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1966, No.7

An Act to consolidate and amend certain
enactments applying in the Cook Islands
relating to motor vehicles and road traffic.

(17 November 1966

1. Short Title - This Act may be cited as the
Transport Act 1966.

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

"Approved" in relation to any device or fitting means
duly approved by the Registrar under this Act:

"Articulated vehicle" means a motor vehicle consisting
of a trailing unit attached permanently or temporarily
to a tractive unit, so that part of the trailing unit
is superimposed upon the tractive unit, and so that
when the trailing unit is uniformly loaded not less
than 20 per cent of the weight of its load is borne
by the tractive unit:

"Bicycle" includes a tricycle driven with pedals or handles,
and also includes an invalid carriage; but does not
include any invalid chair propelled otherwise than
by mechanical power; and does not include a bicycle
any road wheel of which has a diameter of less than
14in. or any other vehicle if that bicycle or
vehicle is designed principally for use by children
for the purpose of play:

"Carriage" includes haulage:

"Chief of Police" means the Chief Officer in charge of
Police in the Cook Islands:

"Colour of right", in relation to any act, means an honest
belief that the act is justifiable, although that
belief may be based on ignorance or mistake of fact
or of any matter of law other than the enactment
against which the offence is alleged to have been
committed:

"Constable" means any Police Officer or person appointed
by the Chief of Police to carry out any of the duties
of a Police Officer including himself:

"Constitution" means the Constitution of the Cook
Islands contained in the second schedule to the
Cook Islands Constitution Amendment Act 1965:

"Cook Islands Government Account" means the Cook
Islands Government Account established by Article
sixty-seven of the Constitution:

"Controlled intersection" means any intersection where
the traffic is for the time being controlled by a
constable:

"Controlling authority" means the authority, body, or
person or persons having control of any road:

"Department" means the Police Department of the Cook
Islands:

"Driver" means the driver of a vehicle; and includes the rider of a motor cycle or power cycle or bicycle; and "Drive" has a corresponding meaning: "Driver's licence" means a licence to drive a motor vehicle issued in accordance with the provisions of this Act:

"Erect" includes place in position:

"Erecting authority", in relation to any road, means the controlling authority; and includes the Public Works Department:

"Gazette" means the Cook Islands Gazette published by authority of the Cook Islands Government:

"Goods" means all kinds of movable personal property, including animals and mails:

"Goods-service vehicle" means a motor vehicle designed exclusively or principally for the carriage of goods:

"Heavy motor vehicle" means a motor vehicle (other than a private motorcar) which without a load weighs more than 2 tons:

"High Commissioner" means the High Commissioner under the Constitution:

"Hours of darkness" means -

(a) Any period of time between half an hour after sunset on one day and half an hour before sunrise on the next day; or

(b) Any other time when there is not sufficient daylight to render clearly visible a person or vehicle at a distance of 150ft:

"Intersection", in relation to two intersecting or meeting roadways, means that area contained within the prolongation or connection of the lateral boundary lines of each roadway:

"Left side", in relation to a vehicle, means its side to the left of the driver's seat when facing forward:

"Licensing year" means a period of twelve months ending with the thirtyfirst day of March in any year:

"Limited speed zone" means a limited speed zone declared under this Act:

"Middle line", in relation to any roadway, means a line marked on or near the middle of the roadway for the purpose of dividing traffic proceeding in one direction from traffic proceeding in the opposite direction:

"Minister" means the Minister of Police:

"Motorcar" means a motor vehicle (other than a motor cycle or power cycle) designed exclusively or principally for the carriage of persons not exceeding nine in number inclusive of the driver:

"Motor cycle" means a motor vehicle running on two wheels, or on not more than three wheels when fitted with a side car; but does not include a power cycle:

"Motor vehicle" means a vehicle drawn or propelled by mechanical power; and includes a trailer; but does not include -

(a) A vehicle running on rails; or

(b) An invalid carriage; or

(c) A trailer that is designed exclusively as part of the armament of any of Her Majesty's Forces; or

- (d) A vehicle normally propelled by mechanical power while it is being temporarily towed without the use of its own power; or
- (e) A pedestrian-controlled grass cutter:
- To "Operate" means to use or drive or ride, or cause or permit to be driven or ridden, or to permit to be on any road whether the person operating is present in person or not:
- "Owner", in relation to a motor vehicle, means the person lawfully entitled to possession thereof, except where -
- (a) The motor vehicle is subject to a bailment that is for a period not exceeding twenty-eight days; or
- (b) The motor vehicle is let on hire pursuant to the terms of a rental-service licence, - in which cases "owner" means the person who, but for the bailment or letting on hire, would be lawfully entitled to possession of the motor vehicle; and "owned" and "ownership" have corresponding meanings in all cases:
- "Parking" means the standing of a motor vehicle on any road for any period exceeding five minutes; and
- "part" has a corresponding meaning:
- "Passenger service" means the carriage of passengers for hire or reward by means of a motor vehicle; and includes the letting on hire of a motor vehicle by a person who himself drives the vehicle or provides a driver therefor if during the hiring the vehicle is used for the carriage of passengers, with or without goods:
- "Pedestrian" means any person on foot upon a road, and includes any person in an invalid chair not propelled by mechanical power; and also includes any person on a vehicle, tricycle, or scooter designed principally for use by children for the purposes of play:
- "Pedestrian crossing" means a pedestrian crossing duly established and marked on a roadway in accordance with this Act:
- "Power cycle" means a pedal bicycle or pedal tricycle that for alternative propulsion is fitted with a motor attachment (whether detachable or not) the total cylinder capacity of which does not exceed 60 cubic centimetres:
- "Private motorcar" means a motorcar that is not used, kept, or available for the carriage of passengers for hire or reward:
- "Registrar" and "Deputy Registrar" mean respectively the Registrar of Motor Vehicles and a Deputy Registrar of Motor Vehicles appointed under this Act:
- "Registration plate" means a registration plate for a motor vehicle issued under this Act:
- "Road" includes a street; and also includes any place to which the public have access, whether as of right or not; and also includes all bridges, culverts, ferries, and fords forming part of any road, street, or place as aforesaid:

"Right of way" means the right of precedence in continuing on a course:

"Right side", in relation to a vehicle, means its side to the right of the driver's seat when facing forward:

"Station wagon" means a motor vehicle which, though designed principally for the carriage of goods, has a permanently constructed body with two or more windows along each side and one or more rear doors and provides seating accommodation alongside and behind the driver comparable with that of a motor-car, but so that the total number of persons (inclusive of the driver) that the vehicle is designed to carry does not exceed nine:

"Traffic Sign" means a sign erected by the Erecting Authority for the purposes of this Act and includes the support of the sign:

"Tractor" means a motor vehicle (not being a traction engine) designed exclusively for the purposes of traction, and not for the carriage thereon of goods or of passengers other than the driver:

"Trailer" means a vehicle without motive power designed solely or principally for the carriage of persons or goods and drawn or propelled by a motor vehicle, from which it is readily detachable, but does not include a side car attached to a motor cycle; but includes a vehicle normally propelled by mechanical power while it is being temporarily towed without use of its own power:

"Transport licence" means a passenger-service licence, a taxicab-service licence, a goods-service licence, a rental-service licence, or as the case may require:

"Uncontrolled intersection" means any intersection the traffic at which is not for the time being controlled by a constable:

"Use", in relation to a vehicle, includes driving, drawing, or propelling by means of another vehicle, and permitting to be on any road; and "to use" has a corresponding meaning:

"Vehicle" means a contrivance equipped with wheels or revolving runners upon which it moves or is moved:

"Vehicle Testing Authority" means a garage or a person approved by the Minister for the purposes of Testing of Vehicles:

"Weight", in relation to an axle, means that portion of the weight of a vehicle and its load, including any equipment or accessories, which is transmitted to the road surface by the tyre or tyres on the wheels which are attached to the axle.

PART I

ADMINISTRATION

3. Controlling Authority and staff - (1) Subject to the control of the Minister, Parts II and III of this Act shall be administered by and under the authority of the Registrar appointed under Part II of this Act, and Parts IV, V, VI, VII, and VIII of this Act shall be administered by the Chief of Police.

(2) There shall from time to time be appointed under the Public Service Act 1965 such officers as may be deemed necessary to administer this Act.

4. Inquiries For Purposes of Transport Co-ordination - (1)
The Minister may from time to time make, or appoint any other person to make, such inquiries as he thinks necessary or expedient for the purpose of securing the improvement, co-ordination, development, and better regulation and control of all means of and facilities for transport and all matters incidental thereto.

(2) For the purposes of this section the provisions of the Commissions of Inquiry Act 1908 as applied by the Cook Islands Commissions of Inquiry Regulations 1958 shall, as far as they are applicable and with the necessary modifications, apply as if the Minister and every person appointed by him under this section were a Commission of Inquiry appointed under that Act.

PART II

REGISTRATION AND LICENSING OF MOTOR VEHICLES

5. Motor vehicles to be registered and to have registration plates and annual licences - (1) Except as expressly provided otherwise in this Part of this Act, no person shall in any licensing year use any motor vehicle on any road, or permit any motor vehicle to be so used, unless -

- (a) The motor vehicle is registered in accordance with this Part of this Act; and
- (b) Registration plates for the motor vehicle and a licence to use the motor vehicle for that licensing year have been issued in accordance with this Part of this Act, and are affixed to the motor vehicle in the prescribed manner.

(2) Every person who uses a motor vehicle in contravention of this section, or who permits any motor vehicle to be so used, commits an offence and is liable to a fine not exceeding ten pounds.

(3) The fact that any motor vehicle is used on any road without having registration plates or an annual licence affixed thereto in the prescribed manner shall be sufficient evidence, until the contrary is proved, that the motor vehicle has not been registered or licensed, as the case may be, in accordance with this Part of this Act.

6. Registrar of Motor Vehicles, and Deputy Registrars - (1)
There shall be a Registrar of Motor Vehicles to be appointed by the Minister.

(2) The Minister shall appoint such Deputy Registrars of Motor Vehicles as may from time to time be required.

(3) The Registrar and the Deputy Registrars shall be officers of the Government Service.

(4) The duties of the Registrar and the Deputy Registrars shall be such as are prescribed by this Act.

7. Applications for registration - (1) Application for the registration of any motor vehicle shall be made in the prescribed form by the owner of that motor vehicle to any Registrar.

(2) Every application under this section shall be accompanied by the appropriate registration fee, as set out in the First Schedule to this Act.

(3) Every person commits an offence who makes application for the registration of a motor vehicle which has been previously registered under this Part of this Act.

8. Issue of registration certificate and plates - (1) On receipt of an application for the registration of any motor vehicle under this Part of this Act, the Registrar, if satisfied that the application is in order, shall assign a number or distinguishing mark to be shown on the registration plates to be affixed to the motor vehicle, and shall issue to the applicant registration plates for the motor vehicle and a certificate of registration of the motor vehicle. Each motor vehicle shall have affixed thereto such number of registration plates as may be prescribed.

(2) Unless the registration is cancelled in accordance with this Part of this Act, the registration of any motor vehicle shall continue in force without renewal, but a new number or distinguishing mark may be assigned to the motor vehicle whenever new registration plates are issued for it.

(3) A fee shall be paid for all registration plates issued pursuant to the provisions of this Act in accordance with the First Schedule to this Act.

ANNUAL LICENCES FOR MOTOR VEHICLES

9. Annual licences - (1) Licences for motor vehicles in the prescribed form shall be issued for each licensing year, and shall be affixed to the motor vehicles in the prescribed manner.

(2) No licence shall be issued for any motor vehicle that is not for the time being duly registered under this Part of this Act.

10. Applications for licences for motor vehicles - (1) Application for a licence for any motor vehicle shall be made in the prescribed form by the owner of that motor vehicle to the Registrar.

(2) There shall be paid by the owner of the motor vehicle, on making application for a licence therefor, the appropriate annual fee prescribed in the First Schedule to this Act.

(3) In the case of a licence issued for a period of less than a year the fees prescribed by this section shall be reduced by one-twelfth thereof for every complete month by which that period is less than a year.

(4) Except as specially provided in this Act, no person shall knowingly use any motor vehicle in any public place, or permit any motor vehicle to be so used, unless -

- (a) The motor vehicle is registered in accordance with this Act, and
- (b) A licence to use the motor vehicle has been issued and remains in force.

11. Unauthorised, deceptive, or obscured registration plates or unauthorised licence - (1) Every person commits an offence who -

- (a) Affixes or causes to be affixed to any motor vehicle any registration plate or licence which is not authorised by this Act, and which is likely to be mistaken for any authorised registration plate or licence; or
- (b) In any licensing year affixes or causes to be affixed to any motor vehicle any licence not being a licence issued for that motor vehicle for that licensing year or authorised to be used on that motor vehicle in that licensing year; or
- (c) Uses any motor vehicle while any registration plate or licence affixed to the motor vehicle in accordance with this Part of this Act is in any way obscured, or is rendered or allowed to become not easily distinguishable, whether by night or by day.

REGISTERS OF MOTOR VEHICLES

12. Registers of motor vehicles - (1) Every Deputy Registrar shall, on the issue of a certificate of registration of a motor vehicle or of registration plates or a licence for a motor vehicle, notify the Registrar of the issue, by sending such particulars at the end of every month.

(2) The Registrar shall keep a general register of all motor vehicles, registration plates, and licences for motor vehicles and such other registers as may be prescribed or as he considers necessary.

(3) Any of the contents of any such register may in any proceedings whether under this Act or any other Act be proved by the production of a certificate as to those contents purporting to be signed by the Registrar and to be impressed with his official stamp.

13. Notification of change of ownership of motor vehicle - (1) Within seven days after the sale or other disposition of any kind whatsoever of any registered motor vehicle the person selling or otherwise disposing of it shall, in the prescribed form, notify the Registrar or a Deputy Registrar of the sale or other disposition, of the name and address of the new owner, and of such other particulars as may be prescribed.

(2) Every notice given pursuant to this section shall be accompanied by the certificate of registration of the motor vehicle to which the notice applies.

(3) Subject to the provisions of this section, the Registrar shall endorse on the certificate of registration or, in any case where he has waived production of that certificate, on a duplicate certificate issued for that purpose -

- (a) The name and address of the new owner;
- (b) Such other particulars as may be prescribed of the change of ownership of the motor vehicle to which the notice applies, -

and on the endorsement of those particulars shall issue the certificate or duplicate certificate to the new owner or his authorised agent.

(4) A fee shall be payable as provided in the First Schedule to this Act for every endorsement of those particulars, and the fee shall accompany the notice of change of ownership.

(5) No particulars of any change of ownership shall be endorsed on the certificate of registration unless the notice of the change is signed by the person required by this section to notify the change of ownership and the endorsement fee has been paid.

