



REGULATION NO. 2001/06

ON THE REGISTRATION OF MOTOR VEHICLES 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 1999/1 of 27 November 1999 on the Authority of the Transitional Administration in East Timor,

For the purpose of establishing a regime for the registration and issuance of licence plates for motor vehicles in East Timor,

After consultation in the National Council,

Promulgates the following:

Part I.

Motor Vehicle Office for East Timor

Section 1

Establishment of the Motor Vehicle Office

1.1 A Motor Vehicle Office for East Timor (hereinafter: Motor Vehicle Office) is hereby established.

1.2 The Motor Vehicle Office shall constitute an office within the Cabinet portfolio of Infrastructure established pursuant to UNTAET Regulation No. 2000/23. The Transitional Administrator may assign the Motor Vehicle Office to any other Cabinet portfolio in accordance with Section 1.3 of UNTAET Regulation No. 2000/23.

Section 2

Functions of the Motor Vehicle Office

2.1 The Motor Vehicle Office shall be responsible for:

(a) registering motor vehicles in East Timor;

(b) supervising the production of Vehicle Registration Cards and licence plates for motor vehicles in East Timor;

(c) issuing Vehicle Registration Cards and licence plates for motor vehicles in East Timor;

(d) authorising persons to inspect motor vehicles;

(e) maintaining the Register of Motor Vehicles; and

(f) collecting information on motor vehicles and their owners in East Timor for statistical analysis and, where authorised under applicable law in East Timor, for disclosure to law enforcement and other authorities,

in accordance with the present Regulation.

2.2 The Motor Vehicle Office shall perform such other functions as may be necessary to administer the present Regulation and any implementing directives.

2.3 The Motor Vehicle Office shall perform such other functions as may be specified in separate UNTAET regulations.

Section 3 Management of the Motor Vehicle Office

3.1 Upon the recommendation of the Cabinet Officer responsible for the portfolio of Infrastructure, the Transitional Administrator shall appoint a suitably qualified person as Director of the Motor Vehicle Office. The Director of the Motor Vehicle Office shall be accountable to the Cabinet Officer for the portfolio of Infrastructure and shall report to the Cabinet Member or to the officer designated by him/her.

3.2 The Director of the Motor Vehicle Office shall be the principal officer and administrative head of the Motor Vehicle Office, and shall be responsible for the overall management of the Motor Vehicle Office.

Section 4 Responsibilities of the Director of the Motor Vehicle Office

The Director of the Motor Vehicle Office shall be responsible for:

(a) establishing administrative structures and staffing to carry out the functions of the Motor Vehicle Office under the present Regulation;

(b) overseeing the administration of the present Regulation by officers of the Motor Vehicle Office; and

(c) reviewing decisions of officers of the Motor Vehicle Office in accordance with Section 19 of the present Regulation.

Part II.
Motor Vehicle Registration

Section 5
Requirement to register motor vehicles

5.1 Subject to Section 5.2 of the present Regulation, every motor vehicle in East Timor shall be registered by the owner of that motor vehicle within ninety (90) days of the date of entry into force of the present Regulation.

5.2 A UNTAET directive may, where necessary, extend the time period for registration of:

- (a) certain classes of motor vehicle; or
- (b) motor vehicles owned by a certain category of natural persons or body.

5.3 Notwithstanding Section 5.1 of the present Regulation, every motor vehicle that arrives in East Timor from an overseas destination at any time after the date of entry into force of the present Regulation shall be registered by the owner of that motor vehicle within thirty (30) days of the date of importation, unless exported before the expiration of that thirty (30) day period.

5.4 Notwithstanding Sections 5.1 and 5.3 of the present Regulation, a motor vehicle dealer shall register a motor vehicle within fourteen (14) days of acquisition of that vehicle, irrespective of whether that motor vehicle is currently in use in East Timor.

