



UNTAET/DIR/2001/7
26 June 2001

DIRECTIVE NO. 2001/7

ON THE ESTABLISHMENT OF ROAD TRAFFIC RULES 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 1999 on the authority of the Transitional Administration in East Timor,

Pursuant to Section 6.1 of UNTAET Regulation 2001/8, On the Establishment of a Regime Governing Road Traffic in East Timor,

Promulgates the following:

Section 1
Definitions

“Ambulance” means a vehicle specifically constructed or modified for the purpose of conveying persons to a place of medical treatment while being used for that purpose;

“Appropriate place” means a place specified in an infringement notice for paying a penalty or for lodging a written declaration;

“Emergency vehicle” means a motor vehicle which is:

- (a) the property of the police service in East Timor;
 - (b) the property of the fire service in East Timor;
 - (c) an ambulance;
 - (d) authorised as an emergency vehicle by the Commissioner;
- and which is sounding a siren, bell or repeater horn or flashing intermittent light;

“Event” means an organised sporting, recreational or other similar activity, whether the persons taking part are in competition with other persons or not;

“Intersection” means a place where two or more public roads intersect or join;

“Parking” means permitting a vehicle, whether occupied or not, to stand on any public road except in the following cases:

- (a) when passengers are entering or leaving the vehicle;
- (b) when loading or offloading the vehicle;
- (c) when stopped due to the state of traffic or persons on the road;
- (d) when stopped due to mechanical breakdown or lack of fuel;
- (e) when stopped due to traffic signs or regulations or on the directions of a police officer or competent person in uniform.

“Pedestrian crossing” means an area of a road that has a pedestrian crossing sign and is indicated by white stripes on the road surface.

Section 2 Interference with Operation

2.1 A person shall not erect, establish, place, display or maintain any thing on a public road or on private property which:

- (a) interferes with the effectiveness of a traffic control device;
- (b) may prevent a driver who is approaching a traffic control device from clearly seeing that device or the street ahead;
- (c) purports to be a traffic control device;
- (d) is or is likely to be a hazard to traffic.

2.2 A police officer or competent person can, by notice in writing, direct the person who contravenes Section 2.1 of the present Directive to remove such thing within a reasonable time set by the police officer or competent person.

Section 3 Speed Limit

3.1 A person shall not drive a motor vehicle in excess of the following speed limits:

- (a) 80 Km/h on roads declared to be highways by the Cabinet member for Infrastructure;
- (b) 45 Km/h on all other roads in East Timor;
- (c) such other limit as may be set by the Cabinet member for Infrastructure and notified in the Official Gazette of East Timor, for certain roads or certain classes of vehicles from time to time.

3.2 A complaint or traffic infringement notice for an offence under this section shall specify the speed at which, or faster than which, it is alleged that the driver drove the vehicle.

Section 4
Child Restraints

A person shall not drive a motor vehicle in which a child under the age of 12 months is a passenger, unless the child is restrained in a child restraint device of a type approved by the Commissioner.

Section 5
Seat Belts

5.1 A person over the age of 16 years shall not travel in a motor vehicle unless he or she is restrained by a seat belt.

5.2 A person shall not drive a motor vehicle in which a child over the age of 12 months and under the age of 16 years is a passenger, unless the child is restrained by a seat belt.

Section 6
Driving on the Left

A person shall drive a vehicle on the left side of the road except when otherwise authorised by law or on the directions of a police officer or competent person.

Section 7
Switching off Engine

A driver shall switch off the engine and apply the handbrakes of a motor vehicle being driven before leaving it standing on a road.

Section 8
Traffic Lights and Signs

A driver shall not fail to obey all traffic control devices including, but not limited to, traffic lights and road signs.

Section 9
Overloaded Vehicle

A person shall not carry passengers in or on a vehicle in any manner or numbers that in the opinion of a police officer or competent person is dangerous to any person.

Section 10
Keeping Clear of Police or Emergency Vehicles

A driver shall give way to and keep clear from the path of a police or emergency vehicle.

Section 11
Wearing of Helmets on Motorcycles

A person driving or riding on a motorcycle shall wear a helmet of a type approved by the Commissioner.

Section 12
Change of Lanes or Direction

12.1 A driver shall not change direction or lanes in a road without giving an indication either by using the vehicle's indicator lights, or if the indicator lights are non functional or not clearly visible, by giving a hand signal.

