



# The Kiribati Gazettes 2017

## **I** nside this issue!

- Compulsory Retirement Amendment Act 2017
- Citizenship Ordinance 2017
- Traffic Act 2017



REPUBLIC OF KIRIBATI

COMPULSORY RETIREMENT (STATUTORY CORPORATION AND GOVERNMENT OWNED  
COMPANIES) (AMENDMENT) ACT 2016)  
(SECTION 2)

**NOTICE OF COMMENCEMENT DATE**

IN EXERCISE of the powers conferred upon me by section 2 of the Compulsory Retirement (Statutory Corporation and Government Owned Companies) (Amendment) Act, I hereby appoint the 14<sup>th</sup> day of January, 2017 to be the date on which the Act comes into force.

Dated the 14<sup>th</sup> day of January 2017

HONOURABLE DR TEUEA TOATU  
Minister for Finance and Economic Development

Published by exhibition at the Office of the Beretitenti this <sup>26<sup>th</sup></sup> day of <sup>June</sup> 2017

TESSIE ERIA LAMBOURNE  
Secretary to Cabinet

**CERTIFICATE OF THE CLERK OF THE MANEABA NI MAUNGATABU**

This printed impression of the Compulsory Retirement (Statutory Corporations and Government Owned Companies) (Amendment) Act 2016 has been carefully examined by me with the Bill which passed the Maneaba ni Maungatabu on the 6th December 2016 and is found by me to be a true and correctly printed copy of the said Bill.

**Eni Tekanene**  
**Clerk of the Maneaba ni Maungatabu**

Published by exhibition at the Maneaba ni Maungatabu this <sup>13</sup> day of <sup>January</sup> 2017.

**Eni Tekanene**  
**Clerk of the Maneaba ni Maungatabu**

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REPUBLIC OF KIRIBATI

(No. 7 of 2016)

I assent,

AN ACT  
entitled

Beretitenti  
13/11/2016  
2017

**AN ACT TO AMEND THE COMPULSORY RETIREMENT (STATUTORY CORPORATIONS AND  
GOVERNMENT OWNED COMPANIES) ACT 1998.**

Commencement

2016

**MADE** by the Maneaba ni Maungatabu and assented to by Te Beretitenti.

**Short Title**

1. This Act may be cited as the Compulsory Retirement (Statutory Corporations and Government Owned Companies) (Amendment) Act 2016.

**Commencement**

2. This Act shall come into operation on the date to be appointed by the Minister.

**Interpretation**

3. Unless the context otherwise provides:-

“Principal Act” means the Compulsory Retirement (Statutory Corporations and Government Owned Companies) Act 1998.

**Amendment to section 5**

4. Section 5 of the Principal Act is hereby amended by repealing the figure “50” and substituting it with the figure “55”.

**Amendment to section 6**

5. Section 6 of the Principal Act is hereby amended by repealing the text appearing towards the end of the main provision that reads:

“may extend the age at which an employee of that Corporation or Company must retire to 55 years of age if:-”

and substitute it as follows:-

“may extend the service of the employee beyond 55 years of age if:-”

**EXPLANATORY MEMORANDUM**

1. The Act seeks to align the new government retirement policy to its permanent employees from 50 to 55 years of age with the Statutory Corporations and Government Owned Companies. The retirement age for civil servants is a matter of policy, however, any changes that will include Statutory Corporations and Government Owned Companies need an amendment to the Act.

2. Section 5 is amended to increase the retirement age from 50 to 55 years of age. It is a simple and straight forward amendment that will now allow Statutory Corporations and Government Owned Companies to extend their employees retirement age to 55.

3. Section 6 is amended to allow the Statutory Corporations and Government Owned Companies to extend the service of their employees beyond 55. The amendment to this provision is to allow the Statutory Corporations and Government Owned Companies the ability to extend the service of their employees beyond the compulsory retirement age but only if they meet the criterion provided therein.

Hon. Natan Teewe  
Minister of Justice

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REPUBLIC OF KIRIBATI  
(No. 8 of 1998)

Assent

Beretitenti  
09/17/1998

AN ACT TO PROVIDE FOR THE COMPULSORY RETIREMENT OF  
EMPLOYEES OF STATUTORY CORPORATIONS AND GOVERNMENT OWNED  
COMPANIES AND FOR CONNECTED PURPOSES

Commencement  
1998

MADE by the Maneaba ni Maungatabu and assented to by the Beretitenti.

Short Title

1. This Act may be cited as the Compulsory Retirement (Statutory Corporations and Government Owned Companies) Act 1998.

Commencement

2. This Act shall be deemed to have come into operation on 1 January 1997.

Application

3. This Act applies only to employees of a Statutory Corporation and a Government owned Company.

Interpretation

4. In this Act, unless the context otherwise requires -

"Board" means -

- (a) In the case of a Corporation, the Board or Authority as the case may be appointed under the Act establishing that Corporation to direct and control that Corporation; or  
(b) in the case of a Company, the Board of Directors of that Company.

"Corporation" means, any of the following Statutory Corporations:-

- (a) the Development Bank of Kiribati;  
(b) the Public Utilities Board;  
(c) the Broadcasting and Publication Authority;  
(d) the Provident Fund Board;  
(e) the Kiribati Ports Authority;  
(f) the Housing Corporation;  
(g) the Kiribati Insurance Corporation;

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"Company" means a Company incorporated under the Companies Ordinance (Cap. 10A) in which all the shares or the majority of shares in the company are held by or on behalf of the Government.

"Employee" means a person employed by a corporation or a Company.

**Employees to retire at age of 50**

5. Subject to section 6, all employees shall retire from their employment with a Corporation or a Company upon reaching the age of 50 years and shall not be employed thereafter by that Corporation or Company, or by any other Corporation or Company.

**Power to extend Retirement Age**

6. Subject to Section 7 the Board of a Corporation or a Company may extend the age at which an employee of that Corporation or Company must retire to 55 years of age if:-
  - (a) it is in the interests of the Corporation or Company as the case may be to retain the employee for his skills, qualification and experience; and
  - (b) there is no other person readily available in Kiribati with comparable skills, qualifications and experience who is ready, willing and able to replace the employee.

**Matters to be considered before Extending Retirement Age**

7. In considering whether or not to extend the retirement age of an employee, a board shall take into account the following matters:-
  - (a) any qualifications and/or experience of that employee;
  - (b) the health both physical and mental of the employee;
  - (c) the employee's performance during his service with the Corporation or the Company as the case may be;
  - (d) any other matter that may be relevant to whether or not the employee's retirement age should be extended.

**COMPULSORY RETIREMENT (STATUTORY CORPORATIONS AND GOVERNMENT OWNED COMPANIES) ACT 1998**

**EXPLANATORY MEMORANDUM**

1. The purpose of this Act is to provide for the compulsory retirement of employees of Statutory Corporations and Government owned Companies in which the Government is the only or majority shareholder ("Government Companies") and to allow for extension of the retirement age in certain circumstances.
2. Clause 3 limits the application of the Act to employees of Government owned Companies and Statutory Corporations.
3. Clause 5 makes it mandatory for employees of Corporations and government Companies to retire at age 50 years, subject to clause 6.
4. Clause 6 empowers the boards of Corporations and Government Companies to extend the retirement age to 55 years of age where an employee has Skills, qualifications or experience, where there is no one else readily available in Kiribati with matching skill qualification and ability.
5. Clause 7 sets out the matters a Board must take into account when considering whether or not to extend the retirement age in any given case.

Michael N Takabwebwe  
Attorney General  
16th May 1998

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**CERTIFICATE BY THE CLERK OF THE MANEABA NI MAUNGATABU**

This printed impression of Compulsory Retirement (Statutory Corporations & Government Owned Companies) Act 1998 has been examined by me with the Bill which passed by the Maneaba ni Maungatabu on 09 June, 1998 and is found by me to be a true and correctly printed copy of the said Bill.

**NATAN BRECHTEFELD**  
Clerk of Parliament

**CERTIFICATE OF THE SPEAKER OF THE MANEABA NI MAUNGATABU**

I certify that the above Act was on 09 June, 1998 passed by the Maneaba ni Maungatabu on a Certificate of Urgency under Section 68(3)(a) of the Constitution.

**Hon. Tekiree Tamuera**  
Speaker of the Maneaba ni Maungatabu

**PUBLISHED BY EXHIBITION AT THE MANEABA NI MAUNGATABU THIS 3<sup>rd</sup> DAY OF August 1998**

**1 Clerk**  
of Maneaba ni Maungatabu



## **CITIZENSHIP ORDINANCE** **(Section 12)**

IN EXERCISE of the power conferred upon me pursuant to the provisions of the aforementioned Ordinance, I hereby make the following regulations:-

### **PART I – Preliminary**

#### ***Citation***

1. These regulations shall be cited as the Citizenship (Naturalisation, Registration and Renunciation) Regulations 2017.

#### ***Interpretation***

2. Unless the context provides otherwise:

Ministry means the government department responsible for the administration of the Ordinance

Ordinance means the Citizenship Ordinance (CAP. 8A)

### **PART II – Administration**

#### ***Administration***

3. The Office of the Citizenship Commission established under section 3 of the Ordinance, is responsible for the administration of these regulations.

#### ***Secretariat***

4. The Ministry shall be responsible for the financial and resource support or assistance to the Commission for the administration of these regulations and the Ordinance.

