THE MOTOR VEHICLES AND ROAD TRAFFIC BILL, 2014

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BILL

An Act to establish a Motor Vehicles Authority for the registration, licensing and regulation of motor vehicles and drivers, the regulation of road use and for matters connected thereto

Preamble

WHEREAS it is enacted inter alia by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution, that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all members of the House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Motor Vehicles and Road Traffic Act, 2014.

Commencement

2. This Act comes into operation on such day as may be fixed by the President by Proclamation.

Act inconsistent with Constitution

3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation

4. In this Act—

“agricultural tractor” means a tractor approved by the Authority exclusively for agricultural purposes;

“agricultural trailer” means a trailer approved by the Authority exclusively for agricultural purposes;

“ambulance” means a conveyance used to transport a patient by land
for health-related reasons and to transport patients with emergency conditions;

“antique vehicle” means a private motor vehicle or commercial vehicle, which is at least thirty years old;

“approved form” means the form approved under section 75;

“Authority” means the Motor Vehicles Authority established under section 6;

“bicycle” means -

(a) a vehicle propelled by human power which has –
   (i) two tandem wheels either of which is 350 millimetres or more in diameter; or
   (ii) four wheels any two of which are 350 millimetres or more in diameter,
   but does not include a wheelchair; or

(b) a vehicle propelled by human and mechanical power which -
   (i) is fitted with pedals that are operable at all times to propel the bicycle;
   (ii) has the same wheel requirements as set out in paragraph (a); and
   (iii) has an attached motor –
      (A) powered by electricity not consuming more than 500 watts; or
      (B) with a piston displacement of not more than 50 cubic centimetres,

and is incapable of providing further assistance when the vehicle attains a speed of thirty kilometres per hour on level ground;

“Board” means the Motor Vehicles Authority Board established under section 10;

“certificate” means a certificate approved under section 74;

“Chairman” means the person appointed as Chairman under section 10(3);
“chartered vehicle” means a hired vehicle other than a hiring car, maxi taxi or private school bus with seating accommodation for eleven or more passengers and classified as such by the Authority;

“Chief Executive Officer” means the person appointed under section 21;

“Chief Motor Vehicles Enforcement Officer” means the person appointed under section 21;

“commercial vehicle” means a motor vehicle, other than an agricultural tractor or industrial tractor, which is so constructed or adapted that its primary purpose is for the carriage or haulage of goods, merchandise or other loads and includes a motor vehicle constructed or adapted for the carriage both of persons and of goods and which is registered for use as a commercial vehicle;

“constable” includes -
(a) a police officer as defined in the Police Service Act;
(b) an Estate Constable in the employment of a Municipal Corporation; and
(c) a constable appointed under the Special Reserve Police Act.

“construction equipment” means any heavy duty vehicle specially designed for construction tasks;

“Deputy Chairman” means a person appointed as Deputy Chairman under section 10(3);

“driver” includes any person actually operating or driving a vehicle at any given time or any person in charge of a vehicle for the purpose of driving whenever the vehicle is stationary on any road;

“driver’s licence” means a licence to drive a vehicle, issued by the Authority in accordance with Part VI;

“driving instructor” means a person registered to teach a person to operate a vehicle in accordance with Part XV of this Act;

“Driving School Registration Certificate” means a certificate issued under section 186 of this Act;

“fixed penalty” means the penalty for an offence as prescribed in regulations;
“Fleet Management Facility” means premises used by a person or company for the purpose of facilitating the inspection of vehicles owned by the person or company;

“former Act” means the Motor Vehicles and Road Traffic Act repealed by this Act;

“former Maxi-Taxi Act” means the Maxi-Taxi Act as repealed by this Act;

“freight passenger vehicle” means a motor vehicle constructed for the purpose of carrying both passengers and goods and which is approved by the Authority as suitable for that purpose;

“highway” has the meaning assigned to it by section 2 of the Highways Act;

“hiring car” means a vehicle held out for hire to carry no more than ten passengers and approved by the Authority;

“hired vehicle” means a vehicle operated for hire with a driver whether operated as part of one transaction or many transactions and includes a hiring car, maxi-taxi, private school bus or a chartered vehicle;

“indivisible load” means a load which cannot, without undue expense or risk of damage, be divided into two or more loads for the purpose of conveyance on a road or highway;

“industrial tractor” means a tractor approved by the Authority exclusively for industrial purposes;

“learner driver” means a person issued with a learner driver’s licence for the purpose of learning to drive a motor vehicle;

“learner driver’s licence” means a licence to learn to drive a vehicle issued by the Authority in accordance with Part VI, in the approved form;

“Maximum Gross Weight” or “M.G.W” in reference to a commercial vehicle, means the tare together with the load including the weight of the driver and loaders, and in reference to a motor omnibus, means the tare together with the weight of the driver, conductor and the number of passengers for which the vehicle is registered; and for the purpose of this definition, the weight of a driver, loader, conductor or passenger shall be taken as 60 kilograms;
“maxi-taxi” means a public service motor vehicle with seating accommodation for not less than eleven or more than thirty passengers;

“Minister” means the Minister to whom responsibility for transport is assigned;

“motorcycle” means a motor vehicle design to travel on not more than three wheels in contact with the ground having -

(a) an unladen seat height greater than 700 millimetres above the level surface on which the motor vehicle stands;
(b) a wheel–rim diameter greater than 250 millimetres;
(c) a wheelbase greater than 1000 millimetres;
(d) a capability of maintaining a speed of 70 kilometres per hour when laden; and
(e) an engine displacement capacity in excess of 350 cubic centimetres;

“motor-driven cycle” means a motor vehicle—

(a) having two tandem wheels each with a rim diameter greater than 500 millimetres;
(b) having steering handlebars completely constrained from rotating in relation to the axle of one wheel in contact with the ground;
(c) with a wheelbase greater than 1 metre;
(d) with a seat height unladen greater than 700 millimetres above the level surface on which the vehicle stands;
(e) having an engine not capable of maintaining more than 70 kilometres per hour as measured at the driveshaft;
(f) incapable of maintaining a speed of 60 kilometres per hour when laden; and
(g) having an engine displacement capacity of 350 cubic centimetres or less;

“motor omnibus” means a public service vehicle other than one registered as a “hired vehicle”, “private school bus” or “maxi-taxi” and includes -

(a) a light motor omnibus having seating accommodation for not more than ten passengers;
(b) an ordinary motor omnibus having seating accommodation for more than ten passengers; and
(c) a freight passenger vehicle;

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on a road or highway and includes a trolley vehicle, but does not include a vehicle constructed exclusively for use on a rail or other specially prepared track;

“Motor Vehicles Enforcement Officer” means a person appointed under section 21;

“motor vehicle tax” means the tax payable under section 80;

“overtaking” includes passing or attempting to pass any other vehicle proceeding in the same direction;

“owner” in case of —

(a) a vehicle that is not registered, includes the person in actual lawful charge or lawful possession of the vehicle in Trinidad and Tobago; or

(b) a vehicle that is registered, means the person in whose name the vehicle is registered pursuant to section 77;

“parking” means causing or permitting a vehicle, whether occupied or not, to stand on a road or highway, except —

(a) while the vehicle is being loaded or unloaded;

(b) while passengers are entering or exiting the vehicle;

(c) in compliance with the directions of a constable or of a traffic sign or the requirements of traffic regulations;

(d) by reason of traffic conditions; or

(e) by reason of a mechanical breakdown or lack of fuel,

and “park” and other cognate expressions shall be construed accordingly;

“private motor vehicle” means a private passenger vehicle approved by the Authority for private use exclusively and includes a pick up with at least four doors and two rows of seats;

“private school bus” means a vehicle with seating accommodation for not less than nine nor more than forty-six passengers and registered by the Authority under Part XIV to be used for transporting school children;
“public service vehicle” means a motor vehicle used for carrying passengers for hire or reward, whether at separate or distinct fares for their respective places or not;

“spouse” includes a cohabitant within the meaning of the Cohabitation Act;

“Registrar” means a person appointed to serve as the Registrar of Motor Vehicles under section 21;

“Regulations” means Regulations made under this Act;

“rental agency” includes a person registered under section 135 of the Act to conduct the business of renting a vehicle;

“rented vehicle” means a vehicle which is leased by the owner;

“road” means any highway, street, road or open space to which the public is granted access and any bridge over which a road passes and includes a privately owned street, road or open space to which the public is granted access either generally or conditionally;

“Secretary” means the Secretary to the Board appointed under section 16;

“tare” means the actual weight of a vehicle when unladen inclusive of the body, accumulators, loose tools, spare wheel and other usual equipment and a full supply of water and fuel used for the purposes of propulsion;

“Tax Authority” means the Board of Inland Revenue established under the Income Tax Act;

“tractor” means any motor vehicle constructed for the purpose of –

(a) hauling equipment such as, plows and cultivators;

(b) powering stationary devices such as, saws and winches; or

(c) earth moving works;

“tonne” means 1000 kilogrammes;

“traffic” includes bicycles, tricycles, motor vehicles of every description, pedestrians and all animals being ridden, driven or led on a road or highway;

“traffic sign” includes any signal (whether an electrical automatic signal or otherwise), warning signpost, direction post, sign, line, direction arrow, word, mark or other device erected, placed or otherwise marked on, or near a road or highway for the guidance or direction of traffic;
“Traffic Warden” means a person appointed in accordance with section 35;

“trailer” means any vehicle which has no independent motor power of its own and which is attached to a tractor or any other motor vehicle, but does not include a side-car attached to a motorcycle;

“vehicle” includes any motor vehicle, trailer, construction equipment, bicycle or tricycle;

“vehicle trader” means a person who sells or conducts a business of buying, selling or dealing in vehicles;

“wheel tractor” means a tractor fitted with pneumatic tyres including an agricultural tractor and an industrial tractor.

5. This Act binds the State.

PART II

ESTABLISHMENT, FUNCTIONS AND POWERS OF THE MOTOR VEHICLES AUTHORITY

6. There is hereby established a body corporate to be known as “the Motor Vehicles Authority” hereinafter referred to as (the Authority).

7. (1) The Authority shall be responsible for the registration, inspection, certification and classification of all vehicles and the issue of driver’s licences and for such other matters as are assigned by this Act.

(2) Without limiting the generality of subsection (1), the Authority shall -

(a) ensure the effective administration of this Act, and in so doing, shall —

(i) inspect and register all vehicles in Trinidad and Tobago;

(ii) classify the types of driver’s licences for the operation of vehicles in Trinidad and Tobago;
(iii) issue licence plates and other identifying tags for vehicles;

(iv) suspend and cancel the registration of vehicles;

(v) register and regulate the operations of vehicle traders;

(vi) register and monitor operators of private school buses;

(vii) register and monitor all persons who provide the services of vehicles for hire;

(viii) register and inspect all Fleet Management Facilities and Vehicle Inspection Centres pursuant to Parts XII and XIII of this Act;

(ix) regulate the use of maxi-taxis;

(x) conduct driving test pursuant to section 54;

(xi) issue, suspend, revoke or cancel any driver’s licence;

(xii) register and regulate driving schools;

(xiii) recommend the prescription of safety equipment to be used by drivers and passenger vehicles; and

(xiv) exercise such other functions and duties under this Act, Regulations or any other written law;

(b) subject to any written law, approve and ensure the implementation of policies in relation to -

(i) the finances, real property and other of the Authority, the securing of contracts, the procurement of goods and services and other administrative activities;

(ii) human resources, including those related to recruitment, remuneration, promotion, training and
development, performance assessment, conditions of work, discipline, termination of employment and superannuation benefits;

(iii) service standards and performance targets;

(iv) a code of conduct for the employees of the Authority;

(v) the strategic plan, budget and annual report of the Authority;

(vi) the mandate for collective bargaining and approving collective agreements in relation to the terms and conditions of employment of persons employed by the Authority;

(vii) probity in the use and allocation of resources;

(viii) the principles of good corporate governance, procedures and practice;

(ix) the internal audit of the Authority; and

(x) such other functions and duties as are prescribed by any other written law or Regulations made under this Act.

8. The Authority may in carrying out its functions—

(a) delegate in accordance with this Act any of its functions for the efficient administration of the Act;

(b) charge and collect such fees associated with the provision of its services, as may be prescribed;

(c) exercise such other powers as are prescribed by any other written law; and

(d) do such things as may be necessary or convenient for, or in connection with, the performance of its functions.

9. (1) The Authority shall exercise its functions and powers in accordance with any special or general directions as may be given to it by the Minister from time to time.

(2) The Minister may at any time require the Authority to provide him
with information concerning any matter relating to the functions of the Authority and the Authority shall provide the information requested within fourteen days of such request or within such other period as may be specified by the Minister.

(3) The Authority may from time to time furnish to the Minister, a report on any matter relating to the functions of the Authority which, in its opinion, require the special attention of the Minister.

10. (1) The Authority shall be governed by a Board of Directors, which shall be responsible for the performance functions the Authority.

(2) The Board shall consist of seven persons appointed by instrument in writing by the Minister as follows:

(a) four persons each having special qualifications or experience in one of the following areas:
   (i) finance;
   (iv) attorney-at-law;
   (v) automotive engineering; and
   (vi) motor insurance;

(b) a representative of the Ministry responsible for transport; and

(c) a person appointed to represent the interest of members of the public at the discretion of the Minister; and

(d) a representative of the Commissioner of Police above the rank of Superintendent of Police.

(3) The Minister shall appoint a Chairman and Deputy Chairman of the Board from among the persons appointed under subsection (2)(a).

(4) The Chairman may at any time resign from office by notice in writing addressed to the Minister, and any other member of the Board may resign from office by notice in writing addressed to the Chairman.

(5) Subject to this section, a member of the Board, other than the representative of the Commissioner of Police shall be appointed to hold office for a period not exceeding three years and shall be eligible for reappointment.

(6) The Minister may at any time revoke the appointment of a member of the Board, other than the representative of the Commissioner of Police, where the member—

(a) is declared bankrupt in accordance with the laws of Trinidad
and Tobago or any other country;
(b) becomes a person of unsound mind;
(c) is, for whatever reason, incapable of performing or unable to perform the duties of a member;
(d) is absent for three consecutive meetings without leave of the Chairman;
(e) is convicted of an indictable offence or is sentenced to imprisonment for a term of six months or more;
(f) misbehaves in office or brings his office in to disrepute; or
(g) for any other sufficient cause.

(7) Where the Minister is satisfied that—
(a) a member is temporarily absent or incapable of performing his duties as a member; or
(b) the office of a member is vacant,
the Minister may appoint a person to act in the place of that member during the period of absence or incapacity or until the vacancy is filled.

(8) A person appointed to fill a vacancy shall hold office for the unexpired term of the predecessor.

11. The Minister shall cause to be published in the Gazette the names of all members of the Board, including the Chairman and Deputy Chairman, and every change in the membership of the Board and the termination of any such appointment.

12. The members of the Board shall be paid such remuneration and allowances in respect of their office as the Minister may approve.

13. A member of the Board shall not be held to be personally liable for anything done, permitted to be done or omitted to be done in good faith in the exercise of his duties under this Act.

14. (1) The Board shall meet as often as may be necessary for the efficient performance of its functions on such day and on such other time and place as the Chairman may determine and in any event, the Board shall meet at least once in each month.

(2) Notice of a meeting of the Board shall be given to each member in
a manner approved by the Board.

(3) The Chairman shall at any time convene a special meeting of the Board to be held within seven working days of the receipt of a written request for that purpose addressed to the Chairman and signed by not less than four members of the Board.

(4) The Chairman may convene a meeting of the Board by video conference, teleconference or other electronic means –
   (a) where a majority of the members of the Board agree; and
   (b) all members participating in the meeting are able to communicate with each other.

(5) A member of the Board shall be deemed to be present at a meeting of the Board convened pursuant to subsection (4) where the member participates by video conference, teleconference or other electronic means.

(6) The Chairman shall preside at meetings of the Board and in his absence, the Deputy Chairman shall preside.

(7) Where the Chairman and Deputy Chairman are absent from a meeting of the Board, the members present may appoint one of their members to preside at the meeting.

(8) The quorum for a meeting of the Board shall be six members.

(9) The decisions of the Board shall be adopted by the votes of a majority of the members of the Board present and voting and in a case of equality of votes the presiding member of the meeting at which the vote is taken shall have a second and casting vote.

(10) No act or proceedings of the Board shall be invalidated by reason of a vacancy amongst its members or of any defect in the appointment of a member.

(11) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.
15. The Board may by resolution, make rules to govern its own proceedings.

16. (1) The Authority shall appoint a suitably qualified person to perform the functions of Secretary to the Board, on such terms and conditions as the Board thinks fit.

(2) The functions of the Secretary shall be to —

(a) make preparations for, and attend meetings of the Board;

(b) prepare and keep minutes of proceedings of the Board; and

(c) assist the Board in all respects and in such manner as the Board may from time to time require in the discharge of its functions; and

(d) perform such other duties as are required under this Act.

(3) Minutes of each meeting of the Board shall be kept by the Secretary and shall be confirmed by the Board as soon as practicable at a subsequent meeting.

(4) The Secretary shall provide the Minister with a copy of the confirmed minutes of every meeting of the Board within twenty-eight days after the date of confirmation.

17. (1) The Board may appoint such standing or special committees as it thinks fit to assist in the performance of its functions under this Act or any other law and may refer or assign to the committee any matter as it thinks fit.

(2) A committee appointed under this section shall consist of at least one member of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may desire.

(3) The Authority may delegate to a committee appointed under subsection (1) such functions and duties as the Authority considers necessary or desirable for the execution of the functions of the Authority.

(4) A delegation made under subsection (3)—

(a) is revocable by the Authority at will, in whole or in part; and

(b) does not derogate from the functions, duties and powers of, or the exercise thereof by the Board as it may think fit or as the occasion requires.

(5) Where the Board appoints a committee it shall appoint a member of
the committee to be the Chairman of the committee.

(6) A committee appointed under this section may, subject to any specific or general direction of the Board, regulate its own procedure and business.

(7) Subject to any specific or general directions of the Board, meetings of a committee shall be held at such time and place as the Chairman of that committee may determine.

(8) Each committee shall keep minutes of its meetings and shall keep the Board informed of its activities.

18. (1) A member of the Board or of a committee established under section 17 who is in any way interested, whether directly or indirectly, in any—

(a) transaction, arrangement or contract with the Authority or in which the Authority is interested; or

(b) matter which is being dealt with by the Authority,

shall disclose the nature of his interest at the first meeting of the Board or a committee at which he is present after the relevant facts come to his knowledge.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting and after the disclosure the member making the disclosure shall not vote on the matter and, shall not be present or take part in the proceedings of any meeting at which the transaction, arrangement, contract or matter is being discussed or decided by the Board or a committee.

(3) A member of the Board shall be treated as having an indirect interest in any transaction, arrangement or contract with the Authority or in which the Authority is interested if the member is a director, shareholder, trustee, agent or employee of the company or undertaking that is a party to the transaction, arrangement or contract or proposed transaction, arrangement or contract with the Authority or where his immediate relative holds an interest in that company or undertaking.

(4) For the purpose of this section, a general notice given to the Board or a committee by a member to the effect that—

(a) he is a member of, or is otherwise associated with, a company or undertaking and is to be regarded as interested in any transaction, arrangement or contract which may after the date of the notice be made with that company or undertaking; or
(b) he is in any way interested in a matter which is being dealt with by the Authority,

shall be deemed to be a sufficient disclosure of interest in relation to any transaction, arrangement, contract or matter referred to in subsection (1).

(5) In this section, “immediate relative”, in relation to a member of the Board or committee member, means the spouse, parent, child, stepchild, brother or sister of the member of the Board or committee member or the parent, child, stepchild, brother or sister of the spouse of the member of the Board or committee member.

19. (1) The Authority shall have a common seal which shall be kept in the custody of the Chairman, the Deputy Chairman or the Secretary to the Board.

(2) The common seal of the Authority may be affixed to instruments pursuant to a resolution of the Board in the presence of the Secretary -

(a) the Chairman or in his absence, the Deputy Chairman; or

(b) a member of the Board authorised to act in that behalf.

(3) The common seal of the Authority shall be attested by the signature of the Secretary and the Chairman or in his absence, the Deputy Chairman or such member authorized by the Board to act in that behalf.

