



REGULATION NO 2001/8

**ON THE ESTABLISHMENT OF A REGIME GOVERNING ROAD TRAFFIC
IN EAST TIMOR**

The Special Representative of the Secretary-General (hereinafter: Transitional Administrator),

Pursuant to the authority given to him under United Nations Security Council resolution 1272 (1999) of 25 October 1999,

Taking into account United Nations Transitional Administration in East Timor (UNTAET) Regulation No. 1999/1 of 27 November on the authority of the Transitional Administration in East Timor,

For the purpose of establishing a regime for the regulation of road traffic in East Timor,

In recognition that road transportation is a national service that must be managed in a just, equitable and sustainable manner so that all East Timorese people benefit from it,

After consultation with the National Council,

Promulgates the following:

I. Definition of Terms

Section 1
Definitions

“Abandoned vehicle” means a motor vehicle which has been left on a public road for more than 48 hours at a place where it is prohibited by law to stop or park, or for more than seven days in a parking area where the time a vehicle may remain parked is not limited;

“Accident” means an occurrence in which injury or damage is caused to any person or property due to the presence or operation of a vehicle on the road;

“Commissioner” means the person appointed to head the International Civilian Police Contingent, or such other person as may be designated under authority of UNTAET Regulations as head of an East Timorese police service with authority to administer the present Regulation;

“Competent person” means any person duly authorised to carry out traffic duties under this regulation or other law relating to road traffic;

“Driver” means any person who is reasonably believed to be driving a vehicle, or in charge of a vehicle on the road;

“Driving license” means a document issued by the competent authority permitting the holder to drive a class of motor vehicle stated in the document;

“Motor vehicle” means a self propelled vehicle including a trailer when attached to a vehicle which is propelled by combustion, electric or solar power, but not operated on rails, and includes a powered cycle but does not include a motorised a motorized vehicle which is not capable of travelling at a speed greater than 10 km/h;

“Owner” means the person shown as the registered owner or, if the vehicle’s registration has expired, the last person shown as the registered owner in the register of ownership;

“Personal particulars” means the person’s name and address whether or not the person is the holder of a driving license;

“Police Officer” means members of the International Civilian Police Contingent and members of the East Timor Police Service;

“Public road” means any street, pier, wharf, jetty, bridge, path, terminal, passageway or other place to which vehicles are granted access;

“Traffic control device” means a light, sign, mark, structure, or item that is placed, erected or displayed for the purpose of regulating, warning or guiding traffic.

“Vehicle” means a conveyance or other device propelled or drawn by any means, but does not include a train, or a vehicle which is not capable of travelling at a speed greater than 10 km/h.

II. Requirements to drive in East Timor

Section 2 Registration

A person shall not drive a motor vehicle and the owner of a vehicle shall not permit that vehicle to be driven without it being duly registered in accordance with the applicable law.

Section 3 Driving Licenses

A driving license, issued in accordance with an UNTAET directive, shall be required to drive a motor vehicle in East Timor.

Section 4 Driving Without a License

4.1 A person shall not drive a motor vehicle in East Timor unless that person:

- (a) holds a driving license issued by the competent authority in East Timor for driving that particular class of vehicle; or
- (b) is temporarily in East Timor and holds an International driving permit granted in accordance with the terms of the 1949 Convention on Road Traffic or a license or permit to drive that particular class of vehicle granted in another country even if the license or permit mentioned in the present section has expired, so long as the expiration period does not exceed six months; or
- (c) holds a valid UN driving permit.

4.2 A person referred to in Section 4.1(b) who remains in East Timor for a period exceeding six months must obtain a valid driving license or permit issued in East Timor or in another country.

4.3 A person who is disqualified from driving by operation of the law shall be deemed as not having a license or permit, as provided in this section during the period of such suspension or disqualification.

4.4 A person shall not employ, permit or suffer any other person to drive a motor vehicle if the latter is not by virtue of this section permitted to drive that motor vehicle.

4.5 A police officer or authorised person may arrest without a warrant any person found in violation of the present section if the police officer or competent person believes that such person will continue the violation if not arrested.

Section 5 Learners Permit

5.1 A learner's permit may be issued to any resident of East Timor who qualifies as a learner. The requirements to qualify as a learner and the procedures for issuing a learner's permit shall be established in an UNTAET directive.

5.2 A learner who is found breaching the terms and conditions of a learner's permit shall be deemed to be driving without a license and punished according to the law.