#### ***Meetings***

5. The Commission shall:-
  - a). meeting once every two months,
  - b). have a quorum of fifty percent plus one.
  - c). appoint a deputy Chairperson from among its members,

### **Part III - Applications**

#### ***Application for Naturalisations***

6. (1). Subject to section 7 of the Ordinance, any person who is not of I-Kiribati descent; has attained the age of 18 and is of sound mind may apply in a prescribed form to the Commission to become a naturalised citizens.



(2). The Commission shall cause to be published in a local newspaper or a local radio the names of all applicants for naturalisation for a period of at least two weeks.

(3). The general public including public and private entities may submit to the Commission a written objection as to why an applicant should not be granted a naturalised citizenship.

(4). The Commission may consider, but it is not bound to the objections.

(5). The Commission must consider the application within three months from the time the application was lodged.

(6). The Commission must award or cause to be awarded the Certificate of Naturalisation in a prescribed form, after the applicant has taken a prescribed Oath of Allegiance.

(7). The awarding of the certificates under clause (6) above, must be open to the public.

#### ***Application for registration under section 23 of the Constitution.***

7. (1). Any person who is of I-Kiribati descent may apply for registration to the Commission in a prescribed form.

(2). The Commission may issued a registration certificate or otherwise refused.

(3). If the application is refused, the Commission shall provide a brief report to the applicant.

(4). A successful applicant shall be issued with a prescribed certificate signed by the Chairperson.

(5). All applications granted under this provision must be tabled in the next sitting of the Commission.

(6). The certificate shall be *prima facie* evidence as to the status of the applicant.

#### ***Spouse of an I-Kiribati male***

8. In order to avoid any doubt, a spouse of a male I-Kiribati who has not and can not be been registered under section 26 of the Constitution may apply for naturalisation under regulations 6.

#### ***Renunciation of citizenship***

9. (1). Any naturalised citizen may by notice renounced his citizenship and surrender his naturalisation certificate and all his traveling documents issued by the Kiribati Government.

(2). The Commission having received the notification may publish or caused to be published the status of the applicant in any local newspaper.

(3). In order to avoid doubt, the renunciation shall take effect from the day the



Commission receive the notification.

***Prescribed Fees***

10. All application made under the Ordinance are subject to the prescribed fees provided in the schedule.

**Part III – Miscellaneous**

***Omission or fraudulent registration***

11. The Commission may recall any applications that have been considered if there is an apparent omission or fraudulent act that resulted in the issuance of a registration other than a naturalisation certificate.

***Applications considered prior this regulations***

12. Applications considered in 2017 by the Commission prior to the commencement of this regulation are deemed to have been done under these regulations.

***Repeal***

13. Regulations made prior to these regulations are hereby repealed.

=====  
**Prescribed Fees  
(regulations 8)**

Item	Fees
Naturalisation	\$75.00
Registration	\$50.00

Made this 11<sup>th</sup> day of September 2019

Hon. Natan Teewe (MP)  
Minister for Justice

Published by Exhibition at the Public Office of te Beretitenti this 11<sup>th</sup> day of September 2017

Secretary to the Cabinet

# NATURALIZATION PROCESSING FORM

## Section 7 (1)

Passport Size  
Photo

### **A) PART A – PERSONAL DETAILS**

1. Full Particular:

a) Full Name: ..... b) Gender:.....

c) Occupation: ..... d) Height: .....

e) Hair colour: ..... g) Eye colour: .....

2. Date of birth: ..... 3. Marital Status: .....

4. Date of arrival: ..... 5. Nationality: .....

6. Reasons why you want to become a citizen of Kiribati:

.....  
.....  
.....  
.....

7. No. of kids (if any):

#	NAMES	GENDER	AGE

### **PART B – REFERENCES/REFEREES**

1. Declaration from Spouse/Partner/Referee:

.....  
.....  
.....

Date: .....

Signature: .....

*Cont'd next page*

2. Letter from applicant:

☐

3 Police Clearance:

☐

4 Bio-data:

☐

5 Reference from employer (if employed):

☐

6 Other:

☐

**PART C – FINGERPRINT**

**LEFT**

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**RIGHT**

--	--	--	--	--

**Date:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**OFFICIAL USE:**

**Comment:**

*Characteristic:*

.....  
.....  
.....

*Communication (Kiribati):*

.....  
.....  
.....

*Culture:*

.....  
.....  
.....

**Recommendation:**

.....  
.....  
.....Published date...../...../2017.

*Date:* .....

*Interviewing Officer:* .....

**Objection:**

.....  
.....  
.....

*Date:* .....

*Endorsement Officer:* .....

**COMMISSION RECOMMENDATION:**

.....  
.....  
.....

*Signature:* .....

*Date:* ...../.../20.....



APPLICATION FOR REGISTRATION  
AS A CITIZEN OF KIRIBATI  
UNDER SECTION 23 OF THE CONSTITUTION



**PART I**

**Name of Applicant:** \_\_\_\_\_

**Address of Applicant:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_

**Place of Birth:** \_\_\_\_\_

**Name of both parents & Address:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Current citizenship:** \_\_\_\_\_

**PART II**

1. I, the above name applicant do hereby claim that I am a person of I-Kiribati Descent and entitled to be registered as a citizen of Kiribati in accordance with the Provisions of the Constitution and hereby apply for a Certificate of Registration under Section of 23 of the Constitution.

2. The grounds when support my claim to be of I-Kiribati descent are these. (see note (a) below):

3. I enclose the following documents in support of my claim. (see note (c) below):

*Cont'd next page*

4. The following person's relatives will confirm my claim to entitlement  
(see note (c) below)

5. Documents in support (i) Original birth certificate

(ii) Passport bio data

(iii) Police clearance

(iv) others

(see paragraph (b) below)

Dated this ..... day of .....

Signed by the Applicant:

In the presence of

In the presence of

Full Name:

Address:

Occupation:

See note (d) below:

Notes to above:

Full Name:

Address:

Occupation:

See note (d) below:

(a) Set out precisely the grounds claim and trace from the  
person born in Kiribati before 1900 specifying names and  
addresses and dates of birth and death of ancestors  
wherever possible.

*Cont'd next page*

(b) Enclose whatever possible original certificates, birth and death and any other documents which may support your claim. Keep copies of your own retention and obtain a receipt for originals lodged with your application. Specify whether you are enclosing the original one copy.

(c) Provide two statutory Declaration from your relatives to support your claim(s). Each one must come from different side of your descent lineage.

**FINGERPRINT**

**LEFT**

--	--	--	--	--

**RIGHT**

--	--	--	--	--

**Date:** .....

**Signature:** .....

**REG #:** \_\_\_\_\_

*Cont'd next page*

**OFFICIAL USE**

**Recommendation:** (if applicant member of family has applied and granted registration. Make reference for ease of processing)

.....  
.....  
.....

**COMMISSION'S RECOMMENDATION:**

.....  
.....  
.....

**Signature:**.....

**Date:**...../...../20.....

*Cont'd next page*





## **Certificate of Naturalisation.**

(Citizenship Ordinance (CAP. 8A))

**BY THE POWER VESTED UPON THE BERETITENTI** pursuant to section 7(1)(j) of the aforementioned Ordinance, and acting in accordance with the advise of the Cabinet upon the recommendations made by the Citizenship Commission; Citizenship by Naturalisation is hereby granted to:

Passport photo

Given under my hand at Bairiki, Tarawa on the ..... day of  
..... 2017

.....  
**His Excellency Taneti Maamau**  
**The Beretitenti**

Reg No. ....

Seal of the Beretitenti

*Cont'd next page*



## Certificate of Registration as Citizen of Kiribati

(Citizenship Ordinance (CAP. 8A))

**HAVING CONSIDERED** the application and having been satisfied with the evidences provided by the applicant that s/he is of I-Kiribati descent, the Commission hereby grant registration pursuant to section 23 of the Constitution to the said:

Passport photo

Dated the.....day of ..... 2017

.....  
**Chairman**  
**Citizenship Commission.**

Reg No. ....



REPUBLIC OF KIRIBATI  
(No. 9 of 2017)

I assent

Te Beretitenti  
11/10/2017

AN ACT  
Entitled

AN ACT TO MAKE PROVISION FOR THE REGISTRATION OF VEHICLES, LICENCING OF  
DRIVERS OF ALL MOTOR VEHICLES, THE CONTROL OF TRAFFIC, PENALTIES FOR  
TRAFFIC OFFENCES AND FOR CONNECTED PURPOSES

Made by the Maneaba ni Maungatabu and assented to by Te Beretitenti

PART 1 - PRELIMINARY

1. Short Title

(1). This Act will be cited as the *Traffic Act 2017*.

2. Commencement

(1). The Act must come into operation on such date as the Minister may by notice appoint.

3. Purpose

(1). The purposes of this Act are to provide:

- (a) for the registration of motor vehicles;
- (b) for the licencing of drivers of all types of motor vehicles;
- (c) a system of road rules to control road traffic; and
- (d) penalties for offences committed under this Act.

4. Interpretation

(1). In this Act, unless the context otherwise requires:

"*approved location*" is a lot of land determined by the Authority and/or the Commissioner as an appropriate place to store a vehicle for any purpose including but not limited to impoundment, vehicle recovery etc

*Cont'd next page*

"approved speed detective device" means a device used to measure the speed of a vehicle as approved by the Commissioner.