Section 6
Categories of Registrants

6.1 A motor vehicle shall be registered under the name of the owner who may be:

- (a) a natural person who is at least 18 years of age;
- (b) a business registered pursuant to UNTAET Regulation 2000/4;
- (c) UNTAET, including the Civilian Police and the military component of UNTAET; or
- (d) a body operating in East Timor, including:
 - (i) a religious or political institution;
 - (ii) a Representative Office of a foreign government;
 - (iii) an agency of a foreign government;
 - (iv) an agency of the United Nations;
 - (v) a non-government organisation; and
 - (vii) any other type of body prescribed by an UNTAET directive.

6.2 If the motor vehicle is owned by a number of natural persons or bodies, it shall be registered under the name of one of those persons, in accordance with their agreement.

6.3 A motor vehicle owned by a business or a body of a type specified in Section 6.1(d) of the present Regulation shall be registered by a natural person duly authorised to perform this function.

Section 7 Application for Registration

An applicant for registration of a motor vehicle shall be required to complete a Motor Vehicle Registration Form at the Motor Vehicle Office.

Section 8 Provisional Registration

A person or a body may apply for a provisional registration of a motor vehicle where that person or body is able to satisfy the requirements for registration other than evidence of ownership of the motor vehicle sought to be registered.

Section 9 Registration decision

The Motor Vehicle Office shall, within ten (10) business days of receiving an application in accordance with Section 7 or Section 8 of the present Regulation, either:

(a) approve the application and, subject to the payment of any fees, issue a Vehicle Registration Card and a set of licence plates; or

(b) reject the application in accordance and provide a written explanation for the ground of rejection to the applicant.

Section 10 Fees

Fees payable under the present Regulation shall be prescribed in an UNTAET directive.

Section 11 Duration of registration

11.1 Subject to Section 12 and Section 14 of the present Regulation, if an application for registration is approved pursuant to Section 9 of the present Regulation:

(a) that registration shall be granted for an indefinite period, if the application for registration was made in accordance with Section 7; or

(b) that registration shall be granted for a period not exceeding six (6) months, if the application for registration was made in accordance with Section 8.

11.2 If the ownership of a motor vehicle is not contested during the period of its provisional registration, at the end of this period, the registration shall be granted for an indefinite period, subject to Section 12 and Section 14 of the present Regulation.

11.3 If the ownership of a motor vehicle is contested during the period of its provisional registration, such registration shall lapse until the ownership of the motor vehicle is determined.

Section 12 Transfer of Ownership

Where the ownership in a motor vehicle has changed as a result of a commercial transaction or some form of legal process, the new owner shall be required to apply for registration in accordance with the present Regulation not later than fifteen (15) days of acquiring that motor vehicle.

Section 13 Notification of Registration Details

13.1 A registrant shall notify the Motor Vehicle Office of any change to:

(a) the primary use of the registered motor vehicle within seven (7) days of that change having occurred;

(b) any other information, including technical specifications, provided in respect of the registered motor vehicle on the Vehicle Registration Form within fifteen (15) days of that change having occurred; and

(c) any other information provided on the Vehicle Registration Form within thirty (30) days of that change having occurred.

13.2 The Motor Vehicle Office shall, within ten (10) working days of receiving a notification pursuant to Section 13.1 of the present regulation, issue to the registrant a new Vehicle Registration Card and, where necessary, a new set of licence plates.

Section 14 Cancellation of registration

14.1 The owner of a motor vehicle may apply to the Motor Vehicle Office for the cancellation of the registration of that motor vehicle.

14.2 The Motor Vehicle Office may, at any time, cancel the registration of a motor vehicle.

14.3 Upon the cancellation of the registration pursuant to Section 14.2 of the present Regulation, the Motor Vehicle Office shall, within ten (10) days, inform the registrant, in writing, of the fact or the ground for the cancellation.

14.4 Upon the cancellation of a registration, the registrant shall provide the Motor Vehicle Office with the Vehicle Registration Card and, if they are in the possession of the registrant, the licence plates issued in respect of the motor vehicle.

