

# **Land Transport Authority Act 2007**

## **CONSOLIDATED ACTS OF SAMOA 2008**

### **LAND TRANSPORT AUTHORITY** **ACT 2007**

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## **THE LAND TRANSPORT AUTHORITY ACT 2007**

### **2007 No. 17**

**AN ACT** to provide for the establishment, management and operations of a Land Transport Authority in Samoa, and for related purposes.

*[29th March 2007]*

*[Commencement date 1 December 2008]*

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows:

### **Part 1 - Preliminary**

**1. Short title and commencement-**(1) This Act may be cited as the Land Transport Authority Act 2007.

(2) This Act shall commence on a date nominated by the Minister.

(3) Notice of commencement of this Act shall be published in Samoan and English in the Savali and one other newspaper circulating in Samoa.

**2. Interpretation-**(1) In this Act, unless the context otherwise requires –

**"authorised officer"** means a person appointed as such in respect of a relevant function;

**"Authority"** means the Land Transport Authority established by section 4;

**"Board of Directors"** means the Board of Directors of the Authority;

**"commencement date"** means the date that this Act comes into effect in accordance with subsection 1(2);

**"land transport infrastructure"** means all bridges, culverts, bus stops and footpaths on national roads and road reserves or which relate to the construction and effective use of national roads, and includes seawalls and drains which are or have been constructed for purposes associated with national roads;

**"local road"** means any road which is not a national road;

**"Minister"** means the Minister for Works, Transport and Infrastructure;

**"Ministry"** means the Ministry of Works, Transport and Infrastructure;

**"motor vehicle"** means any automobile, motor car, motor carriage, motor cycle, traction engine, tractor, or other carriage or vehicle propelled or capable of being propelled by means of an engine powered wholly or partly by any volatile spirit, steam, oil, gas, or electricity, or by any means other than human or animal power, but does not include:

(a) a bicycle propelled or capable of being propelled by means of an internal combustion engine that is fitted to but detachable from the bicycle, being an engine the generating capacity of which does not exceed 20 watts; or

(b) a wheelchair to be driven by an invalid;

**"national road"** means any road designated as a national road under section 46;

**"owner"** when used in reference to a motor vehicle or trailer means:

(a) subject to paragraph (b), if the vehicle is registered – the person registered as the owner of the vehicle and includes a person in lawful possession;

(b) if a registered vehicle is sold or otherwise disposed of by the person registered as the owner of the vehicle and that person has given notice of the sale or disposal to the Authority – the purchaser;

(c) if a trade plate is placed on the vehicle under the authority of a trader identification permit – the person to whom the plate was issued; or

(d) if the vehicle is not registered – the person who is entitled to the immediate possession of the vehicle, solely or jointly or in common with some other person;

and "owns" has a corresponding meaning;

**"registered"** in relation to a motor vehicle or trailer, means the inclusion of a motor vehicle or trailer in the register of such vehicles maintained in the records of the Authority pursuant to regulations or the Road Traffic Ordinance 1960;

**"registration plate or label"** means a plate or label affixed to vehicle pursuant to this Act showing, that it has been registered under this Act;

**"rule"** means any standard adopted by the Authority either specifically or by reference for the purpose of determining the technical standard or specification of any vehicle, component or material;

**"vehicle"** does not include a vehicle excluded by regulations.

**3. Act to bind the Government** - This Act binds the Government.

## **Part 2 – The Land Transport Authority**

**4. Establishment of the Land Transport Authority** -(1) The Samoa Land Transport Authority is established.

(2) The Authority:

- (a) is a body corporate with perpetual succession;
- (b) shall have a common seal;
- (c) may enter into contracts;
- (d) may sue and be sued in its corporate name;
- (e) shall have the power to acquire, hold and dispose of property both real and personal; and
- (f) may generally do all such acts and things that are necessary for or incidental to the performance of its functions under this Act or any other law.

**5. Functions of the Authority**-(1) In planning, developing, operating and maintaining a safe, efficient, and effective national road system for Samoa, the functions of the Authority are:

- (a) to undertake necessary planning, design, supervision, construction and maintenance of national roads and land transport infrastructure throughout Samoa, including functions related to:
  - (i) road network management and the preparation and implementation of a National Road Program annually; and
  - (ii) the designation of national roads; and
  - (iii) the maintenance of national roads and land transport infrastructure; and
  - (iv) the implementation of capital works relevant to national roads and land transport infrastructure, and effective supervision of such works; and
  - (v) the implementation and utilisation of asset management systems relevant to the maintenance and up-grading of national roads and land transport infrastructure; and
  - (vi) the acquisition and management of property for these purposes; and
  - (vii) the undertaking and commissioning of relevant studies; and
  - (vii) the provision or procurement of design services and surveys; and
- (b) to provide the Minister with such information and advice relating to the functions of the Authority as the Minister may require from time to time; and
- (c) to implement the policies of the Government and the lawful directions of the Minister, relevant to the provision of adequate and properly maintained national roads and land transport infrastructure throughout Samoa; and

(d) to undertake responsibility for road use management in Samoa, including the responsibility of:

(i) registering vehicles and licensing drivers in accordance with any law which is under the lawful responsibility of the Authority, and maintaining registers of registered vehicles and licensed drivers; and

(ii) establishing and enforcing standards for vehicle registration and the licensing of drivers consistent with the objectives of road safety;

(iii) promoting safe road user behaviour and vehicle safety;

(iv) devising, initiating, and implementing measures for the co-ordination, improvement and economic operation of passenger transport and goods transport by road;

(v) implementing effective planning and licensing regimes so as to ensure, so far as is practicable, that the provision of road transport passenger services are adequate to meet the requirements of the public;

(vi) developing and implementing traffic management strategies and practices consistent with the needs of road users and the objectives of road safety; and

(vii) developing and implementing enforcement strategies in consultation with the Commissioner of Police consistent with road safety and road infrastructure protection objectives;

(e) to consult, liaise with and involve road users and relevant representative associations in all aspects of the Authority's functions;

(f) to maintain the National Road Account and expend monies from it, in accordance with the provisions of this Act and any other law which applies to the Authority;

(g) to do anything incidental or conducive to the performance of any of the preceding functions.

