

THE ROAD TRAFFIC ORDINANCE, 1921.

*Western Samoa.*

*No. 23, 1921.*



## An Ordinance

made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of the Samoa Constitution Order, 1920.

1. This Ordinance may be cited as the Road Traffic Ordinance, 1921.
2. Every person who drives any vehicle or rides any animal on any road or street shall
  - (1) except in crossing for some proper purpose keep such vehicle or animal as near as practicable to the right or off side of the road or street, and
  - (2) when meeting any other vehicle or animal keep on the right or off side of the road or street, and
  - (3) when passing any other vehicle or animal going in the same direction pass when practicable on the left or near side of such other vehicle or animal, and
  - (4) allow any person desirous so to do to pass, when practicable, on the left or near side of such vehicle or animal, and
  - (5) when on the right or off side of any road and intending to turn to the left to enter any other road, before turning continue across the intersection of the two roads until he reaches the right or off side of the road into which he is entering, and

- (6) when entering any road from the side give way to any vehicle passing along such road, and
  - (7) when intending to stop, draw as far as possible to his proper side of the road.
3. Everyone is liable to a fine of £10 who in any road, street or public place
- (a) Drives any vehicle between the hours of sunset and sunrise without such vehicle having a sufficient, brightly shining light on the left side of such vehicle and in such a position as to show both from the front and rear.
  - (b) Drives any vehicle drawn by an animal or rides any animal without having and using sufficient and strong reins and harness.
  - (c) Furiously or negligently or in a manner dangerous to the public drives or rides any vehicle or animal.
  - (d) Rides or drives any animal or vehicle round any corner at a speed of more than four miles per hour or over any bridge at a speed of more than five miles per hour.
  - (e) Willfully or negligently leaves any vehicle or animal or allows any vehicle or animal to stand so as to encumber or obstruct traffic.
  - (f) Leaves unattended or unsecured any animal or any vehicle drawn by an animal.
  - (g) Allows any vehicle to stand after sunset, without a sufficient light, to the danger of the public.
  - (h) Negligently fails to observe the rule of the road and directions as set out in clause 2 hereof.
  - (i) Drives any vehicle laden with goods or materials which project on either side more than five feet from the centre of such vehicle except on such conditions as to time and otherwise as the Commissioner of Police may direct.
  - (j) drives or allows to stand any vehicle with the curtain covering or awning thereof unfastened and liable to be flapped about by the wind so as to be likely to frighten horses.

#### LICENSING OF MOTOR VEHICLES.

4. Every person is liable to a fine of £20 who
- (a) uses or drives any motor vehicle unless such vehicle is licensed in manner hereinafter provided, or
  - (b) Drives any motor vehicle unless such person is a certificated driver or is a licensed driver, or is a learner accompanied by a licensed or certificated driver, driving in pursuance of a learner's permit issued by the Commissioner of Police.
  - (c) Drives any motor vehicle plying for hire unless such vehicle is licensed to ply for hire and unless such person is a licensed driver.
5. Every person desirous of obtaining or renewing any license or of obtaining a driver's certificate shall apply to the Commissioner of Police and shall
- (a) If the application be for a license to ply for hire produce the vehicle to be licensed as directed by the Commissioner and satisfy him that it is so constructed and equipped as to be proper and safe for public use, and

- (b) If the application be for a driver's certificate satisfy the Commissioner by a practical test and an oral examination that he is competent to drive the vehicle in respect of which the certificate is applied for, and
- (c) If the application be for a driver's license satisfy the Commissioner that in addition to the knowledge required for a driver's certificate he has a sufficient knowledge of the working of the engine and other apparatus of motor vehicles and of the speeds obtainable on different gears, that he is a reasonably good judge of speeds and distance, is over the age of 21 years, is of good character and physically fit, and has a sufficient knowledge of the provisions of this Ordinance.

6. The fees payable for licenses under this Ordinance shall be as set out in the 8th Schedule to the Taxation, Licensing and Revenue Ordinance, 1921, save that the fee for a driver's license shall be ten shillings, and the said Ordinance is hereby amended accordingly. No fee shall be payable for a driver's certificate. There shall be no exemption from license fee for a motor lorry on account of the same being used for agricultural or business purposes.