"Authority" means:

- (a) the Licensing Authority established by the Minister; and
- (b) if the Minister has appointed a Licensing Authority for a particular area, that Authority.

"bicycle" means a vehicle with two or more wheels that was designed and built to be propelled by human power through a belt, chain and/or gears whether or not it has an auxiliary motor. Includes a tricycle and power assisted bicycle but does not include a wheelchair.

"blood alcohol concentration" refers to the amount of alcohol present in the bloodstream. Blood alcohol concentration is measured in grams of alcohol in every 100 millilitres (ml) of blood.

"breathalyser" means a device used to test the blood alcohol of a person through a breath sample as approved by the Commissioner.

"bus" means any motor vehicle used to carry passenger/s where any form of payment and/or reward for transport is received for the carrying of the passenger/s.

"bus operator" means a person with an appropriate licence who carries on a business of operating a service for the carriage by road of passenger/s in and/or on a vehicle where any form of payment and/or reward is received.

"commercial vehicle" means:

- (a) a motor vehicle other than a bus used to carry passengers or goods for hire and/or payment and/or reward; or
- (b) a vehicle used in trade or agriculture.

"Commissioner" means the Commissioner of Police and any delegate of the Commissioner.

"competent driver" means a person that has satisfactorily demonstrated and has passed a written and practical test as prescribed by Regulation to be issued a driver's licence.

"driver" means a person in control of, or apparently in control of a vehicle.

"driver's licence" means a licence issued by an Authority to drive a motor vehicle issued under Part III of the Act.

"drug" includes any illegal and illicit drug. For the purposes of the *Traffic Act 2017* only, kava is classified as a drug in the case of driving a motor vehicle.

"government vehicle" means any vehicle owned by:

- (a) the Government of Kiribati; or
- (b) a Local Government Council.

"grievous bodily harm" means any harm which amounts to a maiming or dangerous harm, or seriously or permanently injures health or which is likely so to injure health, or which extends to permanent disfigurement; or to any permanent or serious injury to any external or internal organ, membrane or sense.

"High-range drink driving" means a person with a prescribed blood alcohol concentration above 0.15g/100ml in their blood.

"Low-range drink driving" means a person with a prescribed blood alcohol concentration between 0.05g/100ml and 0.1g/100ml in their blood for the driver of a private vehicle; and/or a prescribed blood alcohol concentration between 0.00g/100ml and 0.1g/100ml in their blood for a learner driver, bus driver and the driver of a commercial vehicle.

"Mid-range drink driving" means a person with a prescribed blood alcohol concentration between 0.1g/100ml and 0.15g/100ml in their blood.

*Cont'd next page*



"*motor bike*" means a vehicle with two or three wheels that was designed and built to be propelled by any means other than human and/or animal power.

"*motor vehicle*" means a vehicle with four or more wheels that was designed and built to be propelled by any means other than human and/or animal power.

"*owner*" for a vehicle includes the actual registered owner of a vehicle and/or a person who has possession of a vehicle under a hiring agreement or a hire purchase agreement.

"*penalty notice*" means a traffic penalty notice issued under section 55.

"*prescribed blood alcohol concentration*" means a prescribed blood alcohol concentration equal to or above 0.05g/100ml in their blood for the driver of a private vehicle; and/or a prescribed blood alcohol concentration above 0.00g/100ml in their blood for a learner driver, bus driver and the driver of a commercial vehicle.

"*road*" means an area of land that is open to and/or used by the public and is developed for, or has one of its main uses, the driving or riding of any type of vehicle including but not limited to bicycle, bus, motor vehicle, motor bike, horse and includes:

- (a) a bridge or causeway; and
- (b) a laneway.

"*road rules*" means the Road Rules established as a Schedule to this Act.

"*serious traffic offence*" means an offence against:

- (a) section 33(1) (dangerous driving causing death); or
- (b) section 33(2) (dangerous driving causing grievous bodily harm); or
- (c) section 35(1) (careless driving causing death); or
- (d) speeding more than 20km/hour over the speed limit; or
- (e) driving with a prescribed blood alcohol concentration above 0.15.

"*sound equipment*" means equipment designed or adapted for amplifying music and any equipment suitable for use in connection with such equipment.

"*trailer*" means a non-motorised vehicle with two or more wheels that is towed behind a motor vehicle.

"*vehicle*" means anything used to convey people, goods, animals etc that runs on wheels or continuous tracks but does not include a wheel chair.

(2). A reference to this Act includes the Road Rules.

## **5. Penalty Unit**

(1). Except as far as the context otherwise provides, a penalty unit, whether pecuniary, punishable by gaol or otherwise, set out at the foot of any provisions of this Act as described in subsection (2) indicates:

- (a) if the provision expressly creates an offence, that the offence is punishable by conviction by a specific penalty unit value not less than the minimum penalty and not exceeding the maximum penalty so set out whether issued by the Commissioner or heard before a Court; or
- (b) in any other case, that the contravention of the provision is an offence against the provisions, punishable by a conviction not less than the minimum penalty and not exceeding the maximum penalty so set out.

(2). Subsection (1) applies to a penalty as set out:

- (a) at the foot of a section of this Act; or

*Cont'd next page*

- (b) at the foot of a subsection of this Act but not at the foot of the section containing the subsection; or
  - (c) at the foot of a paragraph of any Schedule and/or Regulation of this Act; or
  - (d) at the foot of a subparagraph any Schedule and/or Regulation of this Act but not at the foot of the paragraph containing the subparagraph.
- (3). For all sections of this Act and any Schedule and/or Regulation, a prescribed penalty unit is \$50.
  - (4). On 1 January in a year, the Government may publish and gazette an increase of the amount of a prescribed penalty unit by:
    - (a) 2.5 percentage on the previous year; or
    - (b) the percentage increase in the Government's inflation index on the previous year; whichever is the higher percentage increase.
  - (5). The regulation may only prescribe one increase in each year.

## **6. Application of Act – Government Vehicle**

- (1). The Act applies to all government vehicles.
- (2). The Act applies to people employed by the Kiribati Government or by a local government council within approved government guidelines.
- (3). No fee is payable to register a government vehicle.

## **PART II – REGISTRATION OF MOTOR VEHICLES**

## **7. Licensing Authority**

- (1). The Minister may appoint a person as the Licensing Authority.
- (2). The Minister may appoint a single Licensing Authority for all of Kiribati and/or different Licensing Authorities for different areas of Kiribati.
- (3). A Licensing Authority has the following functions:
  - (a) to register all classes of motor vehicles;
  - (b) to issue all classes of driver's licences;
  - (c) to keep a register of motor vehicles registered by the Authority;
  - (d) to keep a register of driver's licences issued by the Authority;
  - (e) undertake investigations into persons applying for all types of driver's licences with other Licensing Authorities and the Commissioner as to their suitability to be issued a licence;
  - (f) share information with other Authorities on vehicle registration and the details of driver's licences;
  - (g) employ qualified mechanics to perform Roadworthy Certificate Inspection;
  - (h) to keep a list of approved repairers/mechanics authorised to undertake repairs on motor vehicles;
  - (i) keep a list of registered mechanics who are approved to perform Roadworthy Certificate Inspection;

*Cont'd next page*

- (j) keep a list of registered formal driving schools and professional driving instructors, whether they be within the Licensing Authority or approved external providers; and
- (k) any other function/s determined by the Minister in writing.

#### **8. Motor vehicles must be registered**

- (1). A person must not drive a motor vehicle on a road unless the motor vehicle is registered.  
Penalty: Five (5) Penalty Units
- (2). A person must not drive a motor vehicle on a road unless the number plates for the motor vehicle are attached both on the front and rear of the motor vehicle as required under section 14.  
Penalty: Three (3) Penalty Units

#### **9. Exemptions to registration requirements**

- (1). Notwithstanding section 8, a person may drive an unregistered motor vehicle on a road if:
  - (a) the person has a written permit from the Authority to drive the motor vehicle, or has been issued a defect notice; and
  - (b) the person is driving the motor vehicle to take the motor vehicle:
    - (i) to an Authority for inspection and/or to be registered;
    - (ii) to be repaired by an approved motor mechanic and/or repairer; or
    - (iii) to an approved mechanic who is approved to perform Roadworthy Certificate Inspection.

#### **10. Classes of vehicles**

- (1). For the purposes of this Act, motor vehicles are classified into the following classes:
  - (a) buses;
  - (b) commercial motor vehicles;
  - (c) government vehicles;
  - (d) private motor vehicles;
  - (e) motor bikes; and
  - (f) trailers.

#### **11. Application to register a vehicle**

- (1). A person who wants to register and/or renew the registration of a motor vehicle other than a government vehicle, must apply to the Authority.
- (2). The application must:
  - (a) be in writing on the approved form; and
  - (b) state the class of vehicle; and
  - (c) have with it, proof the person making the application owns the vehicle; and
  - (d) have a Roadworthy Certificate Inspection consistent with the Schedule to this Act undertaken within the previous 14 days by an approved person under section 7 and signed off by the Commissioner; and
  - (e) have with it, the prescribed fee.