(2) In addition to the functions conferred on it by subsection (1), the Authority may in the case of an emergency and subject to any directions given to it by the Minister under section 7, enter into a contract with any person for the carrying on and maintenance of any road transport infrastructure or service, and for the purpose of meeting a particular emergency.

**6. Powers of the Authority** - The Authority may, subject to this Act and to any directions given to it by the Minister under section 7:

(a) regulate and control all or any means of land transport in accordance with any Act under which it exercises authority, and any regulations made under this Act;

(b) do all acts, matters and things as it considers necessary, expedient or desirable for discharging its functions relating to planning, designing, supervising, constructing and maintaining national roads and land transport infrastructure throughout Samoa;

(c) take such steps and to do all such acts, matters, and things as it considers necessary, expedient or desirable for discharging its functions relating to road use management in Samoa, including:

(i) the inspection of vehicles;

- (ii) controlling or prohibiting the use of vehicles which are considered to be in breach of applicable standards or requirements, or which are in any way unsafe to users of the vehicle or the general public;
- (iii) the maintenance and management of registers;
- (iv) the formulation and implementation of road safety campaigns, and the involvement of agencies, businesses, representative bodies and the general community in relation to such campaigns;
- (v) undertaking or commissioning relevant studies and surveys;
- (vi) the effective enforcement of road use laws by any lawful means;
- (d) appoint in writing authorised inspectors and officers for all or particular purposes of this Act; and
- (e) develop, approve, publish and implement codes of practice stating guidelines or standards which the Authority applies to any aspect of its functions under this Act;
- (f) do all things necessary or convenient to be done for or in connection with, or incidental to, the exercise of its powers or the performance of its functions under this Act, or any other Act which vests powers or responsibilities in the Authority.

**7. Powers of the Minister-**(1) In the exercise of its powers and functions under this Act, the Authority shall act in accordance with any general or specific policy direction communicated to it by the Minister.

(2) The Minister may cause an investigation to be made into any matter connected with the functions of the Authority.

(3) For the purposes of an investigation made under subsection (2), the Minister may require the production of any papers, books or documents relevant to the matter under inquiry, and may require any person to state matters that are within his or her knowledge that are relevant to the investigation.

(4) Any person who fails to comply with a requirement made under subsection (3) commits an offence, and is liable to a fine not exceeding 50 penalty units or to term of imprisonment not exceeding 6 months or both.

(5) All information obtained by the Minister pursuant to subsection (3) shall be treated as confidential except for the purpose of addressing any need to rectify any matter of administration within the Authority.

**8. The Board of Directors of the Authority-**(1) The Board of the Authority shall consist of 6 directors, comprising:

- (a) 3 directors to represent the interests of the commercial sector and road users;
- (b) 2 directors to represent the interests of government; and

(c) the Chief Executive Officer, who shall have no voting rights.

(2) The directors referred to in paragraphs (1)(a) and (b) shall be appointed by Cabinet acting on the advice of the Minister.

(3) The directors referred to in paragraphs (1)(a) and (b) shall be:

(a) appointed for a period not exceeding 3 years; and

(b) are eligible for reappointment; and

(c) may resign by notice in writing to the Minister.

(4) Before advising the Cabinet for the purposes of subsection (2) the Minister shall:

(a) consult with the Institute of Professional Engineers of Samoa, the Chamber of Commerce and any other appropriate body that the Minister considers to have an interest in the management of land transport in Samoa; and

(b) ensure that at least two directors can effectively supervise the Authority in relation to matters of financial management and good business practice.

(5) The Minister shall appoint one of the directors referred to in paragraphs (1)(a) and (b) to be Chairperson of the Authority.

**9. Meetings of the Authority-**(1) The Chairperson of the Authority shall preside at all meetings of the Authority, but if the Chairperson is absent the directors present may appoint one of them to preside.

(2) The Chairperson or other director presiding at a meeting of the Authority has a deliberative vote, and in the event of an equality of votes shall have a second or casting vote.

(3) Four directors constitute a quorum at any meeting of the Authority.

(4) Subject to this Act, the Authority may regulate its own procedures.

(5) Minutes must be kept of all meeting of the Authority, including any committee formed by the Authority, and such minutes shall be transcribed by or under the direction of the Chief Executive to form a permanent record of such meetings.

**10. Directors' remuneration** - A director of the Authority shall be paid from the funds of the Authority, such remuneration and allowances as are approved by Cabinet from time to time for members and directors of government Boards.

**11. Removal of directors-**(1) The Minister may revoke the appointment of the Chairperson of the Authority or of any director other than the Chief Executive Officer, if the Minister is satisfied that the Chairperson or a director:



- (a) has become permanently incapable of carrying out the duties of the office;
- (b) is guilty of misconduct in the performance of the duties of the office;
- (c) has, without the leave of the Authority, been absent from 3 or more consecutive meetings of the Authority;
- (d) has been declared bankrupt; or
- (e) has been convicted of an offence involving dishonesty or which is of such a nature or seriousness that renders it inappropriate, in the opinion of the Minister for the director to continue to hold the office.

(2) Without limiting the generality of paragraph (1)(b), a director is deemed to be guilty of misconduct in the performance of the director's duties if:

- (a) the director knowingly votes on any matter before the Authority in which the director has, directly or indirectly, a pecuniary interest; or
  - (b) takes part in, or is present at the discussion of any such matter before the Authority without disclosing a pecuniary interest to the directors of the Authority.
- (3) In the case of persons who are married or living together in a de-facto relationship a pecuniary interest of one partner is, unless proved to be unknown to the other partner, deemed for the purpose of this section to be also a pecuniary interest of that other partner.

**12. Authority may delegate-**(1) The Authority may by instrument in writing delegate to a person specified in the instrument the performance of such of its functions and powers under this Act or any other Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation.