(6) No person who becomes the owner of a motor vehicle pursuant to any sale or other disposition as aforesaid shall use that vehicle on any road or permit it to be so used, unless he or his authorised agent has received the certificate of registration or a duplicate thereof duly endorsed with a memorandum of the change of ownership:

Provided that no person shall be deemed to have committed a breach of this subsection where the provisions of subsection (1) of this section have been complied with in respect of the sale or other disposition of the motor vehicle.

(7) Every person commits an offence who, with respect to any motor vehicle, fails to comply with any of the provisions of this section or does any act in contravention thereof, and is liable to a fine not exceeding twenty pounds, and, in the case of the failure to comply with any such provisions, to a further fine not exceeding five pounds for every day on which the vehicle has been used while the failure continues.

14. Cancellation of registration on destruction or permanent removal of motor vehicle - (1) If any registered motor vehicle is destroyed, or becomes permanently useless as a motor vehicle, or is removed permanently beyond the Cook Islands, the owner of the motor vehicle shall forthwith give to a Deputy Registrar notice of its destruction, condition, or removal, as the case may be, and shall deliver to the Deputy Registrar the certificate of registration of the motor vehicle, and if practicable, the registration plates issued for the motor vehicle and the licence (if any) issued for the motor vehicle for the then current licensing year. The Deputy Registrar, shall thereupon send the notice to the Registrar who shall cancel the registration of the motor vehicle.

(2) If the Registrar is satisfied that any motor vehicle has by reason of accident been destroyed or become wholly unfit for further use as such, or that any motor vehicle has been permanently removed from the Cook Islands, he may, without further appropriation than this section, refund or cause to be refunded such sum as in his discretion he thinks proper, not exceeding one-twelfth of the annual fee for every complete month between the date of the accident or the date of removal from the Cook Islands, as the case may be, and the end of the period for which the licence fee has been paid.

(3) Every person commits an offence who gives any notice under subsection (1) of this section which is false in any material particular.

(4) Where any motor vehicle is transferred from one island to another in the Cook Islands, the person effecting such transfer shall notify a Deputy Registrar by notice in writing as soon as reasonably practicable and in any case not later than 48 hours prior to the transfer of such motor vehicle. The Deputy Registrar shall then forward particulars of the transfer to the Registrar.

(5) Every person commits an offence who fails to comply with subsection (4) of this section.

15. Cancellation of registration for not renewing licence for motor vehicle - (1) If no licence is issued for any registered motor vehicle for any licensing year, the Registrar, at any time, after the expiration of that year, but before any licence is issued for the motor vehicle for any subsequent licensing year, may cancel the registration of the motor vehicle.

(2) Upon the cancellation under the provisions of this section of the registration of a motor vehicle, any person in possession of the registration plates shall when required by the Registrar surrender those plates to the Registrar or to any person authorised by him.

16. No licence for deregistered vehicle until re-registered - Where the registration of a motor vehicle has been cancelled, an annual licence shall not

thereafter be issued in respect of the vehicle, unless and until it is again registered and the prescribed registration fee is paid.

PART III

LICENSING OF DRIVERS OF MOTOR VEHICLES

17. Unlicensed persons not to drive motor vehicles - (1)
No person shall -

- (a) Drive a motor vehicle on any road, unless he is the holder of a licence for the time being in force which authorises him to drive such a motor vehicle; or
- (b) Employ or permit any other person to drive a motor vehicle on any road, unless that other person is the holder of a licence for the time being in force which authorises him to drive such a motor vehicle.

(2) Every person desirous of obtaining a motor driver's licence shall make application to the Registrar, or Deputy Registrar as the case may be who shall issue the licence upon being satisfied of the following facts:-

- (a) That the applicant is of or over the age of sixteen years;
- (b) That, by a practical test and oral examination or by other satisfactory evidence of fitness, the applicant is competent to drive the class of motor vehicle in respect of which a licence is applied for;
- (c) That where the applicant is sixty or more years of age, or where the Registrar considers it advisable, the applicant shall have obtained a medical certificate of physical fitness:

Provided that no medical certificate shall be sufficient for the purposes of this Act unless it is signed and dated not more than 30 days before the day on which the application is delivered to the Registrar.

(3) A separate licence shall not be necessary for each class of vehicle or vehicles for which the licence is granted.

(4) Application for a motor driver's licence shall be made in the form as set out in the form No. 1 in the Second Schedule and the licence shall be issued in the form set out in form No. 2 in the said Schedule.

(5) There shall be paid by the applicant for a motor driver's licence on making the application, the appropriate fee prescribed in the First Schedule to this Act.

(6) Save as provided in this Act with respect to the cancellation or suspension of a motor driver's licence, every such licence shall continue in force until thirty-first March following the date of issue and shall be renewed annually.

18. Production of driver's licence when required by Constable - The person driving any motor vehicle shall produce his motor driver's licence for inspection whenever required so to do by any constable. The driver shall be deemed to have complied with this section if, within seven days after having been so required to produce his licence, he produces it at a place specified by the constable.

19. Conditions of licences - (1) A motor-driver's licence may, in the discretion of the Registrar be issued subject to a condition that the licensee shall at all times while driving a motor vehicle use aids to vision, hearing or use of the limbs, or subject to any other similar condition deemed, by the Registrar to be necessary for the public safety.

(2) No licence subject to a condition shall be deemed to authorise the holder to drive any motor vehicle while failing to comply with the terms of the condition.

20. Age Restrictions - (1) A motor-driver's licence shall not authorise the holder, if under the age of 21 years, to drive a taxicab, or, to drive a motor omnibus, or a passenger-service vehicle.

(2) A motor-driver's licence shall not authorise the holder, if under the age of 18 years, to drive a heavy trade motor or a heavy type vehicle.

21. Learner Drivers - (1) Where any person (hereinafter referred to as the learner) is while driving a motor vehicle undergoing a test for the issue or an extension of a driver's licence under the direction of an approved testing officer for motor drivers or is accompanied by a person seated alongside him who is the holder of a licence for the time being in force which authorises him to drive such a motor vehicle and is engaged in teaching a learner to drive -

(a) The learner shall be deemed not to act in contravention of paragraph (a) of subsection (1) of section 17 of this Act.

(b) The testing officer or any person employing or permitting the learner to drive the motor vehicle shall be deemed not to act in contravention of paragraph (b) of that subsection:

Provided that nothing in this subsection shall apply where the learner has not attained the age that qualifies him to obtain a licence to drive the motor vehicle that he is driving, or is subject to an order which disqualifies him from driving that vehicle.

22. Penalties for sections 17, 18, 19, 20 and 21 - Every person commits an offence who does or omits an act in contravention of sections 17, 18, 19, 20, or 21, and shall be liable to a fine of a sum not exceeding £20 (Twenty pounds) for each offence so committed.

23. Maintenance of motor-driver's licence - The holder of a licence shall maintain it in such a condition that it may be produced in an undefaced and legible condition and if necessary for that purpose shall obtain from the Registrar a new licence accompanied by the appropriate fee.

24. Offences in relation to Drivers' Licences - Every person commits an offence and shall be liable to a fine of a sum not exceeding twenty pounds (£20) who -

- (a) Adds to a motor-driver's licence any advertisement or any words or figures extraneous to the licence as issued; or
- (b) Alters on or erases from any motor-driver's licence any words or figures; or
- (c) Uses or retains any motor-driver's licence to which have been added any advertisement or any words or figures extraneous to the licence as issued, or from which any words or figures have been erased from the licence as issued, or on which any words or figures on the licence as issued have been altered; or
- (d) Being the holder of a motor-driver's licence, parts with possession of that licence in order that it may be used by any other person; or
- (e) Supplies particulars or answers purporting to be in conformity with this Act knowing them to be incorrect or misleading.

PART IV

GENERAL OFFENCES AND DISQUALIFICATION OF DRIVERS

25. Causing bodily injury or death through reckless or dangerous driving or driving while under the influence of drink or drugs - (1) Every person commits an offence who causes bodily injury to or the death of any person by the driving of a motor vehicle recklessly or at a speed or in a manner which, having regard to all the circumstances of the case, is dangerous to the public or to any person.

(2) Every person commits an offence who, while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, is in charge of a motor vehicle and by an act or omission in relation thereto causes bodily injury to or the death of any person.

(3) Every person who commits an offence against this section is liable, on conviction, to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred pounds.

(4) It shall be no defence to an indictment for the crime of manslaughter that the guilty act or omission proved against the person charged upon the indictment is an act or omission constituting an offence under this section.

26. Causing bodily injury or death through careless use of motor vehicle - (1) Every person commits an offence, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, who causes bodily injury to or the death of any person by carelessly using a motor vehicle.

(2) It shall be no defence to an indictment for the crime of manslaughter that the guilty act or omission proved against the person charged upon the indictment is an act or omission constituting an offence against this section.

27. Reckless or dangerous driving - (1) Every person commits an offence, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, who on any road -

- (a) Recklessly drives a motor vehicle; or
- (b) Drives a motor vehicle at a speed which, having regard to all the circumstances of the case, is or might be dangerous to the public or to any person; or
- (c) Drives a motor vehicle in a manner which, having regard to all the circumstances of the case, is or might be dangerous to the public or to any person.

28. Driving while under the influence of drink or drugs - Every person commits an offence, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, who, while under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, drives or attempts to drive a motor vehicle on any road.

29. Being in charge of a motor vehicle while under the influence of drink or drugs - Every person commits an offence who -

- (a) While under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, is in charge of a motor vehicle on any road, but not so as to be liable for conviction for an offence under subsection (2) of section 25 or section 28 of this Act; and
- (b) Having been required by a constable to deliver up all ignition or other keys of the vehicle that are in his possession, has failed to comply forthwith with that requirement.

30. Careless or inconsiderate use of a motor vehicle - Every person commits an offence who uses a motor vehicle on any road carelessly or without reasonable consideration for other persons using the road.

31. Disqualification of Driver's licence and partial disqualifications - (1) Where any person commits an offence in contravention of section 25 or section 28 of this Act, the Court shall in addition to the fine or term of imprisonment imposed, disqualify such person from holding or obtaining a driver's licence for a period not exceeding three years and where that person is convicted for the second time of any offence under sections 25 and 28 of this Act the Court shall impose a subsequent term of disqualification of a period not exceeding five years.

(2) Where any person commits an offence in contravention of section 26, 27, 29, 30 and subsection (2) of section 32 of this Act, the Court may in addition to the fine or term of imprisonment imposed disqualify such person from holding or obtaining a driver's licence for a period not exceeding three years.

(3) Subject to the provisions of subsection (1) of section 31 of this Act, on the making of an order of disqualification or at any time thereafter, the Court, on the application of the person in respect of whom the order was made, may, if it is satisfied that the order of disqualification has resulted or will result in undue hardship whether to the applicant, or to any other person, make an order under this section authorizing him to obtain immediately or after the expiration of such period as the Court may specify, a driver's licence authorizing him to drive such kind of motor vehicle, and no other, for such purpose, and for no other purpose, and to such extent being the least extent that is necessary to alleviate that hardship as the Court specifies in that order:

Provided that no order shall be made under this subsection authorizing the applicant to obtain a driver's licence authorizing him to drive in connection with his occupation or employment, unless the Court is satisfied that such a licence is essential for the purposes of his occupation or employment and arrangements to obtain the services of another driver cannot conveniently be made.

(4) Where the order of disqualification was made upon conviction for an offence in contravention of section 25, section 28 or subsection (2) of section 32 of this Act, no application may be made for an order under this section before the expiration of six months after the date of order of disqualification.

(5) Where the order of disqualification was made upon conviction for a second or subsequent offence in contravention of section 25, section 28 or subsection (2) of section 32 of this Act no application may be made for an order under this section before the expiration of two years from the date of the order of disqualification.

(6) The Court by which an order is made disqualifying a person from holding or obtaining a driver's licence may direct that the period of disqualification so ordered shall commence on a date later than the date of order.

32. Retention and Custody of Licence of Disqualified Drivers - (1) Where by an order of the Court the holder of a driver's licence is disqualified from holding or obtaining a licence, the Court shall on production of the licence for endorsement retain the licence and forward it to the Registrar who shall keep the licence until the disqualification has expired or has been removed and the person entitled to the licence has made a demand in writing for its return to him:

Provided that the person on whom the Court Order was made shall be deemed to have complied with that order if he produces his driver's licence within seven days from the date on which the order was made.

Every person who fails to produce his driver's licence as directed by the Court commits an offence, and shall be liable to a fine not exceeding £20.

(2) Every person commits an offence who drives any motor vehicle while a term of disqualification is imposed upon him, and shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds (£100).

33. Application for removal of disqualification of licence - (1) Subject to the provisions of this section any person who by order of a Court is disqualified from the holding or obtaining of a Driver's Licence may, from time to time, apply to the Court by which that order was made to remove the disqualification, and on any such application the Court may, having regard to the character of the applicant and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application or treat the application as one under subsection (3) of section 31 of this Act and make an order accordingly under that section.

(2) No such application shall be made -

- (a) Before the expiration of two years from the date of the order, in any case where the order was made upon a second or subsequent conviction of that person for an offence in contravention of section 25, section 28 or subsection (2) of section 32 of this Act; or
- (b) Before the expiration of twelve months from the date of the order in any case where the order was made upon a first conviction of that person for an offence in contravention of section 25, section 28 or subsection (2) of section 32 of this Act; or

- (c) Before the expiration of six months from the date of the order in any other case.

(3) For the purposes of subsection (2) of this section a conviction for an offence in contravention of a corresponding provision of any former Ordinance shall be deemed to be a conviction for an offence in contravention of section 25 or section 28 of this Act, as the case may require.

(4) Where any such application is refused, a further application shall not be entertained if it is made within three months after the date of that refusal.

34. Particulars of Disqualification Orders and Removal of Disqualifications to be Sent to Registrar - Where the Court makes an order disqualifying a person from holding or obtaining a driver's licence, or an order under section 31 of this Act granting partial exemption from a disqualification order or an order removing any disqualification particulars of the order shall be sent by the Registrar of the Court to the Registrar.

35. Application for Disqualification of Driver's Licence - (1) If it is satisfied that the safety of the public is unduly endangered, the Court, on an application made in accordance with provisions of this section, may make an order disqualifying any person from holding or obtaining a driver's licence for such periods as the Court thinks fit.

(2) An application under this section may be made by -

- (a) The Chief of Police; or
- (b) An Insurance Company which has entered into a contract with the holder of the licence as owner of a motor vehicle; or
- (c) The Chief Medical Officer of the Cook Islands.

36. Constable may forbid incapable person to drive, etc. - (1) Where a constable believes on reasonable grounds that any person who is for the time being in charge of a motor vehicle is, by reason of physical or mental condition, however arising, incapable of having proper control of the vehicle, and that in all the circumstances of the case the direction or prohibition or action is necessary in the interests of that person or of any other person or the public, he may -

for such person -

- (b) Take possession of all ignition or other keys of the vehicle, and for that purpose require that person to deliver up forthwith all such keys in his possession;
- (c) Take such steps as may be necessary to render the vehicle immobile or to remove it to a place of safety.