12.2 A driver shall give the change of direction signal for such time as to provide sufficient warning to other drivers or to pedestrians.

Section 13
Improper Turn

13.1 A driver shall not make a U turn:

- (a) where a traffic sign or traffic regulations prohibit a U turn;
- (b) where the vehicle cannot be seen by the driver of another vehicle within 500 feet in either direction;
- (c) on any curve;
- (d) on the approach to or near the crest of a hill.

13.2 When making a U turn, a driver shall give way to all vehicles and pedestrians.

Section 14
Warning and Signal Devices

A person shall not drive a motor vehicle which is mounted or fitted with a lamp displaying intermittent flashes, unless that vehicle is:

- (a) an emergency vehicle;
- (b) a tow truck at the scene of an accident or engaged in attaching towing apparatus to a disabled vehicle;

- (c) engaged at a site of work comprising:
 - (i) road construction or road maintenance;
 - (ii) cleaning or litter collection from public places;
 - (iii) erection or maintenance of traffic control devices;
 - (iv) installation or maintenance of public utilities;
 - (v) care and maintenance of public trees or plants;
- (d) taking part in a procession or parade for which a permit has been obtained;
- (e) approved by the Commissioner or competent authority, whilst being used in the manner and for the purpose approved by the Commissioner or competent authority.

Section 15
Pedestrian Crossing

A driver approaching a pedestrian crossing shall:

- (a) drive at a speed at which the driver can, if necessary, stop safely before the crossing;
- (b) give way to any pedestrians on or entering the crossing;
- (c) not overtake or pass a vehicle that is travelling in the same direction and is stopping, or has stopped, to give way to a pedestrian at the crossing.

Section 16
Obstructing Vehicles or Pedestrians

A driver shall not unreasonably obstruct the path of another motor vehicle or a pedestrian.

Section 17
Keeping Safe Distance Behind Vehicle

A driver shall drive at a sufficient distance behind a motor vehicle travelling in front of him or her so as to be able to stop safely to avoid a collision with the other vehicle.

Section 18
Entering blocked intersection

A driver shall not enter an intersection if the intersection, or a road behind the intersection, is blocked.

Section 19
Lights and Reflecting Devices

A driver shall not operate a motor vehicle at night, or in hazardous weather conditions causing reduced visibility, unless the headlights, tail lights and number plate light fitted to the vehicle are operating effectively and are clearly visible.

Section 20
Improper Overtaking or Passing

20.1 A driver shall not overtake or pass another vehicle unless he or she has a clear view of approaching traffic, and is able to safely overtake the vehicle.

20.2 A driver shall not overtake or pass another vehicle:

- (a) in front of oncoming traffic;
- (b) by crossing over a solid line or double solid lines on the road;
- (c) where there is a no passing sign.

20.3 A driver shall not overtake or pass another vehicle to the left of that vehicle unless:

- (a) the driver is on a multi lane road and the other vehicle can be safely overtaken in a marked lane to the left of that other vehicle;
- (b) the other vehicle is turning right, or making a U-turn from the centre of the road and is giving a right change of direction signal.

20.4 A driver who is overtaking or passing another vehicle:

- (a) must pass the other vehicle at a sufficient distance to avoid a collision with or obstructing the path of the vehicle; and
- (b) shall not return to the marked lane or line of traffic where the other vehicle is travelling until the driver is a sufficient distance past the vehicle to avoid a collision with or obstructing the path of the vehicle.

Section 21
Prohibited Parking

Parking is prohibited in the following areas:

- (a) in a intersection;
- (b) in front of a public or private driveway;
- (c) next to a parked vehicle on a road (double parking);
- (d) within three meters of a fire hydrant;
- (e) within ten meters of a stop sign or traffic signal;
- (f) on a footpath;
- (g) alongside or opposite any street construction if it would block traffic;
- (h) where there is a no parking sign;
- (i) where otherwise prohibited by law.

Section 22
Entering Traffic Lanes

A driver who is entering a marked lane, or a line of traffic, or from a shoulder of a road, shall give way to any vehicle travelling in the lane or line of traffic.

Section 23
Entering a Roundabout

A driver entering a roundabout shall give way to any vehicle that is in the roundabout.

Section 24
Loads on Vehicles

24.1 A person shall not drive a vehicle carrying a load:

- (a) unless the load is arranged, contained, fastened, secured or covered in a manner that is suitable for the load;
- (b) if the load flaps, sways, extends or overhangs the sides or the front or back of the vehicle.