(2) A function or power, the performance or exercise of which has been delegated under this section, may, while the delegation remains in force be performed or exercised from time to time in accordance with its terms.

(3) A delegation under this section may be made subject to such conditions or limitations as to the performance or exercise of any of the functions or powers delegated, or as to time or circumstances, as are specified in the instrument.

(4) Notwithstanding any delegation under this section, the Authority may continue to perform or exercise all or any of the functions or powers delegated.

(5) Any act or omission done by or to a delegate while acting in the exercise of a delegation under this section shall have the same force and effect as if the act or thing had been done by or to the Authority, and shall be deemed to have been done by or to the Authority.

(6) An instrument purporting to be signed by a delegate of the Authority in his or her capacity as such a delegate shall in all courts or tribunals be received in evidence as if it were an instrument executed by the Authority and, until the contrary is proved, shall be deemed to be an instrument signed by a delegate of the Authority under this section.

(7) Notwithstanding subsection (1) the Authority shall not delegate a power in such a way as to be contrary to the provisions of this law or any regulation dealing with:

- (a) the licensing of drivers; or
- (b) the registration of any class of vehicle.

(8) If a person is aggrieved by a decision made by a person to whom a power has been delegated under subsection (1), the aggrieved person may, by notice in writing addressed to the Authority, require the Authority to reconsider the decision of its delegate and the Authority may either confirm or reverse the decision of its delegate.

**13. Official seal of the Authority-**(1) A court or tribunal shall take judicial notice of the official seal of the Authority that has been affixed to a document and shall, unless the contrary is proved, presume that the seal was properly affixed.

(2) The common seal of the Authority shall not be affixed unless it is done in accordance with a resolution of the Authority and in the presence of either the Chairperson or the Chief Executive Officer, and one director, and the affixing is to be authenticated by their signatures.

(3) All documents to which the Authority is a party, other than those required by law to be under seal, may be signed on behalf of the Authority by either the Chairperson or the Chief Executive Officer or by a director or employee of the Authority generally or specially authorised by a resolution passed at a meeting of the Authority.

### **Part 3 – Management of the authority**

**14. Chief Executive Officer-**(1) There shall be a Chief Executive Officer of the Authority who is to be appointed by the Authority for a period of not less than 3 years, and is entitled to remuneration as determined by the Authority, after consulting the Public Service Commission.

(2) The Chief Executive Officer shall devote the whole of his or her services to the Authority and shall not occupy any other office or employment, whether remunerated or not, except that he or she may act as a director of any Board, Committee or Commission established by the Government.

(3) The Authority may revoke the appointment of the Chief Executive Officer:

- (a) on any of the grounds stated in subsection 11(1); or
- (b) if the Chief Executive Office fails to comply with the any of terms and conditions of his or her appointment, or any lawful direction given by the Board of Directors.

**15. Responsibilities of Chief Executive Officer-**(1) The Chief Executive Officer is responsible

to the Authority for the management of the Authority and the execution of its functions in accordance with any direction given by the Board of Directors.

(2) Subject to the provisions of this Act and any resolution passed at a meeting of the Board of Directors, the Chief Executive Officer may do all things necessary or convenient to be done in connection with the performance of his or her duties.

(3) The Chief Executive Officer shall make a report at each meeting of the Board of Directors in relation to:

(a) all contracts or agreements entered into by or on behalf of the Authority since the previous meeting of the Board of Directors;

(b) the financial affairs of the Authority;

(c) any other matter in respect of which the Board of Directors requires the Chief Executive Officer to submit a report.

(4) Where the Chief Executive Officer is prevented by illness, absence or other similar cause from performing his or her duties, or when the office of Chief Executive Officer is vacant, the Board of Directors may appoint one or more of the Authority's officers to perform those duties.

**16. Appointment of staff-**(1) The Board of Directors may:

(a) appoint and employ persons in addition to the Chief Executive Officer, subject to terms and conditions necessary for the proper carrying out of the provisions of this Act;

(b) delegate to the Chief Executive Officer the power to make any appointment in accordance with paragraph (a); and

(c) fix the remuneration and allowances of persons employed by the Authority.

(2) The Authority may enter into an agreement with the Public Service Commission to provide for the secondment of employees to the service of the Authority, on such terms and conditions as may be specified in the agreement.

(3) A person employed by the Authority shall at all times while performing his or her duties carry an identity card in a form determined by the Authority and signed by that person and the Chief Executive Officer.

(4) The Authority may dismiss any employee who acquires any direct or indirect interest or share in any contract with or on behalf of the Authority.

(5) When performing any functions under this Act, an authorised officer must carry a written authorisation from the Authority, and produce it when requested to do so.

**17. Police officers to assist** - A police officers shall, subject to the directions of the Commissioner of Police, aid and assist the Authority in the performance of its functions and the

exercise of its powers under this Act when requested to do so by an employee of the Authority.

**18. Protection against personal liability** - A person who is or has been:

- (a) a Chairperson, director or employee of the Authority; or
- (b) a police officer assisting the Authority in accordance with section 17,

shall not in the exercise of a power or the discharge of a duty under this Act be personally liable for any civil or criminal proceedings for an act or omission done honestly and without negligence for this Act.

#### **Part 4 – Funds, Accounts and Assets of the authority**

**19. Funds and Resources of the Authority**-(1) The funds of the Authority shall consist of:

- (a) any property, investments, mortgages and debentures, acquired by or vested in the Authority, and any money earned or arising therefrom; and
- (b) fees paid to the Authority under this Act;
- (c) money borrowed by the Authority for the purpose of meeting any of its obligations or discharging any of its functions; and
- (d) all money appropriated by Parliament to the Authority; and
- (e) levies and fees imposed on road users by the Authority in accordance with regulations made under this Act including:
  - (i) levies on fuel;
  - (ii) licence fees for particular classes of vehicles;
  - (iii) levies on road users; and
- (f) all other money or property which may in any manner become payable to or vested in the Authority in respect of any matter arising from the exercise of its powers and duties.

