



ANALYSIS

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| 1. Title
2. Short Title
Evidence of testing and accuracy of speed-measuring devices | 3. Traffic control measures |
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1992-93, No. 15

An Act to amend the Transport Act 1966 to provide evidence of testing and accuracy of speed measuring devices and the erection of traffic control measures.

(7 May 1993)

BE IT ENACTED by the Parliament of the Cook Islands in Session assembled, and by the authority of the same as follows:

1. Short Title - This Act may be cited as the Transport Amendment Act 1992-93 and shall be read together with and deemed part of the Transport Act 1966 (hereinafter referred to as "the principal Act").

2. Evidence of testing and accuracy of speed-measuring devices - The principal Act is amended by inserting after section 56 the following new section -

"56A. Evidence of testing and accuracy of speed measuring devices - (1) In any proceedings for an offence against this Act, or any regulations made under this Act, the production of a certificate or a copy thereof -

- (a) purporting to be signed by an officer of the Police authorised by the Commissioner of Police in that behalf; and
- (b) certifying that on a specified date, being a date not more than 12 months earlier than the date of the alleged offence, a speed-measuring device referred to in the certificate was tested by a person authorised by the Minister to do so, and that device was found to be accurate,

shall be admissible as evidence that the device was so tested and is accurate.

(2) A certificate shall be deemed to sufficiently identify the speed-measuring device to which it refers if it contains the serial number of the device.

(3) Every certificate shall, in the absence of proof to the contrary, be presumed to have been signed by an officer duly authorised to sign it, and it shall not be necessary for the certificate to show on its face that the officer signing it was so authorised".

3. Traffic control measures - The principal Act is amended by inserting after section 64, the following new section -

"64A. Traffic control measures - (1) The Minister may, for the purposes of better control of vehicular traffic or safety of pedestrians, direct that there be placed or erected on any road, traffic control measures.

(2) Every traffic control measure shall be clearly indicated by traffic signs or road markings located so as to inform a driver of a vehicle or a pedestrian of its existence.

(3) Notwithstanding anything to the contrary, no action in damages shall be brought by any person against the Crown for any loss or injury suffered as a consequence of a traffic control measure having been placed or erected on a road.

(4) For the purposes of this section, a traffic control measure shall include judder bars, roundabouts and any other similar structure or erection that shall facilitate the orderly procession of vehicular traffic and at such speeds as will promote the safety of drivers and pedestrians."

This Act is administered by the Police Department