(2) Every person commits an offence who fails to comply with any direction given to him under subsection (1) of this section or does any act that is for the time being forbidden under that subsection.

(3) Any constable who has good cause to suspect that any person has committed an offence against this part of this Act may arrest that person without warrant.

37. Duties of motor drivers in cases of accidents - (1)
Where an accident arising directly or indirectly from the use of a motor vehicle occurs to any person or to any vehicle or to any horse in the charge of any person, the driver of the motor vehicle shall stop, and shall also ascertain whether any person has been injured, in which event it shall be his duty to render all practicable assistance to the injured person.

(2) In the case of any such accident (whether any person has been injured thereby or not), the driver of the motor vehicle shall, if required, give to any constable or to any person concerned his name and address and also the name and address of the owner and the number on the registration plates assigned to the motor vehicle.

(3) If the accident involves injury to any person, the driver shall report the accident in person at the nearest police station or to a constable as soon as reasonably practicable, and in any case not later than twenty-four hours after the time of the accident, unless the driver is incapable of doing so by reason of injuries sustained by him in the accident.

(4) Every driver who fails to comply with any obligation imposed on him by subsection (1) of this section in any case where any other person is injured in the accident commits an offence, and is liable on conviction to imprisonment for a term not exceeding five years or to a fine not exceeding five hundred pounds.

(5) Every driver who fails to comply with any obligation imposed on him by subsection (1) of this section in any case where no other person is injured in the accident commits an offence, and is liable to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds.

(6) Every person commits an offence who fails to comply with any obligation imposed on him by subsection (2) or subsection (3) of this section.

(7) In this section the term "injury" includes death; and "injured" has a corresponding meaning.

38. Powers of Constables to Stop Vehicles, etc. - (1)
Every constable, if for the time being in uniform or in possession of any warrant or other evidence of his authority as a constable, is hereby authorised to enforce the provisions of this Act and in particular may at any time -

- (a) Direct the driver of any vehicle to stop his vehicle:
- (b) Direct any person being in charge of a vehicle or in a vehicle or upon a road to furnish his name and address and give any other particulars required as to his identification and to give such information as is within his knowledge and as may lead to the identification of the driver or owner of any vehicle:
- (c) Inspect, test, and examine the brakes or any other part of any vehicle or equipment thereof:
- (d) Move or cause to be moved to any place of safety any vehicle at the expense of the owner, if in the opinion of the constable it causes an obstruction in the road or its removal is desirable for any other reason.

(2) Any constable, if in his opinion any vehicle does not comply with the provisions of this Act may by notice in writing given to the driver or owner of the vehicle, direct that the vehicle be not operated on any road, and that notice shall continue in force until the vehicle has been made to comply with the provisions of this Act:

Provided that any such notice may be subject to a condition to the effect that the vehicle may continue to be used to reach any specified place for repair or may continue to be used for a given time or under limitations as to speed or route or otherwise.

(3) Every person to whom any direction is given pursuant to this section shall comply with that direction, and no person shall do any act which is for the time being forbidden pursuant to this section:

Provided that no person shall be deemed to have committed a breach of this subsection in so far as it relates to a prohibition under subsection (2) of this section, unless the Court is satisfied that the police constable had reasonable grounds for believing that in all the circumstances of the case the prohibition was necessary in the interests of the safety of the driver or person in charge of the vehicle or of any other person or of the public.

(4) Any driver who on demand fails to stop, or refuses to give any such name or address, commits an offence, and may be arrested by any constable without warrant.

(5) On being informed of any offence alleged to have been committed by the driver of a motor vehicle while in charge thereof and on being requested so to do by a constable, whether orally or in writing, the owner of that vehicle, and also, in the case of a vehicle let on hire, the person to whom it is let on hire, shall give all information in his possession or obtainable by him which may lead to the identification and apprehension of the driver.

PART VRULES OF THE ROAD FOR VEHICLES GENERALLY

39. Keeping to Left of Roadway - (1) Every driver shall at all times keep his vehicle as near as practicable to the side of the roadway on his left.

(2) Every driver shall keep his vehicle as far as practicable to his left of the middle line of the roadway (or, where no middle line is marked on the roadway, the middle of the roadway) at or approaching corners, bends, turnings, intersections, or rises when he has not a clear view of the road and the traffic thereon for a distance of at least 300 feet in the direction in which he is travelling.

40. Overtaking of Vehicles Generally - (1) Save at controlled intersections when otherwise directed by a constable, no driver shall when overtaking a vehicle pass on the left of the overtaken vehicle unless the portion of the roadway available for vehicles travelling in the same direction as the driver is marked in lanes by solid or intermittent lines, in which case a driver may overtake and pass on the left of the overtaken vehicle provided the movement can be made with safety and is made with due consideration for other persons using the road.

(2) No driver of a vehicle when overtaking another vehicle shall move into the line of passage of that vehicle until safely clear.

41. Overtaking at Bends, Intersection, or Rises Where Middle Lines Marked - No driver at or approaching any bend, intersection, or upward or downward slope where the controlling authority has marked longitudinal middle lines along the middle or near middle of the roadway in the manner described in diagram No. 1 of the Third Schedule shall, until he reaches the further end of the continuous line which is nearest to his left of the roadway, pass or attempt to pass any vehicle other than a bicycle proceeding in the same direction within the area of roadway on which that continuous middle line is marked as aforesaid.

42. Overtaking at other Places - No driver shall pass or attempt to pass any vehicle proceeding in the same direction -

- (a) At an intersection or within 300 feet before an intersection if the other vehicle is moving or has stopped to give way to other traffic or, as the case may be, has stopped to give way to any vehicle using the intersection.
- (b) Unless until the passing movement is completed the driver has a clear view of the road and the traffic thereon for a distance of at least 300 feet in the direction in which he is travelling.

43. Rules of Driving at Intersection - Notwithstanding the provisions of section 39, 40 and 42 hereof, but subject

to the provisions of section 44 of this Act, the driver approaching, crossing, or leaving an intersection shall proceed as follows:-

- (a) Left turn approaching: the approach for a left turn and the left turn shall be made as close as practicable to the left edge of the roadway:
- (b) Right turn approaching: the approach for a right turn shall be made on the left of but as close as practicable to the middle line or, where no middle line is marked on the roadway, the middle of the roadway out of which the driver is turning. The driver shall then turn into a position on the roadway he is entering to the left of the middle line or, as the case may be, the middle of the roadway, and as soon as the movement can be made with safety the driver shall then move as far as practicable to the left:
- (c) Approaching in Lanes: Where the approach to an intersection has been marked out in lanes, the driver shall drive into the lane appropriate to his intended direction of travel as indicated by markings on the roadway or a traffic sign, and shall proceed in accordance with the directions given by those markings or traffic sign:
- (d) Approaching and Crossing: Passing of other Vehicles: The driver may overtake and pass another vehicle on the left of the overtaken vehicle when approaching or crossing any intersection if the movement can be made with safety, provided -
 - (i) The overtaken vehicle is stationary or its driver has given or is giving the prescribed signal of his intention to turn to the right: or
 - (ii) The approach to the intersection is marked out in two or more lanes, and the driver of the overtaken vehicle is conforming with the directions given by markings on the roadway or a traffic sign:
- (e) Leaving Intersection in Lanes: On leaving the intersection the driver shall conform with any directions indicated by lanes for markings on the roadway or a traffic sign and shall then move as far as practicable to the left as soon as the movement can be made with safety:
- (f) Leaving Intersection - Passing of Other Vehicles: A driver who has proceeded straight through the intersection or turned left may immediately beyond the intersection overtake and pass on the left of any vehicle which has turned or is turning to the right provided the movement can be made with safety.

44. Right-hand Rule at Intersections - (1) A driver of any vehicle approaching or crossing an uncontrolled intersection shall yield the right of way to any other vehicle approaching or crossing the intersection from his right;

Provided that where one only of the vehicles is turning or about to turn to its right or is under the control of a stop sign or give-way sign being signs respectively as set out in the Third Schedule of this Act the driver of the vehicle shall yield the right of way to the other vehicle:

(2) The driver of any vehicle approaching or crossing an uncontrolled intersection and turning or about to turn to his right shall yield the right of way to any other vehicle approaching or crossing the intersection from the opposite direction, unless that other vehicle is turning or about to turn to its right or is under the control of a stop sign or give-way sign being signs respectively as set out in the Third Schedule of this Act:

Provided that nothing in this subsection shall apply where each vehicle is under the control either of a stop sign or a give-way sign or the direction of a constable.

(3) Every driver approaching or crossing an uncontrolled intersection shall yield the right of way to every other vehicle entitled to the right of way under the foregoing provisions of this Act and if necessary for that purpose shall stop his vehicle.

(4) A driver shall not increase the speed of his vehicle when approaching any uncontrolled intersection which any other vehicle is approaching or crossing.

45. Stopping at Stop Signs - (1) Every driver when approaching any stop sign affecting any portion of an intersection shall, before entering the intersection, stop his vehicle in such a position as to be able to ascertain that the way is clear for him to proceed, and shall not proceed unless the way is clear:

Provided that the driver, while using a siren or bell under the authority of this Act, need not comply with the requirements of this subsection if he maintains through the intersection a speed not exceeding 10 miles an hour and takes due care to avoid collision with other traffic.

(2) The provisions of subsection (1) of this section shall not apply at an intersection where traffic is for the time being controlled by a constable.

46. Intersections Where Give-way Signs Erected - (1) Notwithstanding anything in section 45 of this Act, every driver when approaching a give-way sign being a sign as set out in the Third Schedule of this Act affecting any portion of an intersection shall yield the right of way to any other vehicle approaching or crossing the inter-

section, and if necessary for that purpose shall stop his vehicle.

(2) A driver shall not increase the speed of his vehicle when approaching or crossing any intersection at which any other vehicle has the right of way under this Act.

(3) The provisions of this section shall not apply at an intersection where traffic is for the time being controlled by a constable.

47. Pedestrian Crossings - (1) Every driver when approaching a crossing shall travel at such a speed that, if necessary to comply with subsection (2) of this section, he will be able to stop his vehicle before reaching the pedestrian crossing.

(2) Every driver when approaching a pedestrian crossing shall yield the right of way to any pedestrian who is crossing the roadway on that pedestrian crossing. For the purpose of this subsection the parts of a pedestrian crossing which are situated on each side of the longitudinal line dividing the crossing into two parts, shall be deemed to be separate pedestrian crossings.

(3) No driver shall overtake and pass any vehicle that has stopped or slowed down to comply with the provisions of subsection (2) of this section.

(4) The provisions of this section shall not apply at a pedestrian crossing that is for the time being controlled by a constable.

48. Erection of pedestrian crossings - The erection of any pedestrian crossing shall be subject to the approval of the Chief of Police.

49. Driver's Signals - (1) Every driver whenever in view of other traffic shall, unless prevented by a sudden emergency, give reasonable notice of his intention -

- (a) To stop or reduce speed, by extending the right arm directly outwards from the right side of the vehicle with the upper arm horizontal and the forearm vertical; or
- (b) To turn or move to the right or draw out from the kerb towards his right, by extending the right arm directly outwards from the right side of the vehicle in a horizontal position.

(2) The driver, instead of giving the arm signals described in subsection (1) of this section, may indicate his intention by means of one or more approved signalling devices.

(3) Where the construction, equipment, or loading of any vehicle or any trailer drawn by it is such that it would prevent the driver from giving satisfactory arm

signals as provided for in subsection (1) of this section, no person shall operate the vehicle unless it is fitted with an approved signalling device.

50. Restrictions on Stopping or Parking Vehicles (1) No person being the driver or in charge of any vehicle shall stop, stand, or park the vehicle -

- (a) On a road, whether attended or unattended, without due care or without reasonable consideration for other persons using the road; or
 - (b) So as to cause or be likely to cause damage to ornamental grass plots, shrubs, or flower beds laid out or planted on the road.
- (2) No person being the driver or in charge of any vehicle shall stop, stand or park that vehicle on a road, whether attended or unattended -
- (a) Within an intersection or, within 20 feet of any intersection.
 - (b) On a pedestrian crossing, or (except in the case of a bicycle) before the nearer side of a pedestrian crossing within any area marked on the roadway or, where no such area is marked, within a distance of 20 feet.
 - (c) In any part of a roadway so close to any corner, bend, rise, or intersection as to obstruct or be likely to obstruct other traffic or any view of the roadway to the driver of the vehicle proceeding towards that corner, bend, rise, or intersection.
 - (d) In any part of a roadway contrary to the terms of any notice, traffic sign, or marking or sign maintained on or adjacent to the roadway by a controlling authority and indicating that the stopping, standing, or parking of vehicle is prohibited, limited, or restricted.

Provided that nothing in this paragraph shall apply with respect to any vehicle carrying passengers for hire that has stopped at an authorised stop for such vehicle for the purpose of embarking or disembarking passengers:

Provided also that no driver of a vehicle carrying passengers for hire shall be deemed to commit an offence against this paragraph if the vehicle has stopped temporarily only and solely for the purpose of picking up or setting down passengers:

Provided also that no driver of a vehicle shall be deemed to commit an offence against this paragraph if he remains in the vehicle or leaves a person in charge of the vehicle who is capable of moving it if necessary.

- (f) Otherwise than parallel with the direction of the roadway and with the left side of the vehicle as close as is practicable to the left side of the road, except in a one way road, when the vehicle shall face in the same direction as the vehicle proceeding along the road and as close as practicable to either side of the road.

51. Reporting Damage to Other Vehicles or

Property - Where due to the driving of a vehicle any other vehicle or any property (being a vehicle or property belonging to a person other than the driver or owner of the first-mentioned vehicle) is damaged, the driver of the first-mentioned vehicle, unless he is incapable of doing so by reason of injuries sustained by him, shall report the occurrence and advise his name and address and other relevant particulars as soon as reasonably practicable, and in any case not later than 48 hours after the time of the occurrence to the driver or owner of the other vehicle or to the owner of the property which is damaged but, if the driver or owner of that other vehicle or property damaged cannot readily be ascertained or identified, the driver of the first-mentioned vehicle shall within the aforesaid period report the occurrence with the said particulars to the nearest police station or constable.

52. Broken Glass, etc., on Roads - If any slippery substance or any piercing substance or any glass falls from any vehicle upon any road, it shall be the duty of the driver of any vehicle involved to remove or cause to be removed immediately that substance from the road, if all the persons aforesaid are physically incapacitated from the task by reason of an accident, the duty shall devolve on any person removing the vehicle or vehicles from the scene of the accident.

53. Unsafe Vehicles, etc. - No person shall operate any vehicle in such condition or in such manner or so loaded or with a load so unsafely secured, as to cause, or be liable to cause, injury to any person or animal or annoyance by reason of noise or other cause to any person or damage to any property.