(2) The Authority may invest moneys standing to the credit of the Authority in accordance with the law for the time being in force in Samoa.

**20. Borrowing powers**-(1) Subject to the subsections (2) and (3), the Authority may borrow sums required by it for meeting any of its duties or discharging any of its functions.

(2) The power of the Authority to borrow can only be exercised with the written approval of the Minister of Finance but no such approval is required in respect of any loan not exceeding \$500,000 obtained from a bank which is licensed in Samoa.

(3) An approval given for the purposes of subsection (2) may be either general or limited to a

particular borrowing or otherwise, and may be conditional or unconditional.

(4) The repayment of any money borrowed or loan raised under this section and the payment of interest thereon may be secured by mortgage, debenture or other charge upon the assets of the Authority.

**21. Payments by the Authority** - The Authority may from its funds and resources:

- (a) pay any expenses lawfully incurred by it, including legal, survey and other fees and costs;
- (b) pay any other expenses, costs or expenditures properly incurred or accepted by it in pursuance of its purposes under this Act.

**22. Financial year** - The financial year of the Authority is from 1 July to 30 June.

**23. Estimates of expenditure and the National Road Plan**-(1) The Authority shall on or before 31 March in every year submit to the Minister for approval an estimate of the expenditure which the Authority expects to incur in the discharge of its functions during the next financial year.

(2) The Authority may at any time during the financial year for which an estimate has been approved cause a revised or supplementary estimate to be prepared and approved.

(3) The estimates submitted each year in accordance with this section shall include a National Road Program detailing proposed expenditures for the next financial year for the national road network, and the program shall cover all proposed works and programs relating to:

- (a) routine maintenance of national roads;
- (b) periodic maintenance of national roads;
- (c) the development of national roads and the conversion of status of local roads to national roads;
- (d) minor works to national roads and land transport infrastructure;
- (e) road safety programs and initiatives;
- (f) the formulation of strategies and the implementation of studies;
- (g) emergency works;
- (h) maintenance of property belonging to the Authority, or for which the Authority is responsible;
- (i) relevant aspects of the administration of the Authority; and
- (j) the performance by the Authority of community service obligations.

(4) For each of its components, the format of the National Road Program shall comprise:

- (a) performance goals and indicators for the next financial year, which shall:

- (i) state the core purpose or purposes of each output;
  - (ii) express goals and indicators in an objective and quantifiable manner;
  - (iii) represent key output characteristics and attributes;
  - (iv) inform stakeholders of the anticipated level of achievement; and
  - (v) ensure regular reporting of progress against the designated performance indicators; and
- (b) a description of the operational processes, skills and technology, human resources, information and financial resources that are required to meet the stated performance goals; and
- (c) a description of the means by which the Authority shall verify and validate the attainment of the stated performance goals.

**24. Accounts and audits-**(1) The Authority shall keep accounts of its transactions in accordance with the requirements of applicable laws and such accounts shall be audited annually by an auditor appointed by the Authority.

(2) A copy of the audited accounts shall be provided to the Minister as soon as practicable after the audit of them is complete.

**25. Annual Report-**(1) The Authority shall, as soon as practicable after the end of each financial year but not later than 30 October, furnish to the Minister a report on the operations, business and affairs of the Authority in respect of that financial year and a copy of the statement of accounts for that financial year required to be submitted to the Minister under section 24.

(2) The Minister shall cause the report received under subsection (1) to be laid before the Parliament within 30 days of its receipt, or as soon as is practicable.

## **Part 5 – Administration of Land Transport matters**

**26. Delivery of notices and other documents-**(1) For the purpose of delivering notices and similar documents under this Act it shall be sufficient for the Authority or any other person to arrange for the documents to be delivered by registered mail to the address of a person or company shown in the records of the Authority, or as may otherwise be reasonably determined by the Authority or any other person.

(2) In addition to the provisions of subsection (1), the Authority may arrange for the delivery of a notice or similar documents by hand by a police or authorised officer and the certification of such officer shall be sufficient evidence of such delivery.

**27. Prescribed fees payable-**(1) A prescribed fee is to be paid in advance to the Authority when:

- (a) considering an application; or
- (b) issuing any licence, registration, certificate, permit, label, plate, or marks; or

- (c) transferring any licence, registration, permit or certificate; or
- (d) changing any record; or
- (e) otherwise carrying out its obligations under this Act.

(2) Where, in respect of matters specified in subsection (1), a prescribed fee is paid by means of a cheque which is subsequently dishonoured the purported grant of any matter specified under subsection (1) is void and the person is liable to the relevant offence under this Act as if that matter had not been granted.

**28. Authority may seek further information** - The Authority may, in considering an application made to it under this Act, if circumstances warrant, seek further information from the Police or any other body or person for the purposes of determining the application.

**29. Power to approve forms**-(1) The Authority, with the approval of the Minister, may approve forms, certificates, permits, labels, plates or marks which may be issued under this Act.

(2) Any document issued by the Authority under subsection (1) may be marked with the words "Confidential – for use only as authorised by the Authority" in which case any person who uses the form without the consent and approval of the Authority commits an offence and is liable on conviction to a fine not exceeding 10 penalty units.

**30. Codes of practice**-(1) The Authority shall establish codes of practice which specify the procedures, standards and other criteria which the Authority will use in considering applications and conducting tests and inspections.

(2) The Authority shall make available to the public those codes of practice or parts of them which it considers appropriate for the purpose of providing information which may be of assistance in preparing and submitting applications and otherwise understanding the procedures and criteria used by the Authority in considering applications and conducting tests and inspections.

(3) The Authority, with the approval of the Minister, may issue codes of standards relating to the driving or use of vehicles or the use of public streets, a breach of which may be taken into account whenever the question of negligence in the use of a public street or dangerous, careless or reckless driving arises.

