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THE ROAD TRAFFIC AMENDMENT ORDINANCE, 1934

Western Samoa

No. 4, 1934.



AN ORDINANCE

made by the Administrator of the Territory of Western Samoa with the advice and consent of the Legislative Council of that Territory, and in pursuance of The Samoa Act, 1921, for the purpose of amending the Road Traffic Ordinance, 1931.

Short Title.

1. This Ordinance may be cited as "The Road Traffic Amendment Ordinance, 1934," and shall be read together with and deemed part of "The Road Traffic Ordinance, 1931." (Hereinafter referred to as the Principal Ordinance).

PART I.—PASSENGER SERVICE LICENSES.

Passenger Service Defined.

2. (1) "Passenger-service" means a service for the carriage of passengers for hire by means of a public motor vehicle duly licensed under section 11 of the principal Ordinance to carry passengers for hire.

(2) A temporary license under Section 10 (c) hereof may be issued in respect of any registered motor vehicle.

Passenger Service Licenses Required.

3. On or after the first day of April 1935 it shall not be lawful for any person to carry on in any part of the Island of Upolu any passenger service otherwise than pursuant to the authority and in conformity with the terms and conditions of a passenger service license granted under the provisions of this Ordinance.

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*Offence.*

Offence

4. Every person who contrary to the provisions of the last preceding Section carries on any passenger service commits an offence and is liable to a fine of £20 for every day or part of a day during which such offence continues.

*Exemption.*

Exemption

5. A passenger service license shall not be required in the case of the carriage by a contract vehicle of a private party on a special occasion Provided that this exemption shall not apply in any case where the owner of the contract vehicle or any person in charge thereof for the time being advertises or in any way holds himself out as willing to contract for the hiring out of such vehicle for the purpose of carrying persons to any destination directly or indirectly named by him.

*Administrator may grant Licenses.*

Administrator may grant Licenses of the Administrator.

6. The granting of passenger service licenses shall be the function of the Administrator.

*Form of Application.*

Form of Application.

7. Every application for a passenger service license shall be in such form as the Administrator shall prescribe.

*Matters to be Considered.*

Matters to be Considered.

8. Every applicant for a passenger service license shall be entitled to appear before the Administrator in support of his application. In considering any such application the Administrator may in his discretion generally have regard to and take into account:

- (a) the extent to which the proposed service is necessary or desirable in the public interest;
- (b) the financial ability of the applicant to carry on the proposed service and the likelihood of his carrying it on satisfactorily;
- (c) time-tables or frequency of the proposed service;
- (d) the fares to be charged or made for the carriage of passengers;
- (e) the vehicle proposed to be used in connection with the service.

*Discretion of Administrator.*

Discretion of Administrator.

9. The Administrator may in his absolute discretion refuse to grant any passenger service license or may limit the license to one in respect of a passenger service between any two terminal points.

*Kinds of Licenses.*

Kinds of Licenses.

10. Every passenger service license shall be:
- (a) a continuous license—meaning thereby a license in respect of a service to be carried on throughout the year whether

daily or on specified days of every week or otherwise at regular intervals or a license in respect of special events recurring at intervals during the year, or

- (b) a seasonal license—meaning thereby a license in respect of a service to be carried on only during a period or periods of the year specified in the license, or
- (c) a temporary license—meaning thereby a license for a service to be carried on for a specified period of not more than seven days or a license for any specified occasion or occasions.

*Contents of License.*

11. Each passenger service license shall prescribe:

- (a) the class of license (whether continuous seasonal or temporary) and the period or occasion of the license; and
- (b) a date not later than which the service shall be commenced, and
- (c) the localities to be served and the route or routes to be traversed, and
- (d) the time-tables or frequency of service to be observed, and
- (e) the fares to be charged for the carriage of passengers.

*Abandonment of Service.*

12. If any licensee abandons or curtails any service without the consent of the Administrator, the Administrator may in his discretion revoke the license or any other license held by the licensee.

*Amendment of License.*

13. The Administrator during the currency of any passenger service license may of his own motion (on having given the licensee seven days' notice of his intention so to do) or on the application of the licensee, amend or revoke any of the terms or conditions of such license or add any new terms and conditions which in his opinion are necessary in the public interest.

*Revocation of License.*

14. If the Administrator is satisfied that a licensee is not carrying on the service in all respects in conformity with the passenger service license or has failed to comply with the provisions of subsection (7) of Section 11 of the principal Ordinance in respect of any motor omnibus used in connection with the service he may in his discretion revoke the license.

*Assignment of Licenses.*

15. A licensee may assign a passenger service license but only with the consent of the Administrator first had and obtained.

*Duration of License.*

16. Every license shall take effect on the day on which it is issued or any later date stated therein and shall unless sooner revoked under

the foregoing provisions hereof remain in force until the next following 31st day of March or any earlier date stated therein:

Provided that a license issued during the month of March in respect of a passenger-service a license for which is then in force and declared to take effect on the 1st day of April next following shall remain in force as if it had been issued on such 1st day of April.

*No fees Chargeable.*

No fees Chargeable

17. No fees shall be payable on any application for or issue of a passenger service license, save and except for a temporary license under Section 10 (c) hereof to any motor vehicle other than a public motor vehicle the fee for which shall be 5/- per day.

PART II.—Miscellaneous.

*Passengers Accompanying Goods.*

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18. A motor vehicle hired for the carriage of goods shall be deemed to be carrying passengers for hire if it carries during such hiring any persons other than the driver and ~~two~~ persons for the sole purpose of tending, loading or unloading the goods.

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Assented to this sixth day of December 1934.

H. HART,  
Administrator.

(L.S.)

By Authority:  
GEORGE WILLIAM GRIFFITH, at the Herald Office  
Apia, Western Samoa.