54. Dangerous Riding on Vehicles - No person shall ride, and the driver shall not permit any person to ride, on any vehicle in a manner or position which may be liable to cause injury to that person.

55. Vehicles Used for the Public Works or Trade

Purposes - (1) It shall be a defence to any person, being the driver of a vehicle who is charged with an act or omission amounting to a breach of this part of this Act, if he proves -

- (a) That the vehicle was at the time of the act or omission actually engaged in a public work on a road; and
 - (b) That the vehicle was being used on the road with due consideration for other road users; and
 - (c) That the act or omission was reasonably necessary for the purpose of that work; and
 - (d) That he took all reasonable care to prevent the occurrence of any accident, mishap, collision or damage, or any injury to or interference with any person, animal, or property arising by reason of the act or omission.
- (2) Any person who does any act or omits to do any act requested of him under this Part of this Act shall be liable to a fine not exceeding ten pounds.

PART VI

GENERAL PROVISIONS

56. Speed - (1) No person shall on any road drive any motor vehicle at speed exceeding 35 miles an hour.

(2) No person shall drive on any road any heavy motor vehicle at a speed exceeding 30 miles an hour.

(3) No person shall on any road drive a motor vehicle through any restricted area at a speed exceeding 25 miles an hour.

(4) The Minister may from time to time by notice published in the Gazette declare any portion of any road as being a "restricted area".

57. Stopping of vehicles within half length of clear roadway - (1) No person shall on any road drive any motor vehicle at such a speed that he is unable to stop his vehicle within half the length of clear roadway that to the driver is visible immediately in front of the vehicle.

(2) No driver of a vehicle on any road following immediately behind another vehicle shall, except for the purpose of overtaking and passing that other vehicle, drive at such a speed that at any time he is unable to stop his vehicle within the length of clear roadway visible to him between the two vehicles.

58. Reduced Speed Zones - (1) The Minister may from time to time by notice published in the Gazette declare any road or any portion of a road to be a reduced speed zone where by reason of weather conditions, poor visibility, the presence of children, the density or nature of traffic, the condition of the road surface, or other similar reasons he considers that a speed in excess of 20 miles per hour is an unsafe speed for the conditions then existing.

(2) No person shall drive any motor vehicle at a speed exceeding 20 miles per hour on any road or portion of a road that has been declared a reduced speed zone under subsection (1) of this section.

(3) Any person who offends against this section commits an offence provided that he shall not be deemed to have committed an offence unless reasonable notice of the reduced speed zone has been given by signs duly erected and maintained along the area of the reduced speed zone.

59. Exemption from speed limits of police, and ambulance and fire-brigade drivers - It shall be a defence to any person charged with driving a motor vehicle at a speed in excess of any speed limit fixed under this Act, if he proves that at the time of the alleged offence he was driving a motor vehicle -

- (a) Used as an ambulance and being at the time used on urgent ambulance service; or,
- (b) Conveying a constable in the execution of urgent duty, if compliance with the speed limit would be likely to prevent or hinder the execution of that duty; or,
- (c) Used by a fire brigade for attendance at fires and being at the time used on urgent fire-brigade service.

60. Compliance with speed limit not a defence to other charges - It shall be no defence in any proceedings for an offence relating to the use of a motor vehicle on any road, other than the offence of exceeding any speed limit, that at the time of the alleged offence the motor vehicle was being driven at a speed not exceeding any limit of speed duly fixed in respect of that road.

61. Speed of trailers - No person shall on any road drive any motor vehicle which is being used to tow a trailer or trailers at a speed exceeding 25 miles an hour.

62. Speed of Motor Cyclists and Riders of Power Cycles With Pillion Passengers - No person shall drive a motor cycle or a power cycle on any road with or without a sidecar, at a speed exceeding 25 miles an hour, if that person is carrying a passenger.

63. Temporary Speed Limits - (1) Where at any place on a road any controlling authority considers that a temporary risk of danger to the public or of damage to the road exists or is likely to arise, the controlling authority may at that place erect signs as hereinafter provided for the purpose of there fixing a temporary maximum speed limit for motor vehicles.

(2) The traffic signs to be erected for the purpose of subsection (1) of this section shall be as follows:-

- (a) sign of Class G at every point of entrance to the temporary maximum speed limit zone.

- (b) A sign of Class G or Class H whichever is appropriate at every point of exit from the temporary maximum speed limit zone; provided that the sign of Class G at the commencement of such a temporary maximum speed limit zone shall have attached immediately underneath the disc a rectangular sign bearing in black letters not less than three inches high on a yellow ground the word "Temporary".

(3) The Minister may at any time direct the controlling authority to remove any signs erected pursuant to subsections (1) and (2) of this section but, subject to any such direction, the speed limit depicted by the sign of Class G shall remain in force while the signs are duly erected and maintained in a manner provided by Part VII of this Act.

(4) Every person who drives a motor vehicle on a road where a temporary maximum speed limit is fixed pursuant to the provisions of this section at a speed in excess of the maximum speed so fixed commits an offence and is liable to a fine not exceeding ten pounds.

64. Passing School Buses - The driver of any motor vehicle upon meeting or overtaking any stationary school bus discharging or embarking school children shall drive with due care for the safety of the children and in no case shall while passing any part of the school bus drive at a speed in excess of 10 miles an hour.

EQUIPMENT

65. General Lighting Requirements - (1) Save as provided by subsection (2) of this section, no person shall operate a motor vehicle during hours of darkness unless it is equipped as provided in sections 66, 67, 68, 69 hereof, and no person shall drive, stand, park, or leave a motor vehicle on any road during hours of darkness unless the lamps required by those sections display lights in manner therein prescribed.

(2) The lights prescribed need not be displayed while the motor vehicle is stationary on the roadway, so long as the vehicle is lighted from some artificial source so that its position on the roadway is clearly visible at a distance of 150 feet.

66. Headlamps - Every motor vehicle (other than a motor cycle or power cycle or trailer) shall be equipped with two, and not more than two, headlamps attached thereto, which shall -

- (a) Be of approximately equal candle power.
- (b) Be placed one towards each side of the vehicle, so that each directs a beam of light ahead of the vehicle.

- (c) Display beams of light of sufficient power to enable substantial objects and the nature of the road surface at a distance of at least 150 feet directly in front of the vehicle to be clearly visible during hours of darkness under normal driving and atmospheric conditions to a driver of normal vision.
- (d) Be so focused and adjusted so that under all conditions of use the centre line of the main beam of light from each lamp -
 - (i) Does not rise above a plane which passes through the centre of the lamp and is parallel to the surface on which the vehicle is standing; and
 - (ii) Is projected either parallel to the longitudinal centre line of the vehicle or leftwards from that parallel position.

67. Dipping of Lights - Every person who drives any motor vehicle during the hours of darkness shall dip his headlights when -

- (a) following another vehicle, or
- (b) approaching on-coming traffic, or
- (c) approaching an intersection for the time being under the control of a constable, or
- (d) stopped or parked.

68. Rear Lamps - (1) Every motor vehicle, including any trailer, shall be equipped with at least one rear lamp which shows a red light visible at least 300 feet to the rearward and which is attached at the rear of the vehicle at or to the right of its longitudinal middle line. Where there are two such lamps, one shall be fitted at each side of the vehicle.

(2) The figures and letters of the rear registration plate of every motor vehicle shall be made clearly visible under normal conditions at a distance of 60 feet by a white light the beams of which are not visible from the rear.

(3) Notwithstanding anything in this section or in subsection (1) of section 64 hereof, every goods-service vehicle (being a heavy motor vehicle, or being a vehicle fitted with a flat deck or tray for the carriage of goods and whether or not it is equipped with side boards and tailboards) shall, at all times while on a roadway and whether stationary or not display during the hours of darkness a red light visible at a distance of 300 feet to the rear in normal atmospheric conditions. This red light shall be fitted within 12 inches of the extreme rear end of the vehicle and within 12 inches of the extremity of the right side of the vehicle:

Provided that where the load of a vehicle extends a greater distance than 4 feet behind the vehicle the light shall be displayed at the extreme rear end of the load and as far as practicable to the right side of the load.

69. Rear Reflectors - (1) No person shall operate any motor vehicle on any road unless in accordance with the provisions of this section it displays a clean and efficient condition approved rear reflectors placed at the back of the vehicle so as to reflect directly to the rear any light shining towards it from the rearward of the vehicle.

(2) Except in the cases of motor cycles and power cycles, every motor vehicle shall display two approved red reflectors. The reflectors shall be fitted so that they are displayed one at the left side of the vehicle and the other at the right side of the vehicle.

70. Brakes - (1) In this section, unless the context otherwise requires - "Independent brake" means a brake of which the entire operating mechanism or system is either -

- (a) Distinct and separate from all parts or connections of any other brake or brake system, so that the independent brake cannot be adversely affected by the operation or failure of any other brake; or
- (b) Common to any other brake or brake system only in parts or connections which are of such design and strength that under normal operating conditions and with a proper standard of maintenance there is no reasonable probability of failure by reason of the failure of any other brake or brake system:

"Parking Brake" means a brake readily applicable by use generally of the driver's hand and capable of remaining applied for an indefinite period without further attention than the initial application.

"Service brake" means a brake for intermittent use readily applicable by use generally of the driver's foot.

(2) No person shall operate a motor vehicle unless it is equipped with two independent brakes, one being a service brake and the other being a parking brake, and each complying with the requirements of this section so far as applicable.

(3) No person shall operate a motor vehicle unless with its load (including any trailer and its load which may be attached), upon a hard, dry, level roadway free of loose material, and without assistance from the compression of the engine -

- (a) The service brake, in the case of any vehicle, equipped with a service brake acting upon not less than four wheels of the vehicle, is capable of bringing the vehicle to a standstill within a distance of 30 feet from a speed of 20 miles an hour, and in any other case is capable of bringing the vehicle to a standstill within a distance of 35 feet from a speed of 20 miles an hour; and

- (b) The parking brake is capable either of bringing the vehicle to a standstill within a distance of 70 feet from a speed of 20 miles an hour, or is capable of holding the vehicle at rest on a grade of one in five.

(4) The provisions of this section shall not apply to a trailer, or a vehicle propelled by steam power, or a vehicle fitted with self-laying tracks, or a motor cycle with or without a sidecar attached, or a power cycle.

(5) Except where else provided no person shall operate a trailer (other than a trailer forming part of an articulated vehicle) the weight of which with its load exceeds 2 tons, unless it is equipped with a parking brake which when applied on the loaded trailer alone is capable of meeting the requirements for a parking brake prescribed in subsection (3) of this section.

(6) No person shall operate a motor vehicle propelled by steam power or fitted with self-laying tracks unless it is equipped with a brake or brakes adequate to control its movements and to stop and hold the vehicle under all conditions of use.

(7) Every brake referred to in this section shall be capable of easy adjustment, and shall be maintained so that at all times it is efficient and in good working order.

71. Warning Devices - (1) No person shall operate a motor vehicle unless it is equipped with a warning device in good working order capable of giving a warning audible under normal conditions from a distance of not less than 300 feet.

(2) No person shall at any time use a warning device otherwise than as a reasonable traffic warning or make any unnecessary or unreasonably loud, harsh, or shrill sound by means of a warning device.

(3) No person shall use a warning device between eleven o'clock at night and seven o'clock in the morning unless in a traffic emergency.

72. Steering - (1) No person shall operate any motor vehicle having the steering column to the left of the longitudinal centre line of the body of the vehicle.

(2) So long as the motor vehicle is fitted with an approved direction and stop indicator the following are hereby exempted from the provisions of this section:-

- (a) any vehicle exempted in writing for a period not exceeding one month by the Chief of Police,
- (b) any vehicle exempted in writing by the Minister for the period of that exemption.

(3) Every person who operates a motor vehicle in respect of which an exemption has been granted under subsections (2) (a) and (2) (b) of this section shall carry such notice on the vehicle and produce it to any constable on demand.

(4) With the exception of any motor vehicle imported into the Cook Islands before the commencement of this Act or except with express permission of the Minister no motor vehicle shall be registered under the provisions of this Act unless the vehicle has a right hand drive.

3. Tyres - No person shall on any road use on any motor vehicle a pneumatic tyre that has worn or damaged cords apparent by external examination.

74. Windscreen Protection - (1) No person shall operate any motor vehicle (other than a motor cycle or power cycle) fitted with a windscreen unless it is fitted with an efficient mechanically operated windscreen wiper to prevent interference with the driver's vision by weather conditions.

(2) No person shall drive a motor vehicle fitted with a windscreen forward of the driver unless the windscreen is at all times kept clean and clear so that the driver's view forward will not be impeded or obstructed.

(3) No person shall operate a motor vehicle fitted with a windscreen unless the windscreen is made of approved safety glass.

75. Rear-vision Mirror - No person shall operate any motor vehicle (other than a motor cycle or power cycle or trailer) unless it is fitted with a mirror so as to reflect to the driver a view of the roadway to the rear sufficient for driving requirements.

76. Approval of Appliances by Chief of Police - (1) The Chief of Police may, by notice published in the Gazette, approve of any appliance, apparatus, or device, or any type of appliance, apparatus, or device, for use under this Act.

(2) The use of an appliance, apparatus, or device so approved or of a type so approved shall, while it is properly maintained in efficient working order and the conditions (if any) of the approval are complied with, be deemed to be a sufficient compliance with this Act.

(3) Any approval given by the Chief of Police under this section may be at any time withdrawn by the Chief of Police by notice published in the Gazette.

77. Means of Entrance and Exit - (1) No person shall operate any motor vehicle unless it affords a ready means of entrance and exit for the passengers and driver thereof.

(2) No person shall operate any motor vehicle having any door used for entrance and exit of the passengers or the driver unless every such door is fitted with an efficient permanent device for opening and closing the door, capable of being operated from both the outside and the inside of the vehicle, and readily available at all times for use by the driver and by the passengers within the vehicle.

(3) No person shall so open the door of a motor vehicle as to be likely to cause injury to another person.

(4) Where any motor vehicle does not comply with subsection (2) of this section, such motor vehicle shall be fitted with a safety belt of an approved type, one for the driver and at least one other seat belt of an approved type for the use of a passenger seated in the same line transversely as the driver.

78. Dangerous fittings - (1) No person shall operate a motor vehicle fitted with any ornament, decoration, or fitting of such a nature and in such a position that it is likely to cause injury to any person with whom the vehicle may collide.

MOTOR VEHICLE INSPECTION

79. Warrant of Fitness - (1) No person shall operate any motor vehicle on any road unless there is carried on the vehicle a current warrant of fitness in the prescribed form.

(2) In the case of a vehicle fitted with a windscreen, the warrant shall be affixed to the left hand side of the inner side of the windscreen so as not to be readily detachable therefrom.

(3) In the case of a vehicle not fitted with a windscreen, the warrant shall be affixed to the inside of a piece of clear glass or other transparent material fitted to an approved waterproof holder, which shall be attached to the vehicle, and which shall be readily visible.