III. General Obligations of Owners & Drivers

Section 6 Duties of a Driver

- 6.1 Drivers shall drive motor vehicles in accordance with rules established in the present and other UNTAET Regulations. Road Traffic Rules may be established by UNTAET Directive, which may also prescribe monetary penalties for their violation.
- 6.2 In case of an accident, the driver involved shall:
- (a) stop the vehicle, unless the driver has a well founded fear that to do so in the circumstances could lead to bodily harm to him/her; and
 - (b) provide his/her identification documents, particulars of his/her driving license, and certificate of registration to the other party involved or to the owner of any property damaged in the accident and to any police officer or competent person at the scene; and
 - (c) report the accident to the nearest police station as soon as practicable.
- 6.3 The driver of a motor vehicle is responsible for the losses incurred by any other party involved in an accident and which is caused by the carelessness, mistake or breach of traffic rules by the said driver.
- 6.4 After a judicial decision has been made that a driver or owner of a vehicle is guilty of a violation of traffic rules causing the death or injury of a person, the driver or owner of the vehicle responsible shall pay the victim or the victim's relatives compensation and the cost of expenses resulting from the accident, including medical treatment and burial expenses in an amount to be determined by the Court.
- 6.5 Nothing in the present section shall prevent:
- (a) the prosecution of the driver for any offence committed in the accident ;
 - (b) the pursuit of compensation in Court by the victim or the victim's relatives for a death or injury caused in the accident.

Section 7 Obligation to Produce Documents and Information

- 7.1 A person who allegedly committed an offence under the present Regulation or any directive pursuant hereto shall, at the requirement of a police officer or competent person, produce:
- (a) his/her driving license if driving a vehicle; and
 - (b) his/her document of identification.
- 7.2 If a police officer or competent person believes that a particular motor vehicle was used in the commission of an offence under the present Regulation, the owner of the vehicle, at the request of the police officer or competent person shall produce his/her driving license or document of identification and registration documents or shall provide any information within the owner's power that may identify the driver of the motor vehicle.

7.3 It is an offence for a driver or owner of a motor vehicle who is required to provide information under the present regulation to:

- (a) not have the required documents in his/her possession;
- (b) fail or refuse to provide the required information; or
- (c) intentionally provide any false or misleading information.

7.4 A police officer or competent person may arrest without a warrant any person who contravenes any requirement of this section and whose name and address cannot be ascertained by the police officer or competent person.

Section 8

Obeying Directions of Police Officer or Competent Person

A driver or other person shall obey any reasonable direction for the safe and efficient regulation of traffic given to him or her by a police officer or competent person, whether or not the driver or person concerned may contravene any provision of the present Regulation by obeying the direction.

IV. Immediate Suspension Offences of Drunk or Dangerous Driving

Section 9

Drunk Driving

9.1 It is an offence for a person to drive a motor vehicle on a public road when impaired by alcohol or drug so as to be incapable of properly operating the vehicle.

9.2 If a police officer has reasonable grounds to believe that a driver has committed an offence under Section 9.1, the driver may be arrested without warrant if the police officer believes that the person will continue the offence if not arrested.

Section 10

Dangerous driving

10.1 It is an offence for a person to drive a motor vehicle on a public road recklessly or at a speed and in a manner that is dangerous to the public.

10.2 If a police officer or competent person has reasonable grounds to believe that a driver has committed an offence under Section 10.1, the driver may be arrested without warrant if the police officer or competent person believes that the driver will continue the offence if not arrested.

Section 11

Procedure for Immediate Suspension Offences

If a person is charged for an offence under Section 9 or Section 10 of the present Regulation, a police officer shall, before the case is determined in court, give to the person a notice informing the person that he or she is disqualified from driving a motor

vehicle until the charge is determined, and requiring the person to surrender immediately any driving license held by the person.

Section 12

Power of Suspension by the Court

Notwithstanding any other penalty that may be imposed for an offence under Section 9 or Section 10 of the present Regulation, a person convicted for such an offence is liable to be disqualified by the Court from holding or obtaining a driving license:

- (a) On a first conviction, for a period of one month;
- (b) On a second conviction, for a period of three months;
- (c) On any subsequent conviction, for such longer period as the court deems fit.

Section 13

Disqualification from Driving

13.1 Where a person is found guilty by a court for an offence defined in the present regulation, the court may disqualify that person from holding or obtaining a license.

13.2 Where within any period of six months a person is found guilty of, or pays a fine for committing more than three offences under any UNTAET Directive prescribing Road Traffic Rules pursuant to Section 6.1 of the present Regulation, that person, if during the following six month period is found guilty of, or pays a fine for committing any further such offence, may be disqualified from holding or obtaining a license as follows:

- (a) On a first further such offence, for a period of two months;
- (b) On a second further such offence, for a period of six months;
- (c) On any subsequent such offence, for such longer period as the court deems fit.

