

BILL NO. 25 OF 2017

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 (Budget Amendment) Act 2017.
- (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 inserting the following new definition—
““register” means the public service permit register maintained by the Authority under section 66A;”.

Section 64 amended

3. Section 64(2) of the Principal Act is amended by deleting “at least 28 days before the expiry of the permit” and substituting “in accordance with regulations”.

Section 65 amended

4. Section 65 of the Principal Act is amended after subsection (3) by inserting the following new subsection—

“(3A) A public service permit must be issued in the prescribed form.”.

Sections 66A and 66B inserted

5. The Principal Act is amended after section 66 by inserting the following new sections—

“Public service permit register

66A.—(1) The Authority must keep a register of public service permits, including public service licences issued in respect of road permits.

(2) The register must be capable of recording transactions concerning dealings with public service permits.

(3) The register must be available for inspection by a permit holder upon payment of the prescribed fee and in accordance with the regulations.

Rectification of register

66B.—(1) The Authority may rectify the register in the following cases—

(a) where there are errors or omissions in the register;

(b) where the details of a permit holder have changed and the register is no longer accurate; or

(c) where the Authority is satisfied that registration has been obtained or made or omitted to be made by fraud or mistake and the Authority deems it just to rectify the register.

(2) No person may make changes to the register without authorisation from the Authority.

(3) A person who contravenes subsection (2) commits an offence and is liable upon conviction to the prescribed penalty.”.

Section 113 amended

6. Section 113 of the Principal Act is amended by—

(a) in the heading after “Regulations”, inserting “and Service Charter”; and

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

“(4A) In relation to Part 6, the Minister may, after consultation with the Authority, publish a Service Charter by notice in the Gazette prescribing the standards of service required by public service permit holders.”.

Schedule amended

7. The Schedule to the Principal Act is amended in the table of prescribed penalties after the row prescribing the penalty for the offence under section 65(4) by inserting the following new row —

<i>Section</i>	<i>Offence</i>	<i>Prescribed penalty</i>
“66B	Unauthorised alteration of register	\$25,000/10 years imprisonment”

June 2017

LAND TRANSPORT (BUDGET AMENDMENT) BILL 2017

EXPLANATORY NOTE

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

1.0 BACKGROUND

1.1 The Land Transport (Budget Amendment) Bill 2017 (**'Bill'**) seeks to amend the Land Transport Act 1998 (**'Act'**).

2.0 CLAUSES

2.1 Clause 1 of the Bill provides for the short title and commencement. If passed by Parliament, the amending legislation will come into force on a date or dates appointed by the Minister.

2.2 Clause 2 of the Bill amends section 2 of the Act to insert the definition of "register".

2.3 Clause 3 of the Bill amends section 64 of the Act to remove the requirement that an application for the renewal of a public service permit must be lodged 28 days before the date of expiry of the permit. The amendment provides instead for permit renewal processes to be prescribed by regulations.

2.4 Clause 4 of the Bill amends section 65 of the Act by inserting a new subsection (3A) to clarify that the form for public service permits issued under the Act must be prescribed. This empowers the Minister to prescribe a standard form for public service permits.

2.5 Clause 5 of the Bill amends the Act by inserting sections 66A and 66B after section 66. The newly inserted sections provide for the keeping of a register for public service permits (**'Register'**). The Register must be capable of recording transactions concerning dealings with public service permits. The proposed section 66B provides grounds for the rectification of the Register and prohibits alterations to the Register without authorisation from the Authority.

2.6 Clause 6 of the Bill amends section 113 of the Act to provide for the Minister's power to, in consultation with the Authority, publish a Service Charter setting out the standards of service that public service permit holders must adhere to.

2.7 Clause 7 of the Bill amends the Act by prescribing the penalty for the offence under the proposed section 66B.

3.0 MINISTERIAL RESPONSIBILITY

3.1 The Act comes under the responsibility of the Minister responsible for transport.

A. SAYED-KHAIYUM
Attorney-General