(4) The expiry date to be entered on the warrant of fitness shall be the date six calendar months from the date of examination.

(5) A warrant of fitness may be issued to a vehicle not equipped with lamps as required by sections 66 and 68 of this Act, if such warrant is expressed to be subject to both the following conditions:-

- (a) that no headlamps shall be fitted to the vehicle,
- (b) that the vehicle shall not be operated during the hours of darkness.

(6) The warrant of fitness shall be issued only by a person or firm appointed or approved for the purpose by the Minister (hereinafter referred to as an approved testing authority), and that appointment or approval shall

be notified in such manner as the Minister directs. Every such appointment or approval may be revoked at any time by the Minister and the revocation shall be notified in such manner as the Minister directs.

(7) The fee for a warrant of fitness as set out in the First Schedule to this Act shall be payable in respect of each such warrant.

(8) No person shall knowingly operate a motor vehicle in which a warrant of fitness is required to be carried, if the vehicle is no longer so equipped as to justify the issue therefor of a warrant of fitness in terms of the warrant so required to be carried.

(9) Upon payment of the fee prescribed in subsection (7) of this section the approved testing authority which tested the vehicle shall be credited with the sum of four shillings.

80. Inspection of Motor Vehicles After Accidents - (1) Any constable if in his opinion any motor vehicle which has been damaged in an accident has thereby been rendered unsafe for use, may, by notice in writing given to the driver or owner of the vehicle direct that the vehicle be not operated on any road until a fresh warrant of fitness or a letter from an approved testing authority advising that a fresh warrant of fitness is not required has been produced to any constable:

Provided that the notice may be subject to a condition to the effect that the vehicle may continue to be used on the roads to reach an approved testing authority under limitations as to speed or route or otherwise.

(2) It shall be an offence for any person to use a vehicle on a road contrary to the terms of any notice issued under subsection (1) of this section:

Provided that no person shall be deemed to have committed a breach of subsection (1) of this section unless the Court is satisfied that the constable had reasonable grounds for believing that in all the circumstances of the case the direction was necessary in the interests of the driver or person in charge of the motor vehicle or of any other person or of the public.

LOADING AND DIMENSIONS

81. Restrictions as to Loading and Dimensions - No person shall operate any motor vehicle or trailer if the vehicle or its load or both -

- (a) exceed 8 feet in width or extend more than 4 feet from the longitudinal centre line of the vehicle; or
- (b) exceeds 30 feet in length; or
- (c) in the case of any motor vehicle (not being a trailer) extends forward more than 18 inches from the foremost part of the

- vehicle, or more than 7 feet 6 inches beyond the front axle, whichever is the lesser distance; or
- (d) extend backward more than 9 feet 6 inches behind the axis of the rear wheels or more than 4 feet behind the body, whichever is the lesser distance; or
 - (e) rise to such a height as to be liable to damage any construction or wires lawfully over the roadway used by the vehicle, or in any case to a height exceeding 14 feet from the ground; or
 - (f) drag on or make moving contact with the roadway otherwise than by means of the wheels or by means of an attachment used to prevent the accumulation of static electricity.

82. Length of Articulated Vehicles - Subject to the provisions of paragraphs (c) and (d) of section 81 of this Act, and notwithstanding the provisions of paragraph (b) of that section, an articulated vehicle may be of any length not exceeding 36 feet.

83. White Cloth to Indicate Excess Dimensions - No person shall operate a motor vehicle or trailer unless the excess irregularity of the dimensions of the vehicle or load are suitably indicated by means of a white rectangular cloth at least 18 inches long and 9 inches wide borne on the vehicle or load.

TOWING

84. Rules as to Towing - (1) No person shall operate any motor vehicle which is being used to tow another vehicle if the space between the vehicles exceeds 12 feet unless written permission of the Chief of Police is obtained, and unless in addition a white rectangular cloth at least 28 inches long and 9 inches wide is attached midway to the means of connection between the vehicles.

(2) No person shall during hours of darkness tow any vehicle other than a trailer, unless the towed vehicle is fitted with a white light at the front sufficient to show the towing connection, and with a rear lamp complying with the provisions of section 68 of this Act.

85. Couplings - Except in the case of a trailer forming part of an articulated vehicle, no person shall operate any motor vehicle which is being used to tow a trailer or trailers unless every vehicle is safely and securely attached to the vehicle in front of it by an adequate coupling and also by a securely attached chain or cable coupling, each being in itself of sufficient strength to hold the trailer or trailers secure under all conditions of road use.

SPECIAL PROVISIONS RELATING
TO MOTOR CYCLES

86. Headlamps - (1) No person shall during the hours of darkness operate a motor cycle, unless it is fitted with at least one and not more than two headlamps which display a beam or beams of light of sufficient power to enable substantial objects and the nature of the road surface at a distance of at least 150 feet directly in front of the motor cycle to be clearly visible during the hours of darkness under normal driving and atmospheric conditions to a driver of normal vision.

(2) Any headlamp fitted to a motor cycle shall be focused and adjusted so that under all conditions of use the centre line of the main beam of light from the lamp -

- (a) Does not rise above a plane which passes through the centre of the lamp and is parallel to the surface on which the vehicle is standing; and
- (b) Is projected either parallel to the horizontal middle line of the vehicle or leftwards from the parallel position when the front wheels of the vehicle are in position for it to move directly ahead.

87. Rear Reflectors - No person shall operate a motor cycle, unless it is fitted with an approved red reflector in a clean and efficient condition placed at the back of the vehicle so as to reflect directly to the rear light shining towards it from the rearward of the vehicle.

88. Brakes - No person shall operate a motor cycle, unless it is fitted with a brake on the rear wheel which is capable of bringing to a standstill the motor cycle and its sidecar (if any), without assistance from the compression of the engine, within a distance of 35 feet from a speed of 20 miles an hour upon a hard, dry, level roadway, free of loose material, and which is capable of easy adjustment and is maintained so that all times it is efficient and in good working order.

89. Footrests - No person shall operate any motor cycle unless adequate footrests are fitted for the use of every person carried otherwise than in a sidecar.

90. Silencers - No person shall operate a motor cycle unless it is fitted with a silencer which is effective and in good working order, and is so constructed or adapted that it is impossible to interfere readily with the operation or effectiveness of the silencer at any time.

91. Loading - (1) No person shall operate any motor cycle (whether with a sidecar attached or not) if any part of the vehicle or its load projects more than 2 feet in front of, or more than 3 feet to the rear of the wheels of the motor cycle, or projects more than 1 foot 6 inches on either side of the longitudinal middle line

of the motor cycle. When a sidecar is attached, the load may project not more than 6 inches beyond that side of the sidecar which is farthest from the motor cycle.

(2) No person shall drive a motor cycle -

- (a) Carrying any person in front of the driver; or
- (b) Without sidecar and carrying more than two persons, or carrying any person seated otherwise than astride and facing forward; or
- (c) With sidecar and carrying more than four persons in all.

§2. Towing - No person shall operate any motor cycle (whether with a sidecar attached or not) to tow any vehicle other than a trailer in accordance with section 93 of this Act.

93. Measurements of trailers - No trailer attached to or towed by any motor cycle, shall exceed the following measurements:-

- (a) The length shall not exceed 4 feet;
- (b) The width shall not exceed 3 feet;
- (c) The depth of which shall not be lower than 1 foot;

Provided that such trailer shall be of a type approved by the Chief of Police.

SPECIAL PROVISIONS RELATING TO POWER CYCLES

94. Equipment - (1) No person shall operate a power cycle unless it has attached -

- (a) At the front a lamp displaying during the hours of darkness a beam of light substantially white in colour and of sufficient power, when the vehicle is travelling at a speed of 25 miles an hour, to enable substantial objects and the nature of the road surface at a distance of at least 100 feet directly in front of the vehicle to be clearly visible during hours of darkness under normal atmospheric conditions to a driver of normal vision. The headlamp shall be focused and adjusted as provided in subsection (2) of section 84 of this Act relating to headlamps for motor cycles.
- (b) At the rear a lamp which shows during the hours of darkness a redlight visible under normal atmospheric conditions at least 300 feet to the rearward; and
- (c) An approved clean and efficient red reflector placed at the back of the vehicle so as to reflect directly to the rear light shining towards it from rearward of the vehicle.

(2) Section 74 hereof relating to warning devices for motor vehicles in general shall apply to power cycles:

Provided that a power cycle may be fitted with an efficient bell as its sole warning device.

(3) No person shall operate a power cycle, unless it is fitted with one efficient brake on each road wheel.

95. Loading and Towing Restrictions - (1) No person shall drive a power cycle -

- (a) Carrying any person in front of the driver; or
- (b) Carrying more than two persons, or carrying any person seated otherwise than astride and facing forward; or
- (c) Unless the pillion seat (if any) is securely attached to the power cycle, and adequate footrests are fitted on the rear of such power cycle.

(2) No person shall drive a power cycle on any road while it is towing any other vehicle.

(3) No driver of a power cycle on any road shall permit the power cycle to be towed by another vehicle or by any animal.

SPECIAL PROVISIONS RELATING TO BICYCLES

96. Riding Requirements - (1) No person shall negligently or carelessly ride any bicycle on any road.

(2) No person shall ride a bicycle on any road so that it shall remain abreast of more than one bicycle.

(3) No person shall ride a bicycle on any footpath or footway or on any lawn, garden, or other cultivation forming part of a road.

97. Towing of bicycles - No rider of a bicycle on any road shall permit the bicycle to be towed by any other vehicle or animal.

98. Equipment - (1) No person shall on a road ride a bicycle during hours of darkness, unless it has attached at the front a lamp displaying a light substantially white in colour of sufficient brilliance to be visible under normal atmospheric conditions for at least 300 feet in a forward direction.

(2) No person shall on a road ride a bicycle during the hours of darkness, unless it is fitted with a lamp showing a red light to the rear of the bicycle which is placed at the back of the bicycle and is of sufficient brilliance to be visible under normal atmospheric conditions for at least 300 feet.

(3) No person shall on a road ride a bicycle, unless it is fitted with an approved red reflector in a clean and efficient condition.

(4) No person shall on a road ride a bicycle, unless it is fitted with at least one efficient brake which operates on the rear wheel.

(5) No person shall on a road ride a bicycle, unless it is fitted with a bell as a warning device capable of being readily operated to give a warning audible under normal conditions at a distance of not less than 100 feet.

(6) No person shall on a road ride a bicycle if it is equipped with a lamp that displays towards the rear any light other than a red light or with a lamp or reflecting surface that displays towards the front any red or reddish light.

(7) No person shall on a road ride a bicycle -

- (a) Fitted with a pillion seat, unless adequate footrests are fitted for any person carried on the pillion seat; or
- (b) Fitted with a container or seat for the carriage of an infant, unless the legs of the infant are adequately protected by guards from coming into contact with the wheels of the bicycle.

PEDESTRIANS

99. Pedestrians - (1) Every pedestrian walking along a road where a reasonably adequate footpath is available shall keep to the footpath as much as is practicable.

(2) A pedestrian shall not remain on a pedestrian crossing longer than is necessary for the purpose of crossing the roadway with reasonable dispatch.

(3) A pedestrian shall at all times when practicable remain on the footpath if one is provided or as near as practicable to the edge of the road if there is no footpath.

(4) Unless provided to the contrary by a notice, traffic sign, or marking or sign on the roadway erected or maintained by the controlling authority at an intersection, a pedestrian crossing shall whenever possible cross at right angles to the kerb or side of the roadway.

(5) Every pedestrian shall comply with any directions given by a constable for the purposes of safe and efficient regulation of traffic.

100. Creation of Pedestrian Crossing - Any pedestrian crossing or other road markings may only be created with the approval of the Chief of Police. Such road marking will be as described in diagram No. 2 in the Third Schedule.

101. Maintenance of Pedestrian Crossing - No person who is not authorised by the Chief of Police shall in any part of road mark out or maintain, or cause or permit or suffer to be marked or maintained, any areas so as substantially to appear to be a pedestrian crossing.

SPECIAL PROVISIONS RELATING
TO HORSE TRAFFIC

102. Application of Sections 103 to 107 - Sections 103 to 107 of this Act (both inclusive) shall apply only to horses or horse-drawn vehicles.

103. Definitions - In this part of this Act unless the context otherwise requires -

"Horse-drawn vehicle" means a vehicle drawn by a horse; and includes a vehicle drawn by any other animal:

"Rider", in relation to any horse, includes a person who, while riding any other horse on a road, leads the first-mentioned horse by a rope, rein, or other similar means of guidance; and the expression "ridden horse" includes any horse so led:

"Road margin" includes any uncultivated margin of a road adjacent to but not forming part of either the roadway or the footpath (if any).

104. Use of Road - (1) Every rider of a horse on any road shall when a reasonably adequate road margin is available, keep the horse on the road margin as far as is practicable.

(2) Every rider of a horse shall, when travelling on a roadway, keep the horse as close as is practicable to his left of the roadway.

(3) No rider of a horse shall travel on a roadway on the right of more than one other ridden horse proceeding in the same direction as himself, nor, except when passing it, on the right of any vehicle proceeding in the same direction as himself.

(4) No rider of a horse shall ride along a footpath, or on any lawn, garden, or other cultivation forming part of a road.

105. Method of Leading Horse From Ridden Horse - Every rider of a horse who leads by rope, rein or other similar means of guidance any other horse shall, when travelling on a roadway, keep the ridden horse on the right or off side of the led horse, and shall when travelling on the road margin keep the ridden horse between the led horse and the roadway.

106. Lights - (1) No person shall operate a horse-drawn vehicle during the hours of darkness, unless at the extreme right side of the front of the vehicle or its load it is fitted with a lamp which displays in a forward direction a light substantially white in colour, and unless it displays to the rear a red light shining either from the same lamp or from a separate lamp attached at the rear of the vehicle.

(2) All the lights described in this section shall be of sufficient brilliance to be visible in normal atmospheric conditions for a distance of at least 300 feet.

(3) No person shall operate a horse-drawn vehicle during the hours of darkness if it is equipped with a lamp that displays towards the rear any light other than a red light or with a lamp of reflecting surface that displays towards the front any red or reddish light.

107. Loading and Dimensions - No person shall operate any horse-drawn vehicle so constructed or loaded that it is likely to form a danger to other traffic.

SPECIAL PROVISIONS RELATING TO
HEAVY TRAFFIC AND HIRE VEHICLES

108. Special provisions Relating to Heavy Traffic - (1) No person shall drive a heavy motor vehicle whether for the carriage of goods or persons in excess of the limitation as specified in the certificate of annual licence.

(2) In relation to carriage of goods, no person shall operate a heavy motor vehicle with a load, in excess of the weight of such heavy motor vehicle.

109. Special Provisions Relating to Hire Vehicles - (1) No person shall operate a vehicle for hire unless there has been paid a fee, as prescribed in the First Schedule to this Act.