**31. Notification of change of name, address, etc.**-(1) A person who owns or is in possession of a motor vehicle or is a holder of any licence, permit or certificate issued pursuant to this Act, shall notify the Authority within 14 days of any change which may affect the records of the Authority with regards to:

- (a) the person's name;
- (b) the person's residential or other address;
- (c) the person's employment or business; or

(d) any other detail requiring notification to be given to the Authority pursuant to this Act.

(2) Notification of any change under subsection (1) shall be made to the Authority:

(a) on the approved form; and

(b) accompanied by the prescribed fee; and

(c) accompanied by the relevant licence, certificate or permit.

(3) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding 20 penalty units.

**32. Records-**(1) The particulars of the registration of vehicles, of drivers' licences and of any other licence or permit and any other particulars prescribed by this Act, shall be recorded by an appropriate officer of the Authority.

(2) Any extract from, or copy of, an entry contained in a record kept under subsection (1), certified under the hand of the officer in charge of it, shall be received as evidence in any proceedings (whether under this Act or otherwise), and deemed sufficient proof of all particulars contained in such entry, without requiring the production of the record, or any licence, notice, or other document upon which the entry was founded.

## **Part 6 – Road Use Management Function**

**33. The Authority as the Principal Licensing Authority** - Notwithstanding any previous appointment under the Road Traffic Ordinance 1960 the Authority is hereby appointed as the Principal Licensing Authority under the Road Traffic Ordinance 1960.

**34. Transfer of staff and assets of the Transport Control Board-**(1) The Transport Control Board is dissolved.

(2) All staff and property of the Transport Control Board and all files and records maintained by the Transport Control Board shall be transferred to the Authority.

**35. Transitional arrangements relating to road use management-**(1) All licences issued and registrations approved by the Transport Control Board in accordance with the Road Traffic Ordinance 1960 and which are current as at the commencement of this Act, are deemed to have been duly made by the Authority and shall be valid for the remainder of their term.

(2) The enforcement of regulations made under the Road Traffic Ordinance 1960 shall become the responsibility of the Authority.

(3) Section 11 and subsection 19(2) of the Road Traffic Ordinance 1960 are amended by the addition at the end of each provision of the following words "unless specified otherwise by



regulations made under section 36 of the Land Transport Authority Act."

**36. Regulations relating to road use management-**(1) The Head of State acting on the advice of Cabinet may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), regulations may be made for the purposes of:

- (a) providing for vehicle standards, and regulate any modifications to vehicles; and
- (b) providing for arrangements for the registration of vehicles, including:
  - (i) setting the period for which registration shall be effective, the date or dates at which renewal of registration must be effected and any other matter related to requirements for periodic renewal of registration; and
  - (ii) identifying classes of vehicles, and making particular provision in relation to their registration and use, including restrictions, prohibitions and specific fees which may be applied in relation to them; and
  - (iii) the testing and inspection of vehicles and exemptions from any requirement relating to the testing and inspection of vehicles; and
  - (iv) authorising certain persons or businesses possessing necessary qualifications and meeting specified standards to undertake vehicle testing and inspections; and
- (c) setting fees for testing, inspection and registration; and
- (d) exempting certain vehicles from the requirement to be registered in certain circumstances; and
- (e) recalling vehicles for inspections, testing or modification to meet certain safety standards; and
- (f) providing for arrangements for the licensing of drivers; and
- (g) requiring permits to learn to drive and other matters related to driver instruction; and
- (h) requiring probationary licences to be held and any restrictions which may be applied to driving whilst being required to hold such licences; and
- (i) testing drivers for any class of licence, by written or computer administered test and assessment of driving ability; and
- (j) setting conditions to be applied to certain drivers, including those relating to the age of drivers, the eyesight of drivers and any other matter which may affect the ability of a person to drive in safe manner; and
- (k) prescribing offences relating to the registration of vehicles, the licensing of drivers and any matter relating to the use of vehicles and the promotion of safety on national roads, and prescribing penalties for such offence being terms of imprisonment not exceeding 2 years, and fines not exceeding 100 penalty units, or both.

(3) Regulations made under this Act may amend or repeal any regulations made under the Road Traffic Ordinance 1960.

## **Part 7 – Road Safety Programs**

**37. Road Safety Committee-**(1) The Cabinet may appoint members to a Road Safety Committee to be part of the Ministry and which may include representatives of –

- (a) the Authority;
- (b) the Ministry of Education;
- (c) the Police Service;
- (d) the Accident Compensation Corporation constituted under the Accident Compensation Act 1989;
- (e) the Chamber of Commerce;
- (f) relevant non-government organisations; and
- (g) any other Ministry, organization or agency which the Minister considers appropriate.

(2) The members appointed under subsection (1) shall hold office in accordance with any terms and conditions approved by the Cabinet.

(3) Each member of the Road Safety Committee shall be paid from the funds of the Ministry, such remuneration and allowances as are approved by Cabinet from time to time for members of government Boards and Committees.

**38. Functions of the Road Safety Committee-**(1) The Road Safety Committee may:

- (a) develop and approve programs of education and public awareness related to issues of road safety;
- (b) authorise official initiatives aimed at educating drivers and promoting safe driving practices;
- (c) solicit support from non-government organizations, both within Samoa and in other countries, for the conduct of road safety programs and the raising of public awareness about of road safety and the safe use of roadways and land transport infrastructure; and
- (d) do any other act or participate in any other activity approved by the Authority or the Minister, or as provided in any law.

(2) The Road Safety Committee shall report at least twice every year on its activities and proposed activities to the Authority and the Minister.

(3) Subject to any directions given by the Board of Directors, the Chief Executive Officer may

allocate staff and other resources of the Authority to assist the work of the Road Safety Committee, and to implement the approved programs and initiatives.

## **Part 8 – Road Operations Functions**

**39. Authority responsible for national roads and infrastructure** – The Authority is responsible for the construction, maintenance and management of all national roads, road reserves and land transport infrastructure.