(4) All documents other than those required by law to be made under seal and all decisions of the Board may be signified under the hand of the Chief Executive Officer, Secretary or the Chairman or in the absence of the Chairman, shall be signified by the Deputy Chairman, or any other person authorised to act for that purpose.

20. (1) The Authority shall at all times have an address in Trinidad and Tobago for the service of a notice, order or other document on the Authority.

(2) A notice, order or other document to be served on the Authority may be served by delivering it by hand or by sending it by registered post to the General Manager at the address referred to under subsection (1).

(3) The address referred to under subsection (1) shall be published in the Gazette and in at least two daily newspapers circulating in Trinidad and Tobago.
PART III

STAFF OF THE AUTHORITY

21. (1) The Authority shall appoint a suitably qualified person in each case to be -

(a) the Chief Executive Officer;

(b) the Registrar of Motor Vehicles; and

(c) the Chief Motor Vehicles Enforcement Officer;

(2) The Authority shall, subject to the approval of the Minister, fix the qualifications and the –

(a) salaries, allowances and other terms and conditions of service of the offices specified under subsection (1)(a), (b) and (c); and

(b) maximum limit of remuneration, allowances and other terms and conditions for Motor Vehicles Enforcement Officers and other officers and employees of the Authority.

(3) Subject to subsection (2) and section (2), the Chief Executive Officer shall with the approval of the Authority employ Motor Vehicles Enforcement Officers and such other officers and employees as may be necessary for the due and efficient administration, management and performance by the Authority of its functions.

22. The Chief Executive Officer may with the approval of the Authority engage persons on contract to perform specific tasks that the Authority considers necessary for the due performance of its functions.

23. (1) Subject to subsections (5) and (6), the Chief Executive Officer shall hold office for a period not exceeding five years and shall be eligible for reappointment.

(2) The Authority may delegate to the Chief Executive Officer such functions and duties as the Authority considers necessary or desirable for the
execution of the functions of the Authority.

(3) A delegation made under subsection (2)—

(a) is revocable by the Authority at will, in whole or in part; and

(b) does not derogate from the functions, duties and powers of, or the exercise thereof by the Board as it may think fit or as the occasion requires.

(4) The Chief Executive Officer shall attend meetings of the Board but shall not have a vote on decisions taken by the Board.

(5) The Chief Executive Officer may resign from office by giving one month’s notice in writing, addressed to the Chairman of the Board.

(6) The Chief Executive Officer may be removed from office only for cause, including misconduct in relation to his duties or for physical or mental inability to perform the responsibilities of his office.

24. The Chief Executive Officer shall be accountable to the Board and shall be responsible for the management of the affairs of the Authority including—

(a) the development and implementation of motor vehicle policy, programme, and standards for motor vehicles;

(b) the continuous review and modernization of the processes relating to the registration, inspection, certification and classification of vehicles, and issuance of driver’s licences; and

(c) the development of processes to evaluate compliance programmes with the Act.

25. (1) Subject to subsections (3) and (4), the Registrar shall be appointed to hold office for a period not exceeding five years and shall be eligible for reappointment.

(2) The Registrar shall assist the Chief Executive Officer in the following areas:

(a) in ensuring the security, integrity, and accuracy of the
information contained in the database of the Authority; and

(b) ….  

(3) The Registrar may resign from office by giving one month’s notice in writing, addressed to the Chairman of the Board.

(4) The Registrar may be removed from office only for cause, including misconduct in relation to his duties or for physical or mental inability to perform the responsibilities of his office.

26. (1) Subject to subsections (7) and (8), the Chief Motor Vehicles Enforcement Officer shall hold office for a period not exceeding three years and shall be eligible for reappointment.

(2) The Chief Motor Vehicles Enforcement Officer shall be responsible for performing and enforcing the functions of the Authority as specified in section 7(2)(a).

(3) The Chief Motor Vehicles Enforcement Officer shall be assisted in the performance of his functions by Motor Vehicles Enforcement Officers.

(4) On the appointment of a person as a Motor Vehicles Enforcement Officer, the Chief Motor Vehicles Enforcement Officer shall deliver or cause to be delivered to the person a precept authorizing the person to act as a Motor Vehicles Enforcement Officer, which shall be in the form as set out in the First Schedule.

(5) The Chief Motor Vehicles Enforcement Officer may assign such Motor Vehicles Enforcement Officers as may be necessary to such localities and to perform such duties as he may direct for the purpose of this Act.

(6) A Motor Vehicles Enforcement Officer shall at all times be under the direction of the Chief Motor Vehicles Enforcement Officer.

(7) The Chief Motor Vehicles Enforcement Officer may resign from office by giving one month’s notice, in writing, addressed to the Chairman of the Board.

(8) The Chief Motor Vehicles Enforcement Officer may be removed from office only for cause, including misconduct in relation to his duties or for physical or mental inability to perform the responsibilities of his office.
27. A person who, on commencement of this section is a public officer appointed to an office listed in Second Schedule, either by permanent or temporary appointment, in which he has served for at least two continuous years, shall within three months of the date of commencement of this section exercise one of the following options:

(a) voluntarily retire from the Public Service on terms and conditions as agreed between him or his appropriate recognised association and the Chief Personnel Officer;

(b) transfer to the Authority with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service; or

(c) to remain in the Public Service provided that an office commensurate with the office held by the person in the Public Service prior to the date of the assent of this Act is available.

28. (1) Subject to subsection (2), and the approval of the appropriate Service Commission or Statutory Authority, and with the consent of an officer in the Public Service or a Statutory Authority, may be seconded to the service of the Authority.

(2) Where a secondment under subsection (1) is effected, arrangements shall be made to preserve the rights of the officer so seconded to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded to, or from the service of the Authority.

(3) A period of secondment shall be for three years and may be extended for a further period not exceeding two years.

(4) Subject to the approval of the Authority, the appropriate Service Commission and with the consent of the officer, an officer in the Public Service or a Statutory Authority may be transferred to the service of the Authority on such terms and conditions to be determined by the Authority at the time of secondment from the Public Service or Statutory Authority, as the case may be.
PART IV

ENFORCEMENT AND ADMINISTRATION

29. Notwithstanding the State Liabilities and Proceedings Act, the Chief Motor Vehicles Enforcement Officer and any other Motor Vehicles Enforcement Officer in exercising his powers under this Act shall be deemed to be an agent of the State to whom the State Liabilities and Proceedings Act shall apply.

30. (1) The Chief Motor Vehicles Enforcement Officer and any Motor Vehicles Enforcement Officer shall, in the exercise of his powers and duties conferred under this Act, have the powers, authorities and privileges and shall be entitled to all the immunities given by any written law from time to time in force to any member of the Police Service.

(2) A Motor Vehicles Enforcement Officer may arrest, without warrant, a person who obstructs him while in the execution of his duty, or has escaped or attempts to escape lawful custody.

(3) Where a Motor Vehicles Enforcement Officer makes a complaint against a person for committing an offence under this Act, any other Motor Vehicles Enforcement Officer may appear before the Magistrate who is inquiring into the matter and that officer shall have the same privileges in addressing the Magistrate and as to examining the witness adduced in the said matter as the Motor Vehicles Enforcement Officer who made the complaint.

(4) Every Motor Vehicles Enforcement Officer shall be provided with a manual that outlines his powers and duties, a badge and such uniform and other equipment as may be approved by the Minister.

(5) A badge under subsection (4) shall be evidence of the office of a Motor Vehicles Enforcement Officer and shall in all cases be displayed by every officer when exercising the duties of his office.

31. (1) Subject to section 32, a person other than a Motor Vehicles Enforcement Officer shall not—

(a) put on or assume, either in whole or in part, the uniform, name, designation or description of a Motor Vehicles Enforcement Officer, or a uniform, name or designation, resembling and intended to resemble the uniform, name or designation of a Motor Vehicles Enforcement Officer; or

(b) in any way pretend to be a Motor Vehicles Enforcement Officer
(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for three years.

### Authorization to wear uniform

32. (1) No person shall without written authorization from the Authority authorise, permit or direct any person to —

(a) put on or assume either in whole or in part, the uniform, name, designation or description of a Motor Vehicles Enforcement Officer, or a uniform, name or designation, resembling and intended to resemble the uniform, name or designation of a Motor Vehicles Enforcement Officer; or

(b) in any way pretend to be a Motor Vehicles Enforcement Officer for any purpose which he would not by law be entitled to do of his own authority.

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for three years.

### Confidentiality

33. (1) Every member of the Board or officer or employee of the Authority -

(a) shall at all times preserve and aid in preserving confidentiality with regard to all matters coming to his knowledge in the performance of his duties; and

(b) except for the purpose of the performance of his duties or under legal obligation, shall not at any time, communicate any confidential matter to any person nor permit, unless under legal obligation, any person to have access to any records in the possession, custody or under the control of the Authority.

(2) Every member of the Board or officer or employee of the Authority shall be required to take an oath of secrecy in the form set out in the Third Schedule and in accordance with the Oaths Act.

(3) A member of the Board, officer or employee of the Authority who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year.

### Limitation of personal liability

34. A member of the Board, officer or employee of the Authority shall not be held personally liable for anything done, permitted to be done or omitted in
The Commissioner of Police may-

(a) with the approval of the Minister to whom responsibility for the Police Service is assigned; and

(b) subject to-

(i) such conditions as the Minister directs; and

(ii) criteria as may be established by Order, by the Minister, after consultation with the Authority,

appoint by instrument in writing, any member of an organization or any person as a Traffic Warden, for the purpose of assisting the Police in connection with the control and regulation of road traffic and with the enforcement of the law in that regard.

(2) A Traffic Warden shall, while in the execution of his duty, wear such uniform as the Commissioner of Police, with the approval of the Minister to whom responsibility for the Police Service is assigned, directs.

(3) A driver who-

(a) fails to comply with the directions given by a Traffic Warden while on duty; or

(b) obstructs a Traffic Warden in the execution of his duty, or aids or incites any other person not to comply with the directions of a Traffic Warden or to obstruct a Traffic Warden in the execution of his duty,

commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

PART V

FINANCIAL PROVISIONS

The funds of the Authority shall consist of-

(a) such sums as may be appropriated by Parliament for the use and operations of the Authority;

(b) such sums which the Authority may collect as payment for services rendered, fees for licences, registration, permits or applications pursuant to this Act or any other Act being administered by the Authority;
(c) all sums collected by virtue of donations or grants from national and international organizations; and

(d) all other sums that may in any manner become payable to the Authority in any matter related to its functions and powers.

37. (1) Subject to subsection (2) and sections 32 to 37 of the Exchequer and Audit Act, the Authority may borrow money required by it for the efficient exercise of its functions or for meeting its financial obligations.

(2) Borrowing may be effected only with the approval of the Minister to whom responsibility for finance is assigned as to the amount, the sources of borrowing, and the terms and conditions of the loan, and may be either general or limited to a particular transaction and may be either unconditional or subject to conditions.

(3) The Authority shall not pledge its assets as security for any loan without the written approval of the Minister to whom responsibility for finance is assigned.

(4) The Authority is a statutory authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act.

38. (1) The funds and resources of the Authority may be designated for specific projects or made subject to specific conditions, in which case such funds and resources shall be preserved and utilized solely for the designated purpose.

(2) For all other purposes other than those provided for in subsection (1), the Authority may pay for any of the following matters out of the funds and resources of the Authority:

(a) operating expenses of the Authority, including the remuneration, fees and allowances of members of the Board and Committees, and salaries, fees, allowances, gratuities, pensions and other payments to officers employees and other staff of the Authority;

(b) the capital expenses, including maintenance and insurance of property under the administration and control of the Authority;

(c) any payment toward real property by the Authority to further the exercise of its functions under this Act; and

(d) any other expenses which are lawfully related to the activities
of the Authority.

39. (1) The Authority shall keep proper books of accounts and records of all sums received and expended by the Authority and shall record the matters in respect of which such sums were received and expended.

(2) The Authority shall, not later than the deadline stipulated in each year by the Minister to whom responsibility of finance is assigned, prepare and submit to the Minister the estimates of revenue, other financial expenditures of the Authority for the next financial year, in such form as the Minister may direct.

39. (1) The Authority shall keep proper books of accounts and records of all sums received and expended by the Authority and shall record the matters in respect of which such sums were received and expended.

(2) The Authority shall, not later than the deadline stipulated in each year by the Minister to whom responsibility of finance is assigned, prepare and submit to the Minister the estimates of revenue, other financial expenditures of the Authority for the next financial year, in such form as the Minister may direct.

40. The Authority shall be exempt from Stamp Duty, Corporation Taxes, Custom Duties, Value Added Taxes, Motor Vehicle Taxes and all other taxes charges, levies and imports.

41. The accounts of the Authority shall be public accounts within the meaning of section 116 of the Constitution.

42. The financial year of the Authority shall be the twelve-month period ending 30th September in each year.

43. (1) The Authority shall cause to be prepared within three months after the end of each financial year –

(a) a report setting out the activities of the Authority of the previous financial year; and

(b) financial statements prepared in accordance with GAAP and any other statement as may be required by the Minister.

(2) A copy of a report under subsection (1) shall be forwarded to the Minister and shall be laid in Parliament as soon as possible thereafter.

(3) Where the standards included in a financial statement under subsection (1)(b) are inappropriate or inadequate for any type of accounting method, the Comptroller of Accounts may provide such instructions as may be necessary.
44. (1) Subject to the approval of the Minister to whom responsibility for finance is assigned the Authority shall—

(a) establish a pension fund plan; or

(b) where the establishment of a plan under paragraph (a) is not feasible—

(i) make arrangements for membership of its employees in a pension fund plan; or

(ii) join an existing pension fund plan with another body corporate or entity.

(2) Subject to the rules of the pension fund plan referred to under subsection (1), all employees of the Authority who are eligible shall become members of the pension fund plan established in accordance with subsection (1).

45. Superannuation benefits which have accrued to a person transferred in accordance with section 27(b) or 28(4) shall be preserved as at the date of his employment by the Authority, and such benefits shall continue to accrue under the relevant pension law up to the date of the establishment of a pension fund plan, or from the date on which arrangements are made for membership in such a plan, or the date on which the Authority joins an existing pension plan, as the case may be, on the basis of pay, pensionable emoluments or salary, as the case may be, applicable at the time of the transfer to the office held by him immediately prior to his employment by the Authority.

46. (1) Where a person who is transferred to the Authority in accordance with section 27(b) or 28(4) dies, retires or his post in the Authority is abolished or he is retrenched by the Authority prior to the establishment or prior to the arrangements being made for membership in a pension fund plan and, if at the date that his service is terminated by any method as specified in this subsection he was in receipt of pay, pensionable emoluments or salary higher than that referred to in section 44, the superannuation benefits payable to him or to his estate, as the case may be, shall be based on the higher pay, pensionable emoluments or salary.

(2) The difference between the superannuation benefits payable on the basis of the higher pay, pensionable emoluments or salary referred to in subsection (1) and the superannuation benefits payable under the relevant pension
law, on the basis of the pay, pensionable emoluments or salary, referred to in section 44, shall be paid by the Authority.

47. (1) Where a person who is transferred in accordance with section 27(b) or 28(4) dies, retires or his post in the Authority is abolished or he is retrenched from the Authority while being a member of the pension fund plan established in accordance with section 44, that person shall be paid superannuation benefits by the pension fund plan at the amount which, when combined with superannuation benefits payable under the relevant pension law, is equivalent to the benefits based on his pensionable service in the Public Service or a Statutory Authority combined with his service in the Authority and calculated at the final salary applicable to him on the date that his service was terminated by any of the above-mentioned methods.

(2) For the purpose of subsection (1), “final salary” shall have the meaning assigned to it by the pension fund plan.

PART VI

ISSUANCE OF DRIVER’S LICENCE

48. (1) Subject to section 51, a person shall not drive a vehicle unless the person holds a valid driver’s licence or endorsement issued by the Authority under this Part for the particular type or class of vehicle being driven.

(2) A person shall not employ another person to drive a vehicle unless the person so employed is the holder of a valid driver’s licence for the type or class of vehicle being driven.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months.

(4) Where the person who contravenes subsection (1) was –

(a) never issued with a driver’s licence;

(b) previously denied a driver’s licence; or

(c) disqualified from holding or obtaining a driver’s licence,
that person commits an offence and may be arrested without a warrant, and is liable on summary conviction to a fine of ten thousand dollars or imprisonment.
for two years.

49. (1) Where an applicant meets the requirements for the issue of a particular class of driver’s licence under this Act and pays the fee specified in the Fourth Schedule, the Authority shall issue to the applicant one of the classes of driver’s licences specified in the Fourth Schedule.

(2) Where a person is issued with a driver’s licence as specified in the Fourth Schedule, that person shall not be issued with a driver’s licence above that class unless he holds the driver’s licence for at least one year.

(3) Notwithstanding subsection (2), where a person holds a Class 3 driver’s licence for at least one year, that person may apply to the Authority to obtain a Class 1 driver’s licence.

(4) The Minister may by Order subject to negative resolution of Parliament amend the Fourth Schedule.

50. (1) Subject to subsection (2), where a holder of a valid driver’s licence is desirous of obtaining an endorsement for another class of driver’s licence, he shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(2) Where a person wishes to obtain a Class 4 endorsement, he shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(3) A person applying for a Class 4 endorsement under subsection (2) must be -

(a) the age of twenty-one years and over; and

(b) the holder of a valid driver’s licence for at least one year.

(4) An application under subsections (1) and (2) shall be tendered with -

(a) a certificate evidencing the completion of a defensive driving course; and

(b) a police certificate of good character.
(5) Where an applicant satisfies the requirements for an endorsement on his driver’s licence as required under subsections (3) and (4), the Authority shall enter the appropriate endorsement on the applicant’s driver’s licence.

(6) An applicant for an endorsement under subsections (1) and (2) shall be subject to such examination as may be required by the Authority.

(7) Where the application for an endorsement under subsection (2) is required for operating –

(a) a hiring car;
(b) a chartered vehicle;
(c) a private school bus with a seating capacity not exceeding twenty-five passengers;
(d) an omnibus with maximum gross weight not exceeding 15,000 kilograms; or
(e) a maxi-taxi with a tare weight of 2270 kilograms or less,
the Authority shall upon endorsing the driver’s licence issue to the applicant a hired driver’s permit in the prescribed form.

(8) A hired driver’s permit issued under subsection (7) shall be valid for a period of three years from the date of issue or renewal.

(9) Where a holder of a hired driver’s permit wishes to renew his permit he shall, thirty days prior to the date of expiration apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule for the renewal of his hired driver’s permit.

51. (1) Subject to subsection (2) the holder of an identification card in a form approved by the Authority and signed by the Commander of the Trinidad and Tobago Defence Force or by a military order authorised by the Commander in that behalf, may, subject to the order of the Military Authority, drive a vehicle owned or hired by the Military, while such vehicle is being used for a military purpose.

(2) Subsection (1) applies only where the holder of the identification card is not disqualified from holding a driver’s licence under this Act and is on duty and is driving a vehicle of the class specified in the identification card.
52. (1) A person shall not learn to drive or operate a vehicle without having a valid learner driver’s licence for that class of vehicle.

(2) Where a person attains the age of seventeen years or over and is not the holder of -

(a) a valid driving permit or provisional permit under the former Act; or

(b) a driver’s licence under this Act,

that person may apply to the Authority for the issue of a learner driver’s licence for the purpose of learning to drive or operate a vehicle.

(3) An applicant under subsection (2) shall, prior to being issued with a learner driver’s licence, take -

(a) an appropriate vision test; and

(b) a knowledge test on the rules of the road, road signals and road signs.

(4) A person who successfully completes a knowledge test under subsection (3)(b) shall not be required to take another knowledge test unless eighteen months has elapsed from the date that knowledge test was successfully completed.

(5) An application under subsection (2) must be made on the prescribed form and accompanied by -

(a) proof of identification such as, a valid passport, national identification card and a national electronic birth certificate;

(b) proof of successful completion of the knowledge test on the rules of the road, road signals and road signs; and

(c) proof of home and mailing address.

(6) Where the Authority is satisfied that an applicant satisfies the requirements under subsections (2), (3) and (4), the Authority may, subject to subsection (3) issue a learner driver’s licence to the applicant for the purpose of learning to drive or operate a vehicle.