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## **12. Registration of a vehicle**

- (1). The Authority may only register a vehicle other than a government vehicle if:
  - (a) the application is made on the approved form in writing; and
  - (b) the person has provided a Roadworthy Certificate Inspection consistent with the Schedule to this Act undertaken within the previous 14 days demonstrating that the motor vehicle is mechanically and structurally sound and safe; and
  - (c) the owner pays the prescribed fee.
- (2). Registration is valid for a period of:
  - (a) one (1) year for a private motor vehicle and motor bike; or
  - (b) six (6) months for a bus or commercial vehicle.unless cancelled/suspended by an Authority.
- (3). A person must apply for re-registration of a vehicle not less than seven (7) days prior to the expiration of the current registration. The conditions contained within subsection (1) must apply for re-registration.
- (4). An Authority must not register a motor vehicle for the first time in Kiribati that is older than ten years as per the original compliance plate.

## **13. Disposal of a vehicle**

- (1). Other than where a motor vehicle is being sold, an owner that no longer wishes to register a vehicle must dispose of the vehicle at an Authority approved location only.  
Penalty: Ten (10) Penalty Units

## **14. Registration label and number plates**

- (1). When registering a motor vehicle, the Authority must issue a registration label and two (2) number plates showing the registration number of the vehicle.
- (2). The registration label must show:
  - (a) the make and model of the vehicle; and
  - (b) the registration number of the vehicle; and
  - (c) the number of people a vehicle is licenced to carry; and
  - (d) the date the registration expires.
- (3). For a bus, the registration label must show the maximum number of people the bus may carry both sitting and standing inside the bus.
- (4). The owner of the vehicle must ensure the registration label:
  - (a) in the case of a motor vehicle other than a motor bike, is affixed to the lower left (or near side) portion of the front windscreen; or
  - (b) in the case of a motor bike, affixed to the left side of the motor bike so that the front of the label faces outwards from the motor bike;such that the label can be read by a person standing next to that side of the vehicle.  
Penalty: Two(2) Penalty Units
- (5). Motor vehicles using a public road shall display an approved numbers plates affixed to the front and rear of the vehicle in such a manner as to be clearly visible at a distance of 20 metres in normal daylight.  
Penalty: Two (2) Penalty Units

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numerals. The letters and numerals shall be not less than 75mm in height and their strokes not less than 12mm in width; and the letters shall be in white or in silver on a black ground with the major axis horizontal.

Provided that the colour of the letters and numerals on a diplomatic plate shall be in red on a green background, and the size shall remain the same as that provided in this section.

Penalty: Two (2) Penalty Units

- (7). When the number plate is displayed on special plates, these plates shall be fixed in a position and in a plane perpendicular to the longitudinal axis of the vehicle; and when the number is fixed to or painted on the vehicle itself this shall be done on vertical or nearly vertical surfaces at the front and rear of the vehicle.
- (8). Every trailer using a public road shall display a number plate of approved pattern affixed to the rear of the vehicle in such a manner as to be clearly visible at a distance of 20 metres in normal daylight.

Penalty: Two (2) Penalty Units

- (9). The number plate displayed at the rear of a motor vehicle or trailer shall be capable of illumination at night time so that it can be read at a distance of 20 metres.

Penalty: Two (2) Penalty Units

- (10). If a number plate is lost, stolen and/or damaged so that it cannot be read, the owner of the vehicle must apply to the Authority for a duplicate number plate within seven (7) days of the number plate being lost, stolen and/or damaged.

Penalty: Two (2) Penalty Units

- (11). The application for number plates under subsection (5) must:
  - (a) be in writing on the approved form; and
  - (b) have with it, the prescribed fee; and
  - (c) if the number plate is damaged, include the damaged number plate; and/or
  - (d) if the number plate is lost or stolen, details explaining how the plate was lost or stolen.
- (12). The Authority may issue replacement number plates for lost and stolen plates if the Authority is satisfied that the plates were lost or stolen.

## **15. Conditions of registration**

- (1). The Authority may impose conditions concerning the use of a vehicle including:
  - (a) the load it may carry; and/or
  - (b) the sound equipment that may be installed in the motor vehicle; and/or
  - (c) the number of people a vehicle may carry.having regard to its design and the safety of the public.
- (2). When registering a bus, the Authority may impose conditions about:
  - (a) the number of passengers that may be carried on the bus; and
  - (b) the way passengers are seated on the bus; and
  - (c) the construction of the seats in the bus; and
  - (d) the sound equipment that may be installed in the bus; and
  - (e) any other matter that affects the safety of the passengers and members of the public.
- (3). A person must not use a vehicle in contravention of a condition imposed by the Authority.

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Penalty: Five (5) Penalty Units

#### **16. Register of vehicles**

- (1). The Authority must keep a Register containing the following information about each motor vehicle the Authority has registered the:
  - (a) owner's name and address; and
  - (b) class of vehicle; and
  - (c) type, make, brand, year of manufacture and colour of the vehicle; and
  - (d) engine number and vehicle identification number;
  - (e) registration number allotted to the vehicle; and
  - (f) date of expiry of the motor vehicle's registration.

#### **17. Change of Ownership**

- (1). If the owner of a registered motor vehicle wished to sell the vehicle, he or she must, obtain a Roadworthy Certificate Inspection consistent with the Schedule to this Act prior to the sale subject to subsection (4).
- (2). If the owner of a registered motor vehicle sells the vehicle, he or she must, within seven (7) days of the sale, submit to the Authority a Transfer of Ownership form with the details of the new owner and the date of sale subject to subsection (4).

Penalty: Two (2) Penalty Units

- (3). If the person buys a motor vehicle, he or she must, within seven (7) days of the purchase, apply to register the vehicle in the new owner's name consistent with sections 11 and 12 of the Act.

Penalty: Two (2) Penalty Units

- (4). Where the registration of the motor vehicle under the name of the previous owner has not yet expired, the Authority may make a pro rata reduction of the fee payable by the new owner for registration of the vehicle.
- (5). An Authority may register a motor vehicle if it complies with the requirements of sections 11 and 12 of the Act.

#### **18. Use of number plates restricted**

- (1). A person must not use the number plates issued for one motor vehicle on a different motor vehicle.

Penalty: Ten(10) Penalty Units

#### **19. Defect notice**

- (1). The Authority and/or the Commissioner may at any time, give the registered owner and/or driver of a registered motor vehicle, a defect notice if the Authority and/or the Commissioner are satisfied that the vehicle:
  - (a) is not mechanically and/or structurally sound; or
  - (b) would fail a Roadworthy Certificate Inspection; or
  - (c) is producing excessive exhaust fumes; or
  - (d) may otherwise be a danger if it is used for the purpose for which it is registered.

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- (2). If:
- (a) a registered motor vehicle is on a road or a public space; and
  - (b) the Authority and/or the Commissioner has reasonable grounds for suspecting that the vehicle:
    - (i) is not mechanically and/or structurally sound; or
    - (ii) would fail a Roadworthy Certificate Inspection; or
    - (iii) does not comply with any provision of this Act
    - (iv) is producing excessive exhaust fumes; or
    - (v) may otherwise be a danger if it is used for the purpose for which it is registered;
- the Authority and/or the Commissioner may give the owner and/or driver a defect notice.
- (3). A defect notice must:
- (a) be in writing on the approved form; and
  - (b) state why the vehicle falls within the provisions of subsection (2)(b); and
  - (c) require the owner of the vehicle to have the vehicle inspected by an approved motor mechanic and provide the relevant Authority with a copy of the report and a Roadworthy Certificate Inspection demonstrating the vehicle no longer falls within the provisions of subsection (2)(b); and
  - (d) require the owner to produce the vehicle to the Authority and/or Commissioner within the relevant period, this being not less than 14 days stated in the notice; and
  - (e) be signed by the Authority and/or Commissioner.
- (4). Where a defect notice is issued by the Commissioner, the Commissioner must give a copy of the notice to the Authority that registered the vehicle within fourteen (14) days.
- (5). The owner and/or driver must comply with the defect notice.  
Penalty: Minimum Five (5) Penalty Units; Maximum Ten (10) Penalty Units
- (6). A person must not drive a motor vehicle for which a defect notice is in force except to take the vehicle to an approved mechanic for inspection and/or repair.  
Penalty: Minimum Five (5) Penalty Units; Maximum Ten (10) Penalty Units
- (7). If the owner and/or driver does not comply with the defect notice within the stated timeframes, the Authority may:
- (a) suspend the registration of the vehicle until the owner complies with the notice; and/or
  - (b) advise the owner in writing that the registration is suspended and the vehicle is not registered; and/or
  - (c) fine the owner for the failure to comply with the defect notice.
- Penalty: Minimum Five (5) Penalty Units; Maximum Ten (10) Penalty Units

### PART III – LICENCING OF DRIVERS

#### 20. Driver's licence required

- (1). A person must not drive a motor vehicle on a road unless the person holds a driver's licence for that class of vehicle.  
Penalty: Minimum Ten (10) Penalty Units; Maximum Twenty (20) Penalty Units or Two (2) years imprisonment or both

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- (2). In determining the penalty to be imposed for a contravention of subsection (1), the Court may have regard to all the consequences of the offender's driving.
- (3). A person must not let another person drive a motor vehicle on a road unless the other person holds a driver's licence for that class of vehicle.  
Penalty: Minimum Five (5) Penalty Units; Maximum Twenty (20) Penalty Units or Two (2) years imprisonment or both
- (4). Subsection (1) and (3) do not apply if:
  - (a) the person holds a learner's permit for the class of vehicle; and
  - (b) for a vehicle other than a motor bike, a holder of a driver's licence for the class of vehicle is sitting next to the learner driver.