7. A license for a motor vehicle and a driver's license shall, unless cancelled or suspended, remain in force for one year from the date of issue. A driver's certificate shall remain in force continuously unless cancelled or suspended.

8. On the issue of any license for a motor vehicle, the Commissioner of Police shall cause to be issued to the owner two metal plates having painted thereon the licensed number of such vehicle in figures of such size and colour as the Commissioner of Police thinks fit, and the owner shall keep such plates so painted affixed one at the front and one at the rear of such vehicle, so as to be clearly visible and legible by day and so that the plate at the rear is clearly decipherable after dark by the light of the tail lamp at the distance of at least fifty yards.

9. On the issue of any driver's license the Commissioner of Police shall cause to be issued to the licensee an arm badge bearing his licensed number, and the licensee shall continuously wear such badge when driving. No licensed driver shall erase or deface his license or lend or part with the same or with his driver's badge.

10. Number plates and arm badges shall remain the property of the Administration and shall be returned when no longer required, or on demand by the Commissioner of Police.

11. The Commissioner of Police may, on cause being shewn to his satisfaction, permit any owner of a motor vehicle licensed to ply for hire to substitute therefor any similar properly equipped and safe vehicle and thereupon shall cause the numberplate of such first-mentioned vehicle to be attached to the substituted vehicle and the alteration noted in the license, and the original vehicle shall then in all respects become an unlicensed vehicle.

12. Any owner of a motor vehicle who sells or disposes of the same shall within three days thereafter give notice to the Commissioner of Police of such sale and of the name and address of the purchaser, and shall at the same time forward to the said Commissioner the license for such vehicle; and the purchaser, before using or permitting such vehicle to be used, shall apply to the said Commissioner to have such license transferred to him and shall pay the sum of five shillings for such transfer.

13. The Commissioner of Police or any officer of police may at any time examine any motor vehicle licensed to ply for hire and if he finds such vehicle to be not so constructed and equipped as to be proper and safe for public use and in a cleanly state he may order the licensee thereof to discontinue plying for hire, and the licensee shall not thereafter use or permit such vehicle to be used to ply for hire until any specified defect has been remedied and the vehicle submitted to the said Commissioner and passed as fit for public use.

14. If it appear to the Commissioner of Police that any holder of a driver's license is unfit to hold such license, the said Commissioner may at his discretion cancel or suspend such license.

#### REGULATION OF MOTOR VEHICLES AND FARES.

15. Every person commits an offence who drives a motor vehicle on any road or street recklessly or negligently, or at a speed or in a manner which is dangerous to the public having regard to all the circumstances of the case including the nature, condition and use of the road or street and the amount of traffic which actually is at the time or which might reasonably be expected to be on the road or street.

16. Where owing to the presence of any motor vehicle on any road or street an accident occurs to any person or to any horse or vehicle in charge of any person, the driver of the motor vehicle shall stop and if required give his name and address and also the name and address of the owner and the registered number of the motor vehicle.

17. Every person commits an offence who

- (a) In descending the hill between Vailima and Tuifutopa or the hill between the Government Hospital and the cemetery or on the Beach road between the Vaisigano Bridge and the eastern boundary of the Government land at Mulinu'u drives any motor vehicle at a greater speed than twelve miles per hour, or
- (b) Drives any motor vehicle along any road or street at a greater speed than ten miles per hour when from any cause he cannot obtain a clear and uninterrupted view of the road along which he is travelling for at least 100 yards in front.
- (c) Drives any motor vehicle along any road or street unless the same shall have two independent brakes in good working order of such efficiency that the application of either shall cause two of the wheels on the same axle to be held or shall have the same effect in stopping the vehicle as if such wheels were held.