(7) Subject to such restrictions as may be imposed on a learner driver’s licence other than a learner driver’s licence for a motor cycle or motor driven cycle issued by the Authority, a person while having his learner driver’s licence
in his possession, shall be entitled to drive a vehicle of a particular class to which the learner driver’s licence relates, on a road or highway when accompanied by a person, other than a driving instructor, who —

(a) holds a valid driver’s licence for at least five years in relation to that class of vehicle; and

(b) occupies a front seating position and there is no other person in the vehicle at the time that the vehicle is,

being driven or operated by the holder of the learner driver’s licence.

(8) Notwithstanding subsection (6) a person issued with a learner driver’s licence in respect of a motor cycle or motor driven cycle may ride on such roads as may be prescribed by the Authority.

(9) Where a person is issued with a learner driver’s licence under subsection (6), that person shall —

(a) not drive or operate a vehicle on any road or highway at such times as may be specified in the learner driver’s licence; and

(b) not use a hiring car or a motor omnibus carrying passengers for the purpose of learning to drive.

(10) Notwithstanding subsection (9), the Authority may, if it sees fit, impose such further conditions and restrictions on a learner driver’s licence.

(11) The Authority shall not issue a learner driver’s licence in respect of a vehicle in Class 1, 2, 3 or 4 unless the person —

(a) has attained the age of twenty-one years and over; and

(b) already holds a driver’s licence in the above class for a minimum period of one year.

(12) Notwithstanding subsection (11), the Authority may issue a Class 1 learner driver’s licence where the applicant holds a Class 3 driver’s licence of one year.

(13) A learner driver’s licence issued under this section shall be valid for a period of one year from the date of issue or renewal.

(14) Where a person is desirous of renewing his learner driver’s licence he shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(15) Where a person satisfies the requirements under this Act for the renewal of his learner driver’s licence, the Authority shall renew the applicant’s learner driver’s licence.
A person who fails to comply with any condition or restriction specified in his learner driver’s licence, commits an offence and is liable on summary conviction –

(a) to a fine of three thousand dollars and imprisonment for six months; and

(b) to cancellation of his learner driver’s licence for a period of one year.

53. (1) Notwithstanding section 55(3), the Authority shall not issue a driver’s licence to any person unless the Authority is satisfied that the vision, hearing and bodily and mental fitness of the applicant are such as to warrant the issue of a driver’s licence and that the applicant is of good character.

(2) Where the Authority refuses to grant a driver’s licence to an applicant under subsection (1) on grounds other than that of character, the applicant may request to be subjected to a test as to his fitness or ability to drive a vehicle, or a vehicle of a particular class or description, or a vehicle of a particular form of construction, and if the applicant passes such test and is not otherwise disqualified, the Authority shall grant the driver’s licence to the applicant.

(3) An applicant for the issue or renewal of a driver’s licence to drive a vehicle other than a motorcycle or a private motor vehicle or an applicant for the issue or renewal of a driver’s licence who has attained the age of sixty-five years, shall submit together with his application, a medical certificate that his vision, hearing and bodily and mental fitness are such as to warrant the issue of a driver’s licence of the kind to which the application relates.

(4) Where the holder of a driver’s licence or learner driver’s licence suffers the loss of use of an eye or limb, the Authority shall revoke the licence and the holder shall return the licence to the Authority within three months from the date of suffering the disability.

(5) Notwithstanding subsection (4), if a person referred to in subsection (1) wishes to drive a vehicle, that person may apply to the Authority and pay the fee prescribed in the Fifth Schedule to be subjected to a special test as to his fitness to drive a vehicle.

(6) A person who passes a test under this section shall be issued a driver’s licence or learner’s licence as the case may be, subject to such terms and conditions as the Authority may impose.
(7) Where a person who is the holder of a driver’s licence or learner’s licence is advised by a registered medical practitioner that he is unfit to drive a vehicle by reason of some physical or mental incapacity, the Authority shall revoke the licence of that person and the revoked licence shall be returned forthwith to the Authority.

(8) Where the circumstances giving rise to the revocation of a driver’s licence under subsection (7) ceases and the person who’s licence was revoked wishes to resume driving or operating a motor vehicle, that person shall apply to the Authority and the Authority may, if the Authority sees fit, require the applicant to be subjected to a driving test.

(9) A person who fails to return a driver’s licence under this section commits an offence and is liable on summary conviction to a fine of [one] thousand dollars and to a further fine of five dollars for each day the offence continues after conviction.

Driving tests

54. (1) The Authority may require an applicant for a driver’s licence to produce a certificate as having passed a driving test for the class of vehicle for which the driver’s licence is being sought.

(2) The Authority shall from time to time appoint Motor Vehicle Enforcement Officers to be examiners for the purpose of conducting driving test.

(3) A driving test shall be conducted in accordance with directions given by the Authority and shall include a test of the applicant’s knowledge of the rules of the road, road signals and road signs.

(4) Where an applicant desires permission –

(a) to drive a wheel tractor only, the driving test shall be restricted to the driving of a wheel tractor and to questions affecting such driving and shall not include questions affecting the driving of a motor vehicle generally; or

(b) to drive a particular class of vehicle only, or if the applicant is being tested under the provisions of section 52, the examiner shall issue a certificate on which any appropriate restrictions are clearly set forth, after satisfying himself by means of such test as he considers suitable that the applicant is qualified to drive a vehicle of the particular class for which the applicant seeks the licence.
55. (1) A person shall, prior to the issue of a driver’s licence under section 48 or an endorsement under section 49 –

(a) satisfy the requirements under sections 52 and 53; and

(b) pass a driving test required under section 54.

(2) Where a person passes a driving test under section 54, that person shall within sixty days from the date of passing the driving test, pay the fee specified in the Fifth Schedule.

(3) Where a person satisfies the requirements under subsections (1) and (2), the Authority shall issue to the person a driver’s licence in the Class for which the application was made.

(4) Where a person fails to comply with subsection (2), that person shall be required to retake a driving test.

(5) A driver’s licence issued under subsection (3) shall, unless suspended, cancelled or revoked by the Authority, or surrendered by the holder, be valid for -

(a) five years or ten years at the option of the applicant, from the date of renewal where, on such date the holder of the licence has not yet attained the age of fifty-six years;

(b) five years from the date of issue or renewal where, on such date the holder of the licence has not yet attained the age of sixty-one years;

(c) five years from the date of renewal where, on such date the holder of the licence has attained the age of fifty-six years but has not yet attained the age of sixty-one years;

(d) four years from the date of issue or renewal where, on such date the holder of the licence has attained the age of sixty-six years but has not yet attained the age of sixty-seven years;

(e) three years from the date of issue or renewal where, on such date the holder of the licence has attained the age of sixty-seven years but has not yet attained the age of sixty-eight years;

(f) two years from the date of issue or renewal where, on such date the holder of the licence has attained the age of sixty-eight years but has not yet attained the age of sixty-nine years;
(g) one year from the date of issue or renewal where, on such date the holder of the licence has attained the age of sixty-nine years but has not yet attained the age of seventy years; or

(h) two years from the date of issue or renewal where, on such date the holder of the licence has attained the age of seventy years and over.

(6) An applicant referred to in subparagraphs (f), (g) and (h) shall provide a medical certificate as to his ability to operate a vehicle without impediment from a medical practitioner registered under the Medical Board Act.

(7) A medical practitioner who issues a medical certificate to a person pursuant to this Act without examining that person as to his ability to operate a vehicle without impediment, commits an offence and is liable on summary conviction, to a fine of ten thousand dollars and imprisonment for one year.

(8) Where the holder of a driver’s licence suffers a change in medical condition that may impair his ability to drive or operate a vehicle, he shall inform the Authority of his medical condition forthwith.

(9) Notwithstanding subsection (1), a person issued with a driver’s licence shall not drive a vehicle unless that person successfully undergoes a defensive driving course administered by an institution certified by the Authority.

56. (1) Subject to section 55, a holder of a driver’s licence who wishes to renew his driver’s licence shall apply to the Authority in the prescribed form within thirty days before the date of expiration of the driver’s licence and shall pay the fee set out in the Fifth Schedule.

(2) A person on applying for a renewal of his driver’s licence under subsection (1) shall submit himself for a vision examination.

57. (1) Subject to subsection (2) where the holder of an expired driver’s licence wishes to renew his driver’s licence he shall apply to the Authority in the prescribed form and shall in addition to the payment of the fee applicable for the renewal of his driver’s licence, pay a fee for the late renewal of his driver’s licence as follows:

(a) where the period from the date of expiration of the driver’s licence to the date of submission of the application for renewal is six months or less, the applicant shall pay the sum of three hundred and fifty dollars;
(b) where the period from the date of expiration of the driver’s licence to the date of submission of the application for renewal is more than six months but does not exceed three years, the applicant shall pay the sum of eight hundred and seventy-five dollars; or

c) where the period from the date of expiration of the driver’s licence to the date of submission of the application for renewal is more than three years but does not exceed five years, the applicant shall pay the sum of one thousand, seven hundred and fifty dollars.

(2) An applicant for the issue of a new driver’s licence who is the holder of a licence that is expired for a period exceeding five years shall whether the period of expiration of the driver’s licence was spent in or outside of Trinidad and Tobago, be required to produce a certificate of having passed an on the road driving test in accordance with section 54 and shall pay to the Authority the sum of three hundred and fifty dollars prior to the issue of the new licence.

58. The Authority may refuse to issue or renew a driver’s licence where the applicant fails to meet the requirements of this Act; or

59. (1) Subject to section 63 the Authority may suspend or revoke the driver’s licence of a person where the Authority is satisfied that the holder of the driver’s licence failed to comply with the requirements of this Act.

(2) Where the Authority revokes a driver’s licence under subsection (1), the Authority shall inform the holder of the driver’s licence in writing of its decision and the Authority shall thereafter remove the name of the holder of the driver’s licence from register for driver’s licence.

(3) Where the driver’s licence of a person is suspended under subsection (1) or section 60, the Authority shall inform the holder of the driver’s licence in writing of its decision to suspend the driver’s licence and the Authority shall make an appropriate entry in the register for drivers’ licences established under section 71.

60. (1) A driver’s licence issued under section 49 shall be suspended for a period not exceeding six months where the record of the holder of the licence as a driver or his conduct or habits as a driver establishes that it would not be in the interest of public safety for him to hold a driver’s licence or that the person is not competent to drive or operate a motor vehicle.
(2) For the purpose of establishing that it would not be in the interest of public safety for a person to hold a driver’s licence or that such a person is not competent to drive or operate a motor vehicle, the Minister may prescribe by Regulations, a system of awarding penalty points against persons convicted of an offence under this Act including offences specified in regulations made under this Act.

(3) Regulations made under subsection (2) shall specify -

(a) the maximum number of points to be awarded against a person before it may be established that it would not be in the interest of public safety for that person to hold a driver’s licence or that the person is not competent to drive or operate a vehicle; and

(b) the period during which the points shall remain on a person’s driving record.

(4) Where the penalty points awarded against a person by Regulations made under subsection (2) reach fifty per cent of the maximum number of penalty points that will result in the driver’s licence of the holder being suspended, the Authority shall give an appropriate notice in writing to the holder of the driver’s licence.

(5) Where the driver’s licence of a person is suspended by Regulations made under subsection (3), the Authority shall by notice in writing inform the holder that his driver’s licence is suspended.

(6) Where a person is disqualified by an order of a Court from holding or obtaining a driver’s licence any points awarded against that person shall thereupon be cancelled.

(7) Where a person commits on a single occasion, two or more offences under this Act, penalty points shall be awarded against that person only in respect of which the largest number of points that may be awarded against the person.

61. (1) The Authority shall, before suspending or revoking the driver’s licence of a person under section 59, give that person notice in writing of its intention to suspend or revoke the licence and in doing so, shall specify a date of not less than fourteen days after the date of issue of the notice, upon which such suspension shall be made and require the person to give reason why the driver’s licence should not be suspended.
(2) Where a person fails to give reason, within the period specified under subsection (1) and the Authority, after taking into consideration any fact in mitigation, decides to suspend the driver’s licence of the person, the Authority shall forthwith, in writing, notify the person of the suspension.

(3) An order of suspension made under section 59 shall not take effect until the expiration of fourteen days after the Authority has informed the person against who the order was made.

(4) A person whose driver’s licence has been suspended by the Authority under this section and section 59 may, within fourteen days of the receipt of the notice referred to in subsection (2), appeal to the Appeal Committee establish under section 244.

(5) Subject to a decision of the Appeal Committee, following an appeal under subsection (4), a driver’s licence suspended by the Authority shall be of no effect and a person whose driver’s licence is so suspended shall, during the period of such suspension, be disqualified from obtaining a driver’s licence.

(6) At the expiration of the period of suspension, the Authority shall forthwith return the driver’s licence to the holder thereof and the points awarded against him shall be cancelled.

62. (1) The Authority shall, upon suspending or revoking a driver’s licence under section 60 or where the driver’s licence of a person is suspended under section 61 require the holder of the driver’s licence to surrender the licence to the Authority.

(2) Where a person is required to return his driver’s licence under subsection (1), he shall forthwith return the licence to the Authority.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of three thousand dollars and imprisonment for a period of six months.

63. A holder of a driver’s licence issued under this Act, may voluntarily surrender his licence -

(a) for cancellation; or

(b) to be endorsed with another class of driver’s licence.
64. The Authority may, by Order, extend the validity of a driver’s licence or other document lawfully issued by the Authority for a period not exceeding three months in circumstances where there is a natural disaster, emergency or other unforeseen occurrence.

65. (1) A person who drives or is in charge of a motor vehicle on any road or a learner driver who is in a vehicle on any road or highway receiving instruction on driving or operating a vehicle, shall have on his person or in the vehicle for production as required under subsection (2), his driver’s licence or learner’s licence as the case may be.

(2) A constable or a Motor Vehicle Enforcement Officer in uniform may require any person driving or operating or learning to drive or operate a vehicle to produce for inspection –
   
   (a) that person’s driver’s licence or learner’s licence as the case may be; and
   
   (b) the certificate of insurance of the vehicle or any other relevant document in relation to the vehicle.

(3) A person who fails to comply with a request under subsection (2), without reasonable excuse, commits an offence and is liable on summary conviction to a fine of five thousand dollars or six months imprisonment.

66. (1) A driver’s licence issued under this Act remains the property of the Authority and shall be returned to the Authority by the holder whenever so required by the Authority.

(2) A person shall not wilfully destroy, mutilate, deface or alter in any way a driver’s licence issued under this Act.

(3) A person who contravenes subsection (2) shall be liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year.

67. (1) Where a driver’s licence issued under this Act is lost, stolen, destroyed or becomes illegible, the person to whom the licence was issued shall notify the Authority of the occurrence.

(2) Where a driver’s licence issued under this Act is lost, stolen, destroyed or becomes illegible, the person to whom the licence was issued may obtain a duplicate licence on furnishing satisfactory proof to the Authority that the licence was in fact lost, stolen, destroyed or has become illegible and on
payment of the fee prescribed in the Fifth Schedule.

(3) Where on receipt of an application under subsection (1) the Authority is satisfied that a driver’s licence is lost, stolen, destroyed or has become illegible and upon payment of the fee prescribed in the Fifth Schedule, the Authority may issue to the applicant a duplicate driver’s licence.

(4) Where a holder of a duplicate driver’s licence comes into possession of the previously lost or stolen driver’s licence, that person shall within thirty days after coming into possession of the lost or stolen driver’s licence return the said lost or stolen driver’s licence to the Authority.

68. (1) A citizen of Trinidad and Tobago who desires to obtain an international driver’s licence to drive or operate a motor vehicle in a country specified in the Part A of the Sixth Schedule shall be the holder of a valid driver’s licence issued by the Authority and shall -

(a) apply to the Authority for the issue of an international driver’s licence;

(b) provide such information as may be reasonably required by the Authority for processing the application; and

(c) pay the fee prescribed in the Fifth Schedule:

(2) The Authority on receipt of an application under subsection (1) and on being satisfied that the applicant satisfies the requirements of this Act, issue the applicant an international driver’s licence in accordance with the Convention on Road Traffic, 1949.

(3) A licence issued under subsection (4) shall, unless suspended or revoked by a court of law, remain valid for a period of twelve months from the date of issue.

(4) The Authority shall keep a register of all valid international driver’s licence issued in Trinidad and Tobago.

69. (1) Subject to subsections (2), (3) and (4), a person who holds -

(a) a valid driver’s licence issued by a country listed in the Part A of the Sixth Schedule shall not, where the licence remains valid, be required to hold a licence to operate a vehicle for ninety days from the date of his arrival in Trinidad and Tobago; or
(b) a valid international driver’s licence issued by a country listed in the Part B of the Sixth Schedule, that is a party to any international convention to which Trinidad and Tobago is a party relating to the international circulation of motor vehicles, shall, while the international driver’s licence remains valid, be exempted from any requirement to hold a driver’s licence under this Act to drive in Trinidad and Tobago.

(2) The holder of a valid driver’s licence issued by another country shall be entitled to drive in Trinidad and Tobago only a vehicle of the class for which he is authorised to drive under his driver’s licence.

(3) The holder of a valid international driver’s licence shall only be entitled to drive in Trinidad and Tobago a vehicle of the class for which he holds an authorization to drive in the country in which his international driver’s licence was issued.

(4) Where a person under subsection (1)(a), desires to drive or operate a vehicle in Trinidad and Tobago for more than ninety days, that person shall apply to the Authority in the prescribed form and pay the fee prescribed in the Fifth Schedule.

(5) The Authority may where it sees fit, require an applicant under subsection (4) to undertake a knowledge test on the rules of the road, road signals, road signs and a road driving test in accordance with section 54(3).

(6) Where the Authority is satisfied that an applicant under subsection (4) meets the requirements under this Act, the Authority may, subject to such conditions as the Authority considers necessary, issue to the applicant a driver’s licence.

(7) Subsection (6) shall not apply to a national of a CARICOM Member State listed in Part B of the Sixth Schedule.

Requirements for visiting drivers

Sixth Schedule

70. (1) The holder of a valid driver’s licence issued in a country listed in Part A of the Sixth Schedule, referred to in section 69(1)(a), who drives or is in charge of a motor vehicle on any road shall have his driver’s licence on his person or in the motor vehicle being driven or operated for examination when so required by a constable.

(2) A constable may at any time require a person referred to in subsection (1) to produce his driver’s licence for examination.

(3) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine of one thousand dollars or six
months imprisonment.

71. (1) The Authority shall keep a register of all persons issued with a driver’s licence under this Act.

(2) The contents of the register under subsection (1) shall for the purposes of all proceedings in a court be *prima facie* evidence of all information contained therein and extracts of the register purporting to be certified as such by the Registrar or his authorised officer, shall be admissible in evidence in court.

72. (1) Where a person wishes to drive a vehicle for the purpose of getting the vehicle registered, that person may apply to the Authority for a temporary permit in the prescribed form, for the purpose of registering the vehicle.

(2) The Authority may issue a temporary permit under subsection (1) where an appropriate application is made and accompanied with the fee prescribed in the Fifth Schedule.

(3) A temporary permit issued under this section, shall authorize the owner of the vehicle in respect of which the permit was issued, to drive or operate the vehicle on a road or highway without load and in accordance with the conditions specified in the temporary permit.

(4) A person issued with a temporary permit shall affix the permit in the lower corner of the windshield of the vehicle opposite the driver.

(5) A permit issued under this section shall be valid for thirty days and shall only be issued in respect of a vehicle that has a valid inspection certificate and insurance.

(6) A person who contravenes subsections (1) and (4) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

73. (1) Where a person wishes to operate or move a vehicle that is not registered or for which no permit has been issued on a road or highway without load for a single trip from one place to another, that person shall apply to the Authority in the prescribed form for an In-transit Permit and shall pay the fee prescribed in the Fifth Schedule upon application.

(2) Where the Authority receives an application under subsection (1) and the Authority is satisfied that the vehicle meets the requirements under the Act the Authority shall issue an In-transit Permit to the owner of the vehicle.
(3) An in-transit permit under this section authorizes the owner of a vehicle for which the permit was issued to operate or move the vehicle from one place to another in accordance with the conditions specified in the permit.

(4) A person to whom an in-transit permit is issued shall affix the permit in the lower corner of the windshield of the vehicle opposite the driver and shall remove the permit and destroy it immediately after the vehicle has completed the trip for which the permit was issued.

(5) Where an in-transit permit has been issued to a trailer, the permit shall be displayed in the towing vehicle.