**40. Designation of national roads**-(1) The Authority may designate any local road to be a national road, and a notice of such a designation shall be published in the Savali.

(2) All roads designated as national roads under section 39 of the [Ministry of Works Act 2002](#) prior to the commencement of this Act shall be deemed to be national roads designated in accordance with this section.

(3) The effect of a road being designated as a national road under this section is that –

(a) the Authority shall be regarded as being responsible for the construction or maintenance of the road; and

(b) once designated, all persons shall have a right to use the roadway, subject to any restrictions imposed by this Act or any other law; and

(c) the road shall be listed on a register of national roads and land transport infrastructure maintained by the Authority; and

(d) the Authority may designate bus stops along the road or road reserve, and place bus stops at those locations.

**41. Road Reserves**-(1) Subject to subsection (2), the area along the length of a national road being 11 metres on each side of the centre points of the carriageway shall be deemed to be a road reserve for the purposes of this Act.

(2) Where a surveyed boundary of privately owned land adjoining a national road is within the 11 metre area on either side of the centre point of the carriageway, the road reserve shall extend only up to the line of that boundary.

(3) All road reserves in existence at the commencement of this Act by virtue of section 39 of the [Ministry of Works Act 2002](#) shall continue to have the status of a road reserve for the purposes of this Act, and all acts taken in relation to those road reserves prior to the commencement of this Act shall be deemed to have been lawfully taken under the authority of this Act.

**42. Roads ceasing to be national roads**-(1) The Authority may by written determination published in the Savali, declare that any national road shall cease to be a national road as from the date of the determination or from any other specified date.

(2) In a case where the Authority determines that the road has become a danger to the public the determination made under subsection (1) shall be sufficient to deem the road as having been closed.

(3) In any other case, the Authority shall notify the Chief Executive Officer of the Ministry of Natural Resources, Environment and Meteorology of any determination made under subsection (1) and action can then be taken, if appropriate, under Part IV of the Taking of Land Act 1964 for the road to be closed.

**43. Regulations relating to national roads** - Regulations may be made:

(a) varying the dimensions of the road reserves, either generally or in relation to any specific road;

(b) to classify roads, and to vary the area of a road reserve applying to any category of road;

(c) to prescribe the uses which may, and may not, be made of road reserves;

(d) to otherwise regulate the use of road reserves;

(e) to prescribe means by which disputes over the existence of road reserves, or by competing users of road reserves, may be resolved;

(f) to regulate the parking of vehicles, the designation and management of areas for the parking of vehicles and the collection of fees for parking vehicles; and

(g) to prescribe offences relating to the parking of vehicle.

**44. Designating other infrastructure to be public assets**-(1) The Authority may by written determinations published in the Savali, designate land transport infrastructure to be public assets to be managed and regulated by the Authority.

(2) Regulations may be made prescribing any matter relating to the management, regulation or use of any land transport infrastructure which has been designated as a public asset in accordance with subsection (1) and any consequence of designating such infrastructure to be public assets.

**45. Identifying lands required for roads and infrastructure**-(1) The Authority may make written determinations published in the Savali, specifying areas of land required for road development or for the construction or development of other land transport infrastructure.

(2) The Chief Executive Officer shall promptly notify the Chief Executive Officer of the Ministry of Natural Resources, Environment and Meteorology of any determination made under subsection (1) so that any required action can be taken under the Taking of Land Act 1964.

(3) The Authority and the Ministry of Natural Resources, Environment and Meteorology may agree that the Authority shall take responsibility, in accordance with agreed protocols, for any aspect of the process for taking lands required for the purposes of the Authority, including matters such as land survey, negotiating with landowners, determining and paying compensation and any other appropriate matter.

(4) Sections 14, 14A, 15 and 15A of the Taking of Land Act 1964 (insofar as they relate to objections) shall not apply to any land to which subsection (1) applies.

**46. Restrictions on using areas required for roads etc.**-(1) No person, without the prior written consent of the Authority, may erect, alter or extend any building or structure on land to which subsection 45(1) applies, or otherwise effect any development of such an area.

(2) In granting a consent under subsection (1), the Authority may impose conditions in relation to the approved activity.

(3) No compensation shall be payable in respect of any building erected on an area to which subsection 45(1) applies after the commencement of this Act, or in respect of any alteration or extension made after the commencement of this Act.

**47. Right of entry for road or other development purposes**-(1) Notwithstanding that any action under subsection 45(2) remains incomplete, the Authority may at any time authorise any person to enter upon land to which subsection 45(1) applies for the purpose of carrying out any development work, or for any related purpose.

(2) A person who obstructs any person authorised under subsection (1) commits an offence, and is liable to a fine not exceeding 20 penalty units, and to a further fine not exceeding 10 penalty units for each day during which the obstruction continues.

**48. Compensation**-(1) Regulations may be made prescribing the payment or assessment of compensation to be paid as a result of any land being acquired for the purposes of this Part or in respect of any right to compensation that might otherwise arise as a result of the operation of any provision of this Part.

(2) Regulations made under subsection (1) shall relate specifically to the compensation implications of road development or the development of other land transport infrastructure and shall apply in that regard notwithstanding that they may conflict with any general provision of Part III of the Taking of Land Act 1964.

(3) The Minister may, after consultation with the Minister responsible for Agriculture and the Minister responsible for Internal Affairs, approve a scale of compensation to be paid in relation to the destruction of any plants or crops caused due to road development or the development of other public assets to which this Act applies.

(4) No action may be maintained in any court for compensation relating to the destruction or removal of plants and crops which exceeds the amount prescribed in the scale of compensation approved under subsection (3) as it applies at the relevant time.

**49. Quarries and gravel pits**-(1) Where the Authority undertakes the development of roads or other land transport infrastructure and there is a need to extract gravel and stone for that purpose, the Chief Executive Officer shall notify the Chief Executive Officer of the Ministry of Natural

Resources, Environment and Meteorology of the need to take action under the Taking of Land Act 1964 for this purpose.