PART VII

TRAFFIC SIGNS AND ROAD MARKINGS

110. Classes of Traffic Signs - (1) Traffic signs shall be of the following classes:-

Class A: Signs indicating the existence of circumstances requiring special watchfulness, caution, and slowness of the speed on the part of the driver of a motor vehicle, such as proximity to a school or hospital or pedestrian crossing.

Class B: Signs indicating the existence of circumstances requiring special watchfulness, caution, and slowness of speed on the part of the driver of a motor vehicle arising out of the nature or condition of the road, such as a sharp bend or turning, side road or crossroad, narrow bridge, or loose gravel.

Class C: Signs conveying information relating to the parking of vehicles.

Class D: Stop signs.

Class E: Signs conveying information relating to restrictions on the stopping of vehicles.

- Class F: Signs conveying information relating to prohibitions or restrictions on or directions to traffic duly authorised by any enactment or by any regulations or by-laws or resolution of the controlling authority and not conveyed by a sign of any other class herein described.
- Class G: Signs denoting -
- (a) The presence of a 25 miles per hour speed-limit area; or
 - (b) A local speed limit.
- Class H: Signs denoting -
- (a) The end of a road subject to a local speed limit; or
 - (b) The end of a 25 miles per hour speed-limit area; or
 - (c) The end of a limited speed zone.
- Class I: Give-way signs.
- Class J: Signs denoting the existence of road hazards caused by vehicles disabled by accident or breakdown.
- Class K: Signs indicating speed which, owing to a bend, turning, or intersection in the road, a driver should not exceed.
- Class L: Signs conveying information relating to pedestrian traffic.
- Class M: Signs conveying any information relating to vehicular traffic not covered by the other classes herein described; provided that information as to destination, routes, distances or names of localities (with the exception that the name of school may be indicated in a sign of Class A) shall be deemed information relating to motor vehicle traffic.

(2) The Chief of Police may by Gazette notice prescribe additional or alternative forms for any class of signs.

(3) The dimensions, shape, colours, and working of the sign shall be prescribed by the Chief of Police.

111. Description of traffic signs - (1) Signs of Class A shall be in the form of diagram No. 3 in the Third Schedule hereto - that is to say, in the form of a square with signs set vertically, having signs not less than 2 feet long, coloured lemon-yellow and bearing letters coloured black the word "School" or the word "Hospital" or the words "Pedestrian Crossing" or such other word or words as may be required to inform a motor vehicle driver of the need for caution.

(2) Signs of Class B shall be in the form of diagram No. 4 in the Third Schedule hereto - that is to say, in the form of a square with one diagonal set vertically, having sides not less than 2 feet long coloured lemon-yellow, and bearing such appropriate words or approved symbols

coloured black as a controlling authority thinks fit; provided that where the words or symbols on signs on Class B are delineated or marked out with reflecting or luminous material the words or symbols shall be coloured white or silver on a black ground with a yellow reflectorised border one inch in width.

(3) Signs of Class C to indicate in minutes the maximum time for which continuous parking is allowed shall be in the form of diagram No. 5 in the Third Schedule hereto.

(4) Signs of Class C to represent the prohibition of parking shall be in the form of diagram No. 6 in the Third Schedule hereto.

(5) The numerals as illustrated in diagram No. 5 shall be deemed to indicate in minutes any maximum time for which parking is allowed.

(6) The letters "NP" contained in diagram No. 6 shall indicate that parking is prohibited.

(7) An arrow or arrows used on or in connection with a sign of Class C shall indicate that the parking prohibition or restriction thereby imposed extends from the sign along the side of the roadway in the direction indicated by the arrow to the next traffic sign, or intersection, or a point two hundred feet distant whichever is the nearest and, if a double-headed arrow or two arrows pointed in opposite directions are so used, the prohibition or restriction thereby imposed shall be deemed to extend in both directions along the side of the roadway from the sign to the next traffic sign or intersection or a point two hundred feet distant whichever is the nearest. Notwithstanding anything to the contrary in this Part of this Act notice that a vehicle may be parked only at an angle to the direction of the roadway may be indicated either by the marking of clear bold lines on the road surface in a colour contrasting with the colour of the road surface so as to indicate the angle of parking, or when owing to the nature of the road surface this is not practicable, by the erection of suitable notices.

(8) Signs of Class D shall be in the form of diagram No. 7 in the Third Schedule hereto - that is to say, in the form of a regular octagon each side of which is approximately 10 inches long and 2 sides of which are horizontal, which is coloured red, which bears the word "Stop" in white or silver letters of reflecting or luminous material, and which has a white or silver border of reflecting or luminous material.

(9) Signs of Class E shall be in the form of diagram No. 8 in the Third Schedule hereto - that is to say, in the form of a rectangle coloured lemon-yellow, 18 inches in height and 12 inches in width, with a horizontal equal black line dividing the sign into two parts; bearing in

the top portion of the sign the words "No Stopping" and in the bottom portion of the sign such words or numerals as are necessary to convey the restriction on stopping; all such words and any numerals to be coloured black.

(10) Signs of Class F shall be in the form of diagram No. 9 in the Third Schedule hereto - that is to say, in the form of a rectangle 12 inches in height and 18 inches in width, coloured lemon-yellow, and bearing letters in black, and bearing such words as are necessary to convey in general terms the prohibition or restriction or direction; provided that, where letters on signs of Class F are delineated or marked out in reflecting or luminous material, the letters shall be coloured white or silver on a black ground with a red reflectorised border $\frac{3}{4}$ inch in width.

(11) Signs of Class G shall be in the form of diagram No. 10 in the Third Schedule hereto - that is to say, a disc of 24 inches in diameter with a red outer band 4 inches wide surrounding a circle of a white or silver shade 16 inches in diameter, charged with arabic numerals to represent the speed limit in miles an hour, those numerals being coloured black and being 8 inches high on the stems $1\frac{1}{2}$ inches wide; provided that, if the controlling authority thinks fit, the sign may be delineated or marked out with reflectors or reflecting or luminous material in accordance with the provisions of Section 113 hereof, notwithstanding that the sign is erected in such place that there is no obligation on the controlling authority to comply with that section.

(12) Signs of Class H shall be in the form of diagram No. 11 in the Third Schedule hereto - that is to say, a disc of 24 inches in diameter coloured white or silver, charged with the band sinister 6 inches wide coloured black.

(13) Signs of Class I shall be in the form of diagram No. 12 in the Third Schedule hereto - that is to say, in the form of a trapezium 30 inches in height 36 inches in width at the top, 18 inches in width at the bottom, coloured black with a red reflectorised border $1\frac{1}{4}$ inches wide, and bearing white or silver reflectorised letters 8 inches in height and $1\frac{1}{4}$ inches wide bearing the words "Give Way".

(14) Signs of Class J shall be in the form of diagram No. 13 in the Third Schedule hereto - that is to say, in the form of a rectangle 35 inches in length and 11 inches in height coloured black, bearing the word "Accident" or the words "Break Down" in white or silver reflecting or luminous material in letters 6 inches in height and with a red reflectorised border one inch in width.

(15) Signs of Class K shall be in the form of diagram No. 14 in the Third Schedule hereto - that is to say, in the form of an equilateral triangle the sides of which are

24 inches in length, coloured black with a yellow reflectorised border one inch in width and bearing numbers and symbols in white or silver reflecting or luminous material of the outer dimensions shown in that diagram.

(16) Signs of Class L shall be in the form of diagram No. 15 in the Third Schedule hereto - that is to say, in the form of a rectangle 18 inches in height and 12 inches in width, coloured green with a white border $\frac{3}{8}$ inch in width and containing a white panel $\frac{1}{4}$ inches in height and $10\frac{1}{4}$ inches in width and bearing the word "Pedestrians" in green letters, and bearing in white letters such words as may be necessary to convey in general terms information relating to pedestrian traffic.

(17) Signs of Class M shall be in the form of diagram No. 16 in the Third Schedule hereto - that is to say, in the form of a rectangle 36 inches in length and 24 inches in height, coloured lemon-yellow and bearing letters coloured black and 6 inches in height: Provided that where the letters or signs of Class M are delineated or marked out in reflecting or luminous material, the letters shall be coloured white or silver on a background with a yellow reflectorised border $1\frac{1}{4}$ inches in width.

(18) Where signs of Class M are erected for use during the hours of darkness, the letters on the signs shall be delineated and marked out in reflecting or luminous material in the manner prescribed in the proviso to subsection (17) of this section.

(19) Save when otherwise herein provided, all characters shall be in capital letters and figures of the style known as bold faced sans serif, and shall be plain and legible and uniform in size and to a minimum height of 3 inches.

112. Use of reflectors and reflecting material - Notwithstanding anything to the contrary in subsection (11) of section 111 hereof unless a sign of Class G as described in that subsection is so lighted continuously from some artificial source during hours of darkness as to be clearly visible under normal atmospheric conditions at a distance of 150 feet, it shall be delineated or marked out with reflectors or reflecting or luminous material in a manner prescribed by the Chief of Police by notice published in the Gazette.

113. Support for Traffic Signs - In the case of any support erected principally for the display of a traffic sign -

- (a) The support shall be coloured white.
- (b) Apart from the traffic signs, no written matter shall appear on the support or on any board or plate affixed thereto.

114. Erection of Traffic Signs - (1) Every traffic sign shall be erected by the Erecting Authority on any part of any road as directed by the Chief of Police.

(2) Every such traffic sign shall be maintained and kept in good condition by the Erecting Authority.

(3) The location of any traffic sign shall be placed as directed or approved by the Chief of Police.

115. Damage to traffic signs and Unauthorised signs - Every person commits an offence who, removes, mutilates, obscures, or in any manner damages or interferes with any traffic sign or erects or places any traffic sign or notice or marks on any roadway without written authority from the Erecting Authority.

PART VIII

MISCELLANEOUS PROVISIONS

116. Power of Minister to disallow local By-laws Relating to Traffic - (1) The Minister may at any time, by notice published in the Gazette, disallow, either wholly or in part, any by-law made by any local authority, whether before or after the commencement of this Act, and relating to any traffic on any road or roads, if in his opinion the subject-matter of the by-law should not be dealt with otherwise than by this Act or by regulations of general application made under this Act, or if in his opinion the by-law, in so far as it relates to or may affect any traffic is unreasonable or undesirable.

(2) On any disallowance under this section the by-law shall, to the extent to which it is disallowed, be deemed to have been revoked.

(3) Any disallowance under this section shall take effect either on the day of the publication of the notice of disallowance in the Gazette or on such later date as may be specified in that behalf in the notice.

117. Coroner's accident report - A copy of the reports of all proceedings before any Coroner arising out of any motor accident and of the Coroner's findings relative thereto shall be forwarded to the Chief of Police by the Registrar of the High Court.

118. Loaded Firearms - Except for police or defence purposes or except in pursuance of a permit issued by a Chief Officer of Police, no person shall operate a motor vehicle on which is carried any firearm loaded with a cartridge or cartridges, whether in its breach, barrel, or magazine.

119. Conversion and attempted conversion of motor cars, etc. - (1) Every one is liable to imprisonment for a term not exceeding seven years who, unlawfully and without colour of right, but not so as to be guilty

of theft, takes or converts to his use or to the use of any other person any of the following things, namely:-

- (a) Any motorcar, or any vehicle of any description.
- (b) Any ship.
- (c) Any aircraft.
- (d) Any part of any motorcar, vehicle, ship, or aircraft.

(2) Every one is liable to imprisonment for a term not exceeding two years who attempts to commit the offence referred to in subsection (1) of this section, or who, unlawfully and without colour of right, interferes with or gets into or upon or attempts to get into or upon any of the things referred to in paragraphs (a) to (d) of that subsection.

(3) In addition to imposing any penalty for an offence against this section the convicting Court may order the person convicted of the offence to pay to the owner of any thing or animal destroyed or damaged by way of compensation for the destruction or damage, a sum not exceeding the amount of the loss suffered by him. The making or enforcement of an order under this subsection shall not affect the right of the owner or of any other person to recover by civil proceedings any damages in excess of the sum recovered under the order.

(4) Any order for payment under this section may be enforced in the same manner as a fine.

(5) For the purpose of this section "Ship" means every description of vessel used in navigation however propelled; and includes any barge, lighter, dinghy, canoe, raft or like vessel; and also includes any ship belonging to or used as a ship of the armed forces of any country and "Aircraft" shall have the same meaning as in the Civil Aviation Act 1964.

120. Being in possession of instrument for conversion - (1)
Every one is liable to imprisonment for a term not exceeding one year who -

- (a) Has in his possession by night any instrument, being an instrument capable of being used for taking or converting any of the things mentioned in paragraphs (a) to (d) of subsection (1) of section 119 of this Act, in circumstances that, prima facie, show an intention to use it for the taking or converting of any such thing as aforesaid.

- (b) Has in his possession by day any such instrument as aforesaid with intent to take or convert any such thing as aforesaid.

(2) It is a defence to a charge under paragraph (a) of subsection (1) of this section if the person charged proves that he had lawful excuse for having the instrument in his possession.

(3) For the purposes of this section "night" means the interval between nine o'clock at night and six o'clock in the following morning. "Day" means the interval between six o'clock in the morning of any day and nine o'clock at night of the same day.

121. Owners to trim hedges or trees considered dangerous - The Chief of Police shall have authority to compel owners or occupiers of land adjacent to public roads to cut or trim hedges or trees that he considers dangerous to public safety or which obstructs a clear view of the road.

(2) Every person commits an offence who fails to comply with any directions given under this section.

122. Time for instituting proceedings - (1) In any proceedings for an offence against this Act relating to use of motor vehicles, the Court may dismiss the information if it is satisfied that the person charged has been prejudiced in his defence by any unreasonable delay in instituting the proceedings or in notifying him of the time, place, and nature of the offence.

123. Offences - (1) Every person commits an offence against this Act who -

- (a) Knowingly supplies any false or misleading information relating to his obligations under this Act; or
- (b) Omits or refuses to supply any information required to be given by him under this Act; or
- (c) With intent to deceive alters any warrant of fitness or other document issued under this Act; or
- (d) Fails to comply with a lawful direction, authorised by this Act given by a constable; or
- (e) Not being a constable by words, conduct, or demeanour pretends that he is a constable, or puts on or assumes the dress, name, designation, or description of a police constable; or
- (f) Wilfully obstructs, or incites or encourages any person to obstruct, any constable in the execution of his duty under this Act; or
- (g) Fails to comply with any condition, duty, or obligation imposed by this Act; or
- (h) Offends against or fails to comply with any provision of this Act.

124. Penalties - Every person who acts in contravention of any of the provisions of this Act commits an offence and unless a fine or term of imprisonment is otherwise specified shall be liable to a fine not exceeding fifty pounds.

125. Fees - (1) There shall be paid to the Registrar in respect of the several matters mentioned in the First Schedule to this Act the several fees therein specified and all fees paid to the Registrar accordingly shall be paid into and shall form part of the Cook Islands Government Account.