(6) A person who fails to observe or comply with this section or condition specified in an in-transit permit, commits an offence and is liable on summary conviction to a fine of five thousand dollars.

74. (1) On the coming into force of this Act –

(a) all driving permits including international and provisional permits issued under the former Act prior to the coming into force of this Act, shall remain valid until the date of its expiration; or

(b) a person issued with a driver’s permit under the former Act at the discretion of the Authority, shall be required to replace his driver’s permit with a driver’s licence issued in accordance with the requirements of this Act.

(2) Where on the coming into force of this Act a driving permit, international permit or provisional permit issued under the former Act expires and the holder wishes to be issued with a new driver’s licence under this Act, the holder may apply to the Authority under for the issue of a driver’s licence.

(3) Where on the coming into force of this Act a valid driving permit, international permit or provisional permit issued under the former Act is lost, stolen or mutilated, a new driver’s licence, international licence or learner driver’s licence may be issued under this Act for the same class of vehicle for which the holder was previously permitted to drive.
PART VII
REGISTRATION AND CERTIFICATION OF VEHICLES

75. The Board shall approve any form, certificate and procedure required by the Authority, or to be prescribed, for the registration of a vehicle.

76. (1) A person shall not, in any place, use or keep for use or, being the owner, permit any other person to use or keep for use, any vehicle unless the vehicle is registered under this Act and in accordance with the procedures required by the Authority.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(3) A person shall not be liable for a contravention under this section if the vehicle is being driven on a road for the purpose of being registered.

(4) Where a person is driving a vehicle on a road for the purpose of registration, that person shall ensure that the vehicle has affixed on the front and rear of the said vehicle a temporary permit as required under section 100.

77. (1) A person who wishes to register a vehicle shall -

(a) apply to the Authority in the form prescribed by the Authority;

(b) pay the fee set out in the Fifth Schedule;

(c) provide proof of payment of motor vehicle tax required under section 81; and

(d) ensure that there is in force in respect of the vehicle a policy of insurance as required under the Motor Vehicles Insurance (Third Party Risks) Act.

(2) On receipt of an application for registration of a vehicle under subsection (1), a Motor Vehicles Enforcement Officer shall check where applicable for the electronic identification tag on the vehicle.

(3) Where the Authority is satisfied that —

(a) a vehicle referred to in subsection (1) is road worthy;

(b) where applicable, the identification tag on the vehicle is
valid;

(c) there is in force in respect of the vehicle, a policy of
insurance as required under subsection (1)(d); and

(d) the vehicle satisfies all other requirements under this Act,

the Authority shall, subject to subsection (4) and section 88, register and enter the
particulars of the vehicle in the register of motor vehicles established under
section 101.

(4) Before registering a vehicle under this section, the Authority shall classify the vehicle in the manner specified in Appendix A of the Seventh Schedule.

(5) Before registering any commercial vehicle, freight passenger
vehicle, motor omnibus or trailer, a Motor Vehicles Enforcement Officer shall ascertain the maximum gross weight or the maximum number of passengers that the vehicle may be authorized to carry, and such maximum gross weight or maximum number of passengers shall be entered in the register of motor vehicles and on the Vehicle Certificate of Registration.

(6) The Authority shall, on registering a vehicle under subsection (3) issue to the owner of the vehicle, a Vehicle Certificate of Registration and such Vehicle Certificate of Registration shall be evidence that the vehicle to which it refers has been registered.

(7) A vehicle shall not be registered in the name of a person who is under the age of seventeen years.

(8) The Minister may by Order, amend the Seventh Schedule to add to or remove a class of vehicles.

(9) Notwithstanding the registration of a vehicle under this section, a vehicle shall not be driven on any road or highway, unless a Vehicle Certificate of Registration has been issued pursuant to section 81 in respect of the vehicle.

(10) The onus of proving that a vehicle has been registered rests on the owner of the vehicle.

78. (1) Where a vehicle enters Trinidad and Tobago as part of a shipment, the Authority shall -

(a) examine the vehicle at the point of entry to determine the
purpose of the vehicle;

(b) record -

(i) the chassis and engine numbers where applicable, of the vehicle; and
(ii) all other details necessary for the registration of the vehicle; and
(c) place an electronic identification tag on the vehicle and record the information obtained pursuant to this section.

(2) The placement of an electronic identification tag on a vehicle shall not be taken as meeting the requirement for the registration of a vehicle under this Act.

(3) Where after examination of a vehicle under subsection (1), the Authority is unable to determine the use of the vehicle, the Authority shall not place an electronic identification tag on the vehicle until the purpose of the vehicle is determined.

79. Where a vehicle is imported into Trinidad and Tobago as part of a shipment, the importer of the vehicle shall, prior to the arrival of the vehicle, provide the Authority with the following information:

(a) the name and address of the importer or dealer;
(b) the bill of lading in respect of the vehicle; and
(c) any other documents that the Authority may require.

80. (1) There shall be payable to the relevant Tax Authority in respect of the classes of vehicles specified in the Seventh Schedule, a motor vehicle tax computed in accordance with the provisions of that Schedule for all vehicles entering Trinidad and Tobago.

(2) The motor vehicle tax referred to in subsection (1), shall be payable to the Tax Authority before the vehicle is registered.

(3) Where a vehicle in respect of which motor vehicle tax is payable is registered and motor vehicle tax is not paid pursuant to this section, the registration of that vehicle shall be void and the vehicle shall be deemed not to have been registered.

(4) The Minister to whom the responsibility for finance is assigned may by Order amend the Seventh Schedule.

(5) An Order made by the Minister under subsection (4) shall be published in the Gazette and shall, after four days and within twenty-one days from the date of such publication, be submitted to Parliament, and Parliament may by resolution, amend or revoke that Order.

(6) Where an Order is not submitted to Parliament within the period of twenty-one days as mentioned in subsection (5), that Order shall, on the
termination of that period expire and be of no further force or effect.

(7) A person who has paid motor vehicle tax pursuant to an Order made under this section shall be repaid the amount that is in excess of the tax payable immediately after the Order has been dealt with by Parliament under subsection (5) or has expired under subsection (6).

81. (1) The Chief Motor Vehicles Enforcement Officer shall prior to the registration of a vehicle require the vehicle to be inspected by a Motor Vehicles Enforcement Officer.

(2) Where a Motor Vehicles Enforcement Officer inspects a vehicle under subsection (1) and is satisfied that –

(a) the vehicle meets the requirements of this Act in relation to the purpose for which the vehicle is sought to be registered; and

(b) all the required fee and taxes have been paid,

cause the vehicle to be registered and issue to the owner a Vehicle Certificate of Registration.

(3) Where the owner of a vehicle is aggrieved of the findings of any inspection under subsection (1), the owner may appeal to the Appeal Committee for a review of that finding.

(4) Notwithstanding subsection (1), the Chief Motor Vehicles Enforcement Officer may, exempt new motor vehicles from the requirement of inspection.

82. (1) Notwithstanding section 78, the following classes of vehicles shall be exempted from the requirement of registration:

(a) new vehicles in the possession of manufacturers or vehicle traders, but subject to such requirements as to Vehicle Traders Registration Certificate issued under Part X;

(b) private motor vehicles and motor cycles brought into Trinidad and Tobago by visitors for their own use for a period not exceeding ninety days subject to such conditions as may be prescribed;

(c) any vehicle that is the property of, or used by the President for official or personal duties;
(d) any vehicle that is the property of or used by the Prime Minister for official or personal duties; and

(e) any vehicle that is the property of, or used by the Trinidad and Tobago Defence Force.

(2) The Minister may, in special circumstances, by Order, exempt from registration under this Act, on a temporary basis, a vehicle being used by visiting dignitaries.

(3) Notwithstanding the requirements of this Act, no fee shall be charged on the registration of the following vehicles:

(a) any motor vehicle which is the property of -
   (i) the Government;
   (ii) any Municipal Corporation;
   (iii) the judiciary; or
   (iv) the Corporation established under the Public Transport Service Act; and

(b) any vehicle specially exempted by an Order of the Minister on account of the vehicle being owned by a public body or the vehicle is being used for any charitable, philanthropic or other public purpose.

(4) An exemption granted from payment of registration fee in respect of a vehicle under subsection (3)(b), shall cease whenever the condition justifying such exemption ceases to apply to that vehicle.

(5) Notwithstanding the requirements of this Act or any other written law, the Minister may by Order prescribe the identification mark to be carried on any vehicle or trailer owned or used by the State.

83. (1) Subject to section 98(1), a Vehicle Certificate of Registration shall remain valid as long as the vehicle is kept in use.

(2) Notwithstanding subsection (1), the Authority may cancel a Vehicle Certificate of Registration where the Authority is satisfied that—

(a) the vehicle has been destroyed;

(b) the vehicle has been rendered unserviceable for a minimum period of one year;
(c) the vehicle for whatever reason cannot be located in Trinidad and Tobago for a minimum period of one year;

(d) the vehicle is removed from Trinidad and Tobago for a period of more than three months;

(e) the owner of a motor vehicle is registered under section 86 and is no longer entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act;

(f) an application is made to transfer a motor vehicle registered under section 99 to a person who is not entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act; or

(g) a transaction in respect of the vehicle was effected under misrepresentation of the information required for the purposes of the transaction.

(3) Where the Authority cancels a registration under subsection (1), the Authority shall notify the owner in writing.

(4) Where the owner of a vehicle is aggrieved by the decision of the Authority to cancel the registration of his vehicle he may appeal to the Appeal Committee under Part XIX.

84. (1) Where a Vehicle Certificate of Registration is lost, stolen or damaged, the holder shall report the lost, stolen or damaged Vehicle Certificate of Registration to the Authority in the prescribed form and apply for a replacement Vehicle Certificate of Registration and pay the fee set out in the Fifth Schedule.

(2) On receipt of an application under subsection (1), the Authority may, on being satisfied that the Vehicle Certificate of Registration was lost, stolen or damaged, issue a replacement Vehicle Certificate of Registration to the holder.

(3) Where an application is made under subsection (1) for the replacement of a damaged Vehicle Certificate of Registration, the holder shall return the damaged Vehicle Certificate of Registration upon making the application.
(4) Where after the issue of a replacement Vehicle Certificate of Registration under subsection (2), the holder comes into possession of the previously lost or stolen Vehicle Certificate of Registration, the holder of the certificate shall return the previously lost or stolen Vehicle Certificate of Registration to the Authority.

(5) A person who fails to return a lost, stolen or damaged Vehicle Certificate of Registration as required under subsection (3) or (4) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

85. A person who intentionally alters or defaces any Vehicle Certificate of Registration issued by the Authority commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for five years.

86. (1) Subject to sections 77 and 94, the Authority shall-

(a) on the application by a diplomat or diplomatic organization for the registration of a motor vehicle in his or its name; and

(b) upon being satisfied that the provisions of this Act and the Motor Vehicles Insurance (Third-party Risk) Act and Regulations made thereunder, have been complied with,

register the motor vehicle as a diplomatic vehicle and forthwith enter particulars of the vehicle in the register and shall assign to the vehicle special identification marks to be carried on the registration plates of the vehicle.

(2) Where the registration of a motor vehicle is cancelled under section 91(2), the Authority may register that motor vehicle under section 77.

(3) In this section –

“diplomat” means a diplomatic agent, consular officer or an official of an international organization or agency who is certified in writing by the Minister with responsibility for foreign affairs as being entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and
International Organization) Act;

“diplomatic organization” means a diplomatic mission, consular post or a regional or international organization or agency that is certified in writing by Minister with responsibility for foreign affairs as being entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act.

87. (1) Subject to section 77, a person who is permanently differently abled may apply to the Authority to have a vehicle registered and issued with special licence plates.

(2) Where an application is made under subsection (1), the Authority may register the vehicle and issue special licence plates in respect of that vehicle where the applicant provides a certificate from a registered medical practitioner certifying that the applicant’s disability or immobility is permanent.

(3) Notwithstanding any other provision of this Act, where special licence plates are issued to a differently abled person and affixed to a vehicle, the special licence plates shall be deemed to be a differently abled parking permit to the extent that -

(a) the differently abled person to whom the special licence plates are issued, stops, leaves standing or parks the vehicle in the parking zone designated for a differently abled person; and

(b) any person, other than a differently abled person, may stop, leave standing or park the vehicle in the parking zone designated for a differently abled person, where the person stops, leaves standing or parks the vehicle for the purpose of transporting a differently abled person.

88. The Authority may register a vehicle as an antique vehicle where -

(a) the vehicle has been tested for originality and safety and certified by the Authority as an antique vehicle;

(b) there is in force in respect of the vehicle a policy of insurance in respect of third party risks as complies with the requirements of the Motor Vehicles Insurance (Third Party Risks) Act; and
(c) upon application for registration, the owner pays the prescribed fee.

89. (1) The Authority shall not register—

(a) a vehicle exceeding fifteen tonnes;

(b) a trailer exceeding eight tonnes; or

(c) a vehicle more than nine metres in length and more than two metres in width,

for use on a road in Trinidad and Tobago.

(2) Except as otherwise provided in this section, the following vehicles shall not be used on any road or highway:

(a) a motor vehicle exceeding the maximum gross weight of fifteen tonnes;

(b) a trailer exceeding the maximum gross weight of eight tonnes;

(c) a vehicle or trailer not fitted with pneumatic tyres; or

(d) a vehicle windscreen or any other window of which is fitted with glass so tinted as to exceed the limit prescribed by regulations.

(3) The Minister may, by Order, exempt vehicles from the requirements under subsection (1).

(4) The Authority may cancel the registration of a vehicle or trailer which does not comply with the requirements of subsection (1).

(5) Notwithstanding subsection (4), a person who contravenes subsection (1)(d), commits an offence and is liable on summary conviction to a fine of three thousand dollars.

(6) Notwithstanding subsection (1), the Board may on the application of a person seeking to register a vehicle exceeding fifteen tonnes or a trailer exceeding eight tonnes, determine the conditions in respect of the use of that vehicle on the road and may, where it see fit recommend to the Authority that the vehicle be registered subject to such conditions as prescribed by the Board for the use of that vehicle.
(7) Notwithstanding subsection (1), the Authority may, where it see fit grant a special permit to the owner of any machine used for industrial or construction purposes to enable the machine to be moved from one place to another, subject to such conditions as may be specified in the permit, and on payment of the fee set out in the Fifth Schedule.

(8) A person who fails to observe any of the conditions specified in a permit issued under this section commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and shall be liable for any damages occasioned by his neglect or failure to comply with any of the conditions.

90. (1) Where the owner of a vehicle which is registered for use for a particular purpose intends to use that vehicle for some other purpose he shall, before using the vehicle for that other purpose, apply to the Authority for registration of the vehicle to be used for that other purpose and the application shall, subject to subsection (2), be dealt with as if the vehicle had not previously been registered.

(2) The fee payable for the registration of a vehicle under subsection (1), shall be as prescribed in the Fifth Schedule.

(3) Where the motor vehicle tax paid in respect of the current registration of a vehicle –

(a) is more than that payable for the class of vehicle in respect of which the new registration will apply, no tax shall be payable for the new registration; or

(b) is less than that payable for the class of vehicle in respect of which the new registration will apply, the owner of the vehicle shall pay the difference in the tax payable for the new registration.

(4) A person who contravenes this section is liable on summary conviction to a fine of three thousand dollars.

91. (1) The registration of a motor vehicle or trailer shall remain valid so long as the vehicle is kept in use and shall only be cancelled where the Authority is satisfied that-
(a) the motor vehicle or trailer has been destroyed;

(b) the motor vehicle or trailer has been rendered permanently unserviceable;

(c) the motor vehicle or trailer has been permanently removed from Trinidad and Tobago;

(d) a transaction in respect of the motor vehicle or trailer was effected under a misrepresentation of the information required for the purposes of the transaction;

(e) the owner of a motor vehicle or trailer registered under section 86 of the Act is no longer entitled to enjoy Privileges and Immunities (Diplomatic, Consular and International Organization) Act; or

(f) an application is made to transfer a motor vehicle or trailer registered under section 86 of the Act to a person who is not entitled to enjoy Privileges and Immunities (Diplomatic, Consular and International Organization) Act.

(2) Where a Motor Vehicles Enforcement Officer certifies in writing that a vehicle or trailer is so constructed or is in such a condition as to constitute a health, safety or environmental hazard to any person traveling in the vehicle or to other members of the public or is injurious to the roads or contravenes the Act, the Authority may cancel the registration of that vehicle or trailer or refuse to renew such registration.

(3) Where the Authority cancels a registration under subsections (1) or (2), the Authority shall notify the owner of the motor vehicle or trailer in writing.

(3) An owner of a vehicle or trailer in respect of which the registration is cancelled or for which the issue or renewal of the registration is refused may appeal to the Appeal Committee.
92. (1) Where a vehicle is involved in an accident and is damaged and—
(a) there is a constructive loss; or
(b) there is total loss,

the insurer of the vehicle shall notify the Authority in accordance with the Motor Vehicles (Third Party Risks) Act.

(2) The Authority shall on receipt of notification under subsection (1), record the details of the damage to the vehicle involved in the accident.

(3) An insurer who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

93. (1) The owner of a vehicle that is destroyed, rendered unserviceable or has been removed from Trinidad and Tobago shall notify the Authority in writing, within one month from the occurrence of such event.

(2) An owner of a vehicle who fails to notify the Authority pursuant to subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(3) An offence under subsection (1) may be instituted at any time within two years of the commission of the offence.

94. Where the Authority issues a Vehicle Certificate of Registration the Authority shall assign to the vehicle letters or letters and numbers, which shall become one of the registered identification marks of the vehicle and shall be affixed on licence plates issued in accordance with this Act.

95. (1) Where a vehicle has been registered under this Act, the vehicle shall be issued with a Validation Certificate upon payment of the fee prescribed in the Fifth Schedule, and be valid for a period not exceeding -

(a) twenty-four months from the date of registration of the vehicle for private motor vehicles; or

(b) twelve months from the date of registration in respect of any other vehicle.

(2) A Validation Certificate issued under this section shall be accompanied
by a validation sticker which shall be affixed on the appropriate licence plate of the vehicle.

(3) Where the Authority receives an application under subsection (4) and the Authority is satisfied that the vehicle meets the requirements under the Act, the Authority shall issue a Validation Certificate for the vehicle.

(4) An application for a Validation Certificate under this section shall –

(a) in the case of a private motor vehicle or motor cycles five years or more from the date of manufacture, be accompanied by a test certificate; or

(b) in the case of a public service vehicle, leased vehicle, goods vehicle, omnibus, tractor or trailer, be accompanied by an inspection certificate issued by the Authority for the specified class of vehicle and proof of valid insurance policy for the vehicle as required under the Motor Vehicles Insurance (Third-Party Risks) Act which shall accompany the application.

96. (1) Subject to sections 72, 73 and subsection (6), a person shall not drive or operate a vehicle on any road or highway unless licence plates have been issued by the Authority in accordance with this Act and affixed to the vehicle in the prescribed manner.

(2) Where a vehicle has been registered and a Validation Certificate has been issued under this Act, the Authority shall issue to the owner of the vehicle, a front and rear licence plate in respect of the vehicle.

(3) Where licence plates have been issued under this section or section 86, the licence plates shall remain on the vehicle until such time as any of the following circumstances occur:

(a) the transfer of the vehicle to another person by the owner of the vehicle;

(b) the destruction of the vehicle;

(c) the owner of a motor vehicle registered under section 85 is no longer entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act;

(d) an application is made to transfer a motor vehicle registered under section 86 to a person who is not entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act; or
(e) an application for the removal of the licence plates for reasons other than those specified under paragraphs (a) and (b).

(4) Where the registration of a motor vehicle is cancelled pursuant to paragraph (d) or (e), the Authority may register that motor vehicle under section 87.

(5) A person who contravenes subsections (1) and (3) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years.

(6) Where licence plates issued under this section are lost, mutilated, damaged, stolen or have become illegible, the person who is entitled to the licence plates shall apply to the Authority for replacement licence plates and shall in making the application provide the Authority with satisfactory information surrounding the lost, mutilated, damaged, stolen or illegible licence plates and pay the prescribed fee in the Fifth Schedule.

(7) Subsection (1) shall not apply where a licence plate has been lost, mutilated, damaged, stolen or has become illegible and the owner of the vehicle is on route to apply for a replacement licence plate.

