

BILL NO. 23 OF 2022

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 (Revised Budget Amendment) Act 2022.

(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 24B amended

2. Section 24B(3) of the Principal Act is amended by deleting “Public Service Vehicle Trust Fund established under section 24C” and substituting “Consolidated Fund”.

Section 24C deleted

3. The Principal Act is amended by deleting section 24C.

*Section 65 amended***4.** Section 65 of the Principal Act is amended by—

(a) in subsection (2)(d)(i), deleting “between 2” and substituting “at”; and

(b) in subsection (3)—

(i) in paragraph (a)—

(A) in subparagraph (i) after “;”, deleting “or”;

(B) in subparagraph (ii) after “;”, inserting “or”; and

(C) after subparagraph (ii), inserting the following new subparagraph—

“(iii) shuttle service, which is a service within a suburb to meet the needs of passengers on a regular basis, subject to terms and conditions as prescribed by regulations;”;

(ii) in paragraph (c), deleting “between” and substituting “at”.

*Section 67 deleted***5.** The Principal Act is amended by deleting section 67.*Section 74 amended***6.** Section 74 of the Principal Act is amended by deleting subsection (3) and inserting the following new subsections—

“(3) The Authority must take reasonable steps to identify and notify the owner of the motor vehicle or trailer and any person who has a financial interest pursuant to the Personal Property Securities Act 2017, before disposing of the motor vehicle or trailer under subsection (2).

(4) If a sale of motor vehicle or trailer under this section provides a greater amount than is necessary to defray expenses of the removal and storage of the motor vehicle or trailer, and the motor vehicle or trailer has a financial interest or charge held against it, the Authority must, in consultation with the financial interest holder and subject to any other written law, defray such expenses.

(5) If there is no financial interest or charge on the motor vehicle or trailer, the balance must be held for 3 months and if not claimed by the owner within that period, must be paid into the funds of the Authority.

(6) If a sale of motor vehicle or trailer under this section provides a lesser amount than is necessary to defray expenses of the removal and storage of the motor vehicle or trailer, and the motor vehicle or trailer has a financial interest or charge held against it, the Authority must, in consultation with the financial interest holder and subject to any other written law, defray such expenses.

(7) If there is no financial interest or charge on the motor vehicle or trailer, the Authority may defray its expenses and may make further claims on the owner of the motor vehicle or trailer.”.

Schedule amended

7. The Schedule to the Principal Act is amended in the third column by—
- (a) deleting the prescribed penalty for section 53(5) and substituting the following—
 - “(a) First offence - \$500/ 3 months imprisonment
 - (b) Second offence - \$1000/ 6 months imprisonment
 - (c) Third or subsequent offence - \$2000/ 12 months imprisonment”;
 - (b) in the prescribed penalty for section 62(4) after paragraph (b), inserting the following new paragraph—
 - “(c) Third or subsequent offence - \$2000/ 12 months imprisonment”;
 - (c) in the prescribed penalty for section 65(4) after paragraph (b), inserting the following new paragraph—
 - “(c) Third or subsequent offence - \$2000/ 12 months imprisonment”.

March 2022

LAND TRANSPORT (REVISED BUDGET AMENDMENT) BILL 2022

EXPLANATORY NOTE

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

1.0 BACKGROUND

- 1.1 The Land Transport Act 1998 (**'Act'**) provides for *inter alia* the regulation of the registration and use of vehicles and the enforcement of traffic laws.
- 1.2 The Land Transport (Revised Budget Amendment) Bill 2022 (**'Bill'**) seeks to amend the Act to provide for the Public Service Vehicle Levy (**'PSV Levy'**) to be paid into the Consolidated Fund. The PSV Levy will replace *inter alia* the current base fees paid by taxi permit holders.
- 1.3 The Bill also amends the Act to introduce shuttle services within suburban areas.
- 1.4 The Bill further provides penalty fines for fixed penalty offences in relation to the use of a vehicle contrary to licence conditions, unlicensed public service vehicles and operating a public service vehicle without a permit.

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 by notice in the Gazette.
- 2.2 Clause 2 of the Bill amends section 24B(3) to provide that the Public Service Vehicle Levy is to be paid into the Consolidated Fund.
- 2.3 Clause 3 of the Bill amends the Act by deleting section 24C to align to the amendment in clause 2 of the Bill.
- 2.4 Clause 4 of the Bill amends section 65 to allow a road permit holder to conduct regular service from any terminating point.
- 2.5 Clause 4 of the Bill also amends section 65 of the Act to provide for shuttle services which is a service specifically to be provided within suburban areas.

- 2.6 Clause 5 of the Bill amends the Act by deleting section 67.
- 2.7 Clause 6 of the Bill amends section 74 of the Act by providing for the defray of expenses by the Authority for the removal and storage of motor vehicles and trailers, provided however the Authority takes reasonable steps to identify and notify the owner of the motor vehicle or trailer and any person who has a financial interest pursuant to the Personal Property Securities Act 2017.
- 2.8 Clause 7 of the Bill amends the Schedule to the Act in relation to fixed penalty fines for offences under sections 53(5), 62(4) and 65(4).

3.0 MINISTERIAL RESPONSIBILITY

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

A. SAYED-KHAIYUM
Attorney-General