- (d) Drives any motor vehicle along any road or street unless there shall be attached to it a horn or other instrument for giving audible notice of its approach, or fails when approaching any corner or overtaking any other vehicle or whenever it is otherwise necessary to give audible notice of its approach by sounding such horn or instrument.
- (e) Drives or uses a motor vehicle on any road or street after sunset or before sunrise unless such vehicle is provided with at least two headlights in front of such vehicle, and one lighted lamp at the rear thereof so placed as to illuminate the number plate and to shew a red light rearwards, of which lights at least one headlight shall be kept lighted during the whole time such vehicle, although not in motion, is upon any road or street.
- (f) Drives or uses upon any road or street after sunset and before sunrise a motor vehicle provided with a light of such brilliancy as to be likely to affect the vision of drivers of vehicles approaching in an opposite direction, unless such light is placed in such a position as to throw the centre of brilliancy on the road within 40 feet of the front of such vehicle when on a level.
- (g) Drives any motor vehicle along any road or street at a greater speed than eight miles an hour when approaching or passing any school, church or place of entertainment at a time when people are leaving or may be expected to be leaving the same.
- (h) When driving a motor vehicle and following any other moving vehicle, except when both are moving in a procession, approaches within twenty feet of such leading vehicle unless in order to pass and unless it is practicable to pass the same.
- (i) When driving a motor vehicle and issuing into any road or street from any gateway or narrow passage or lane from which the traffic on the road or street can not be clearly seen in both directions fails to bring such motor vehicle to a full stop until he is satisfied that he may proceed with safety.
- (j) Drives any motor vehicle along any road or street at or near a point where any sign as is hereafter mentioned is erected to regulate the speed of the traffic, at a greater speed than that indicated by such sign; and for the purposes of this sub-clause the Administrator may cause to be set up sign posts or other signs denoting the limit of speed at which motor vehicles may be driven on any bridge or road or place.
- (k) Drives any motor vehicle along any road or street without having affixed thereto in manner provided by clause 8 hereof two metal number plates as described in the said clause.

18. Every person driving a motor vehicle shall, on the request of any officer of police in uniform or of any person in charge of a horse, whether such request be made by word of mouth or by signal, bring such vehicle to a stop and remain stationary as long as may be reasonably necessary.

19. The driver of a motor vehicle before stopping or turning the same shall give the following signals to guide other persons as to these intentions :

- (a) Before turning to the left he shall hold out the left arm horizontally to the left, or in the case of a vehicle with a right hand drive he shall hold out the right arm horizontally to the right but with a forward, sweeping motion of the forearm and wrist.
- (b) Before turning to the right he shall hold out the left arm horizontally to the left but with a forward sweeping motion of the forearm and wrist, or in the case of a vehicle with a right hand drive he shall hold out the right arm horizontally to the right.
- (c) When preparing to stop he shall hold up the left forearm and hand vertically, the upper arm being horizontal to the left, or in the case of a vehicle with a right hand drive he shall hold up the right forearm and hand vertically, the upper arm being horizontal to the right.
- (d) On slowing down he shall hold out the left arm and hand horizontally to the left or in the case of a vehicle with a right hand drive the right arm and hand horizontally to the right with a backward patting motion of the hand from the wrist.

20. Every driver of a motor vehicle licensed to ply for hire commits an offence who

- (a) Demands for any hiring more than the sum payable in accordance with any scale of fares prescribed under this Ordinance, or
- (b) Having agreed to accept for any hiring a sum less than the prescribed fare demands more than the sum agreed on, or
- (c) Without reasonable excuse refuses or fails to punctually carry out any hiring which he has agreed upon, or
- (d) Without reasonable excuse refuses or fails to drive such vehicle as and where required by the person hiring or who desires to hire the same.
- (e) Carries any person who is violent or who is misbehaving or noisy so as to disturb the public peace or who is intoxicated.

21. The Administrator may from time to time cause to be published in the Western Samoa Gazette a scale of fares or any amendment of the same, and such scale or amended scale shall from the date of such publication be deemed to be the prescribed scale for the purpose of this Ordinance.

#### GENERAL.

22. Every person who commits an offence under this Ordinance or is guilty of any breach of the provisions thereof in respect of which no other penalty is provided shall be liable to a fine not exceeding £20, and if such person is a licensee or the

holder of a driver's certificate the convicting Judge or Commissioner may in lieu of or in addition to any other penalty order that the license or certificate of such person be cancelled or suspended.

23. (1) Proclamation No. 21 of the British Military Occupation is hereby repealed, provided that any license for a motor vehicle issued under that Proclamation shall enure as a license for the vehicle under this Ordinance, but no such license shall operate as heretofore as a motor driver's license.
- (2) Gouvernements Verordnung of 31st December, 1907 (Samoanisches Gouvernements Blatt Band III. No. 63 page 201) is hereby repealed.

Assented to this 17th day of  
December, 1921.

[L.S.] R. W. TATE,  
Administrator.