



SAMOA

ROAD TRANSPORT REFORM ACT 2008

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ROAD TRANSPORT REFORM ACT 2008 2008, No.12

AN ACT to provide for the transition and change of motor vehicles in Samoa from left hand drive to right hand drive and consequential changes to the required position of all vehicles on the roadway from the right side of the road to the left side, and for related purposes.

[Assent date: 21 April 2008]

[Commencement date except for sections 4 to 7: 21 April 2008]

[Commencement date for sections 4 to 7: 7 September 2009]

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 Road Transport Reform Act 2008.

(2) Sections 4 to 7 come into force on a date nominated by the Minister in the latter half of 2009 or some other later date upon notice to that effect issued by the Minister.

(3) Except for sections 4 to 7, this Act comes into force on the date of assent by the Head of State.

2. Interpretation – In this Act, unless the context otherwise requires:

“centre Point of the roadway” means the point situated in the middle of a road dividing the road into 2, in the opposite directions whether or not the point is indicated by a painted line;

“Government” means the Government of Samoa;

“Land Transport Authority” means the Land Transport Authority established under the Land Transport Authority Act 2007;

“Minister” means the Minister responsible for transport.

3. Act binds Government – This Act binds the Government.

**PART 2
TRAFFIC TO BE ON THE LEFT HAND SIDE**

4. Vehicles to be driven on the left hand side – (1) The required position for all vehicles being driven, parked or otherwise used in Samoa under normal traffic conditions shall be to the left hand side of the centre point of the roadway.

(2) This section does not prevent a vehicle from crossing the centre point of a roadway and from entering the right hand side

of the roadway when steered, handled or managed in a lawful manner.

PART 3
CONSEQUENTIAL AMENDMENTS

5. Amendments to Road Traffic Regulations – (1) All regulations made under any law which make provision for the management and control of motor vehicles and for the position of steering columns is consistent with section 4.

(2) The regulations of the Road Traffic Regulations 1961 identified in Columns A and B of the Schedule is amended in the manner stated in Column C of that Schedule.

6. Amendments to Road Traffic Orders – (1) Clause 13 of the Road Traffic Orders 1994 and the Road Traffic Amendment Order 1997, No.3 are amended by deleting the word “left” wherever it appears and substituting it with the word “right”.

(2) The Road Traffic Amendment Order 1997 No.2 is amended by deleting the word “right” wherever it appears and substituting it with the word “left”.

7. Amendment to Road Traffic Regulations concerning Steering Columns – Regulation 21 of the Road Traffic Regulations 1961 is revoked and the following substituted:

“**21. Steering column – (1)** Subject to subregulation (2), no person shall operate a left hand drive motor vehicle having the steering column to the left of the longitudinal centre line of the body of the vehicle.

(2) Subregulation (1) does not apply to a motor vehicle that is in Samoa immediately before the coming into effect of any law prohibiting the importation of left hand drive vehicles.”.

8. Subsequent amendments to Regulations, Orders and Notices – Nothing in this Part prevents any of the Regulations, Orders and Notices amended by this Act from being amended in accordance with the powers and procedures by which they are amended.

PART 4
MISCELLANEOUS

9. Transition – Despite any other provision of this Act, all left hand drive vehicles in Samoa may continue to be used in a lawful manner after the date of commencement of sections 4 to 7.

10. Transitional enforcement of Act – (1) The Commissioner of Police may issue instructions applying to all enforcement officers that for a period of 3 months from the commencement of section 4 any person breaching a traffic law relating to that section may be issued with a warning and that no formal prosecution action may be taken against the offender.

(2) The instructions issued under this section may:

- (a) be determined not to apply to repeat offenders or offenders who commit other offences at the same time as an offence to which the section refers; and
- (b) be subject to any other process or procedure determined by the Commissioner of Police.

11. Non-liability of Government – The Government is not liable by reason of any provision of this Act for any injury, damage, or loss (including any claim for the diminution of value of any vehicle) which may occur to a person or property.

12. Speed Limits – (1) For the purposes of safety, the Land Transport Authority may vary the speed limits imposed in the Road Traffic Regulations 1961 by issuing a notice to that effect for a specified period of time in any area of Samoa.

(2) Upon the expiration of the notice issued in subsection (1), the speed limits in the Road Traffic Regulations 1961 before the notice was issued shall again apply unless amended in accordance with the powers and procedures by which they are amended.