(8) The licence plates issued under this Act are the property of the Authority and shall be returned to the Authority by the registered owner of the vehicle when so required by the Authority.

97. The owner of a vehicle shall where he wishes to renew his Validation Certificate, apply to the Authority within thirty days prior to the expiration of the Validation Certificate and pay the fee prescribed in the Fifth Schedule.

98. (1) Where a Motor Vehicles Enforcement Officer is of the opinion that a vehicle does not meet the requirements of this Act, the Officer may recommend to the Authority the cancellation or suspension of the Validation Certificate issued to the registered owner of the vehicle.

(2) Where a Motor Vehicles Enforcement Officer’s recommendation for the cancellation or suspension of a Validation Certificate under subsection (1), the Authority may cancel, suspend or revoke the Validation Certificate and shall inform the registered owner of the vehicle of its decision and remove the name of the owner from the register as required to be kept by the Authority under the Act.
99. (1) Where a person wishes to transfer ownership of his vehicle to another person, he shall apply to the Authority in the prescribed form and shall pay the fee specified in the Fifth Schedule.

   (2) Where ownership of a vehicle is to be transferred, both parties to the transaction shall be present unless the Authority directs that one party can process the transaction.

   (3) An application under subsection (1) shall be made in the prescribed form and accompanied with the valid Vehicle Certificate of Registration of the vehicle, the transfer slip and the fee specified in the Fifth Schedule.

   (4) In the case of the death of the registered owner of a vehicle, the legal personal representative of the deceased in Trinidad and Tobago shall be deemed to be the owner of the vehicle for the purpose of effecting the transfer of the vehicle, and in the absence of a legal personal representative in Trinidad and Tobago, the person who has lawful possession of the vehicle shall be deemed to be the registered owner of the vehicle.

   (5) The next of kin or the person having lawful possession of a vehicle referred to in subsection (3) shall notify the Authority of the death of the registered owner within one month of the death of the registered owner.

   (6) The Authority may, where it sees fit, issue a new Certificate of Registration in respect of a vehicle under subsection (4).

   (7) Where the Authority is satisfied that there has been a change of possession of a vehicle but that the registered owner has failed to transfer the vehicle under subsection (1) or has failed to surrender the Validation Certificate, the Authority may, without prejudice to any legal proceedings which may be taken against the registered owner for such failure, transfer the registration of the vehicle in the same manner as if the provisions of subsection (3) had been complied with.

   (8) Subject to subsection (7) where a vehicle was sold, the former owner of the vehicle shall apply to have the vehicle transferred within thirty days from the date the vehicle was sold.

   (9) A registered owner or purchaser of a vehicle, who fails to transfer a vehicle as required under subsection (8), commits an offence and is liable on summary conviction to a fine of five thousand dollars.

   (10) Notwithstanding subsection (8), it shall be a defence for the registered owner of a vehicle who attempted without success to transfer ownership of his vehicle and provides proof of that attempt.

   (11) Where the ownership of a vehicle is transferred, the Authority
shall make an appropriate entry in the register and issue a new Certificate of Registration.

Transfer tax 100. (1) Subject to subsection (8), there shall be charged, levied and collected in respect of the transfer of ownership of a used vehicle, a transfer tax as specified in the Eight Schedule.

Eight Schedule (2) The Board of Inland Revenue shall in respect of the transfer tax have all the powers it has in relation to income tax under the Income Tax Act.

Chap. 75:01 (3) Transfer tax shall be paid to the Board of Inland Revenue by the person seeking registration as the registered owner at the time of the application for change of physical possession of the vehicle under section 99.

(4) A vehicle shall not be transferred unless the requisite transfer tax is paid.

Chap.75:06 (5) Subject to subsection (6), transfer tax shall not be payable by a vehicle trader registered under the Value Added Tax Act.

(6) A vehicle trader exempted from the payment of transfer tax under subsection (5) shall register with the Authority and in so doing shall -

(a) provide a Value Added Tax Certificate to the Authority; and
(b) satisfy the Authority that he is a bona fide vehicle trader.

(7) For the purposes of this section, a person shall only be considered a bona fide vehicle trader where that person is engaged in the business of buying vehicles for resale.

Chap. 75:06 (8) Where a person purchases a vehicle from a vehicle trader registered under the Value Added Tax Act, that person shall be exempt from the payment of the transfer tax where he provides the Authority with a tax invoice from the vehicle trader in respect of the purchase.

(9) For the purposes of the transfer tax, the age of the vehicle shall be determined from the date that the vehicle is first registered in Trinidad and Tobago.

(10) The Minister to whom responsibility for finance is assigned may remit or refund in whole or in part any transfer tax where he considers it expedient to do so.

Chap. 75:02 (11) An unconditional gift of a vehicle to an organization approved by the President under section 6(1)(g) of the Corporation Tax Act is exempt from the transfer tax.
101. (1) The Authority shall cause to be kept, a register of -

(a) vehicles registered under this Act; and

(b) vehicles in respect of which validation certificates have been issued.

(2) The owner of a vehicle registered under this Act shall, within thirty days, notify the Authority of all circumstances or events which affect the accuracy of the entries in the register in respect of his vehicle.

(3) The Authority may call upon the owner of a vehicle at any time to furnish information for the verification of the entries in the register relating to the vehicle.

(4) Where a person contravenes this section he shall be liable on summary conviction to a fine of five thousand dollars.

102. (1) Where a vehicle was previously –

(a) registered with reference to a particular chassis number and that vehicle now displays more than one chassis numbers which vary from the original chassis number as specified in the certified copy, the Authority may –

(i) issue a new chassis number;

(ii) place an electronic identification tag on the vehicle; and

(iii) issue a vehicle certificate of registration and validation sticker in respect of that vehicle;

(b) registered and tagged with reference to a particular chassis number and that vehicle is repaired and now displays more than one chassis number which varies from the original chassis numbers specified in the -

(i) certificate of registration;

(ii) validation certificate; and

(iii) electronic identification tag,

the Authority may issue a new chassis number to
the vehicle and record that new number on the certificate of registration, a validation certificate and electronic identification tag.

(2) Notwithstanding subsection (1) the Authority may issue a chassis number to a trailer which was built by a local manufacturer.

103. (1) A person shall not assemble any motor vehicle in Trinidad and Tobago using –

(a) new foreign parts;
(b) used foreign parts; or
(c) a combination of new and used foreign parts.

(2) Notwithstanding subsection (1), the Minister may grant approval for the assembly of motor vehicles in Trinidad and Tobago where…..

104. On the coming into force of this Act, the registration of a vehicle registered under the former Act shall remain valid until the vehicle is registered in accordance with the requirements under this Act.

(2) On the coming into force of this Act, an owner of a motor vehicle registered under the former Act shall, at the discretion of the Authority, be required to register his vehicle in accordance with the requirements of this Act.

(3) The Authority may, where it is satisfied with the validity of an application and documentation provided under this section, register the vehicle.

PART VIII

DIFFERENTLY-ABLED PERSONS PARKING PERMITS

105. For the purposes of this Part -

“applicant” means a person who applies for a differently-abled parking permit under section 107;
“differently-abled person” means a person whose mobility is limited as a result of severe physical disability caused by paralysis,
lower limb amputation, heart or lung disease, or other debilitating impairment to the extent that -

(a) the person is unable to propel himself without the aid of a wheelchair or walker, or a combination of two or a crutch, cane, leg brace or leg prosthesis;

(b) the person –

(i) requires the daily use of a device to assist with breathing;

(ii) has a significant cardio-pulmonary condition, which results in severe shortness of breath with minimum physical activity; or

(iii) has a severe neuro-muscular or skeletal condition, and because of any of the conditions described in paragraph (i) or (ii) is limited in mobility to 50 metres or less in outdoor weather conditions; or

(c) the person is visually impaired;

“differently-abled parking permit” means a permit issued under section 107 to allow access to parking spaces designated for the exclusive use of a differently-abled person;

“International Symbol of Access” means the symbol which is used to indicate the features and facilities in buildings that can be used by a differently-abled person.

106. A person who wishes to be issued with a differently-abled parking permit shall apply to the Authority in the prescribed form and pay the fees specified in the Fifth Schedule.

107. (1) The Authority may issue a differently-abled parking permit to a differently-abled person where a qualified medical practitioner certifies on the prescribed form that the applicant is a differently-abled person and specifies the anticipated length of time that the immobility is expected to continue, if known.

(2) The Authority may issue a differently-abled parking permit to a visitor in Trinidad and Tobago, if the visitor establishes to the satisfaction of the Authority that the visitor is the holder of a currently valid identification permit or
number plates, bearing the International Symbol of Access, issued by the home territory, state or country of the visitor.

(3) The Authority may issue a differently-abled parking permit to any entity, organization or corporation, in respect of a number of vehicles that are owned or leased by, or operated on behalf of the entity, organization, or corporation primarily to provide transportation services to differently-abled persons.

(4) A differently-abled parking permit issued under this section shall bear the International Symbol of Access.

(5) A differently-abled parking permit issued under this section shall be valid -

(a) for a period of three years, where a medical practitioner certifies the immobility;

(b) for a period not exceeding six months, where the immobility is temporary;

(c) for a period not exceeding ninety days, where the applicant is a visitor to Trinidad and Tobago;

(d) for a period not exceeding three years, if issued to a corporation pursuant to subsection (3).

(6) Notwithstanding subsection (5)(b), the Authority may extend the period of a differently-abled parking permit under this subsection for a further term not exceeding six months where a medical practitioner further certifies that the person has not recovered within the anticipated length of time.

108. A person issued with a differently-abled parking permit shall display the differently abled parking permit in, or on a vehicle in such place and in such manner as the Authority may direct.

109. (1) Where a differently-abled parking permit –

(a) is lost or stolen, the person to whom the differently-abled parking permit has been issued shall as soon as is practicable notify the Authority in writing of the occurrence; or

(b) is mutilated, defaced, altered or has become illegible, the person to whom the differently-abled parking permit has been issued shall as soon as is practicable notify the Authority of the occurrence.
(2) Where a differently-abled parking permit is lost or stolen, mutilated, defaced, altered or has become illegible, the Authority may, where an application is made, issue a duplicate permit to the applicant.

110. (1) The Authority may cancel a differently-abled parking permit if the Authority is satisfied that -

(a) the holder of the permit has contravened any provision of the Act; or

(b) the holder of the permit has made a false statement in his application for the permit.

(2) The Authority shall prior to cancelling a differently-abled parking permit under subsection (1), give the holder of the permit written notice of its intention to cancel his permit after two weeks from the date that the notice was served.

(3) Where the Authority cancels a differently-abled parking permit under subsection (1), the Authority shall inform in writing the holder of the permit of its decision and the Authority.

111. (1) A person who has not been issued with a differently-abled parking permit under the Act shall not –

(a) stop, leave, stand or park a vehicle in a parking zone designated for a differently-abled person, unless that person stops, leaves, stands or parks the vehicle for the purpose of transporting a differently-abled person; or

(b) display, cause or permit to be displayed a differently-abled parking permit knowing that the permit has been cancelled.

(2) A person shall not destroy, mutilate, deface or alter in any way a differently-abled parking permit issued under this Act.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for nine months.
PART IX

SAFETY AND OTHER REQUIREMENTS OF A MOTOR VEHICLE

112. (1) Every -
   (a) private motor vehicle;
   (b) public service vehicle;
   (c) commercial vehicle; and
   (d) rented vehicle,

not exceeding a maximum tare weight of 3,000 kilograms, subject to such exemptions as may be prescribed, shall, before the vehicle is registered, be fitted with a seat belt for the driver and for every passenger who may occupy a front seat of the vehicle.

(2) A seatbelt under subsection (1) shall be designed as to provide restraint for both upper and lower parts of the trunk of the person wearing the seatbelt and shall be of the type prescribed by reference to –
   (a) design, construction or other quality; and
   (b) different classes of vehicles, different descriptions of persons and different circumstances, except where a vehicle is authorized to carry two passengers in the front, the seat belt affixed to the middle front seat need not provide restraint for the upper part of the trunk of the person wearing the seatbelt.

(3) The Authority shall, before the registration of any vehicle referred to in subsection (1), be satisfied that the requirements of that subsection or any Regulation made under subsection (4) have been complied with and may refuse to register any vehicle which in its opinion fails to satisfy all or any of those requirements.

(4) The Minister may make Regulations for the purposes of subsection (2).

113. (1) A person who is the registered owner of a vehicle referred to in section 112(1) shall have such vehicle fitted with seat belts of the type referred to in section 112(2).

(2) The registered owner of a vehicle who contravenes subsection (1) commits an offence and is liable on summary conviction for a first offence to a fine of four thousand dollars and on any subsequent conviction to a fine of eight
Wearing of seat belts

114. (1) The driver and every passenger, seven years of age and over, occupying a front seat in any vehicle referred to in section 112(1), shall wear a seat belt while the vehicle is in motion.

(2) The driver of a vehicle referred to in section 112(1) shall not without reasonable excuse drive a vehicle while there is in the front seat of the vehicle a person not wearing a seat belt.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(4) A person shall not be convicted under this section if he proves that at the material time he or the passenger, as the case may be, held a valid medical certificate signed by a registered medical practitioner to the effect that it is inadvisable on medical grounds for him or the passenger to wear a seat belt and the certificate shall be valid for a period of not more than two years from the date of issue.

(5) The Minister may make Regulations exempting persons from the requirements of subsection (1).

Driving while a child is in the vehicle

115. (1) The driver of a vehicle referred to in section 112(1) shall -

(a) not, without reasonable excuse, drive his vehicle while there is in the front seat of the vehicle a child of five years of age and under; and

(b) ensure that a child -

(i) under six months of age, is restrained in a properly fastened and adjusted, rearward facing child restraint;

(ii) over six months and under four years of age, is restrained in a properly fastened and adjusted, rearward facing child restraint or a forward facing child restraint that has an in-built harness;

(iii) over four years and under five years of age, is restrained in a properly fastened and adjusted, forward facing child restraint that has an in-built harness or an approved booster seat that is properly positioned and fastened; and
(iv) five to seven years are not without reasonable excuse seated in the front seat of the vehicle.

(2) The Minister may by Order prescribe the type of child restraint and booster seat referred to in subsection (1).

(3) Subsection (1)(b) shall not apply to the driver of a public service vehicle.

(4) The driver of a vehicle who contravenes this section commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(5) The driver of a vehicle does not commit an offence under this section—

(a) if he proves that the child held a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for the child to be placed in a child restraint or booster seat and the certificate shall be valid for a period of not more than two years from the date of issue; or

(b) where there is only one row of seats in the vehicle and complies with the requirements under subsection (1)(b).

116. (1) A person shall not ride or carry a person on a motorcycle on any road, unless—

(a) that person wears a safety helmet; or

(b) in the case of a person being carried on the motorcycle, that person being carried also wears a safety helmet, that is capable of providing protection from injury to the head.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for six months.

(3) The Minister may from time to time by Order approve the types of helmet that are capable of affording the head of the wearer protection from injury.
PART X
REGISTRATION OF PERSONS TRADING IN VEHICLES

117. (1) Subject to section 131 a person shall not trade in vehicles unless that person is registered with the Authority as a vehicle trader in accordance with this Part and is issued with a Vehicle Trader Registration Certificate.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

118. (1) A person who wishes to engage in the business of trading in vehicles shall apply to the Authority to be registered as a Vehicle Trader in the prescribed form and pay the fee specified in the Fifth Schedule.

(2) An applicant under subsection (1) shall meet the requirements set out in the Eighth Schedule.

119. (1) The Authority shall, on receipt of an application under section 118 cause the premises of the applicant to be inspected to ensure that the premises meet the requirements of this Act.

(2) Where the premises of the applicant under subsection (1) does not meet the requirements of this Act, the Authority may, if it sees fit, give the applicant sufficient time to meet the requirements of this Act before issuing a Vehicle Trader Registration Certificate.

120. (1) Where the Authority is satisfied that an applicant for a Vehicle Trader Registration Certificate under section 118 meets the requirements of this Act, the Authority shall issue a Vehicle Trader Registration Certificate to the applicant and enter the name of the vehicle trader in the Vehicle Trader Register.

(2) A Vehicle Trader Registration Certificate issued under subsection (1) shall authorize the holder of the Certificate to use a motor vehicle or trailer that is the property of the holder for –

(a) the purpose of conducting a test on the motor vehicle or trailer; or
(b) test driving the motor vehicle or trailer to effect a sale of the vehicle;

121. (1) Subject to section 120 and subsection (2) a person shall not engage in the business of trading in vehicles unless that person is issued by the Authority with Vehicle Trader Registration Plates.

(2) Where an applicant is issued with a Vehicle Trader Registration Certificate under section 120 he shall within seven days from the date of registration apply to the Authority to be issued with Vehicle Traders Registration Plates to be used in the conduct of his business in the following circumstances:

(a) operating or moving vehicles from one place to another;

(b) delivering vehicles that has been sold; or

(c) demonstrating a vehicle or any other purpose as prescribed by the Authority.

(3) A Vehicle Trader Registration Plate issued under subsection (1) shall be affixed at the front and rear of the vehicle and shall be valid for a period of one year from the date of issue.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars.

122. (1) Subject to subsection (4), a Vehicle Trader Registration Certificate issued under section 120 shall be valid for a period of twelve months from the date of issue or renewal.

(2) The holder of a Vehicle Trader Registration Certificate who wishes to renew his Vehicle Trader Registration Certificate shall within thirty days prior to the date of expiration of the Vehicle Trader Registration Certificate apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(3) On receipt of an application under subsection (2), the Authority shall cause the premises of the vehicle trader to be inspected to determine whether the premises meet the requirements of this Act.

(4) Where the Authority is satisfied that a vehicle trader in respect of
whom an application for renewal is made under subsection (2) has met the requirements of this Act, the Authority shall renew the Vehicle Trader Registration Certificate of the applicant.

123. (1) A vehicle trader shall display his Vehicle Trader Registration Certificate in a conspicuous place at the premises from which he conducts his business.

(2) A vehicle trader who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three thousand dollars and a further three hundred dollars for each day the offence is continued.

124. (1) A vehicle trader shall maintain a record in the prescribed form, of every vehicle sold or exchanged by him or received or accepted by him for sale or exchange.

(2) A record referred to under subsection (1) shall be kept for a period of four years and shall contain -

(a) a description of every vehicle in the possession of a vehicle trader, including-
   (i) the name of the manufacturer;
   (ii) chassis or serial number;
   (iii) engine number; and
   (iv) other distinguishing marks, whether any numbers thereon have been defaced, destroyed or changed;

(b) the name and address of the person from whom the vehicle was purchased or received and when sold or otherwise disposed of by the vehicle trader; and

(c) the name and address of the person to whom the vehicle was sold or delivered.

(3) A vehicle trader shall provide the record of any vehicle as required under subsection (1) that was sold or exchanged by him or received or accepted by him for sale or exchange for inspection when so requested by a Motor Vehicles Enforcement Officer or Police Officer.

(4) A person who contravenes this section is liable on summary conviction to a fine of fifty thousand dollars and a term of three years imprisonment.
125. (1) Where the Authority is of the view that the holder of a Vehicle Trader Registration Certificate has failed to comply with any requirement of this Act, the Authority may, if it sees fit, issue to the vehicle trader a Notice of Non-Compliance in accordance with this section.

(2) A Notice of Non-Compliance issued under subsection (1), shall specify —

(a) the areas that the vehicle trader is not in compliance with in relation to the Act;
(b) the remedial work required to be done in order for the vehicle trader to be in compliance with the Act;
(c) the time period within which the remedial work specified in the notice of compliance should be completed; and
(d) a statement indicating that failure to complete the remedial work within the period specified may result in the suspension or revocation of the Vehicle Trader Registration Certificate; and
(e) any other requirements that the Authority thinks fit.

(3) Where a vehicle trader is issued with a Notice of Non-Compliance under subsection (2), the vehicle trader shall take all necessary steps to remedy the defects within the period specified in the Notice of Non-Compliance.

(4) Where the holder of a Vehicle Trader Registration Certificate is of the view that he will be unable to rectify any or all of the defects within the period specified, he may, before the expiration of the period specified in the notice request an extension of time for a further period not exceeding that which was previously granted.

126. (1) Subject to section 131, where the holder of a Vehicle Trader Registration Certificate fails to complete any of the defects specified in a Notice of Non-Compliance within the period specified in the Notice of Non-Compliance, or within any period of extension granted under section 125(4), the Authority may, if it sees fit, suspend the Vehicle Trader Registration Certificate.