13.3 The disqualification from holding or obtaining a license under this section is in addition to any other penalty that pursuant to Section 30 of the present Regulation may be imposed by the court for the offence.

13.4 Where a person is disqualified from holding or obtaining a license for a specified period, then during that period such person shall not obtain a license, and it shall be an offence for such person to drive a motor vehicle.

13.5 Where a person is found committing an offence under this section, that person may be arrested without a warrant if the officer or the competent person believes that the person will continue to commit the offence if not arrested.

V. General Duties and Powers of Police Officers and Competent Persons

Section 14

Driving, Removal, Towing of Vehicle

14.1 A police officer or competent person shall do all lawful things in his/her power to ensure that this regulation is duly observed.

14.2 A police officer or competent person may drive, use, or ride on any motor vehicle, the driver of which has been given a direction under this regulation, and the police officer or competent person shall not be liable for the payment of any fare ordinarily chargeable for such use, hire, or carriage.

14.3 Where a person is arrested or otherwise lawfully detained by a police officer and that person is unwilling or unable to move or secure the motor vehicle, the police officer or a competent person may:

- (a) park and secure the motor vehicle at or near the place where the driver is arrested or detained;
- (b) arrange for the motor vehicle to be towed, moved, or driven to a police station or other place for safekeeping,

without liability for any damage or loss which may occur to the motor vehicle or its contents during the lawful and proper exercise of this duty.

14.4 Where a motor vehicle is not registered, a police officer or competent person may take charge of the vehicle and arrange for it to be towed, moved, or driven to a police station or other place for safekeeping, without liability for any damage or loss which may occur to the vehicle or to anything in it during the lawful and proper exercise of this duty.

Section 15

Removal of Parked Vehicles

If a motor vehicle is parked in contravention of a UNTAET Directive a police officer or competent person may order the driver to move the motor vehicle or cause it to be moved to:

- (a) the nearest convenient place where parking is not prohibited; or
- (b) a place where the vehicle may be left without causing or being likely to cause a danger, obstruction or inconvenience.

Section 16
Removal of Abandoned Vehicles

A police officer or competent person may move or cause to be moved, an abandoned vehicle if the driver or owner:

- (a) does not comply with a request by the police officer or competent person to move it; or
- (b) cannot be located after reasonable enquiry of persons in the vicinity of the motor vehicle.

Section 17
Inspection of Vehicles and Documents

A police officer or competent person may, for the purpose of enforcing the present Regulation or any other law relating to road traffic, stop and inspect any motor vehicle on the road and may request any registration, driving license, insurance or other document relating to the use of the vehicle on the road.

Section 18
Exemption from liability

A police officer or competent person is not liable for the breach of any traffic offence whilst enforcing or attempting to enforce this regulation, or performing any lawful duty in relation to the present Regulation or any other law relating to road traffic.

VII. General Provisions

Section 19
Installation and Operation of Traffic Control Devices

19.1 The Commissioner or other competent authority may, as appropriate:

- (a) erect, establish, place or display a traffic control device on, near or above a public road or public place;
- (b) erect or establish a traffic island or reservation on a public road or public place;
- (c) mark a road on a carriageway or kerb of a public road or public place; or
- (d) alter or remove a traffic control device, traffic island, reservation or road marking.

19.2 A traffic control device shall be in the form approved by the Commissioner or other competent authority.

19.3 A person shall not without the consent of the Commissioner or other competent authority, erect, establish or display anything on any public road, which is purported to be a traffic control device.

Section 20
Costs of Removal and Storage

If a motor vehicle is moved or stored by a police officer or competent person in accordance with the present Regulation, the reasonable costs of moving or storing the vehicle shall be recovered from the owner before the owner can take possession of it.

Section 21
Notice of Removal

21.1 If a motor vehicle is moved or caused to be moved by a police officer or competent person in accordance with the present Regulation, he/she shall within 7 days after the motor vehicle is moved, serve or cause to be served a notice on the owner stating:

- (a) that the motor vehicle has been moved and the address to which it has been removed;
- (b) that the motor vehicle is to be collected within 14 days of the owner receiving the notice;
- (c) the charges, if any, to be paid before the owner can take possession of the motor vehicle; and
- (d) that, if the owner fails to collect the motor vehicle that motor vehicle will be sold and the costs of removing, storing and selling it will be deducted from the proceeds of sale.