## **21. Learner drivers and permits**

- (1). A person over the age of 18 may apply to the Authority for a learner's permit.
- (2). The application must:
  - (a) be in writing on the approved form;
  - (b) have with it proof to clearly identify the person applying for the learner's permit and proof of the person's age; and
  - (c) have with it, the prescribed fee.
- (3). A learner's permit is subject to the following conditions:
  - (a) the learner is only entitled to drive a motor vehicle of the class stated in the permit; and
  - (b) for a motor vehicle other than a motor bike, the learner must only drive the vehicle if the holder of a driver's licence for the class of the vehicle is sitting beside the learner; and
  - (c) any prescribed conditions; and
  - (d) any other condition imposed by the Authority stated in the permit.
- (4). A learner driver must carry his or her learner's permit when driving a motor vehicle.  
Penalty: One (1) Penalty Unit
- (5). A learner driver must not driver a motor vehicle other than a motor bike unless a person who holds a driver's licence for the class of vehicle is sitting beside the learner driver.  
Penalty: One (1) Penalty Unit
- (6). If a learner permit is granted subject to a condition/s, the learner driver must comply with the conditions when driving a motor vehicle.  
Penalty: One (1) Penalty Unit

## **22. Application for driver's licence**

- (1). A person may apply to the Authority for a driver's licence.
- (2). The application must:
  - (a) be in writing on the approved form;
  - (b) state the class of vehicle the person wishes to be licensed to drive;
  - (c) demonstrate the person is competent to drive class of vehicle by passing a driving test as required in the Schedule to this Act;
  - (d) have with it proof to clearly identify the person applying for the driver's licence and proof of the person's age;

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- (e) state whether the person's licence has been previously suspended and/or cancelled with an Authority and if so, give details of the suspension and/or cancellation; and
- (f) have with it, the prescribed fee.

### **23. Driver's licence**

- (1). The Authority may grant a driver's licence if the Authority is satisfied that:
  - (a) the person meets the age requirements outlined in section 24; and
  - (b) the person resides in the area of Kiribati for which the Authority is responsible; and
  - (c) the person is competent to drive a vehicle of the class applied for; and
  - (d) for a commercial licence, the person meets the requirements outlined in section 25; and
  - (e) for a bus licence, the person meets the requirements outlined in section 26; and
  - (f) the person's licence has not been disqualified from holding a driver's licence; and
  - (g) the person does not suffer a disease or disability that would make it unsafe for the person to drive a motor vehicle of the class applied for.
- (2). The driver's licence must:
  - (a) state the name, address and date of birth of the licence holder; and
  - (b) contain a recent photo of the licence holder; and
  - (c) state the class of vehicle the licence holder is entitled to drive; and
  - (d) state the expiry date of the licence; and
  - (e) be in the prescribed form.
- (3). The validity of the driver's licence is as prescribed in the regulation.

### **24. Age requirement**

- (1). The age requirement to hold a driver's licence is:
  - (a) for a motor bike, 18 years; and
  - (b) for a private motor vehicle, 18 years;
  - (c) for a government motor vehicle, 18 years; and
  - (d) for a bus or commercial vehicle except for a government bus, 25 years.

### **25. Commercial licence**

- (1). In addition to the age requirements established by section 24, the Authority must not issue a licence to a person to drive a commercial vehicle unless the person:
  - (a) has demonstrated to the Authority that he or she is competent to drive a commercial vehicle of the kind the person is applying to drive, whether by passing a driving test or otherwise; and
  - (b) has held a licence for a private motor vehicle for at least one year; and
  - (c) has not been convicted of a serious traffic offence as defined in section 4 in the last five years.

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## **26. Bus licence**

- (1). In addition to the age requirements established by section 24, the Authority must not issue a licence to a person to driver a bus unless the person:
  - (a) has demonstrated to the Authority that he or she is competent to drive a bus, whether by passing a driving test or otherwise; and
  - (b) has held a licence for a private motor vehicle for at least two years; and
  - (c) has not been convicted of a serious traffic offence as defined in section 4 in the last five years; and
  - (d) has demonstrated to the Authority that he or she has experience in driving in traffic.

## **27. Licence of different class of vehicle**

- (1). The holder of a driver's licence may apply to the Authority for a licence to drive another class of motor vehicle.
- (2). If the Authority is satisfied that the holder of the licence:
  - (a) has demonstrated to the Authority that he or she is competent to drive a vehicle of a different class; and
  - (b) meets the age requirements set out in section 24; and
  - (c) for a commercial licence, meets the requirements of section 25; and
  - (d) for a bus licence, meets the requirements of section 26;the Authority may endorse the licence or issue a new licence.
- (3). An endorsement must state the class of vehicle that the licence holder may drive.
- (4). Should a person be disqualified from specifically holding a commercial and/or bus licence, this will not impact on his or her right to hold a private motor vehicle licence unless a Court deems otherwise depending on any offence committed.

## **28. Register of Drivers' Licence**

- (1). The Authority must keep a Register containing the following information:
  - (a) the names and address of licence holders; and
  - (b) the class of vehicle they hold a licence for; and
  - (c) the date the licence was issued; and
  - (d) the number of the licence.
- (2). Access to the Register is only available to the Authority and/or Commissioner for the administration of the Act.
- (3). A licence holder must advise the Authority of any changes in detail consistent with subsection one within seven (7) days of the change.  
Penalty: Two (2) Penalty Units

## **29. Replacement licence**

- (1). A person whose driver's licence is lost, stolen and/or destroyed may apply to the Authority for a replacement licence.
- (2). The application must:
  - (a) be in writing in the approved form; and

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- (b) state how the licence came to be lost, stolen and/or destroyed; and
  - (c) state the class of vehicle the person was licenced to drive; and
  - (d) have with it proof to clearly identify the person applying for the replacement driver's licence and proof of the person's age; and
  - (e) have with it the prescribed fee.
- (3). The Authority may issue a replacement licence if the Authority is satisfied that the original licence was lost, stolen and/or destroyed.
- (4). A replacement licence is subject to the same conditions as the original licence.

### **30. Validity of licences on Tarawa and Kiritimati**

- (1). A driver licence issued by an Authority responsible for any part of Tarawa or Kiritimati is valid for use anywhere in Kiribati.
- (2). A driver licence issued by an Authority responsible for an area of Kiribati other than South Tarawa or Kiritimati (except a single Authority for the whole of Kiribati) is not valid for use anywhere on South Tarawa or Kiritimati.
- (3). Any person who drives a motor vehicle on South Tarawa or Kiritimati without holding a driver licence for that class of vehicle issued by an Authority responsible for any part of South Tarawa or Kiritimati is deemed, in respect of such driving, not to hold a driver licence.

Penalty: Two (2) Penalty Units

### **31. Foreign driver's licences**

- (1). A person who:
  - (a) is visiting Kiribati; and
  - (b) holds a driver's licence in another country; and
  - (c) drives a motor vehicle of the class for which he or she is licenced;
 is taken to hold a driver's licence issued under this Act for a period of six week after arriving in Kiribati.
- (2). A person who stays in Kiribati for six weeks continually or for more than three months in any calendar year is required to obtain a driver's licence from the Authority.

Penalty: Two (2) Penalty Units

## **PART IV – ROAD RULES**

### **32. Road Rules**

- (1). The Road Rules in the Schedule to this Act apply in Kiribati.
- (2). The purpose of the Road Rules is to encourage safe driving in Kiribati by providing clearly written rules for all road users including pedestrians.
- (3). The Minister, acting in accordance with the advice of the Cabinet, may from time to time, by notice published in the Gazette:
  - (a) amend the Road Rules; or
  - (b) repeal the Schedule containing the Road Rules and substitute a new Schedule.

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## **PART V – OFFENCES**

### *Division One – General Offences*

#### **33. Dangerous Driving**

- (1). A person must not cause the death of another person by driving a motor vehicle on a road or elsewhere at a speed or in a manner dangerous to another person or persons.  
Penalty: Minimum Ten (10) years imprisonment; Maximum Life imprisonment
- (2). A person must not cause grievous bodily harm to another person by driving a motor vehicle on a road or elsewhere at a speed or in a manner dangerous to another person or persons.  
Penalty: Minimum Five (5) years imprisonment; Maximum Ten (10) years imprisonment
- (3). A person must not drive a motor vehicle on a road or elsewhere at a speed or in a manner dangerous to another person or persons.  
Penalty: Fifty (50) Penalty Units or Five (5) years imprisonment or both
- (4). In determining the penalty to be imposed for a contravention of this section, the Court may have regard to all of the consequences of the offender's driving.

#### **34. Meaning of dangerous driving**

- (1). For the purposes of section 33, a person's driving is to be regarded as dangerous if; and, subject to subsection (2), only if:
  - (a) the way he or she drives falls far below what would be expected of a competent and careful driver; and
  - (b) it would be obvious to a competent and careful driver that driving in that way would be dangerous.
- (2). A person's driving is also to be regarded as dangerous for the purposes of section 33 if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous.
- (3). In subsections (1) and (2) "dangerous" refers to danger either of injury to any person or of serious damage to property, and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard must be had not only to the circumstances of which he or she could be expected to be aware but also to any circumstances shown to have been within the knowledge of the accused.
- (4). In determining subsection (2); regard may be had to the state of a vehicle; anything attached to the vehicle; or carried on or in it; and to the manner in which it is attached or carried.