Part III.
General Provisions

Section 15
Vehicle Registration Cards

15.1 At any time when a motor vehicle is in use, the person using that vehicle shall carry the Vehicle Registration Card issued in respect of that vehicle.

15.2 Any unauthorised alteration or modification of a Vehicle Registration Card shall invalidate the Card.

Section 16
Licence Plates

16.1 The only licence plates to be affixed on a motor vehicle registered in accordance with the present Regulation shall be licence plates issued by the Motor Vehicle Office in a form prescribed by a UNTAET directive.

16.2 The provision of licence plates shall be subject to the payment of a non-refundable fee.

Section 17
Register of Motor Vehicles

The Motor Vehicle Office shall maintain a Register of Motor Vehicles.

Section 18
Information Handling

18.1 Any information held by the Motor Vehicle Office, including information on the Register of Motor Vehicles, that enables the identity of a natural person to be apparent or capable of being reasonably ascertained (hereinafter: personal information) shall be subject to appropriate privacy protections, as set out in an applicable law.

18.2 Information collected pursuant to the present Regulation shall be retained for a minimum period of five (5) years from the date of its collection.

18.3 A registrant shall have the right to:

(a) access information pertaining to the registration of the motor vehicle of the registrant held by the Motor Vehicle Office; and

(b) request the correction of such information, where it has been inaccurately or incompletely recorded by the Motor Vehicle Office.

Section 19
Review Process

19.1 A natural person or body who is aggrieved by:

(a) a decision made by an officer of the Motor Vehicle Office pursuant to the present Regulation; or

(b) a failure of an officer of the Motor Vehicle Office to make a decision within a time limit specified in the present Regulation;

may file a written application for review with the Director of the Motor Vehicle Office.

19.2 Within twenty-one (21) days of a receipt of an application pursuant to Section 19.1 of the present Regulation, the Director of the Motor Vehicle Office shall:

(a) in the case where a decision has been made, uphold or overturn that decision; or

(b) in the case where there has been a failure to make a decision within a specified time limit, make such a decision;

and shall notify the applicant, in writing, accordingly.

19.3 An applicant may challenge in a court of competent jurisdiction in East Timor:

(a) a decision of the Director of the Motor Vehicle Office following a review conducted pursuant to Section 19.2 of the present Regulation; or

(b) a failure of the Director of the Motor Vehicle Office to conduct a review within the time period specified in Section 19.2 of the present Regulation.

Section 20
Administrative Offences

The following shall constitute offences which shall be subject to an administrative penalty imposed by the Motor Vehicle Office:

(a) failure to apply to register a motor vehicle within the time limits specified in the present Regulation;

(b) failure to pay a registration or administrative fee owed under the present Regulation;

(c) failure to make a notification pursuant to Section 13 of the present Regulation or a failure to provide information or documentation in respect of that notification;

(d) failure to return a Vehicle Registration Card and, where applicable, licence plates where so required by the present Regulation.

Section 21
Definitions

In the present Regulation,

(a) “motorcycle” means a motor vehicle that moves upon only two (2) wheels or, where a sidecar is attached, upon not more than three (3) wheels;

(b) “motor vehicle” means a vehicle that uses or is designed to use volatile spirit, steam, gas, oil, electricity or any other motive power, excluding human or animal power, as the principal means of propulsion, but does not include motorcycles under fifty (50) cubic centimeters engine power and motorised wheelchairs;

(c) “officer of the Motor Vehicle Office” means any person employed as a servant of the Motor Vehicle Office, excluding the Director of the Motor Vehicle Office;

(d) “trailer” means a vehicle or machine on wheels that is not self-propelled and is constructed or adapted for being drawn by a motor vehicle; and

(e) “vehicle” means any conveyance that is designed to run on wheels or continuous tracks along a road, street, lane or path that is open to or used by the public.

Section 22
Entry into Force

The present Regulation shall enter into force on 5 June 2001.

Sergio Vieira de Mello
Transitional Administrator