(2) Once notification has been given under subsection (1), the Chief Executive Officer may exercise the powers given to the Minister in subsection 11(1) of the Taking of Land Act 1964.

(3) The powers exercisable by the Chief Executive Officer under subsection (2) shall be subject to the same restrictions and rights to compensation, as those applying to the powers of the Minister under section 11 of the Taking of Land Act 1964.

## **Part 9 – Management of National Roads**

**50. Requirement to clear areas near roads-**(1) Every owner of land having frontage to a national road shall keep the grass on his or her road frontage cut short, and keep it clear of weeds and prune or remove plants or trees that may cause a safety hazard to persons using the road.

(2) The Chief Executive Officer may cause notice to be served on any owner of land requiring that subsection (1) be complied with within the time specified in the notice.

(3) Notice may be served for the purposes of this section by:

(a) delivering it to the person named in it, or to any adult person residing on the land to which it relates; or

(b) affixing it in a conspicuous place on the land to which it relates.

(4) Every owner of land who fails to comply with a notice given under this section commits an offence and is liable to a fine not exceeding 5 penalty units.

(5) If an owner fails to comply with a notice given under this section, the Chief Executive Officer may arrange for the grass to be cut and for the weeds to be cleared or plants and trees to be pruned or removed, and all costs incurred in so doing shall be recoverable from the owner, or any co-owner.

(6) The costs referred to in subsection (5) shall be the costs fixed by the Chief Executive Officer and may be recovered pursuant to an order of the court given at the time of any prosecution taken under subsection (4).

**51. Construction of road crossings for access purposes-**(1) Every owner of land where a national road adjoins a boundary of the land shall construct and maintain at his or her cost all road crossings leading from the land to the national road.

(2) All road crossings shall be constructed in permanent materials and shall be maintained to the satisfaction of the Chief Executive Officer, whose prior approval as to design and construction shall be obtained before any road crossing is constructed or re-constructed.

(3) The Chief Executive Officer may cause notice to be served on any owner of land requiring that a road crossing be repaired or reconstructed:

- (a) within the time specified in the notice; and
- (b) in accordance with the design or construction requirements determined by the Chief Executive Officer.

(4) Notice may be served for the purposes of this section by:

- (a) delivering it to the person named in it, or to any adult person residing on the land to which it relates; or
- (b) affixing it in a conspicuous place on the land to which it relates.

(5) The Chief Executive Officer may cause any road crossing to be demolished if it is constructed in a manner that does not comply with this section or if it is allowed to deteriorate to a state that is not acceptable to the Chief Executive Officer.

(6) The Chief Executive Officer, or any engineer, officer or appointed agent of the Authority, may at all reasonable times after the giving of at least 3 days prior notice, enter upon any land for the purpose of making an inspection of any road crossing, or to demolish any road crossing in accordance with subsection (5).

(7) A person who –

- (a) fails to construct or maintain a road crossing in accordance with this section; or
- (b) constructs or reconstructs a road crossing without the approval of the Chief Executive Officer, or in a manner that is not consistent with the approval given; or
- (c) fails to comply with a notice given under subsection (3), or any requirement of the notice; or
- (d) obstructs the Chief Executive Officer, or any engineer, officer or appointed agent of the Authority when inspecting a road crossing or demolishing a road crossing in accordance with subsection (5); or
- (e) wilfully destroys or damages a road crossing, otherwise than as required by this section,

commits an offence, and is liable to a fine not exceeding 10 penalty units.

**52. Powers of the Authority in relation to the use of roads, road reserves, bridges etc.-(1)**  
Notwithstanding the provision of any other law, the Chief Executive Officer may:

- (a) restrict or prohibit the use by any vehicle or class of vehicle on any road under construction or repair; or

- (b) place restrictions on the speed that any vehicle may travel in any designated area where a road is under construction or repair; or
- (c) place any other restrictions relating to an area of road under construction or repair that may be necessary to ensure the safety of road users or persons involved with the construction or repair of the road; or
- (d) place restrictions on vehicle access from private lands on to roads at points where access, either generally or at specific times, may adversely affect the flow of traffic on the road or create any danger to any person; or
- (e) place restrictions on the use of a road reserve, and order the removal of any structure or thing on a road reserve which endangers public safety or impedes the proper management of the road reserve; or
- (f) approve the use of any road reserve, including for the provision of utility services, subject to any conditions, and withdraw any such approval on the grounds that public safety is endangered or that the proper management of the road reserve is impeded; or
- (g) order the removal of any tree or vegetation on a road reserve, or take action to remove trees and vegetation and recover the cost of doing so from the owner or person responsible for placing the tree or vegetation on the road reserve; or
- (h) limit the weight of any vehicle passing over a bridge or road; or
- (i) limit the speed of any vehicle approaching or passing over a bridge or road; or
- (j) prohibit vehicles from standing or passing on a bridge or road.

(2) For any purpose related to subsection (1), the Chief Executive Officer may cause to be placed an appropriate sign on a road way or an approach to a bridge, or cause to be published, as the Chief Executive Officer sees fit, a notice specifying the power that has been exercised under subsection (1).

**53. Offences relating to interfering with road surfaces, obstructing roads and bridges etc. -**

A person who except in the exercise of a lawful power:

- (a) fails to comply with any restriction, limitation or prohibition imposed under subsection 52(1);
- (b) wilfully obstructs any road, road reserve or bridge;
- (c) fails to remove an obstruction placed by that person or over which that person has control, to any road, road reserve or bridge when required to do so by the Chief Executive Officer;
- (d) uses any road reserve for any purpose that is not authorised by the Chief Executive Officer;
- (e) fails to comply with any condition imposed by the Chief Executive Officer in relation to any approval to use a road reserve;
- (f) interferes with the surface or lawful use of any road, the structure or soundness of any bridge or any part of the land transport infrastructure without the approval of the Chief Executive Officer; or



(g) interferes with any utilities located on or within any road reserve, commits an offence, and is liable to a fine not exceeding 25 penalty units.