#### **35. Careless driving**

- (1). A person must not cause the death of another person by driving a motor vehicle on a road or elsewhere without due care and attention, or without reasonable consideration for other persons using the road or place.  
Penalty: Fifty (50) Penalty Units or up to Five (5) years imprisonment or both
- (2). A person must not drive a motor vehicle on a road or elsewhere without due care and attention, or without reasonable consideration for other persons using the road or place.  
Penalty: Twenty (20) Penalty Units or up to Two (2) years imprisonment or both
- (3). A person must not drive a motor vehicle on a road at a speed in excess of 20 kilometres an hour over the speed limit.

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Penalty: Twenty (20) Penalty Units or up to Two (2) years imprisonment or both

- (4). In determining the penalty to be imposed for a contravention of this section, the Court may have regard to all of the consequences of the offender's driving.

### **36. Alternative verdicts on charges of dangerous or careless driving**

- (1). When a person is charged with contravening section 33(1) and the Court is of the opinion that he or she is not guilty of that offence but that he or she is guilty of one of the other offences under sections 33 or 35, the person may be convicted of that offence although he or she was not charged with it.
- (2). When a person is charged with contravening section 33(2) and the Court is of the opinion that he or she is not guilty of that offence but that he or she is guilty of an offence under section 33(3) or 35(2), the person may be convicted of that offence although he or she was not charged with it.
- (3). When a person is charged with contravening section 33(3) and the Court is of the opinion that he or she is not guilty of that offence but that he or she is guilty of an offence under section 35(2), the person may be convicted of that offence although he or she was not charged with it.
- (4). When a person is charged with contravening section 35(1) and the Court is of the opinion that he or she is not guilty of that offence but that he or she is guilty of an offence under section 35(2), the person may be convicted of that offence although he or she was not charged with it.

### **37. Breach of Road Rules**

- (1). A person must obey the Road Rules.

### **38. Making a false statement**

- (1). A person must not knowingly make a false statement related to the administration of this Act:
  - (a) in an application; or
  - (b) in any other document; or
  - (c) to the Authority and/or the Commissioner.

Penalty: Twenty (20) Penalty Units or Two (2) years imprisonment or both

- (2). A person who knowingly omits information in an application, any other document or to the Authority and/or the Commissioner is taken to have made a false statement.

### **39. Using a vehicle for different purpose**

- (1). A person must not operate a vehicle as a bus unless the vehicle is registered as a bus.

Penalty: Ten (10) Penalty Units

- (2). A person must not operate a vehicle as a commercial vehicle unless the vehicle is registered as a commercial vehicle.

Penalty: Five (5) Penalty Units

### **40. Offences by bus operators**

- (1). A bus operator after making reasonable enquiries must not employ a person as a bus driver unless the person holds a bus licence.

Penalty: Minimum Ten (10) Penalty Units; Maximum Twenty (20) Penalty Units

- (2). A bus operator after making reasonable enquiries must not employ a person as a bus driver if the person has been convicted of a serious traffic offence in the last five years.

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Penalty: Minimum Ten (10) Penalty Units; Maximum Twenty (20) Penalty Units

- (3). A bus operator must not encourage a bus driver he or she employs to:

- (a) exceed the speed limit;
- (b) carry more passengers than the bus is licenced to carry; or
- (c) otherwise act in contravention of this Act.

Penalty: Minimum Ten (10) Penalty Units; Maximum Twenty (20) Penalty Units

- (4). For the purposes of this section, a bus driver who works under a contract is taken as being employed by the bus operator.

#### **41. Offences by bus drivers**

- (1). A bus driver must not carry more passengers than a bus is licenced to carry.

Penalty: Four (4) Penalty Units

- (2). When picking up and setting down passengers, a bus driver must only stop at designated bus stops;

Penalty: Four (4) Penalty Units

### *Division Two – Driving under the influence of alcohol or drug*

#### **42. Driving under the influence of alcohol**

- (1). A person must not drive any vehicle including a bicycle while under the influence of alcohol above the prescribed blood alcohol concentration.

#### **43. Driving under the influence of a drug**

- (1). A person must not drive any vehicle including a bicycle while under the influence of a drug.

#### **44. Drink driving – breathalyser reading**

- (1). A person is taken to be under the influence of alcohol if an analysis of the person's breath by a breathalyser shows a reading in excess of the prescribed blood alcohol concentration of 0.05g/100ml.
- (2). A learner driver, bus driver and the driver of a commercial vehicle is taken to be under the influence of alcohol if an analysis of the person's breath by a breathalyser shows a reading above 0.00g/100ml.
- (3). A person who has been found to be driving while under the influence of alcohol based on the breathalyser reading is immediately suspended from driving for twenty four (24) hours.
- (4). A person may challenge a breathalyser reading by requesting a blood test be conducted. A person requesting a blood test must bear the costs of the blood test.

#### **45. Drink driving – blood test**

- (1). A person is taken to be under the influence of alcohol if a test of the person's blood shows more than the prescribed blood alcohol concentration.
- (2). A person who has been found to be driving while under the influence of alcohol based on the blood test is immediately suspended from driving for twenty four (24) hours.

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**46. Drug driving – saliva test**

- (1). A person is taken to be under the influence of a drug, if a saliva test of the person shows that drugs are within the person's system.

**47. Failure to provide breath, blood and/or saliva sample**

- (1). A person who is requested to provide a breath and/or saliva sample by the Authority and/or Commissioner and refuses to provide a breath sample is deemed to be driving with a blood alcohol concentration above 0.15g/100ml and/or driving while under the influence of a drug.
- (2). The onus of proof is reversed.
- (3). It is a defence to the prosecution of an offence under the section if the defendant satisfies the Court that the defendant was unable, on medical grounds only, at the time the defendant was required to do so, to provide a specimen of breath and/or saliva.
- (4). A person who commits an offence under this section may be arrested by the Commissioner without a warrant.

**48. Evidence of offence if no breathalyser, blood test or saliva test available**

- (1). In addition to sections 44, 45 and 46, it is evidence that a person is under the influence of alcohol and/or a drug if:
  - (a) the person is unsteady on his or her feet; or
  - (b) the person is unable to walk a straight line; or
  - (c) the person's speech is unclear; or
  - (d) the person otherwise appears affected by alcohol and/or a drug.
- (2). Where the Commissioner is of the view that a person may be affected by alcohol and/or a drug; and the Commissioner is unable to undertake a breathalyser, blood test or saliva test, the Commissioner may use the following test to assess whether a person is under the influence of alcohol and/or a drug:
  - (a) an eye assessment; and
  - (b) a walk and turn assessment; and
  - (c) a one leg stand assessment.
- (3). Subsections (1) and (2) does not limit other evidence that may be used to establish that a person is under the influence of alcohol and/or a drug.

**49. Breathalyser procedure**

- (1). A breath analysis must be carried out in accordance with the procedures in the Regulations.

**50. Blood test procedure**

- (1). A blood test for alcohol must be carried out in accordance with the procedures in the Regulations.

**51. Saliva test procedure**

- (1). A saliva test for drugs must be carried out in accordance with the procedures in the Regulations.

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## **52. Certificate of evidence**

- (1). In proceedings for an offence under sections 44, 45 and 46, a certificate by the Commissioner as to any of the following matters is evidence of the contents of the certificate:
- (a) that the breath analysis indicated that the concentration of alcohol in the blood of the person providing the specimen of breath exceeded 0.05g/100ml for a private driver and/or 0.00g/100ml for a learner, bus or commercial driver;
  - (b) that the blood test showed more than the prescribed blood alcohol concentration in a person's blood;
  - (c) that the saliva test showed a positive analysis to a drug;
  - (d) that the person did not, in the Commissioner's opinion, pass the test under section 48; and
  - (e) that the breath analysis, and/or blood test and/or saliva test were carried out in accordance with the Regulations.