(2) Where the Authority suspends a Vehicle Trader Registration Certificate, the Authority shall notify the holder of the Certificate of such suspension in writing and shall provide reasons for its suspension.

(3) Where a Vehicle Trader Registration Certificate has been suspended
under this section, the holder of the certificate shall cease provide to any service which he was entitled to provide under the Certificate for such time as the suspension remains in force.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to a further fine of one thousand dollars for every day on which the offence is continued.

(5) Where the circumstances which gave rise to the suspension of a Vehicle Trader Registration Certificate no longer exists, and the holder of the suspended Vehicle Trader Registration Certificate wishes to resume operations, he may -

(a) apply to the Authority for the lifting of the suspension of the Vehicle Trader Registration Certificate; or

(b) if the certificate is expired at the time of the application for the lifting of the suspension, apply to the Authority for the renewal of the Vehicle Trader Registration Certificate,
in the prescribed form and pay the fee specified in the Fifth Schedule.

(6) The Authority, upon receipt of an application under subsection (5) and upon being satisfied that the circumstances which gave rise to the suspension of a Vehicle Trader Registration Certificate no longer exists, and that the holder of the suspended Vehicle Trader Registration Certificate is in compliance with this Act, shall -

(a) lift the suspension on the Vehicle Trader Registration Certificate or where applicable, renew the Certificate; and

(b) notify the holder of the certificate in writing of the lifting of the suspension.

(7) A Vehicle Trader Registration Certificate reinstated under subsection (5) shall be valid for the remainder of the period of validity of the suspended Vehicle Trader Registration Certificate.

127. (1) Subject to section 131 where the Authority is of the view that a Vehicle Trader Registration Certificate issued under this Part should be revoked as a result of the failure of the holder to comply with this Act, the Authority shall, revoke the Vehicle Trader Registration Certificate.

(2) Where a Vehicle Trader Registration Certificate, has been revoked under this section the holder shall cease to provide any service which he had been entitled to provide under the Vehicle Traders Registration Certificate.
(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars.

128. (1) The Authority shall prior to suspending or revoking a Vehicle Trader Registration Certificate, give the holder of the Vehicle Trader Registration Certificate written notice of its intention to suspend or revoke the Certificate and shall in giving the holder of the Certificate notice, specify a date of not less than fourteen days after the date of issue of the Notice upon which such suspension or revocation shall take effect and shall require the person to give reasons why the Vehicle Trader Registration Certificate should not be suspended or revoked.

(2) Where a person fails to give reasons under subsection (1) or where the reasons given are unsatisfactory, the Authority after taking into consideration any fact in mitigation and decides to suspend or revoke the Vehicle Trader Registration Certificate of the person pursuant to section 126 or 127, the Authority shall forthwith, notify the person in writing of the suspension or revocation.

(3) An order of suspension or revocation made under section 126 or 127 shall not take effect until the expiration of fourteen days after the Authority has informed the person against whom the order was made under subsection (2).

(4) A person whose Vehicle Trader Registration Certificate has been suspended or revoked by the Authority under section 126 or 127 may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal to the Appeal Committee.

129. (1) A vehicle trader shall keep all receipts or other documents evidencing his interest in every vehicle in his possession for the purpose of trade.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

130. (1) The Authority shall establish and maintain a register to be known as “the Vehicle Trader Register” in which all names, business addresses and contact details of all vehicle traders shall be kept.

(2) Where a Vehicle Trader Registration Certificate has been revoked under section The Authority remove the name of a registered vehicle trader from the Vehicle Trader Register.
131.  (1) A dealer trading in vehicles under the former Act shall within six months of the coming into force of the Act be required to register as a vehicle trader in accordance with this Part and no offence shall be committed within that period in respect of registration as vehicle trader.

(2) Where a person is registered as a vehicle trader under subsection (1), the Authority shall issue to the vehicle trader, new vehicle trader plates which shall replace all dealer plates issued to the dealer under the former Act.

(3) A dealer, on applying to be registered under subsection (2) shall return all dealer plates issued under the former Act.

(4) A dealer who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a period of one year.

(5) On the coming into force of this Act, dealer plates issued under the former Act shall remain valid until the dealer is registered by the Authority under the Act.

PART XI

REGISTRATION OF VEHICLE RENTAL AGENCY

132.  (1) Subject to section 143, a person shall not engage in the business of leasing vehicles unless that person is registered with the Authority as a rental agency and issued with a Vehicle Rental Agency Registration Certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

133.  (1) A person who wishes to engage in the business of leasing vehicles shall apply to the Authority to be registered as a rental agency.

(2) An application under subsection (1) shall be made in the prescribed form and tendered -

(a) with the fee specified in the Fifth Schedule; and
(b) with a list of vehicles and their registration numbers which the applicant intends to use in the business, where the vehicles owned by the applicant prior to the date of the application.

134. (1) The Authority shall on receipt of an application under section 133, cause the premises that the applicant intends to use for a rental agency to be inspected to ensure that the premises meet the requirements of this Act.

(2) Where the premises of the applicant under subsection (1) do not meet the requirements of this Act, the Authority may, if it sees fit, give the applicant sufficient time to meet the requirements of this Act, before issuing a Vehicle Rental Agency Registration Certificate.

135. Where the Authority is satisfied that an applicant for a Vehicle Rental Agency Registration Certificate or the premises of a rental agency meet the requirements of this Act, the Authority shall register the applicant and issue him with a Vehicle Rental Agency Registration Certificate.

136. (1) A Vehicle Rental Agency Registration Certificate issued under section 134, shall be valid for a period of twelve months from the date of its issue or renewal.

(2) The owner of a rental agency who wishes to renew his Vehicle Rental Agency Registration Certificate shall within thirty days prior to the date of expiration of the Certificate, apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(3) On receipt of an application under subsection (2), the Authority shall cause the premises of the rental agency to be inspected to determine whether the premises meet the requirements of this Act.

(4) Where the Authority is satisfied that a rental agency in respect of which an application for renewal is made under subsection (2) has met the requirements of this Act, the Authority shall renew the Vehicle Rental Agency Registration Certificate of the applicant.
137. (1) Where the Authority is of the view that the holder of a Vehicle Rental Agency Registration Certificate has failed to comply with any requirement of this Act, the Authority may, if it sees fit, issue to the rental agency a Notice of Non-Compliance in accordance with this section.

(2) A Notice of Non-Compliance issued under subsection (1) shall specify -

(a) the area in which the rental agency is not complying with under this Act;
(b) the remedial work to be done in order for the rental agency to be in compliance with this Act;
(c) the period within which the remedial works should be completed;
(d) a statement that failure to complete the remedial work within the period specified in the Notice may result in the suspension or revocation of the Vehicle Rental Agency Registration Certificate; and
(d) any other requirement that the Authority thinks fit.

(3) Where a rental agency receives a Notice of Non-Compliance under this section, the rental agency shall take all necessary steps to remedy the defects as specified in the Notice of Non-Compliance within the period specified in the Notice of Non-Compliance.

(4) Where the holder of a Vehicle Rental Agency Registration Certificate is of the view that he would not be able to rectify any or all of the defects within the period specified he may, before the expiration of the period specified in the Notice of Non-Compliance, request an extension of time and the Authority may, if it sees fit, extend the period specified in the Notice of Non-Compliance for a further period not exceeding that which was previously granted.

138. (1) Subject to section 140, where the holder of a Vehicle Rental Agency Registration Certificate fails to complete any of the defects specified in a Notice of Non-Compliance to the satisfaction of the Authority within the period specified in the Notice of Non-Compliance, or within any period of extension granted under section 137(4), the Authority may, if it see fit, suspend the Vehicle Rental Agency Registration Certificate.

(2) Where the Authority suspends a Vehicle Rental Agency Registration Certificate, the Authority shall notify the holder of the Certificate of such suspension in writing and shall provide reasons for its suspension.
(3) Where a Vehicle Rental Agency Registration Certificate has been suspended under this section, the holder of the certificate shall cease providing all services which he was entitled to provide under the Certificate for such time as the suspension remains in force.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to a further fine of one thousand dollars for every day on which the offence is continued.

(5) Where the circumstances which gave rise to the suspension of a Vehicle Rental Agency Registration Certificate no longer exists, and the holder of the suspended Vehicle Rental Agency Registration Certificate wishes to resume operations, he may -

(a) apply to the Authority for the lifting of the suspension of the Vehicle Rental Agency Registration Certificate; or

(b) if the certificate is expired at the time of making of the application for the lifting of the suspension, apply to the Authority for a renewal of the Vehicle Rental Agency Registration Certificate,

in the prescribed form and pay the fee specified in the Fifth Schedule.

(6) The Authority upon receipt of an application under subsection (5) and upon being satisfied that the circumstances which gave rise to the suspension of a Vehicle Rental Agency Registration Certificate no longer exist, and that the holder of the suspended Vehicle Rental Agency Registration Certificate is in compliance with this Act, shall-

(a) lift the suspension on the Vehicle Rental Agency Registration Certificate or where applicable, renew the Certificate; and

(b) notify the holder of the certificate in writing of the lifting of the suspension.

(7) A Vehicle Rental Agency Registration Certificate reinstated under subsection (5) shall be valid for the remainder of the period of validity of the suspended Vehicle Rental Agency Registration Certificate.

139. (1) Subject to section 140 where the Authority is of the view that a Vehicle Rental Agency Registration Certificate, issued under this Part should be revoked as a result of the failure of the holder to comply with this Act, the Authority shall, revoke the Vehicle Rental Agency Registration Certificate.

(2) Where a Vehicle Rental Agency Registration Certificate has been revoked under this section the holder shall cease to conduct operations under the
Vehicle Rental Agency Registration Certificate.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars.

140. (1) The Authority shall prior to suspending or revoking a Vehicle Rental Agency Registration Certificate, give the holder of the Vehicle Rental Agency Registration Certificate written notice of its intention to suspend or revoke the Certificate and shall in giving the holder of the Certificate notice, specify a date of not less than fourteen days after the date of issue of the Notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the Vehicle Rental Agency Registration Certificate should not be suspended or revoked as the case may be.

(2) Where under subsection (1) a person fails to give reasons or where the reasons given were not satisfactory, the Authority after taking into consideration any fact in mitigation, decides to suspend or revoke the Vehicle Rental Agency Registration Certificate of the person pursuant to section 138 or 139, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) An order of suspension or revocation made under section 138 or 139 shall not take effect until the expiration of fourteen days after the Authority has informed the person against whom the order was made under subsection (2).

(4) A person whose Vehicle Rental Agency Registration Certificate has been suspended or revoked by the Authority under section 138 and 139 may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal to the Appeal Committee.

141. (1) A person engaged in the business of leasing vehicles shall make and keep a record of the identification particulars of all persons to whom vehicles are leased and the precise period when each vehicle has been leased or in the possession of any person who leased the vehicle.

(2) A record made under subsection (1) shall be open to inspection by a Motor Vehicles Enforcement Officer or in pursuance of an investigation.

(3) A person who fails to keep a record under subsection (1) commits an offence and is liable on summary conviction to a fine of seven thousand dollars.
142. (1) A person to whom a vehicle is leased shall not without the consent of the rental agency, permit another person to drive or operate the vehicle.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months.

143. (1) No person who is immediately before the coming into force of this Act engaged in the business of leasing vehicles shall continue to engage in that or any similar business after the expiration of six months after the coming into force of this Act, unless he is registered with the Authority as a rental agency and is issued with a Vehicle Rental Agency Registration Certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(3) Section 129 shall not apply to a person referred to in subsection (1) during that period.

PART XII
CERTIFICATION AND OPERATION OF FLEET MANAGEMENT FACILITIES

144. (1) A person shall not operate a Fleet Management Facility unless the Facility is registered with the Authority in accordance with this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

145. (1) A person who owns twelve or more vehicles as part of his business operations and wishes to establish a Fleet Management Facility for the purpose of facilitating inspections on such vehicles by the Authority shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(2) The Authority shall, on receipt of an application under subsection (1) cause the proposed Fleet Management Facility to be inspected to determine whether the Facility meets the requirements of this Act.

(3) Where a proposed Fleet Management Facility under subsection (1)
does not meet the requirements of this Act, the Authority may, if it sees fit, instead of rejecting the application give the applicant sufficient time to meet the requirements of this Act, before issuing a Fleet Management Facility Registration Certificate.

146. Where the Authority is satisfied that an applicant for a Fleet Management Facility Registration Certificate under section 144 meets the requirements of this Act, the Authority shall register the Facility as an approved Fleet Management Facility and issue to the applicant, a Fleet Management Facility Registration Certificate.

147. The Authority shall conduct any periodic inspection as it may decide of any vehicle owned and used at the Fleet Management Facility referred to in a Fleet Management Facility Registration Certificate.

148. (1) A Fleet Management Facility Registration Certificate issued under section 146 shall be valid for a period of twelve months from the date of its issue or renewal.

(2) A person who wishes to renew his Fleet Management Facility Registration Certificate shall within thirty days prior to the date of expiration of the Certificate apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(3) Where the Authority is satisfied that a Fleet Management Facility in respect of which an application for renewal is made under subsection (2), has met the requirements of this Act, the Authority shall renew the Fleet Management Facility Registration Certificate of the applicant.

149. (1) Where the Authority is of the view that the holder of a Fleet Management Facility Registration Certificate has failed to comply with any requirement of this Act, the Authority may, if it sees fit, issue to the holder of the Fleet Management Facility Registration Certificate a Notice of Non-Compliance in accordance with this section.

(2) A Notice of Non-Compliance under subsection (1) shall specify -

(a) the area in which the Fleet Management Facility is not in compliance with this Act;
(b) the remedial work to be done in order for the Fleet Management Facility to be in compliance with this Act;
(c) the period in which the remedial work should be completed; and
(d) that failure to complete the remedial work within the period specified in the Notice may result in the suspension or revocation of the Fleet Management Facility Registration Certificate; and
(e) any other requirement that the Authority may think fit.

(3) Where the holder of a Fleet Management Facility receives a Notice of Non-Compliance under this section, he shall take all necessary steps to remedy the defects as specified in the Notice of Non-Compliance within the specified period.

(4) Where the holder of a Fleet Management Facility Registration Certificate is of the view that he will be unable to rectify any or all of the defects specified in a Notice of Non-Compliance within the specified period, he may, before the expiration of that period, request an extension of time and the Authority may, if it sees fit, extend the period specified in the Notice of Non-Compliance for a further period not exceeding that which was previously granted.

150. (1) Subject to section 152 where the holder of a Fleet Management Facility Registration Certificate fails to complete any of the defects specified in a Notice of Non-Compliance within the specified period or within any period of extension granted under section 149(4) the Authority may, if it sees fit, suspend the Fleet Management Facility Registration Certificate.

(2) Where the Authority suspends a Fleet Management Facility Registration Certificate under subsection (1), the Authority shall in writing notify the holder of the Certificate of the suspension and shall provide reasons for the suspension.

(3) Where a Fleet Management Facility Registration Certificate has been suspended under this section –

(a) the holder of the Certificate shall cease providing all services which he was entitled to provide under the Certificate for such time as the suspension remains in force; and

(b) no officer of the Authority shall, inspect any vehicle at the
facility as specified in the Fleet Management Facility Registration Certificate during the period that the suspension remains in force.

(4) Where the circumstances which gave rise to the suspension of a Fleet Management Facility Registration Certificate no longer exist and the holder of the suspended Fleet Management Facility Registration Certificate wishes to resume the inspection of vehicles at the facility as specified in the Fleet Management Facility Registration Certificate, he may—

(a) apply to the Authority for the lifting of the suspension of the Fleet Management Facility Registration Certificate; or

(b) if the Certificate is expired at the time of the application for the lifting of the suspension, apply to the Authority for a renewal of the Fleet Management Facility Registration Certificate, in the prescribed form and pay the fee specified in the Fifth Schedule.

(5) The Authority on receiving an application under subsection (4) and on being satisfied that the circumstances which gave rise to the suspension of a Fleet Management Facility Registration Certificate no longer exist and that the holder of the suspended Fleet Management Facility Registration Certificate is in compliance with this Act, shall—

(a) lift the suspension on the Fleet Management Facility Registration Certificate or where applicable, renew the Certificate; and

(b) notify the holder of the Certificate in writing of the lifting of the suspension.

(6) A Fleet Management Facility Registration Certificate reinstated under subsection (5)(a) shall be valid for the remainder of the period of validity of the suspended Certificate.

(7) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

151. Subject to section 152 where the Authority is satisfied that a Fleet Management Facility Registration Certificate should be revoked on the grounds that the holder of the Certificate -

(a) has committed a criminal offence;

(b) is adjudged bankrupt; or

(c) has contravened the requirements of this Act or any condition of
his Certificate,

the Authority may where it sees fit, revoke the Fleet Management Facility Registration Certificate and shall inform the holder in writing of the reasons for the revocation.

152. (1) The Authority shall prior to suspending or revoking a Fleet Management Facility Registration Certificate, give the holder of the Fleet Management Facility Registration Certificate written notice of its intention to suspend or revoke the Certificate and shall, in giving the holder of the Certificate notice, specify a date of not less than fourteen days after the date of issue of the Notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the Fleet Management Facility Registration Certificate should not be suspended or revoked as the case may be.

(2) Where under subsection (1) a person fails to give reasons or where the reasons given were not satisfactory, the Authority after taking into consideration any fact in mitigation, decides to suspend or revoke the Fleet Management Facility Registration Certificate of the person pursuant to sections 150 or 151, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) A person whose Fleet Management Facility Registration Certificate has been suspended or revoked by the Authority under section 149 or 150 may, within fourteen days of the receipt of the Notice referred to in subsection (3), appeal to the Appeal Committee.

PART XIII

CERTIFICATION AND OPERATION OF VEHICLE INSPECTION CENTRES

153. (1) Subject to section 160, a person shall not engage in the business of operating a vehicle inspection centre unless that person is registered with the Authority as a Vehicle Inspection Centre and issued with a Vehicle Inspection Centre Registration Certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.
154. (1) A person who wishes to engage in the business of operating a vehicle inspection centre shall apply to the Authority to be registered as a Vehicle Inspection Centre.

(2) An application under subsection (1) shall be made in the prescribed form and tendered with –

(a) the fee specified in the Fifth Schedule;

(b) town and country planning approval or permission for the operation of such a business; and

(c) a list of mechanics employed by the vehicle inspection centre and the qualifications and experience of the mechanics.

(3) On receipt of an application under subsection (1), the Authority shall cause the proposed Vehicle Inspection Centre to be inspected to determine whether the Centre meets the requirements of the Act.

(4) Where the proposed vehicle inspection centre of an applicant under this section does not meet the requirement of this Act, the Authority may, if it sees fit, give the applicant sufficient time to meet the requirements of this Act before issuing a Vehicle Inspection Centre Registration Certificate.

(5) Where the Authority is satisfied that a Vehicle Inspection Centre under subsection (3), meets the requirements of this Act, the Authority shall register the Centre as an approved Vehicle Inspection Centre and issue to the applicant, a Vehicle Inspection Centre Registration Certificate.

(6) A Vehicle Inspection Centre Registration Certificate issued under subsection (5) shall -

(a) authorise a Vehicle Inspection Centre to conduct inspections on motor vehicles and issue approved certificates of road worthiness in respect of any vehicle inspected by the Vehicle Inspection Centre; and

(b) be subject to such conditions as may be determined by the Authority.

(7) The Authority shall publish annually a current list of approved Vehicle Inspection Centres in the Gazette and in at least one daily newspaper circulating in Trinidad and Tobago.
155. (1) A Vehicle Inspection Centre Registration Certificate issued under section 154(5) shall remain valid for a period of twelve months from the date of issue or renewal.

(2) Where the holder of a Vehicle Inspection Centre Registration Certificate wishes to renew his Vehicle Inspection Centre Registration Certificate he shall within thirty days prior to the date of expiration of the Certificate, apply to the Authority and pay the fee specified in the Fifth Schedule.

(3) On receipt of an application under subsection (2), the Authority shall cause the Vehicle Inspection Centre to be inspected to determine whether the Centre meets the requirements of this Act.