24.2 If a police officer or competent person has reason to believe that a vehicle is being driven in contravention of this section, he or she may direct the driver to:

- (a) stop the vehicle;
- (b) remove or adjust the load being carried, or cause it to be removed or adjusted;
- (c) secure the load or cause it to be secured;
- (d) not drive the vehicle until the load is secured;
- (e) cause the vehicle to be taken to a place specified by the police officer or competent person and to remain there until the load is secured or adjusted.

Section 25
Passengers in Motor Vehicles

25.1 A person must not travel in or on a motor vehicle with any part of the person's body outside a window or door of the vehicle, unless the person is the driver and is making a hand signal.

25.2 A driver of a motor vehicle shall not drive with a passenger if any part of the passenger's body is outside a window or door of the vehicle.

Section 26
Interfering with Driver

A passenger in or on a vehicle shall not:

- (a) interfere with the driver's control of the vehicle; or
- (b) obstruct the driver's view of the road or traffic.

Section 27
Driver to Have Proper Control of Vehicle

A driver shall not drive a vehicle unless he or she:

- (a) has proper control of the vehicle;
- (b) has a clear view of the road on which the vehicle is travelling.

Section 28
Destructive Substances Left on Road

28.1 A person who removes a vehicle from the road whether damaged or not, shall remove or cause to be removed as soon as practicable, any destructive or injurious substance or thing that has fallen off or has been unloaded from the vehicle upon the road.

28.2 If a person fails to comply with Section 27.1, a police officer or competent person may remove or cause to be removed, the destructive or injurious substance or thing.

Section 29
Throwing Articles from Vehicle

An occupant of a vehicle shall not throw from any vehicle any rubbish, litter or any other thing.

Section 30
Careless Driving

A person shall not drive or ride a vehicle on any road:

- (a) without due care and attention;
- (b) in a careless manner or without reasonable consideration for other persons using the road.

Section 31
Driving an Unsafe Motor Vehicle

A person shall not drive a motor vehicle, which a police officer or competent person has reasonable grounds to believe is unsafe for use on the road.

Section 32
Parades and Processions

32.1 A person shall not take part in a parade, procession or other event (other than a funeral or religious procession) that may disrupt traffic on a public road unless a permit has been granted by the Commissioner or competent authority in accordance with this Section.

32.2 An application for a permit must be made not less than 14 days before the date of the parade, procession or event.

32.3 Before granting the permit, the Commissioner or competent authority must be satisfied that persons on or in the vicinity of the road on which the parade, procession or event is to take place will not be endangered or unduly inconvenienced.

32.4 Where the Commissioner or competent authority grants a permit he or she may:

- (a) impose conditions relating to the holding of the parade, procession or event; and
- (b) order the rerouting of traffic or the deployment of police officers as deemed necessary.

32.5 The person granted a permit under this Section must:

- (a) attend the parade, procession or event for which the permit is granted;
- (b) produce the permit on demand by a police officer or competent person; and
- (c) comply with the conditions of the permit.

Section 33
Failing to Have Documents in Possession

A person who is driving or is in charge of a motor vehicle on the road for the purpose of driving shall have their driving or learners' permit and identification document and vehicle registration documents in their possession.

Section 34
Penalties

34.1 The commission of any offence set out in the present Directive may be prosecuted by serving the offender with a traffic infringement notice in accordance with Part VII of UNTAET Regulation 2001/8 or by summoning the offender to court as provided for in UNTAET Regulation 2000/30.

34.2 Traffic infringement notices for offences under Sections 3 and 30 of the present Directive shall impose a fine of US\$50.00. For all other offences under this directive, the traffic infringement notice shall impose a fine of US\$25.00.

34.3 If the offender does not pay the fine stated in the infringement notice with the stipulated period of time and is summoned to court and found guilty for an offence under Sections 3 and 30 of the present Directive, the fine shall be not less than US\$50.00 with a maximum of US\$150.00. For all other offences under the present Directive the penalty on conviction shall be a fine of not less than US\$25.00 with a maximum of US\$75.

Section 35
Entry Into Force

The present Directive shall come into force on 26 June 2001; provided, however, that Sections 4 and 11 shall come into force thirty days following the issuance of an UNTAET Notification of safety equipment approved under the respective Sections.

Sergio Vieira de Mello
Transitional Administrator