## **53. Penalties related to drink driving and drug driving**

- (1). If a Court convicts a person who drives a vehicle including a bicycle while under the influence of alcohol, it must impose the following penalties:
- (a) Low-range drink driving  
Penalty: Minimum Six (6) Penalty Units, Two (2) months licence disqualification; Maximum Ten (10) Penalty Units; Six (6) months licence disqualification
  - (b) Mid-range drink driving  
Penalty: Minimum Ten (10) Penalty Units, Six (6) months licence disqualification; Maximum Twenty (20) Penalty Units; Twelve (12) months licence disqualification
  - (c) High-range drink driving  
Penalty: Minimum Twenty (20) Penalty Units, one (1) year imprisonment or both, Twelve (12) months licence disqualification; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Two (2) years licence disqualification
- (2). If a person is convicted of a second and/or more offence of driving while under the influence of alcohol within a five year period, the Court must impose the following penalties:
- (a) Low-range drink driving  
Penalty: Minimum Ten (10) Penalty Units, Six (6) months licence disqualification; Maximum Twenty (20) Penalty Units; Twelve (12) months licence disqualification
  - (b) Mid-range drink driving  
Penalty: Minimum Twenty (20) Penalty Units, One (1) year imprisonment or both, Twelve (12) months licence disqualification; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Two (2) years licence disqualification
  - (c) High-range drink driving.  
Penalty: Minimum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Two (2) years licence disqualification; Maximum One hundred (100) Penalty Units, Five (5) years imprisonment or both; Five (5) years licence disqualification
- (3). If a Court convicts a person who drives a vehicle including a bicycle while under the influence of drug, it must impose the following penalties:
- Penalty: Minimum Ten (10) Penalty Units, Six (6) months licence disqualification; Maximum Twenty (20) Penalty Units; Twelve (12) months licence disqualification

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- (4). If a person is convicted of a second and/or more offence of driving while under the influence of a drug within a five year period, the Court must impose the following penalties:

Penalty: Minimum Twenty (20) Penalty Units. One (1) year imprisonment or both, Twelve (12) months licence disqualification; Maximum Fifty (50) Penalty Units. Two (2) years imprisonment or both; Two (2) years licence disqualification

### *Division Three – Traffic Penalty Notices*

#### **54. Offences for which a penalty notice can be issued**

- (1). Subject to subsection (2), a "penalty offence notice" means an offence of failing to comply with a provision of this Act in relation to registration of a motor vehicle, a driver's licence offence and any of the Road Rules.
- (2). An offence is not a penalty notice offence if, as a result of the conduct constituting the offence
- (a) it is a matter that must be heard by a Court where the offence carries:
    - (i) a suspension of a person's driver's licence; and/or
    - (ii) a term of imprisonment; or
  - (b) a person was injured; or
  - (c) property of any kind was damaged.

#### **55. Issue of notice**

- (1). If the Commissioner has reasonable grounds for believing a person has committed a penalty notice offence, the Commissioner may give a penalty notice to the person.
- (2). The penalty notice may be:
- (a) handed to the driver of a motor vehicle;
  - (b) securely placed on the motor vehicle in a conspicuous position;
  - (c) be sent to the registered address of the motor vehicle;
  - (d) served by the Commissioner within six weeks after the alleged penalty notice offence.

#### **56. Content of notice**

- (1). The penalty notice must state:
- (a) the number of the notice; and
  - (b) details of the offence; and
  - (c) where the offence was committed; and
  - (d) the date and time the offence was committed; and
  - (e) a description of the vehicle including the registration number, if known; and
  - (f) the name of the driver, if known; and
  - (g) the name of the Commissioner; and
  - (h) the amount of the penalty; and
  - (i) that the penalty must be paid to the Government of Kiribati and/or the Authority at the place named and by the date specified in the notice.
- (2). The penalty notice must be signed by the Commissioner.

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**57. Time for payment of a penalty notice**

- (1). A penalty notice must be paid to the Government of Kiribati and/or the Authority at the place named in the notice within fourteen (14) days of the date of the notice.

**58. Disputing liability under notice**

- (1). A person who believes he or she is not liable under the penalty notice must provide a statement to the Commissioner and/or the Authority explaining why the person should not be liable.
- (2). Any statement must be submitted to the Commissioner and/or the Authority within 14 days of the date of the notice.
- (3). If the Commissioner and/or the Authority is/are of the view that the person is not liable, the Commissioner and/or the Authority may withdraw the penalty notice in writing.

**59. Liability discharged**

- (1). A person who pays the penalty stated in the penalty notice within the stated time (fourteen (14) days) is not liable to be prosecuted for the penalty notice offence.

**60. Failure to pay penalty notice within stated time**

- (1). Where a person has not paid a penalty notice within the stated time (fourteen (14) days), the Commissioner and/or the Authority may take any/ and/or all of the following actions:
  - (a) impound the vehicle that was the subject of the penalty notice for a period until the penalty notice is paid; and/or
  - (b) tow the vehicle that was the subject of the penalty notice to an approved location for a period until the penalty notice is paid;
  - (c) move the vehicle that was the subject of the penalty notice to a an approved locationto immobilise the motor vehicle for a period until the penalty notice is paid; and/or
  - (d) take any other action as deemed appropriate by the Commissioner and/or the Authority to restrict the use of the motor vehicle.
- (2). In addition to subsection (1), where a person has not paid a penalty notice within the stated time, the amount of the penalty notice doubles.
- (3). In addition to subsections (1) and (2), where a person has not paid a penalty notice within the stated time, the registration of a the vehicle that was the subject of the penalty notice may be suspended at the discretion of the Commissioner and/or the Authority.
- (4). In addition to subsections (1), (2) and (3), where a person has not paid a penalty notice within the stated time, the person's driver's licence may be suspended at the discretion of the Commissioner and/or the Authority, until such time as the penalty notice has been paid in full.
- (5). The Regulation may fix an amount for any administration fee necessary for the enforcement for the non-payment of a penalty notice as described in subsections (1), (2), (3) and (4).

**61. Prosecution instead of penalty notice**

- (1). The Commissioner and/or the Authority is/are not compelled to issue a penalty notice for a penalty notice offence.
- (2). If a penalty notice is not issued for a penalty notice offence, the person may still be prosecuted for the offence.
- (3). If it appears to the Commissioner and/or the Authority that, because of the circumstances of the offence, a person should be prosecuted for the offence rather than be issued with a

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penalty notice, the Commissioner and/or the Authority may cancel the penalty notice and the person may then be prosecuted for the offence.

## **PART VI – MISCELLANEOUS**

### **62. Suspension and cancellation of driver's licence**

- (1). Subject to subsection (3), where a Court convicts a person of an offence against this Act, unless otherwise specified within the Act, the Court may:
  - (a) suspend the person's drivers licence for a maximum period of one (1) year; or
  - (b) cancel the person's drivers licence and disqualify the person from holding a driver's licence for a maximum period of five (5) years.
- (2). If the person holds a licence to drive a bus and/or a commercial vehicle, the Court may also order that the person is disqualified for life from holding a licence to drive a bus and/or commercial vehicle.
- (3). An order of suspension, cancellation or disqualification under this section is in addition to any other penalty the Court may impose.

### **63. Offences during period of suspension or disqualification**

- (1). A person must not drive a motor vehicle on a road while the person's driver licence is suspended.  
Penalty: Minimum Twenty (20) Penalty Units, One (1) year imprisonment or both, Twelve (12) months additional licence disqualification; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Five (5) years additional licence disqualification
- (2). A person whose licence to drive a bus and/or a commercial vehicle must not drive a bus and/or a commercial vehicle while the person's licence is suspended or cancelled.  
Penalty: Minimum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Two (2) years licence disqualification; Maximum One hundred (100) Penalty Units, Five (5) years imprisonment or both; Lifetime licence disqualification.
- (3). A person must not apply to an Authority for a licence where the person's licence has been suspended and/or cancelled by the specific Authority or any other Authority.  
Penalty: Minimum Twenty (20) Penalty Units, One (1) year imprisonment or both, Twelve (12) months additional licence disqualification; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both; Five (5) years additional licence disqualification
- (4). A driver licence obtained by a person who is disqualified from holding a driver licence is of no effect.
- (5). In determining the penalty to be imposed for a contravention of this section, the Court may have regard to all of the consequences of the offender's driving.

### **64. Getting licence back**

- (1). A person whose licence has been cancelled/disqualified may apply under section 22 at the end of the period of disqualification for another driver's licence.

### **65. Commissioner's powers**

- (1). The Commissioner may require the driver of a motor vehicle to stop the vehicle if the Commissioner has reasonable grounds to suspect that the driver is about to commit, is committing or has recently committed an offence against this Act.

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- (2). Where the Commissioner reasonably suspects that any item on or in a motor vehicle contravenes any provision of this Act, and such item can be removed from the vehicle without causing damage to the vehicle, the Commissioner may seize and remove that item from the vehicle.
- (3). Any item seized from a motor vehicle under subsection (2) must be passed into and remain in the custody of the Commissioner until:
- (a) any proceedings concerning the contravention of the Act have concluded; or
  - (b) six months have passed from the date of the seizure with no proceedings having been commenced;
- after which the Commissioner must return the item to the owner of the vehicle from which it was seized.
- (4). The driver of a motor vehicle must produce his or her licence to the Commissioner on being asked to do so by the Commissioner.
- Penalty: One (1) penalty unit
- (5). A person has not committed an offence under subsection (4) if the person produces his or her driver's licence to the Commissioner within 48 hours of the Commissioner's request.
- (6). The powers in this section are in addition to any other powers of the Commissioner has under a law in Kiribati.

#### **66. Duty to stop in case of accident**

- (1). Where, in the course of the use of any motor vehicle, an accident occurs whereby any person is injured or any property is damaged, the driver of the motor vehicle must immediately stop the motor vehicle and render such assistance as he or she can.
- Penalty: Minimum Twenty (20) Penalty Units, One (1) year imprisonment or both,; Maximum Fifty (50) Penalty Units, Two (2) years imprisonment or both
- (2). It is a defence to any charge under subsection (1) for the person charged to prove that he or she did not stop at the scene of the accident because he or she had a reasonable fear for their personal safety, but only if he or she reported the accident to the Commissioner by immediately driving to the nearest police station.
- (3). In determining the penalty to be imposed for a contravention of this section, the court may have regard to all of the consequences of the offender's driving.

