bill and is only intended to indicate its general effect)

1.0 BACKGROUND

- 1.1 This Bill seeks to amend the Land Transport Act 1998 (**‘Act’**). The Act *inter alia* makes provision for the awarding of demerit points for certain offences under the Act. These demerit points however may be awarded by the Land Transport Authority (**‘Authority’**) or by the courts, in addition to penalty fines.
- 1.2 As such, there is a need for the Act to be amended to ensure that where a fixed penalty is to be paid for an offence, demerit points are not awarded by the Authority.
- 1.3 Accordingly, this Bill essentially removes the issuance of demerit points by the Authority and limits the awarding of demerit points to be done by the courts alone.

2.0 CLAUSES

- 2.1 Clause 1 provides for the short title and the commencement date.
- 2.2 Clause 2 amends section 87 by removing reference to demerit points in relation to the regulations made by the Minister to be specified in a notice under the Act.
- 2.3 Clause 3 deletes section 89 which makes reference to the awarding of demerit points by the Authority upon a person paying a fixed penalty.
- 2.4 Clause 4 amends section 90 by deleting subsections (3)(b) and (4) as the provisions become obsolete in relation to demerit points and disqualification.
- 2.5 Clause 5 amends section 93 by deleting subsection (2) as the provision becomes obsolete.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for Infrastructure and Transport.

A. SAYED-KHAIYUM
Attorney-General