**54. Regulations for the management of roads and land transport infrastructure-**(1) The Head of State acting on the advice of Cabinet may make regulations prescribing matters relating to the construction, maintenance or management of national roads (or any particular road) or to any other land transport infrastructure.

(2) Without limiting the generality of subsection (1), regulations may be made for the purposes of:

- (a) prescribing implications of designating a road to be a national road;
- (b) prescribing any other requirement relating to the clearing of road sides or the construction of access crossings from private land to national roads;
- (c) prescribing powers of the Chief Executive Officer relating to the use of roads, road reserves, bridges and other public assets to which this Act applies;
- (d) prescribing requirements (including the payment of fees or charges), restrictions or prohibitions applying to any road user or class of road user, including the use of heavy vehicles or any other vehicle or thing which may adversely affect a road, road reserve or bridge, or which may interfere with any other road user;
- (e) prescribing rent or charges for the use of the road reserve for utilities, the display of any advertisement boarding or any other proposed use;
- (f) prescribing offences related to a matter to which this Part applies; and

**55. Other powers of the Authority-**(1) In addition to the powers conferred by this Act, the Chief Executive Officer may exercise powers conferred under any other Act, to give approvals in respect of –

- (a) the opening of drains on road reserves;
- (b) the removal of surfaces of any public footpath or public place on a road reserve; and
- (c) the blasting of any rock, stone or timber in or near a public place.

(2) For the purposes of subsection (1), the Chief Executive Officer may:

- (a) approve the form of any application for an approval which the Chief Executive Officer is empowered to give;
- (b) fix any fee or charge to be paid in relation to an application for an approval, or for any approval; and
- (c) impose such conditions as the Chief Executive Officer sees fit in relation to the grant of any approval.

## Part 10 – Miscellaneous

**56. Disclosure and use of information-**(1) Subject to subsection (2), a person who is or has been a Chairperson of the Authority or director or employee of the Authority, shall not, directly or indirectly, disclose to any other person information obtained by the person in the exercise of any power conferred, or duty imposed, on the person by this Act, or by virtue of the person's employment under, or for the purposes of, this Act.

(2) Subsection (1) does not operate to prevent the disclosure of information if that disclosure:

- (a) is made in connection with the administration or execution of this Act;
- (b) was ordered by a court, or by any other body or person authorised by law to examine witnesses, in the course of the hearing or determination by that court, body, or person of any matter or thing; or
- (c) relates to a person, and was made with the approval in writing of that person.

(3) Where a person receives or obtains any information for the administration of this Act in the exercise of his or her functions, powers or duties, the person shall not use the information to his or her or any other person's benefit or advantage whether directly or indirectly.

(4) A person who contravenes subsection (1) or (3) commits an offence and is liable on conviction to a fine not exceeding 25 penalty units.

(5) In this section:

- (a) a reference to information includes a reference to the contents of a record; and
- (b) a reference to the disclosure of information includes a reference to the delivery or giving in whatever means to a person of that record or a copy of it or any part of it.

**57. Savings of contracts, permits, authorisations etc.**-(1) Nothing in this Act shall affect the validity of any contract made by the Ministry of Works relating to national roads or other land transport infrastructure, and all such contracts validly made and in force at the commencement date shall be deemed to have been made by the Authority in the place of the Ministry.

(2) All permits, authorisations and approvals given by the Ministry under Part V of the [Ministry of Works Act 2002](#) shall continue to have full force as if made by the Authority under the equivalent provision of this Act.

(3) All licences, permits, authorisations and approvals given by or under the authority of the Transport Control Board and which are valid and in force at the commencement date, shall continue to have full force for the remainder of their period of validity, as if given by the Authority in accordance with this Act.

(4) All legal proceedings commenced by the Ministry or the Transport Control Board shall continue as if taken by the Authority, and may be deemed by a court to have been taken under the equivalent provision of this Act.

**58. Regulations-**(1) The Head of State acting on the advice of Cabinet may make regulations prescribing matters:

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting the generality of subsection (1), regulations may be made for the purposes of:

- (a) further defining, adding to or deleting any of the principal functions of the Authority; and
- (b) modifying the definition of land transport infrastructure in section 2; and
- (c) prescribing the appointment, responsibilities and powers of any technical or advisory committee established as part of the Authority; and
- (d) prescribing matters related to the transfer of functions and property to the Authority; and
- (e) any other matter to facilitate the performance by the Authority of any of its functions and powers under this Act, or the discharge by the Chief Executive Officer of his or her powers and responsibilities; and
- (f) prescribing the powers, responsibilities and procedures of authorised inspectors and officers under this Act; and
- (g) prescribing matters of a savings or transitional nature, consequent on the repeal of legislation by this Act; and
- (h) prescribing penalties for the breach of any regulation, being fines not exceeding 50 penalty units.

**59. Repeals-**(1) Part V of the [Ministry of Works Act 2002](#) is repealed.

(2) The Notice of Appointment of Principal Licensing Authority under the Road Traffic Ordinance 1960 (2003) is repealed.

(3) The Road Transport and Traffic Control Act 1990 is repealed.

### **REVISION NOTES 2008**

This law has been generally edited as provided for by section 5 of the *Revision and Publication of Laws Act 2008*. The following general revisions have been made –

- (a) References to Western Samoa have been amended to Samoa in accordance with an amendment to the Constitution of Samoa in 1997.
- (b) All references to the male gender have been made gender neutral.
- (c) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (d) Amendments have been made to up-date references to offices, officers and statutes.
- (e) Other minor editing has been done in accordance with the lawful powers of the Attorney General.

There were no amendments made to this law since the publication of the *Western Samoa Statutes Reprint 1978-1996*.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

## REVISION NOTES 2008 No. 2

The general powers of the Attorney General under section 4 of the *Revision and Publication of Laws Act 2008* is used to insert the commencement date in this revision.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

**The [Land Transport Authority Act 2007](#) is administered  
by the Ministry of Works, Transport and Infrastructure.**

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