13. Act prevails – (1) The provisions of any law relating to any matter provided for in this Act is read and applied subject to the provisions of this Act, and in the event of any inconsistency the provisions of this Act apply.

(2) No provision of any other law affects the validity of any provision of this Act, or any act taken under the authority of this Act.

(3) Any regulation, Notice or Order amended under this Act is taken to have been lawfully amended and has full force and effect.

14. Regulations – (1) The Head of State, acting on the advice of Cabinet, may make regulations prescribing matters necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) Without limiting subsection (1), regulations may be made in relation to the following:

- (a) the provision of safety for all users of road; and
- (b) the location and construction of all vehicles relating to exit and entry points for passengers; and
- (c) the requirement that persons seeking to be licensed to drive a vehicle undergo courses of training or instruction and provision of driving lessons for drivers and venues for such lessons; and
- (d) the provision of land or the implementation of other arrangements to dispose unwanted vehicles and the rules and requirements relating to such disposal; and
- (e) restriction or prohibition on types of vehicles to be used for public transport.

(3) A person found to be in breach of any regulations under this Act commits an offence and is liable upon conviction to a fine of not more than 10 penalty units or to imprisonment of not more than 6 months, or both.

SCHEDULE
Section 5

Column A	Column B	Column C
Regulation 25	Direction indicators and rear lights	Deleting the word “right” and replacing it with “left”

Regulation 69	Keeping to left	Deleting the word “right” wherever it appears and replacing it with “left”
Regulation 70	Overtaking	Deleting the word “left” wherever it appears and replacing it with “right”
Regulation 71 (2)	Overtaking	Deleting the word “right” and replacing it with “left”
Regulation 72	Turning at intersection	Repealing Regulation 72 and replacing it with the following: “Subject to the provisions of the next succeeding regulation, every driver of a motor vehicle or other vehicle, and every rider of a bicycle intending to turn at an intersection from any roadway into another roadway to his right shall, when approaching and turning give the appropriate driver’s signal to warn other drivers and riders. He shall then maintain his position to the left of the roadway out

		of which he is turning until he enters the intersection and shall then turn into the roadway into which he is entering as directly and quickly as he can with safety.
Regulation 73(a)	Turning	Deleting the word "left" wherever it appears and replacing it with "right"
Regulation 73(b)	Turning	Deleting the word "left" and replacing it with "right"
Regulation 73(c)	Turning	Deleting the word "right" and replacing it with "left"
Regulation 74(3)	Giving way	Deleting the word "right" and replacing it with "left"
Regulation 79(2)	Overtaking	Deleting the word "left" wherever it appears and replacing it with "right"

Regulation 82(1)(a)	Stopping and parking	Repealing Regulation 82 (1)(a) and replacing with the following: “Otherwise than parallel with the direction of the road, and with the left side of the vehicle as near as practicable to the edge of the kerb or road:
		[Provided that a vehicle may be parked with its right side as near as practicable to the edge of the kerb or road while it is being used for fire brigade purposes in attendance at a fire:]
Regulation 83 (3)	Keeping to left	Deleting the word “right” and replacing it with “left”
Regulation 83(4)	Keeping to left	Deleting the word “left” and replacing it with “right”
Regulation 83(6)	Keeping to left	Deleting the word “left” wherever it appears and replacing it with “right”
Regulation 86	Exits and entrances	Deleting the word “left” and replacing it with “right”

REVISION NOTES 2008 – 2019

This is the official version of this Act as at 31 December 2019.

This Act has been revised by the Legislative Drafting Division from 2008 – 2019 respectively under the authority of the Attorney General given under the *Revision and Publication of Laws Act 2008*.

The following general revisions have been made:

- (a) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa;
- (b) Amendments have been made to up-date references to offices, officers and statutes;
- (c) Insertion of the commencement date;
- (d) Other minor editing has been done in accordance with the lawful powers of the Attorney General;
 - (i) Present tense drafting style where appropriate:
 - “shall be” and “has been” changed to “is/are” or “is/are to be”;
 - “shall be deemed” changed to “is/are taken”
 - “shall have” changed to “has”;
 - (ii) Numbers in words changed to figures;
 - (iii) Removal of superfluous terms;
 - “the generality of”;
 - (iv) Removal of “and” from “and/or”.

There were no amendments made to this Act since its enactment.



Lemalu Hermann P. Retzlaff
Attorney General of Samoa

*This Act 2008 is administered by
the Land Transport Authority*