(2) The High Commissioner may from time to time by Order in Executive Council alter or add to the table of fees in the First Schedule to this Act.

126. Regulations - (1) The High Commissioner may from time to time by Order in Executive Council make such Regulations as may in his opinion be necessary for giving full effect to the provisions of this Act and for the due administration thereof.

(2) Regulations made under this section may prescribe for offences against the regulations punishable by a term of imprisonment not exceeding three months or a fine of fifty pounds or both.

(3) All regulations under this section shall be laid before the Legislative Assembly within twenty-eight days after the date of the making thereof if the Legislative Assembly is then in session and if not shall be laid before the Legislative Assembly within twenty-eight days after the date of commencement of the next ensuing session.

127. Repeals and Savings - (1) The Ordinances specified in the Fourth Schedule hereto are hereby repealed.

(2) All actions, matters and providings commenced under any of the said Ordinances and pending or in progress on the coming into operation of this Act may be continued, completed and enforced under this Act.

FIRST SCHEDULE

ss. 7(2), 8(2), 8(3), 9(3), 10(2), 11(2),
17(5), 18(5), 23(1), 24(1), 77(6), 107, 122.

Registration Fees for Motor Vehicles -

	£	s	d
(1) For every power cycle	10.	0	
(2) For every motor cycle	15.	0	
(3) For every motor car or station wagon	1.10.	0	
(4) For every truck under 2 tons	2. 0.	0	
(5) For every truck over 2 tons	2.10.	0	
(6) For every tractor	2. 0.	0	
(7) For every trailer other than a motor cycle trailer	1.10.	0	
(8) For every motor cycle trailer	15.	0	

Annual licence fees for Motor Vehicle -

(1) For every private power cycle	10.	0	
(2) For every private motor cycle	15.	0	
(3) For every private car or station wagon	2.15.	0	
(4) For every private truck under 2 tons	3.10.	0	
(5) For every private truck over 2 tons	5. 0.	0	
(6) For every private trailer other than a motor cycle trailer	2. 0.	0	
(7) For every private motor cycle trailer	1. 0.	0	
(8) For every taxi (which may be used as a rental vehicle)	10. 0.	0	
(9) For every rental car	8. 0.	0	
(10) For every business power cycle	1.10.	0	
(11) For every business motor cycle	2. 0.	0	
(12) For every business car or station wagon	5. 0.	0	
(13) For every business truck under 2 tons	8. 0.	0	
(14) For every business truck over 2 tons	10. 0.	0	
(15) For every business trailer	3. 0.	0	
(16) For every tractor	2. 0.	0	

Miscellaneous Fees -

(1) For every warrant of fitness	5.	0	
(2) For every driver's licence	5.	0	
(3) For every number plate	5.	0	
(4) For every change of ownership	10.	0	
(5) For every Annual Licence sticker		6	

SECOND SCHEDULE

Sec. 17(4)

Form No. 1

TRANSPORT ACT, 1966APPLICATION FOR A MOTOR DRIVER'S LICENCE

To the Registrar of Motor Vehicles.

I HEREBY apply for the issue to me of a motor driver's licence under the above Act in respect of a motor vehicle of the following class: And I do hereby declare that to the best of my knowledge and belief the particulars hereinafter set forth are true and correct:-

Full name of applicant:

Place of residence:

Occupation:

Is applicant of or over the age of sixteen years?

If applicant has been the holder of any licence to drive a motor vehicle give particulars as to -
(Licence to be produced) -

Name of authority by whom licence issued:

Date of issue:

Remarks:

Has applicant ever been refused a motor driver's licence?

If so, give particulars:

Has applicant ever been convicted of any offence arising out of the driving of any motor vehicle?

What is applicant's experience of motor driving?

Dated at this day of 19 .

.....(Signature of applicant)

(Note: If Applicant cannot produce an Overseas or Cook Islands Driver's Licence, a test is to be given).

FOR OFFICE USE ONLY:

(NOTE: Tests not to be carried out in Police Vehicles.)

Applicant tested/test not required.

Passed. Practical / Written

Failed. Practical / Written

Tested by..... on .../.../6..

The Chief Officer of Police.

Licence issued on .../.../6..

1966

Transport

55

Form No. 2

GOVERNMENT OF THE COOK ISLANDS

Transport Act, 1966

LICENCE TO DRIVE A MOTOR VEHICLE

Issued by the Registrar of Motor Vehicles

The Bearer
NAME

.....
ADDRESS

.....

is hereby Licenced, pursuant to the above Act to drive the following Classes of
Motor Vehicles, namely:-

.....

.....

.....

Dated atthis.....

Day of.....19

.....
Registrar of Motor Vehicles

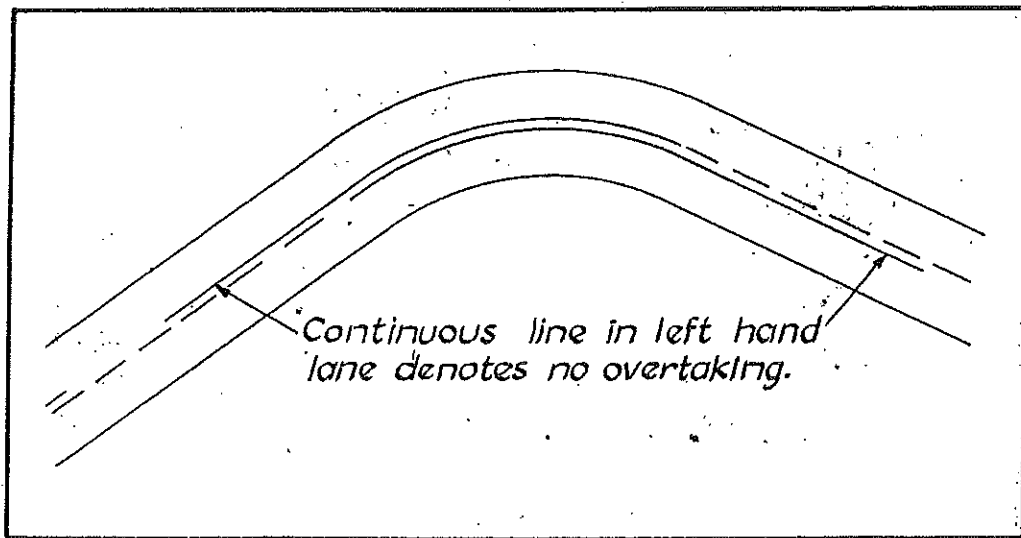
No.

THIRD SCHEDULE

S.41

Diagram No 1.

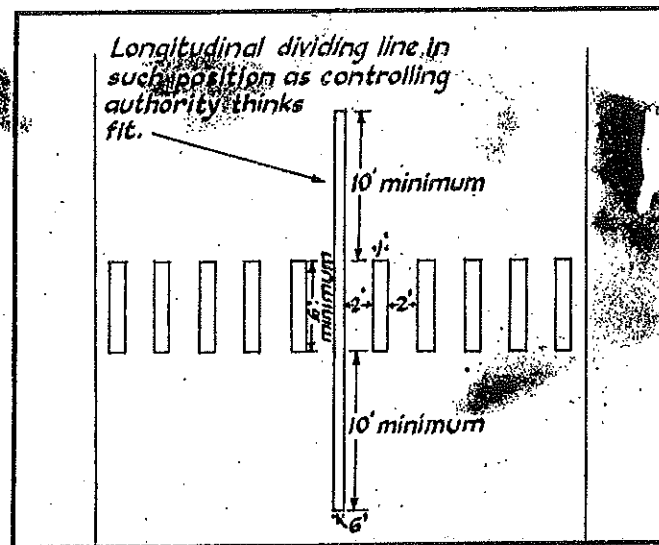
Method of Marking Longitudinal Middle Lines of Roadway at Bends, Intersections or Slopes to Indicate that overtaking is PROHIBITED.



This diagram specifies the method of marking at bends. It will require to be appropriately modified in the case of intersections and slopes.

Diagram No. 2

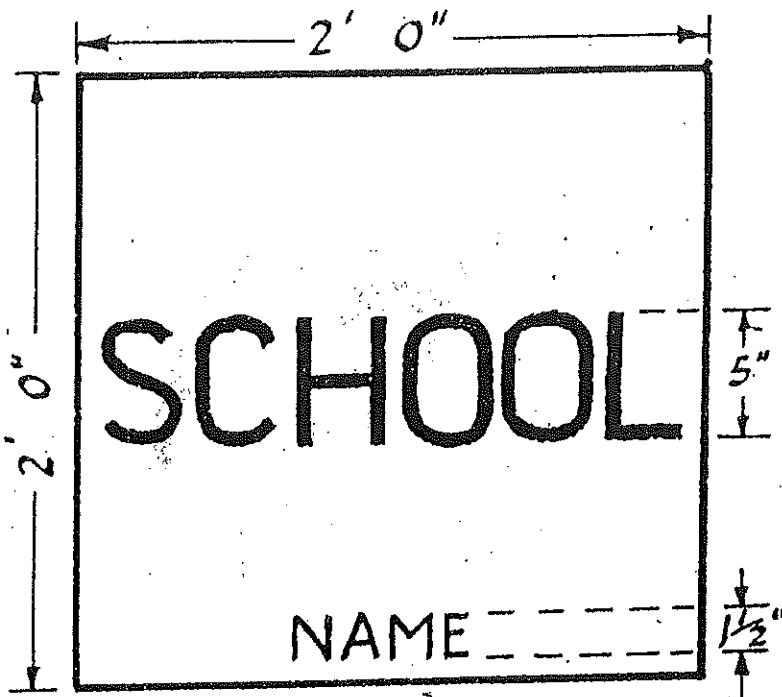
S 100



S. III

CLASS A.

Diagram No. 3

BLACK LETTERS ON LEMON-YELLOW GROUND

CLASS B

S 111

Diagram No. 4



BLACK LETTERS ON LEMON-YELLOW GROUND

CLASS C

S 111

Diagram No. 5

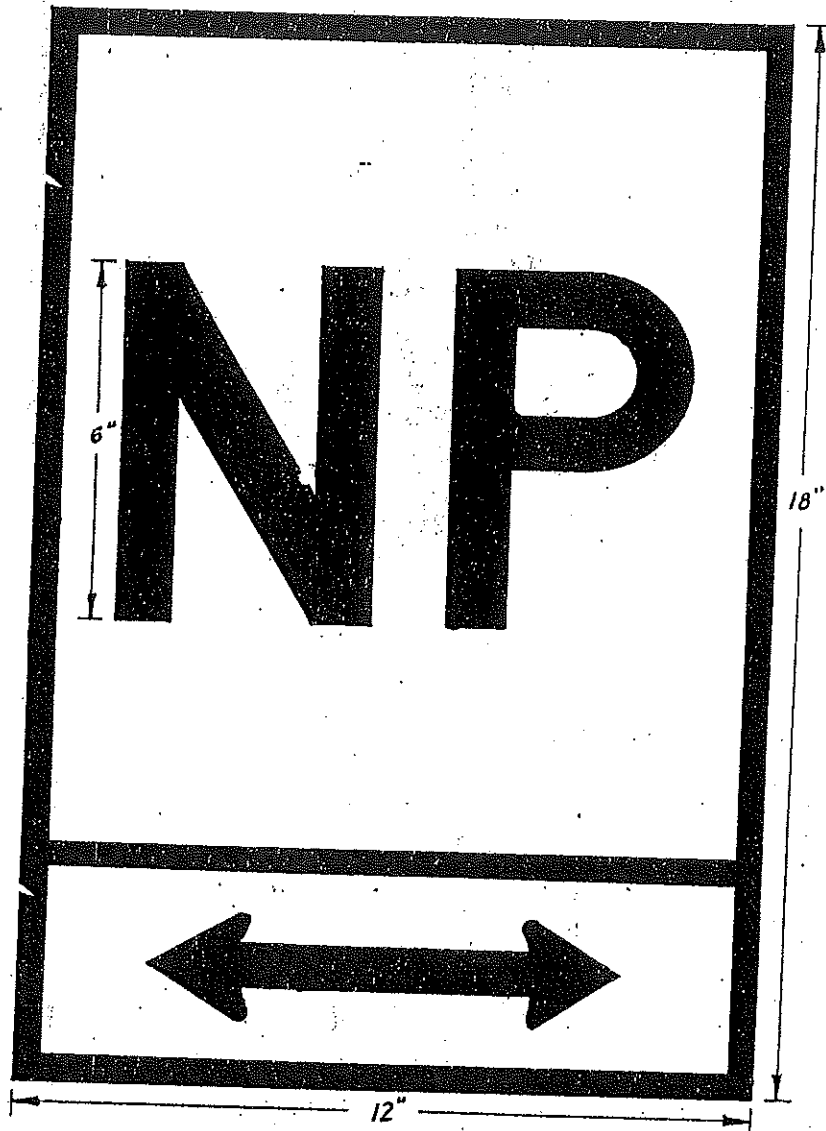


BLACK LETTERS AND BORDER ON A LEMON-YELLOW GROUND.
(The corners of the sign may be rounded.)

CLASS C

S 111

Diagram No. 6



BLACK LETTERS AND BORDER ON A LEMON-YELLOW GROUND.
(The corners of the sign may be rounded.)

CLASS D

S 111

Diagram No. 7

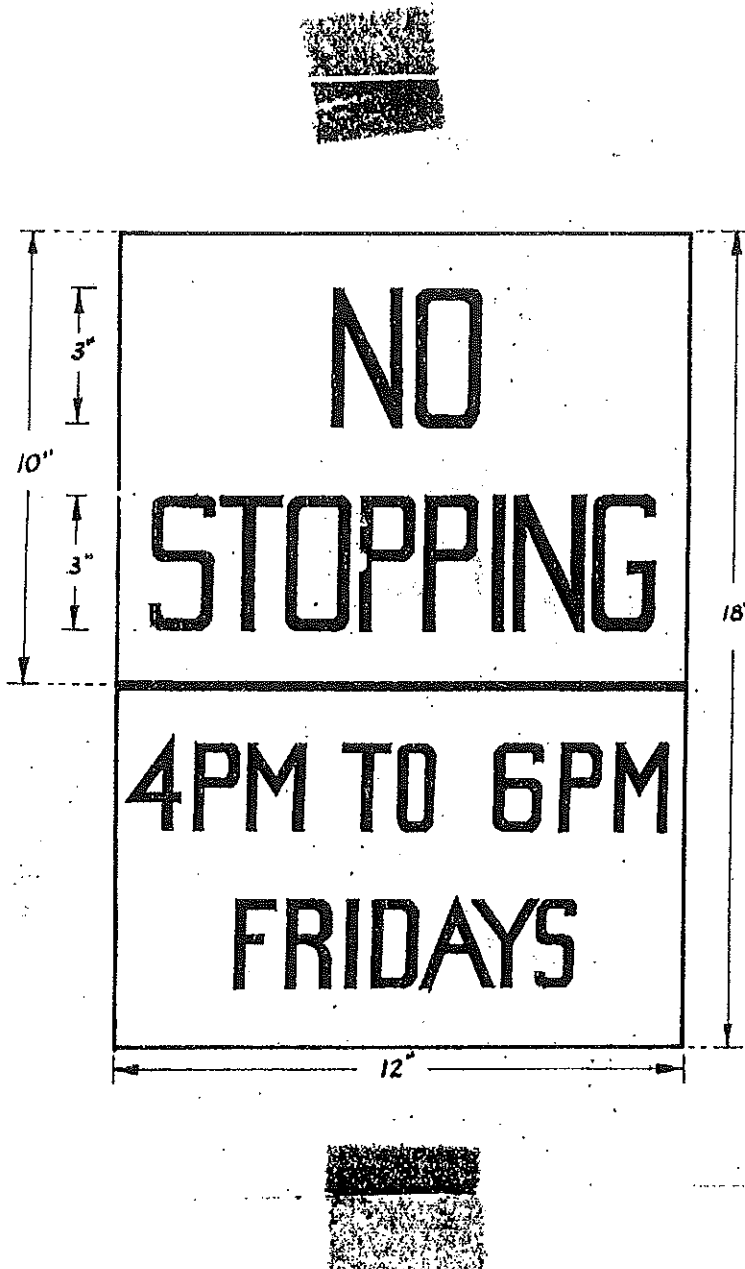


LETTERS AND BORDER IN WHITE OR SILVER LETTERS AND LINES
OR REFLECTING OR LUMINOUS MATERIAL ON A RED GROUND.