21.2 If the owner of a motor vehicle cannot be ascertained or found for the purposes of serving a notice under Section 21.1 above, the Commissioner or competent authority must cause a notice of the removal of the vehicle to be published for two successive weeks in any manner that the Commissioner or competent authority deems appropriate, having regard to the likely or presumed whereabouts of the owner.

Section 22
Sale of Vehicles

If within 14 days after service of the notice in section 21.1 or after the second publication of that notice as provided for in section 21.2, the owner of a motor vehicle that has been moved or stored does not take possession of it and pay to the competent authority the reasonable costs incurred in moving or storing and publishing the notice, the Commissioner or competent authority may sell the motor vehicle by public auction and recover the outstanding costs.

Section 23
Liability for More than One Offence

An act or omission may constitute an offence against more than one section of the present Regulation or other law relating to road traffic and incur a penalty for each offence.

VII. Traffic Infringement Notice

Section 24

Service of Traffic Infringement Notice

24.1 The commission of any offence set out in the present Regulation may be prosecuted by serving the offender with a traffic infringement notice in accordance with the present Regulation, or by summoning the offender to court as provided for in UNTAET Regulation 2000/30.

24.2 If a police officer or competent person has reasonable grounds to believe that a person has committed an offence under the present Regulation or any other law related to road traffic, he or she may serve or cause to be served a traffic infringement notice by:

- (a) personally delivering it to the offender; or
- (b) securely and conspicuously attaching it to the offender's motor vehicle; or
- (c) leaving it at the offender's place of residence or place of business.

Section 25

Liability of Owner for Infringement

25.1 Subject to Section 25.2, if an offence is committed under the present Regulation or any other law relating to road traffic and the identity of the offender is not ascertained at the time of issuing of the traffic infringement notice, the owner of the vehicle at the time the offence was committed is deemed to have committed the offence.

25.2 If the owner of a motor vehicle makes a written declaration indicating that some other person was in control of the motor vehicle at the time of the offence, a police officer or competent person may serve or cause to be served a traffic infringement notice on the person named in the declaration.

25.3 A declaration referred to in Section 25.2 may be admitted as evidence in a prosecution against the person named therein in relation to the offence

Section 26

Particulars of Infringement Notice

A traffic infringement notice must state:

- (a) the date, time and place of the offence;
- (b) the nature of the offence and the penalty payable;
- (c) the date of the traffic infringement notice and a statement that the penalty may be paid within 21 working days after the date of service;
- (d) the place where the penalty may be paid;
- (e) a statement to the effect that, if the amount of the penalty is paid in accordance with the notice, no further action will be taken; and
- (f) any other particulars or instructions that the Commissioner may approve.

Section 27
Duplication of Infringement Notice

If more than one traffic infringement notice is issued in respect of the same offence, the offender may expiate the offence by paying the penalty shown on any one of the infringement notices served in relation to the offence.

Section 28
Payment of Penalty

If the total penalty shown on a traffic infringement notice is paid at an appropriate place within the period specified in the notice, the offender has expiated the offence and no further proceedings can be taken in relation to the offence.

Section 29
Appearance of Offender in Court

If a person who has been served with an infringement notice under Section 26 of the present Regulation, fails to pay the penalty within the stipulated time, a police officer or competent person shall proceed with a complaint against the person to the Public Prosecution Service of East Timor.

VIII. Penalty for offences under the present regulation

Section 30
Penalty

30.1 In an infringement notice, the penalty payable for offences under Sections 2, 4, 5.2, 6.2, 9.1, 10.1 and 13.4 shall be US \$ 150. For all other offences under the present Regulation, in an infringement notice the penalty payable shall be US \$100.

30.2 For the commission of any offence under the present Regulation, a Court may impose a maximum penalty of US \$ 200.00, in addition to any other amount required to bring the offender to court, or which forms the basis of the charge, or is otherwise provided by law.

IX. Miscellaneous Provisions

Section 31
Development of Terminals

31.1 To facilitate the efficient mobility of people and flow of goods and for the realization of inter-modal transportation within and between cities in a manner which is smooth and orderly, terminals may be developed and managed in certain locations.

31.2 The development of terminals as referred to in Section 31.1 may be implemented in accordance with law.

Section 32
Public Parking Facilities

32.1 To ensure the safety, security, order and smoothness of road traffic and transportation, public parking facilities may be provided.

32.2 The provision of parking facilities as referred to in Section 32.1 may be implemented in accordance with law.

Section 33
Entry into force

The present regulation shall come into force on 26 June 2001.

Sergio Vieira de Mello
Transitional Administrator