#### **67. Reporting an accident**

- (1). A driver involved in an accident must comply with this section.
- Penalty: Five (5) Penalty Units
- (2). A driver must report an accident to the Commissioner within 24 hours of the accident occurring.
- (3). The driver (or the driver's representative) must give the driver's required particulars, and if practicable at the scene of the accident to:
- (a) any other driver (or the driver's representative) involved in the accident; and
  - (b) any other person involved in the accident who was injured (or the person's representative); and
  - (c) the owner (or the owner's representative) of any property (including but not limited to vehicles) damaged in the accident, unless, in the case of damage to a vehicle, the particulars are given to the driver of the vehicle (or the driver's representative).

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- (4). The driver (or the driver's representative) must give the driver's required particulars to the Commissioner where:
  - (a) anyone is killed or injured in the accident; or
  - (b) the driver did not, for any reason, give the driver's particulars to each person mentioned in subsection (3);
  - (c) any property is damaged (including but not limited to vehicles) in the accident.
- (5). In this section, "required particulars" means:
  - (a) the driver's name, address and telephone number; and
  - (b) the name, address and telephone number of the owner of the driver's vehicle; and
  - (c) details of the motor vehicle involved including make and model of the vehicle, registration number, registration expiry date and the Authority where the motor vehicle is registered; and
  - (d) any other information necessary to identify the vehicle.
- (6). A member of the public can report an accident to the Commissioner at any time.

#### **68. Review of the Authority's decision**

- (1). A person aggrieved by a decision of the Authority for:
  - (a) refusing to register a vehicle under section 12; or
  - (b) imposing conditions on registration under section 15; or
  - (c) suspending registration under section 19; or
  - (d) refusing to issue a driver's licence under sections 22 and 27;
 may apply to the Magistrate Court for a review of the Authority's decision.
- (2). The Court may:
  - (a) affirm the decision; or
  - (b) vary the decision and substitute the decision; or
  - (c) overturn the decision and make another decision; or
  - (d) remit the decision to the Authority to make a decision on the basis of the Court's reasons.
- (3). A decision of the Court under this section is, for all purposes except this section, taken to be a decision of the Authority.

#### **69. Jurisdiction of the Magistrates' Court**

- (1). Any Magistrates' Court shall have jurisdiction to hear, try and determine any criminal proceeding arising in or from a charge made before such court that any person has committed, or is suspected of committing, within the area over which such court has jurisdiction, any offence under this Act, other than a serious traffic offence.

#### **70. Regulations**

- (1). The Minister, acting in accordance with the advice of Cabinet, may make such regulations as the Minister deems necessary in carrying into full effect, the provisions of this Act and, without limitation, must make regulations for any of the following purposes:
  - (a) providing for approved forms under the Act; and
  - (b) prescribing fees payable under the Act; and

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- (c) providing for traffic control devices.
- (2). Despite section 24(e) of the *Interpretation and General Clauses Ordinance*, any regulations made under subsection (1) may provide that a contravention or breach thereof must be punishable by a fine not exceeding twenty (20) penalty units or by a term of imprisonment not exceeding two years, or by both such fine and imprisonment.

## **71. Repeal and Transitional Arrangements**

- (1). The *Traffic Act 2002* and relevant provisions of the *Traffic Ordinance 1998* are repealed.
- (2). A prosecution of an offence committed under the *Traffic Act 2002* and relevant provisions of the *Traffic Ordinance 1998* must be brought and continued under that Act.

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# REPUBLIC OF KIRIBATI

## ***TRAFFIC ACT 2017***

### **Explanatory Memorandum**

The Act has been prepared to replace the *Traffic Act 2002*. The Act has been developed cognisant of changes in traffic use in Kiribati and consistent with international good practice while keeping in mind the need to have an easily enforceable approach in Kiribati.

The new Act contains some of the previous Sections and Road Rules consistent with the previous Act. Important new changes include:

1. the use of a "penalty unit" rather than monetary value which allows for a simple annual increase for fines etc to stay in line with Kiribati's inflation rate;
2. the ability of the Minister to develop a single Authority to manage driver's license and motor vehicle registrations across Kiribati;
3. no vehicle older than ten (10) years old can be registered for the first time in Kiribati;
4. a new standard and arrangements for learner drivers and their testing;
5. through the introduction of a penalty unit, the Act establish set fines for offences (which have been increased), including set minimum and maximum fines and potential imprisonment for a range of offences; rather than allowing drivers to be given significantly lower penalties before a Court;
6. provision of increased penalties for offences given the 14 years since the last Act;
7. the introduction for harsher penalties for making a false statement;
8. a reduction in the blood alcohol level from 0.08g/100ml to 0.05g/100ml for private drivers and 0.00g/100ml for learner drivers and those driving commercial vehicles and buses;
9. the introduction of a tiered approach to drink driving and harsher penalties for first time and subsequent offences;
10. the introduction of drug testing including that kava be considered a drug for the purposes of this Act only;
11. new provisions for the refusal to take a breath or drug test;
12. significant changes to the issuance of penalty notices and removal of the final notice to speed up the process of the payment of fines;
13. the establishment of speed limits around churches, schools, bus stops and pedestrian crossings;
14. new requirements for the riders of motor bikes and bicycles particularly in relation to road safety;
15. new requirements for the wearing of seatbelts and the location of children in motor vehicles;
16. new road rules for buses and stopping at designated bus stops to improve road safety;
17. changed provisions for towing illegally parked, defective and abandoned vehicles;

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18. provisions with respect to vehicle dimensions and weight have been inserted in the Act consistent with that contained within the *Traffic Act 1998* that remained in force on the passing of the *Traffic Act 2002*;
19. new rules in relation to window tinting including the provision that buses must have more than 75% luminous transmittance for all windows that are tinted; and
20. new forms.

The Act is divided into parts as follows:

### **PART I – Preliminary**

Part 1 defines the terms and interpretations used in the Act. This has been significantly expanded from the previous Act. Section 5 established the new penalty unit regime. Section 6 relates to the application of the Act to government vehicles.

### **PART II – Registration of Motor Vehicles**

Part II establishes the regime for the registration of motor vehicles and generally follows the provisions of the *Traffic Act 2002*. Section 7 establishes additional powers for the Authority and includes provisions allowing for the establishment of a single overarching Authority across the whole of Kiribati which would fall into line with other Pacific nations. The Part establishes the class of vehicle, registration and disposal of vehicles, conditions of registration and a revised process for the change of ownership including the requirement to obtain a roadworthy certificate prior to sale. It also includes a revised process for the issuance of defect notices which allows for the immobilization of defective vehicles in the Road Rules. Redundant provisions including the need to register bicycles have been repealed.

### **PART III – Licensing of Drivers**

Part III generally follows the provisions of the *Traffic Act 2002* with a number of changes. As with the repealed Act, a learner's permit is required before a person can learn to drive a motor vehicle. A new standard has been established for people wanting to apply for a driver's license though a new testing criteria based on international good practice. Additional requirements are established for those wanting to drive commercial vehicles and buses. Further, there have been some changes to the validity of licenses as well as requirements for foreign drivers to obtain a Kiribati license after being in Kiribati for a period of six weeks or when they are in country for more than a combined three months a year.

### **PART IV – Road Rules**

Part IV states that the Road Rules are set out in a Schedule to the Act. Like the *Traffic Act 2002*, they follow generally the same format. Many of the rules have been updated with safety in mind, particularly in relation to speeds, seat belts, the use of helmets, and other provisions.

### **PART V – Offences**

Part V deals with offences broadly, from serious traffic offences including dangerous driving, careless driving, drink driving, drug driving and other matters. The revised provisions include minimum and maximum mandatory penalties for offences including up to life imprisonment for dangerous driving causing death. New provisions include alternate charges, making false

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statements which now have significantly harsher penalties in line with the actual offence and its implications.

The Part also includes provisions and penalties in relation to drink driving and drug driving, which is new. There is reduction in the blood alcohol level from 0.08g/100ml to 0.05g/100ml for private drivers and 0.00g/100ml for learner drivers and those driving commercial vehicles and buses. Drink driving has been separated into three categories, low range, mid range and high range drink driving with new mandatory penalties for those committing a first and subsequent offence in a five year period. New offences in relation to driving while under the influence of a drug have been included in relation to the refusal to provide a breath or saliva sample. The process in relation to the issuance of penalty notices has been significantly changed and the previous "final notice" has been repealed based on requests from the Kiribati Police Service. The time for payment of a penalty notice has been reduced to fourteen (14) days with new powers and additional penalties should the fine not be paid including doubling of the penalty and the potential suspension of a driver's license. These new provisions should significantly speed up the payment of a penalty notices and moreover, reduce drivers from applying to the Court, thus freeing up court times.

#### **PART VI – Miscellaneous**

Part VI generally follows the provisions of the *Traffic Act 2002*. New and revised provisions include the requirement to report a traffic accident within a specific time frame and the ability for a member of the public to report a traffic accident. The Part also refers to the Minister's power to make regulations for the purpose of carrying into full effect the provisions of the Act.

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Taneti Maamau  
His Excellency Te Beretitenti

#### **LEGAL REPORT**

I hereby certify that in my opinion none of the provisions of the above Act conflicts with the Constitution and that the Beretitenti may properly assent to the Act.

Mrs. Tetiro Maate Semilota  
Attorney General



# The Kiribati Gazettes 2017

# Gazettes Team

- EA Tekabwere Ienibwaka
- EA Ioanatake Tetika
- OM Agnes Tuen
- CO Emeruti Mataiti
- SCO Tearinibeia Enoo