

**REPUBLIC OF KIRIBATI**  
(No. 5 of 2004)

I assent,

Beretitenti  
09/09/2004

**AN ACT TO AMEND THE TRAFFIC ACT 2002**

Commencement:  
2004

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

**Short title**

1. This Act may be cited as the Traffic (Amendment) Act 2004.

**Amendment of section 14**

2. Section 14 of the Traffic Act 2002 (hereinafter referred to as the principal Act) is amended -

- (a) in subsection (1) by deleting the full stop at the end and inserting the following words “and the volume of noise that motor vehicle may generate.”;
- (b) in subsection (2), by –
  - (i) inserting a new paragraph (d) as follows –

“(d) the volume of noise that may be generated from the bus;” and
  - (ii) renumbering the existing paragraph (d) as paragraph (e).

**Amendment of section 23**

3. Section 23 of the principal Act is amended in paragraph (c) by deleting the words “21 years” at the end and substituting the words “25 years”.

#### **Amendment of section 24**

4. Section 24 of the principal Act is amended in subsection (1) by –
- (a) adding a new paragraph (a) as follows –  
“(a) has passed a written examination for driving; and”; and
  - (b) renumbering the existing paragraphs “(a), (b) and (c)” as “(b), (c) and (d)”.

#### **Amendment of section 25**

5. Section 25 of the principal Act is amended in subsection (1) by –
- (a) adding a new paragraph (a) as follows –  
“(a) has passed a written examination for driving; and”; and
  - (b) renumbering the existing paragraphs “(a), (b), (c) and (d)” as “(b), (c), (d) and (e)”.

#### **Amendment of section 31**

6. Section 31 of the principal Act is amended in paragraph (c) by deleting the words “imprisonment for not more than 5 years” and substituting the words “is liable, on conviction, to imprisonment for life”.

#### **Amendment of section 38**

7. Section 38 of the principal Act is amended by inserting a new subsection (3) as follows -
- “(3) When a driver is in breach of the conditions referred to in section 14 (2) (d), he shall be liable, on conviction, to a fine of not more than \$500.”

## **TRAFFIC (AMENDMENT) ACT 2004**

### Explanatory Memorandum

Although the new Traffic Act 2002 is in force, it cannot be enforced satisfactorily if the necessary equipments and technical tools required for its implementation are not in place. Some examples are the speed gun, breathalyzer machines, and the forms for the police to use for on the spot fining of drivers.

But as the enforcement is being carried out several problems are now being encountered. One is in the area of noise. Some buses and trucks and cars are now playing their music using speakers that are meant for night clubs causing excessive noises and disturbing the public at large. The Councils have tried to assist with the enforcement of their Business Byelaws. However, that may assist to some extent to buses only. The right person to set conditions on the limit of noise and other factors is the Licensing Officers under the Traffic Act. The amendment to the relevant provisions as to the setting of conditions is now proposed in this Act to address such problems.

Another amendment is the age limit for the granting of licences to drivers of public transport which has been increased to 25 years. Additionally, a written examination need to be passed before any bus driver or a commercial vehicle driver can be issued with a driving licence for the said bus or a commercial vehicle.

The other amendment relates to the penalty for causing death by reckless driving. This is to correct the omission for the new Traffic Act which have reduced the penalty to imprisonment of 5 years. The amendment re-inserts the earlier position where the penalty is by imprisonment of up to life imprisonment.

Titabu Tabane  
Attorney General  
29 April 2004