CLASS F

S 111

Diagram No. 8

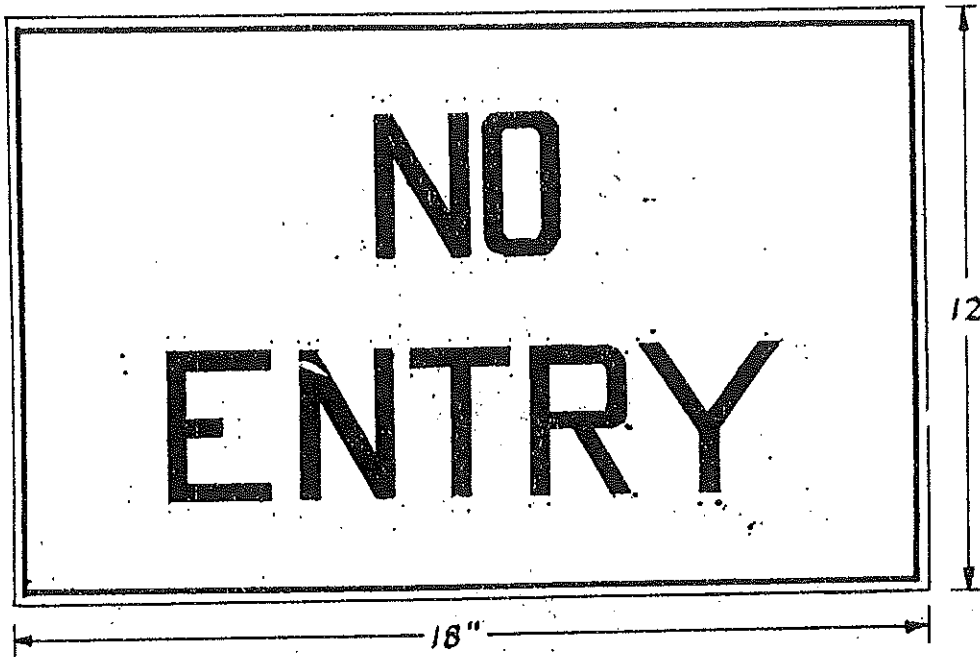


BLACK LINES ON LEMON-YELLOW BACKGROUND. (The corners of the sign may be rounded).

CLASS F

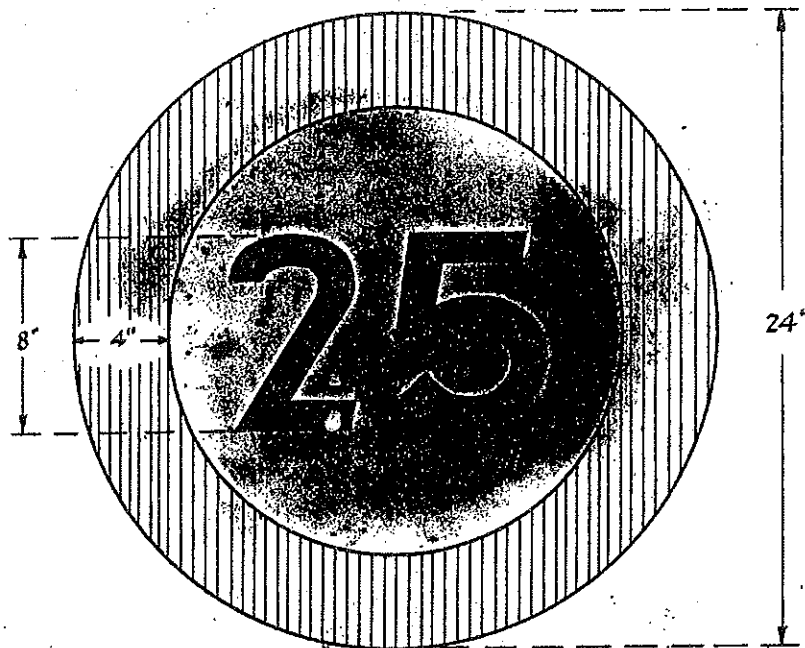
S 111

Diagram No. 9



BLACK LETTERS AND LINES ON A LEMON-YELLOW
BACKGROUND. (The corners of the sign may be
rounded)

Diagram No. 10

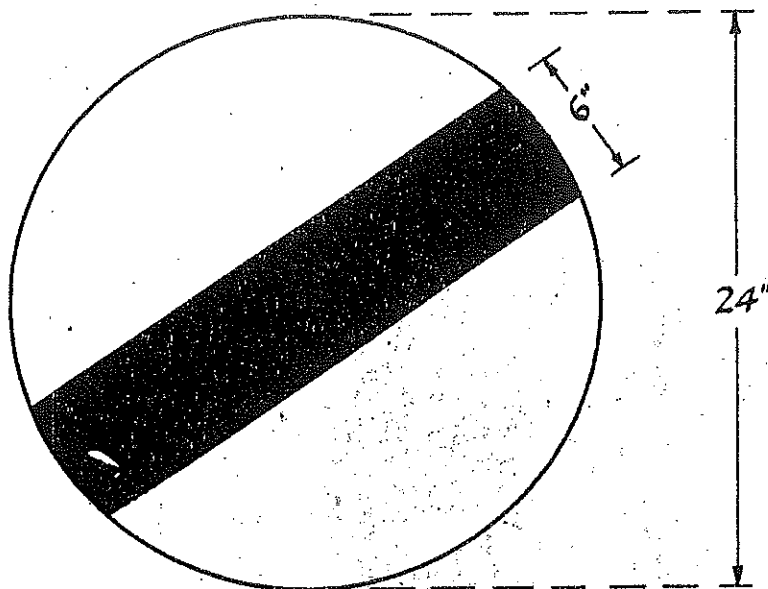


RED OUTER CIRCLE. BLACK FIGURES ON A WHITE OR SILVER GROUND. (For the requirements as to the use of reflectors or reflecting or luminous material see s. 111 (11).)

CLASS H

s 111

Diagram No. 11



BLACK ON WHITE OR SILVER GROUND.

CLASS I

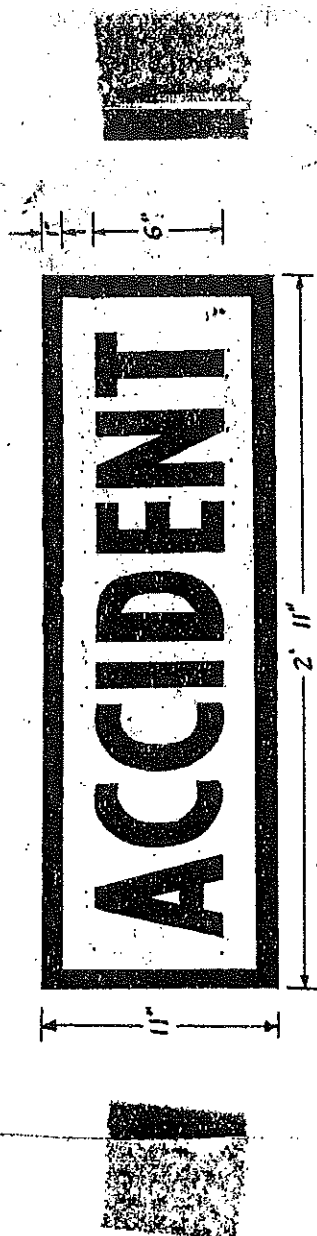
S 111

Diagram No. 12



WHITE OR SILVER REFLECTORISED LETTERS ON A BLACK GROUND. RED REFLECTORISED BORDER.

Diagram No. 13

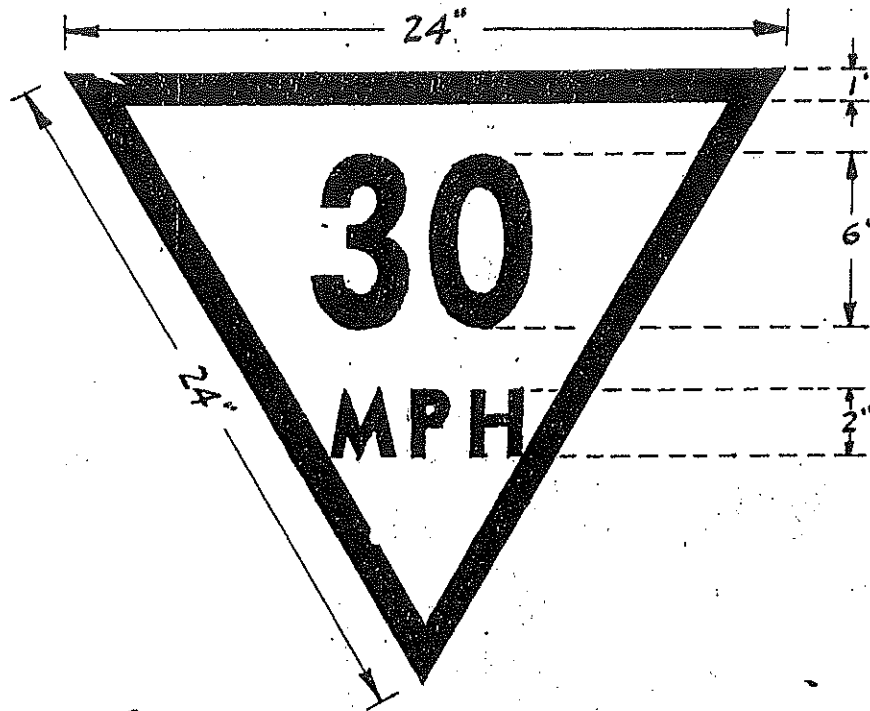


WHITE OR SILVER REFLECTORISED LETTERS ON A
BLACK GROUND. RED REFLECTORISED BORDER.

CLASS K

S 111

Diagram No. 14



WHITE OR SILVER REFLECTORISED LETTERS AND NUMBERS ON A BLACK GROUND. YELLOW REFLECTORISED BORDER.

NOTE.— The numerals are for illustration only and may be replaced by other appropriate numerals.

GLASS L

S 111

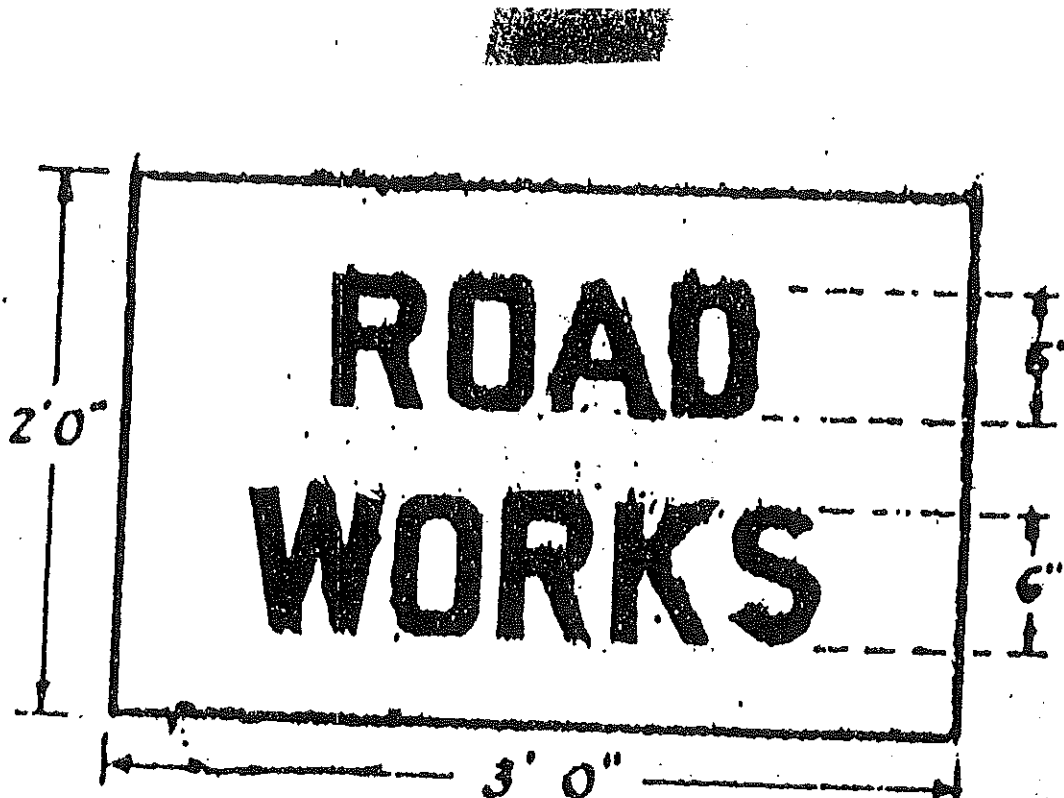
Diagram No. 15



GREEN LETTERS ON WHITE PANEL AND WHITE LETTERS ON A GREEN GROUND.

GLASS M

Diagram No. 16



BLACK LETTERS ON LEMON-YELLOW GROUND.

FOURTH SCHEDULEOrdinance Repealed

Cook Islands Transport Ordinance 1953
Cook Islands Transport Amendment Ordinance 1955
Cook Islands Transport Amendment Ordinance 1956
Cook Islands Transport Amendment Ordinance 1957
Cook Islands Transport Amendment Ordinance 1959
Cook Islands Transport Amendment Ordinance 1960
Cook Islands Transport Amendment Ordinance 1961