(4) Where the Authority is satisfied that a Vehicle Inspection Centre in respect of which an application for renewal is made under subsection (2) meets the requirements of this Act, the Authority shall renew the Vehicle Inspection Centre Registration Certificate.

156. (1) Where the Authority is of the view that the holder of a Vehicle Inspection Centre Registration Certificate has failed to comply with any requirement of the Act, the Authority may, if it sees fit, issue to the Vehicle Inspection Centre a Notice of Non-Compliance in accordance with this section.

(2) A Notice of Non-Compliance under subsection (1) shall specify -
   (a) the area that the Vehicle Inspection Centre is not in compliance with under the Act;
   (b) the remedial work required to be done for the Vehicle Inspection Centre to be in compliance with the Act;
   (c) the period of time within which the remedial work should be completed; and
   (d) a statement that failure to complete remedial work within the period specified in the Notice may result in the suspension or revocation of the Vehicle Inspection Centre Registration Certificate.

(3) Where the holder of a Vehicle Inspection Centre Registration Certificate receives a Notice of Non-Compliance under this section, the holder of the Certificate shall take all necessary steps to remedy the defects within the period of time specified in the Notice of Non-Compliance.

(4) Where the holder of a Vehicle Inspection Centre Registration
Certificate is of the view that he would not be able to complete any or all of the defects within the period specified he may, before the expiration of the period specified in the Notice of Non-Compliance, inform the Authority of the circumstances and the Authority may, if it sees fit, extend the period specified in the Notice of Non-Compliance for a period not exceeding that which was previously granted.

157. (1) Subject to section 159 where the holder of a Vehicle Inspection Centre Registration Certificate fails to complete any of the remedial works specified in a Notice of Non-Compliance or within any period of extension granted under section 156(4), to the satisfaction of the Authority, the Authority may, if it sees fit, suspend the Vehicle Inspection Centre Certificate of Registration.

(2) Where a Vehicle Inspection Centre Certificate of Registration has been suspended under this section, the holder of the Certificate shall cease conducting all operations under the Vehicle Inspection Centre Registration Certificate for such time as the suspension remains in force and the Authority shall notify the holder of the Certificate in writing of the reasons for the suspension.

(3) Where the circumstances which gave rise to the suspension of a Vehicle Inspection Centre Registration Certificate no longer exists and the holder of the suspended Vehicle Inspection Centre Registration Certificate wishes to resume operations, he shall-

(a) apply to the Authority for the lifting of the suspension on the Vehicle Inspection Centre Registration Certificate; or

(b) if the Certificate is expired at the time of the application for the lifting of the suspension, apply to the Authority for a renewal of the Vehicle Inspection Centre Registration Certificate,

in prescribed form and pay the fee specified in the Fifth Schedule.

(4) The Authority shall, on receiving an application under subsection (4) and on being satisfied that the circumstances which gave rise to the suspension of the Vehicle Inspection Centre Registration Certificate no longer exists and that the holder of the suspended Vehicle Inspection Centre Registration Certificate is in compliance with this Act shall -

(a) lift the suspension on the Vehicle Inspection Centre Registration Certificate or where applicable, issue a new the Certificate; and

(b) notify the holder of the Vehicle Inspection Centre Registration Certificate in writing of the lifting on the suspension.
(5) A Vehicle Inspection Centre Registration Certificate reinstated under subsection (5) shall be valid for the remainder of the period of validity of the suspended Vehicle Inspection Centre Registration Certificate.

(6) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

158. (1) Subject to section 159 the Authority may revoke a Vehicle Inspection Centre Registration Certificate issued under this Part when the holder does not comply with the requirements of this Act.

(2) Where a Vehicle Inspection Centre Registration Certificate has been revoked under subsection (1), the holder shall cease to conduct operations under the Vehicle Inspection Centre Registration Certificate.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

159. (1) The Authority shall prior to suspending or revoking a Vehicle Inspection Centre Registration Certificate, give the holder of the Vehicle Inspection Centre Registration Certificate written notice of its intention to suspend or revoke the Certificate and shall in giving the holder of the Certificate notice, specify a date of not less than fourteen days after the date of issue of the Notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the Vehicle Inspection Centre Registration Certificate should not be suspended or revoked.

(2) Where under subsection (1) a person fails to give reasons or where the reasons given were not satisfactory, the Authority after taking into consideration any fact in mitigation, decides to suspend or revoke the Vehicle Inspection Centre Registration Certificate of the person pursuant to section 157 or 158, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) A person whose Vehicle Inspection Centre Registration Certificate has been suspended or revoked by the Authority under sections 157 and 158 may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal to the Appeal Committee.
160. (1) On the coming into force of this Act all certificates issued under the former Act to premises designated for the inspection and examination of vehicles, shall remain valid until the date of expiration of the certificate.

(2) A holder of a certificate under subsection (1) shall apply to the Authority in accordance with section 154 for registration as a Vehicle Inspection Centre within thirty days from the date of expiration of his certificate and no offence shall be committed within that period, in respect of the application for registration as a rental Vehicle Inspection Centre.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a period of one year.

**PART XIV**

**REQUIREMENTS TO OPERATE HIRED VEHICLES**

161. (1) A person shall not hold a vehicle out for hire unless that person has a valid driver’s licence for the class of vehicle being used for hire and issued with a Hired Driver’s Permit under section 50.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

162. (1) For the purposes of this Part —

“Advisory Committee” means the Maxi-Taxi Advisory Committee appointed by the Minister under section 165;

“maxi-taxi ownership permit” means a permit issued under section 167 to own a maxi-taxi;

“maxi-taxi operator’s permit” means a permit issued pursuant to section 169 to operate a maxi-taxi;

“private school bus ownership permit” means a private school bus ownership permit issued under
“system” means the maxi-taxi system.

(2) Notwithstanding any law to the contrary, an operator of a maxi-taxi is deemed for all purposes including that of the Motor Vehicles Insurance (Third Party Risks) Act, to be the servant or agent of the owner of the maxi-taxi.

163. (1) Subject to any regulation made under section 181, a person shall not operate a maxi-taxi unless -

(a) he is the holder of a valid —

(i) Class 3 or Class 4 driver’s licence issued under section 49;

(ii) Hired Driver’s Permit issued under section 50; or

(iii) Maxi-Taxi Permit issued under this Part; and

(b) the vehicle is registered as a hired vehicle under section 77.

(2) An owner of a maxi-taxi permit shall not employ or allow a person to operate his maxi-taxi unless that person is the holder of a –

(a) Class 4 driver’s licence;

(b) Hired Driver’s Permit; and

(c) Maxi-Taxi Permit.

(3) Notwithstanding subsections (1) and (2), a mechanic who is the holder of the appropriate class of driver’s licence may drive a maxi-taxi on a road for the purpose of conducting a mechanical or electrical test on the maxi-taxi.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a period of one year.

164. (1) The Authority shall be charged with the responsibility for implementing and regulating the system.

(2) In the exercise of its functions under subsection (1), the Authority shall consult with-

(a) the Advisory Committee constituted under section 165;
(b) the Trinidad and Tobago Police Service;

(c) the Appeals Committee constituted under section 245;

(d) the Highways Division;

(e) the Public Transport Service Corporation; and

(f) the Ministry of Legal Affairs.

165. (1) The Minister shall appoint an Advisory Committee for the purpose of assisting the Authority in the exercise of its functions under this Act.

(2) The Committee shall consist of not less than three nor more than seven persons who by their qualifications or experience, or both, are competent to assist the Authority in carrying out its functions.

(3) The Committee shall be paid such remuneration and allowances as may be determined by the Minister.

166. (1) The Authority shall determine the type of vehicles suitable for use as a maxi-taxi and in so doing, the Authority shall take into account -

(a) the safety of the vehicle as a public service vehicle;

(b) the convenience and comfort afforded to the passengers;

(c) the availability of the vehicle as well as the availability of spare parts for the vehicle in Trinidad and Tobago; and

(e) such other specifications of the vehicle as may be prescribed by regulations.

(2) The Authority may from time to time, by Notice, publish in the Gazette and in a daily newspaper circulating in Trinidad and Tobago, the type of vehicles selected for use as a maxi-taxi.

167. (1) A person who is desirous of owning a maxi-taxi shall apply to the Authority to be issued with a maxi-taxi ownership permit.

(2) An application under subsection (1) shall be in the prescribed form and tendered with the fee specified in the Fifth Schedule.
168. (1) Where an application for a maxi-taxi ownership permit is made under section 167 and the Authority is satisfied that the system can accommodate an additional maxi-taxi, the Authority shall grant a maxi-taxi ownership permit to the applicant.

(2) A maxi-taxi ownership permit issued under subsection (1) shall be subject to such conditions as may be prescribed and breach of any such conditions may result in the revocation of the permit.

(3) For the purpose of regulating the number of maxi-taxis operating on a route, the Authority may, with the approval of the Minister, suspend in respect of that route the registration of additional maxi-taxis for such period as the Authority considers necessary and shall cause notice of the suspension to be published in the Gazette and in a daily newspaper circulating in Trinidad and Tobago.

169. (1) Subject to section 175, a person who is desirous of operating a maxi-taxi may apply to the Authority for the issue of a maxi-taxi operator’s permit.

(2) An application under subsection (1) shall be –

(a) made in the prescribed form;

(b) tendered with the fee specified in the Fifth Schedule and a certificate of character.

170. (1) Where an application for a maxi-taxi operator’s permit is made under section 169 and the Authority is satisfied that the applicant meets the requirements of this Act, the Authority shall issue to the applicant a maxi-taxi permit to operate a maxi-taxi.

(2) A maxi-taxi permit issued under subsection (1) shall be subject to such conditions as may be prescribed and breach of any such conditions may result in the suspension or revocation of the permit.

171. (1) Subject to section 172 where the Authority is of the view that a maxi-taxi ownership permit or maxi-taxi operator’s permit issued under this Part
should be suspended or revoked as a result of the failure of the holder to comply with this Act, the Authority may where it sees fit, suspend or revoke, as the case may be, the maxi-taxi ownership permit or maxi-taxi permit.

(2) Where a maxi-taxi ownership permit or maxi-taxi permit has been revoked under this section the holder of the permit shall cease to operate the maxi-taxi as a hired vehicle.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for one year.

172. (1) The Authority shall, prior to suspending or revoking a maxi-taxi ownership permit or maxi-taxi permit under section 171, give the holder of the permit written notice of its intention to suspend or revoke the permit and shall in giving the holder of the permit notice, specify a date of not less than fourteen days after the date of issue of the notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the permit should not be suspended or revoked.

(2) Where a person fails to give reasons under subsection (1) or where the reasons given were not satisfactory, and the Authority, after taking into consideration any fact in mitigation, suspends or revokes the permit of the person pursuant to section 171, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) An order of suspension or revocation made under section 171 shall not take effect until the expiration of fourteen days after the Authority has informed the person against whom the order was made under subsection (2).

(4) A person whose maxi-taxi ownership permit or maxi-taxi permit has been suspended or revoked by the Authority under section 171 may, within fourteen days of the receipt of the notice referred to in subsection (2), appeal to the Appeal Committee.

173. The Authority shall compile and maintain a register of the names, addresses and other pertinent information of all persons issued with a maxi-taxi ownership permit.

174. (1) Where, in exercise of powers contained in any hire-purchase agreement or mortgage bill of sale or other similar form of agreement or instrument, a maxi-taxi is repossessed, the repossessor shall not be in breach of
any of the provisions of the Act by reason only of that the repossessor is not the
holder of a permit to own and operate a maxi-taxi.

(2) A repossessor of a maxi-taxi shall not use a maxi-taxi which has
been repossessed as a maxi-taxi unless the repossessor obtains the prior approval
in writing, of the Authority to operate the vehicle on its usual route or a new
route.

(3) A repossessor of a maxi-taxi who contravenes subsection (2)
commits an offence and is liable on summary conviction to a fine of ten thousand
dollars and to a further fine of one thousand dollars for each day during which the
offence continues after conviction.

175. (1) A person issued with a maxi-taxi ownership permit shall not,
without the prior approval in writing of the Authority, use the maxi-taxi for any
commercial purpose, other than the transportation of passengers.

(2) A person who contravenes subsection (1) commits an offence and
is liable on summary conviction to a fine of -

(a) five thousand dollars and forfeiture of the maxi-taxi
ownership permit, where the contravention takes place
within four years of the vehicle first being registered as a
maxi-taxi; or

(b) two thousand five hundred dollars, where the contravention
takes place after the period specified in paragraph (a).

(3) In addition to the penalty imposed under subsection (2)(a), a person
who is convicted under that paragraph shall be liable –

(a) to have his Maxi-Taxi Ownership Permit revoked; and

(b) for the repayment of an amount equivalent to the customs duty
and the motor vehicle tax which would have been ordinarily
payable.

(4) Any sum payable under subsection (3) shall be recoverable
summarily as a civil debt.

176. (1) A person shall not paint or decorate a vehicle in such a manner or
in such a combination of colours that is likely to cause the vehicle to be mistaken
for a maxi-taxi.

(2) A person who contravenes subsection (1) commits an offence and
is liable on summary conviction to a fine of three thousand dollars and to a
further fine of two hundred dollars for each day during which the offence continues after conviction.

177. (1) An operator of a maxi-taxi shall not use a television, video equipment, digital versatile disc player, radio, tape deck, compact disc player, amplifier, equalizer, speaker or other electrical or electronic equipment for the purpose of playing music or other electrically or electronically transmitted sounds or images in a maxi-taxi.

(2) Notwithstanding subsection (1), the Authority may by Order and subject to the approval of the Minister, prescribe the conditions and technical specifications of a radio to be used in a maxi-taxi.

(3) A person who contravenes subsection (1) or any condition on the use of a radio in a maxi-taxi as prescribed under subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

178. (1) A person who is desirous of owning a private school bus may apply to the Authority to be issued with a private school bus ownership permit.

(2) An application under subsection (1) shall be in the prescribed form and tendered with the fee specified in the Fifth Schedule.

(3) Where an application for a private school bus ownership permit is made under subsection (1) and the Authority is satisfied that the applicant has complied with the requirements of this Act, the Authority shall issue a private school bus ownership permit to the applicant.

(4) A private school bus ownership permit issued under subsection (3) shall be subject to such conditions as may be prescribed and breach of any such conditions may result in the revocation of the permit.

(5) The Authority shall refuse to issue a private school bus ownership permit to an applicant under subsection (1) who was within three years preceding the date of application convicted of –

(a) manslaughter arising out of the use of any motor vehicle;

(b) causing death by dangerous driving;

(c) an offence under sections 203, 205, 206, 213, 214 and 216 of this Act; or
(d) any offence under the Sexual Offences Act.

6. A private school bus ownership permit shall be subject to such conditions as the Authority considers necessary.

7. A person who contravenes this section or any condition of a private school bus ownership permit commits an offence and shall be liable on summary conviction to a fine of ten thousand dollars or imprisonment for a period of one year.

179. (1) A person who wishes to operate a hiring car or a private school bus must satisfy the requirements of sections 181 to 182 and the vehicle must be registered as a hired vehicle.

(2) The Minister may by Order –

(a) prohibit or restrict; or

(b) impose such conditions as he sees fit on, the registration of a vehicle intended to be used as a hiring car or private school bus.

180. (1) Subject to section 183 a person shall not operate a hiring car or as a private school bus driver unless that person —

(a) is the holder of a valid driver’s licence for the class of vehicle to be driven or operated; and

(b) is the holder of a valid hired driver’s permit; and

(c) the vehicle to be used as a hiring car or a private school bus is registered by the Authority for this purpose.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.
181. (1) A person who is desirous of registering a vehicle as a hiring car or a private school bus shall apply in the prescribed form and pay the fee specified in the Fifth Schedule and shall tender with his application -

(a) a valid inspection certificate for the vehicle to be used as a hiring car or a private school bus; and

(b) a valid certificate of insurance for such vehicle.

(2) The Authority shall on receipt of an application under subsection (1), cause the vehicle to be used as a hiring car or a private school bus, as the case may be, to be inspected to determine the suitability of the vehicle to be used as hiring car or a private school.

(3) Where the Authority is satisfied that an applicant under subsection (1) meets the requirements under this Act, the Authority shall register the vehicle as a hiring car or a private school bus, as the case may be.

(4) A vehicle registered under subsection (3) shall be subject to such conditions including the number of persons to be transported in the vehicle as the Authority determines.

(5) A person who contravenes this section commits an offence and shall be liable on summary conviction to a fine of ten thousand dollars.

182. (1) Subject to negative resolution of Parliament, the Minister may make Regulations for the purposes of this Part in respect of the following matters:

(a) the criteria by which a permit to own and operate a maxi-taxi shall be issued;

(b) the route areas in which maxi-taxis, hiring car and private school buses are to be operated;

(c) the operation of maxi-taxis, hiring cars and private school buses on route areas;

(d) the allocation of maxi-taxis and private school buses to specific route areas;

(e) fees required to be paid under this Part of or regulations made thereunder this subsection;

(f) the number of maxi-taxis, hiring car or private school bus to be allocated to a successful applicant; and
(g) the colour in which a maxi-taxi, hiring car or private school bus may be painted.

(2) Regulations made under subsection (1) may provide for a penalty of five thousand dollars for any breach thereof.

183. (1) On the coming into force of this Act, a valid taxi driver’s badge issued under the former Act shall remain valid until its expiration and the holder thereof shall, where he wishes to continue to provide such service, apply in accordance with this Part to obtain a hired driver’s permit.

(2) Twelve months from the coming into force of this Act, the holder of a maxi-taxi operator’s permit issued under the former Maxi-Taxi Act, shall apply under this Part for a hired driver’s permit to operate a maxi-taxi and no offence shall be deemed to have been committed within that period.

(3) On the coming into force of this Act a person who is the holder of a valid permit to own and a valid permit to operate a maxi-taxi is deemed to be the holder of a valid permit to own and operate a maxi-taxi and is entitled without application to be registered under this Part.

PART XV
REGISTRATION OF DRIVING SCHOOLS AND TESTING OF DRIVERS

184. (1) Subject to section 192, a person shall not carry on a business to teach persons to drive or operate a vehicle unless that person is registered with the Authority and issued with a Driving School Registration Certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

185. A person who wishes to carry on a business to teach a person to drive or operate a vehicle shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

186. (1) Where the Authority is satisfied that an applicant under section 183 meets the requirements of this Act for the operation of a driving school, the
Authority shall issue to the applicant a Driving School Registration Certificate.

(2) A Driving School Registration Certificate issued under this section shall be valid for one year from the date of issue and may be renewed on the application of the holder of the Certificate.

(3) An application for renewal of a Driving School Registration Certificate under subsection (2) shall be made in the prescribed form, within thirty days prior to the date of expiration of the Driving School Registration Certificate, and the application shall be tendered with the fee prescribed in the Fifth Schedule.

(4) The Authority shall, on receipt of an application for renewal of a Driving School Registration Certificate under subsection (2), cause the premises being used by the driving school to conduct its operations to be inspected, to determine whether the premises meets the requirements of the Act.

(5) Where the Authority is satisfied that the premises of a driving school in respect of which an application for renewal is made has met the requirements of the Act, the Authority shall renew the Driving School Registration Certificate.
187. (1) Where the Authority is of the view that a Driving School Registration Certificate should be suspended because of the failure of the holder to comply with requirements of the Act, the Authority shall suspend the Driving School Registration Certificate and notify the holder of the suspension.

(2) Where a Driving School Registration Certificate has been suspended under subsection (1), the holder shall cease conducting all operations under the Driving School Registration Certificate for such time as the suspension remains in force.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a period of one year.

(4) Where the circumstances which gave rise to the suspension of a Driving School Registration Certificate no longer exists and the holder of the suspended Certificate wishes to resume operations, he may apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule to lift the suspension on his Driving School Registration Certificate.

(5) The Authority shall, on receipt of an application under subsection (4) and on being satisfied that the circumstances which gave rise to the suspension of a Driving School Registration Certificate no longer exists and that the holder of the suspended Driving School Registration Certificate has met the requirements under the Act, lift the suspension on the Driving School Registration Certificate and issue a new Driving School Registration Certificate.

(6) A Driving School Registration Certificate issued under subsection (5) shall be valid for the remainder of the period of validity of the previously suspended Driving School Registration Certificate.

188. (1) Where the Authority is of the view that a Driving School Registration Certificate should be revoked because of the failure of the holder of the Certificate to comply with the requirements of the Act, the Authority shall revoke the Driving School Registration Certificate.

(2) Where a Driving School Registration Certificate has been revoked under this section, the holder of the Certificate shall cease conducting operations under the Driving School Registration Certificate.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and imprisonment for a period of one year.
189. (1) The Authority shall, prior to suspending or revoking a Driving School Registration Certificate under section 187 or 188, give the holder of the Driving School Registration Certificate written notice of its intention to suspend or revoke the Certificate and shall, in giving the holder of the Certificate notice, specify a date of not less than fourteen days after the date of issue of the Notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the Certificate should not be suspended or revoked.

(2) Where a person fails to give reasons under subsection (1) or where the reasons given were not satisfactory, and the Authority, after taking into consideration any fact in mitigation decides to suspend or revoke the Certificate of the person in pursuant to sections 187 or 188, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) An order of suspension or revocation made under section 187 or 188 shall not take effect until the expiration of fourteen days after the Authority has informed the person against whom the order was made under subsection (2).

(4) A person whose Driving School Registration Certificate has been suspended or revoked by the Authority may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal to the Appeal Committee.

190. (1) Subject to subsection 52(7), a person shall not teach another person to drive or operate a vehicle unless that person is registered by the Authority and issued with Driving Instructor’s Permit.

(2) A person shall not employ or cause another person to teach persons to drive or operate a vehicle unless that other person is the holder of a valid Driving Instructor’s Permit.

(3) Subject to section 52(7), a person who instructs a learner driver to drive or operate a vehicle in Classes 4 and 5 shall be the holder of a valid Driver’s Licence for that class of vehicle for a period not less than five years.

(4) Subject to section 52(7), a person who instructs a learner driver to drive or operate a vehicle in Classes 1, 2 and 3 and any vehicle for which an endorsement is required shall be the holder of a valid driver’s licence for that class of vehicle for a period not of less than five years.

(5) A person who instructs a learner driver to drive or operate a vehicle shall have in his possession a valid driver’s licence in respect of the class of vehicle in which he is instructing the learner driver.

(6) A person who contravenes this section commits and offence and is
liable on summary conviction to a fine of ten thousand dollars.

191. (1) The owner of a vehicle that is being used to instruct a learner driver to drive or operate a vehicle shall ensure that -

(a) the vehicle being used is equipped with dual pedal controls;

(b) the person instructing the learner driver is the holder of a valid driving instructor’s permit;

(c) not more than two persons, both of whom shall be learner drivers or driving instructor occupy the back seat of the vehicle being used.

(2) No person may instruct a student to drive or operate a vehicle without first ensuring that the student is the holder of and in possession of a valid learner driver’s licence for the class of vehicle being used to teach the other person.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

192. (1) Where at the time of the coming into force of this Act a person who operates a driving school and wishes to continue to operate the driving school, that person shall, within twelve months of the coming into force of this Act, apply to the Authority for a Driving School Registration Certificate and no offence for operating without a Certificate shall be deemed to have been committed by that person during this period except where an application by the person for a Certificate was previously rejected.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

PART XVI

DRIVING AND OTHER OFFENCES

193. (1) A driver shall, on the request of a constable, if the constable signals for that purpose, cause the vehicle to stop and remain stationary as long as may
be reasonably necessary for the constable to satisfy himself of the roadworthiness of the vehicle and the driver’s general compliance with the Act.

(2) A driver who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three thousand dollars.

194. (1) A person who causes the death of another person by driving a motor vehicle dangerously on a road, commits an offence and is liable on conviction on indictment to imprisonment for fifteen years.

(2) A person convicted of an offence under this section shall, without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of fifteen years from the date of the conviction from holding or obtaining a driver’s licence, and on a second conviction for a like offence, he shall be permanently disqualified from holding or obtaining a driver’s licence.

(3) A constable may arrest without warrant the driver of any vehicle who commits an offence under this section within his view, if he refuses to give his name and address, or if the police officer has reason to believe that the name or address so given is false, or if the vehicle does not bear licence plates.

195. (1) A person who drives a motor vehicle dangerously on a road commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for five years.

(2) A person convicted of an offence under this section shall, without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction from holding or obtaining a driver’s licence, and on a third conviction for a like offence he shall be permanently disqualified from holding or obtaining a driver’s licence.

(3) Section 196(3) shall apply where an offence is committed under this section.

196. (1) For the purposes of sections 193 and 195 a person is to be regarded as driving dangerously if—

(a) the manner in which he drives falls 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 manner would be dangerous.

(2) A person is also to be regarded as driving dangerously for the purposes of sections 194 and 195, if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous. In determining the state of a vehicle, regard may be had to anything attached to or carried on or in it and to the manner in which it is attached or carried.

(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 shall be had not only to the circumstances of which he would be expected to be aware but also to any circumstances shown to have been within the knowledge of the driver.

Careless driving

197. Any person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road, is liable to a fine of one thousand dollars and to be disqualified for holding or obtaining a driver’s licence for such period as the Court thinks fit and on a second or subsequent conviction for a like offence, the period of disqualification shall not be less than one month.

Warning to be given of intended prosecution

198. (1) Subject to subsections (2) and (3), where a person is prosecuted for an offence under any of the preceding sections relating respectively to the maximum speed at which vehicles may be driven, dangerous driving or causing death by dangerous driving, and to careless driving, he shall not be convicted unless either -

(a) he was warned on the day the offence was committed that the question of prosecuting him for an offence under someone or other of the sections aforesaid would be taken into consideration;

(b) within thirty days of the commission of the offence a summons for the offence was served on him; or

(c) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or to the person registered as the owner of the vehicle at the time of the commission of the offence.
(2) Failure to comply with the requirement of subsection (1) shall not be a bar to the conviction of the accused in any case where the Court is satisfied that—

(a) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could, with reasonable diligence, have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or

(b) the accused by his own conduct contributed to the failure.

(3) The requirement of subsection (1) shall in every case be deemed to have been complied with unless and until the contrary is proved.

199. (1) A person who uses a vehicle without the consent of the owner or other lawful authority, commits an offence.

(2) A person shall not be convicted under this section if he proves that he had -

(a) good reason to believe, and did in fact believe, that the owner of the vehicle would, had he been present, have consented to the vehicle being used in the manner in which it was used; or

(b) reasonable cause to believe, and did in fact believe, that he had lawful authority to use the vehicle.

(3) If any person is convicted under this section, the Magistrate may, if he thinks fit, either in addition to or without inflicting any punishment, order that the person convicted pay to the owner of the vehicle either or both of the following sums, namely—

(a) such sum as, in the opinion of the Magistrate, would have been charged if the vehicle had been hired by the person convicted;

(b) such sum as, in the opinion of the Magistrate, represents fair compensation for any damage done to and for the use of the vehicle.

(4) If on the trial of any indictment for stealing a vehicle the jury is of opinion that the defendant was not guilty of stealing the vehicle, but committed an offence under this section, the jury may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(5) A constable may arrest without a warrant any person suspected by
him of having committed an offence under this section.

Interfering with a vehicle

200. A person who, without the knowledge or permission of the owner, gets onto or attempts to manipulate any of the levers, the starter, brakes or machinery of a vehicle, or in any way interferes with or damages a vehicle while the vehicle is on a road or parking place, commits an offence; but a person shall not be convicted under this section when the vehicle is obstructing his own or another vehicle.

Speed Limit

201. (1) A person shall not drive a vehicle of any class or description on any road—

(a) outside a built-up area, at a speed greater than the speed specified in the Ninth Schedule as the maximum speed in relation to a vehicle of that class or description;

(b) within a built-up area, at a speed greater than the speed specified in the Ninth Schedule as the maximum speed in relation to a vehicle of that class or description; or

(c) whether outside or within a built-up area, at a speed exceeding the special speed limit imposed under subsection (2) or (3) in relation to a vehicle of that class or description.

(2) Subject to subsection (3), the Minister may by Order, impose a special speed limit with respect to any road, whether outside or within a built-up area, or any part of such road, in relation to vehicles generally or in relation to any class or description of vehicle.

(3) The Minister with responsibility for works may by Order impose a special speed limit with respect to any bridge over which a road passes, whether outside or within a built-up area, in relation to vehicles generally or in relation to any class or description of vehicle.

(4) The Authority shall—

(a) erect or cause to be erected and maintain or cause to be maintained traffic signs, in such locations as may be appropriate for the purpose of demarcating any portion of a road in respect of which a special speed limit is imposed and as to the special speed limit so imposed; and

(b) alter or remove traffic signs as may be necessary in pursuance of any Order made under subsection (2) or (3).
(5) A person who drives a vehicle on any road in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars and to be disqualified from holding or obtaining a driver’s licence for such period as the court thinks fit.

(6) It shall be a defence for any person charged with having contravened subsection (1)(c) to prove that at the time of the alleged contravention there was a failure by the Authority to comply with subsection (4) by reason of which he did not have sufficient notice that the portion of road over which the contravention is alleged to have taken place was a portion of road in respect of which the special speed limit had been imposed, and that he did not otherwise know of the imposition of the special speed limit in respect of such portion of road.

(7) In proceedings for an offence under this section –

(a) evidence may be given of the speed at which the accused was driving the vehicle as determined by a speed detection device operated by a constable who is certified by the Commissioner of Police as being qualified to operate the device; and

(b) the speed so determined shall be deemed to be the speed at which the accused was driving the vehicle, unless the accused proves otherwise.

(8) In proceedings for an offence under subsection (5), a certificate purporting to be signed by a constable certifying –

(a) that he is certified by the Commissioner of Police as being qualified to operate a speed detection device;

(b) that the device used by him to detect the speed at which the accused was driving the vehicle was approved by the Minister;

(c) that the detection was made on the date and completed at the time stated in the certificate; and

(d) the speed given by the device and expressed in kilometres per hour as the speed at which the accused was driving the vehicle on the date and time stated in the certificate shall be prima facie evidence of the particulars certified in and by the certificate.

(9) In proceedings for an offence under subsection (5), a certificate purporting to be signed by the Commissioner of Police that the person named therein is qualified to operate particular speed detection device shall be prima facie evidence of the particulars certified in and by the certificate.

(10) In proceedings for an offence under subsection (5), evidence of the
condition of a speed detection device or the manner in which it was operated shall not be required unless evidence that the instrument was not in proper condition or was not properly operated has been adduced.

(11) The Minister may, by Order, approve the device to be used for the detection of the speed at which a person is driving a vehicle.

(12) The Minister may by Order, amend the Ninth Schedule.

(13) In this section-

“built-up area” means any City or Borough established or continued under the Municipal Corporations Act, or any other area or road or portion thereof declared by the Minister by Order, to be a built-up area for the purposes of this section;

“special speed limit” means, in relation to the driving of any vehicle or vehicle of any specified class or description on a road, a speed limit specifying a maximum speed less than the maximum speed which would be applicable in respect of that road and that class or description of vehicle under subsection (1) (a) or (b), as the case may be, and which is imposed under subsection (2) or (3).

Motor racing and speed trials

202. (1) A person shall not, without the written permission of the Commissioner of Police, promote or take part in any race or trial of speed between vehicles on a road.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for a period of six months.

(3) A person convicted of an offence under this section shall, unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction from holding or obtaining a driver’s licence.

Traffic signs

203. (1) In this section -

“owner” in relation to any land includes any person in lawful occupation of such land; and

“private road” means any privately owned street, road or open space to which the public are granted access conditionally.

(2) The Authority may cause or permit traffic signs to be placed, erected
or otherwise marked on or near any road, and may authorize any traffic signs so placed, erected or otherwise marked before the date of commencement of this Act to be retained.

(3) The size, colour and type of any traffic sign may be prescribed by Regulations, and in such event the traffic sign shall be of the prescribed type and substantially of the prescribed size and colour, and where the size, colour and type of a traffic sign are not prescribed, the size, colour and type shall be of a character authorized by the Authority.

(4) Every traffic sign erected, placed, marked or retained on or near any road shall, unless the contrary is proved, be deemed—

(a) to have been lawfully so erected, placed, marked or retained; and

(b) to be of the prescribed type and substantially of the prescribed size and colour, where the size, colour and type of the traffic sign have been prescribed, and in other cases to be of a character authorized by the Authority under this section.

(5) Notwithstanding anything contained in subsection (3), no person other than the Authority or any person acting under its directions shall, except with the general or special permission in writing of the Authority—

(a) erect, place or mark any traffic sign on or near any road; or

(b) retain any traffic sign erected, placed or marked, or caused to be erected, placed or marked, on or near any road.

(6) Without prejudice to the operation of subsection (6), nothing in this subsection shall apply to any traffic sign—

(a) which the owner of any land erects, places, marks or retains, or causes to be erected, placed, marked or retained, on or near any private road which is situated on such land; or

(b) which any person erects, places, marks or retains, or causes to be erected, placed, marked or retained, on or near any road in pursuance of any authority conferred upon him by or under any written law other than this Act.

(7) The Authority may, by notice in writing, require the owner or occupier of any land on which there is a traffic sign, or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, to remove it; and if any such person fails to comply with such a notice, the Authority may effect or authorize the removal, doing as little damage as may be, and may, except where such sign was erected, placed, marked or retained by the Authority, recover in a Court of competent jurisdiction as a civil debt, from the
person so in fault, the expense incurred by the Authority in doing so.

(8) The Authority or any person authorized by the Authority in that behalf may, on any land near to or adjoining a road, cut branches of trees, or other vegetation, or remove any other thing which obscures or is likely to cause damage to a traffic sign.

(9) The Authority or any person authorized by the Authority shall not exercise any power under this section until after the expiration of three days from the date that a notice of its intention to exercise the relevant power under this section was—

(a) served on the owner or occupier of the land; or

(b) if neither the owner or occupier of the land can be found, posted in a conspicuous manner on the land.

(10) The Authority or any person authorized by the Authority under subsection (9) may enter any land near to or adjoining any road—

(a) for the purpose of exercising any power conferred upon the Authority under this section; or

(b) for the purpose of replacing or maintaining traffic signs,

and shall in doing so, do as little damage as possible in executing any work authorized by this section.

(11) In any case where a constable in uniform is engaged in regulating traffic on a road, or a traffic sign of the prescribed size, colour, type or of another character authorized by the Authority under subsection (4) or any notice is issued by the Commissioner of Police under section 205, being a traffic sign or notice for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed, erected, marked or retained on or near any road, any person driving or propelling any vehicle, or any person riding or driving any animal—

(a) who neglects or refuses to stop the vehicle or animal or to make the vehicle or animal proceed or keep to a particular line of traffic when directed or signaled to do so by the in the execution of his duty; or

(b) who fails to conform to the indication given by the traffic sign or notice,

commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

(12) Any person who—

(a) unlawfully places, erects, marks or retains, or causes to be
placed, erected, marked or retained, any traffic sign on or near any road; or

(b) removes, defaces, damages, alters or obscures, or in any way interferes with, any traffic sign lawfully placed, erected, marked or retained on or near any road, commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for nine months.

(13) Where a person who owns or has an interest in any property, suffers pecuniary loss by reason of any damage to such property resulting from the exercise by the Authority of the powers conferred on it under subsection (2), to cause traffic signs to be placed, erected or otherwise marked on or near any road, compensation shall be payable to such person in respect of such loss.

(14) Where differences arise between a person claiming compensation under subsection (13) and the Authority as to whether the person is entitled to compensation or as to the amount of such compensation, such difference shall, on the written application of such person or of the Attorney General, be determined -

(a) if the amount of the compensation claimed does not exceed fifteen thousand dollars, by a Magistrate; and

(b) if the amount of the compensation exceeds fifteen thousand dollars, by a Judge of the Supreme Court,
in like manner, as if such Magistrate or Judge were a single arbitrator appointed pursuant to the provisions of the Arbitration Act, and the provisions of the said Act shall apply accordingly.

(15) Compensation payable under this section shall be defrayed out of moneys provided for purpose by Parliament.

204. (1) Where it appears to the Commissioner of Police expedient to carry out an experimental scheme of traffic control, the Commissioner of Police may, with the consent of the Minister, and after giving such notice as the Minister may direct, make Regulations for regulating vehicular traffic in any manner specified in the Tenth Schedule.

(2) Any provision contained in Regulations under this section may be made so as to apply at all times on specified days or during specified periods, and either throughout the day or during any specified part of the day, and to vehicular traffic generally or to such traffic or any class or description specified in the Regulations, and may make different provisions for different classes or descriptions of traffic.
(3) Any person who contravenes any Regulation made under this section commits an offence and is liable on summary conviction to a fine of three thousand dollars or to imprisonment for three months.

(4) Where there is any conflict or variance between Regulations made under this section and Regulations made by the Minister, the Regulations made by the Minister shall be read with such modifications as are necessary to bring them into conformity with those of the Commissioner under this section.

(5) Regulations made under this section shall not continue in force for a period exceeding six months and the Minister may at any time before the expiration of the Regulations, extend the period for expiration to such further period not exceeding six months.

(6) Regulations made under this section shall be published in the Gazette and in at least one daily newspaper circulating in Trinidad and Tobago.

205. (1) Subject to this section in any case where a road is liable to be thronged or obstructed, the Commissioner of Police may by Order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions, as the Commissioner may consider necessary.

(2) The Commissioner of Police may at any time, by notice, restrict or prohibit temporarily the use of a road or any part of a road by vehicles or by vehicles of any particular class or description, for the purpose of—

(a) avoiding danger or obstruction to persons or other traffic using the road or any other road;

(b) preventing damage to the road or to any building on or near the road; or

(c) facilitating the passage of vehicular traffic on the road or any other road or from any premises.

(3) The provisions which may be made by a traffic regulation, Order or notice shall be any provision prohibiting, restricting or regulating the use of a road or any part of the width thereof by vehicular traffic or by such traffic of any class or description specified in the traffic regulation, Order or notice, either generally or subject to exceptions so specified, and either at all times or at times and on days or during periods so specified and, without prejudice to the generality of this subsection, any provision—

(a) requiring such traffic to proceed in a specified direction or prohibiting the traffic from so proceeding;
(b) specifying the part of the road to be used by such traffic proceeding in a specified direction;
(c) prohibiting or restricting the parking, stopping or waiting of vehicles or the loading and unloading of vehicles;
(d) prohibiting the use of roads by through traffic;
(e) prohibiting or restricting overtaking; or
(f) regulating the speed of vehicles.

(4) An Order made or notice issued under this section may suspend any statutory provision of a description which could have been contained in the Order or notice or, in the case of an Order under subsection (1), any statutory provision prohibiting the use of roads by through traffic, and any such provision other than one contained in the Order or notice shall have effect subject to the Order or notice.

(5) An Order under subsection (1) shall not, without the approval of the Minister, continue in force for a longer period than one month from the making thereof.

(6) A notice issued under subsection (2) shall not continue in force for a longer period than fourteen days from the date of issue.

(7) Any person who uses or permits the use of a vehicle in contravention of a restriction or prohibition imposed by an Order under subsection (1), commits an offence and is liable on summary conviction for a first offence to a fine of three thousand dollars or to imprisonment for three months.

(8) Any person who unlawfully and without just cause or excuse defaces, or removes from the location where it has been placed, any notice issued by the Commissioner under subsection (2), commits an offence and is liable on summary conviction to a fine of three thousand dollars or to imprisonment for three months.

Parking of vehicles and one-way roads

206. (1) The Minister may by Order—

(a) prohibit or regulate the parking of vehicles on any road; or

(b) prohibit the driving of any vehicle on any specified road otherwise than in a specified direction.

(2) An Order made under this section may prescribe, in respect of any contravention thereof, a penalty not exceeding a fine of three thousand dollars or imprisonment for three months on summary conviction and any such Order may revoke any Regulations in force in respect of any of the matters specified in
subsection (1).

(3) Where any provision in an Order made under this section conflicts with any Order made to meet the exigencies of a special occasion, or notice issued under section 200, the operation of such provision shall be suspended during the continuance in force of such last mentioned Order or notice, as the case may be.

207. (1) Where a vehicle is parked in contravention of any provision of this Act or Order made under this Act, or is left on a road in such a manner that it is likely to cause any obstruction to traffic or persons lawfully using any such road, any constable may—

(a) require the driver or other person in control or in charge thereof to remove it or cause it to be removed, and any person who fails to comply with any such requirement, commits an offence and is liable on summary conviction to a fine of fifteen hundred dollars; or

(b) if the driver or other person in control or in charge of such vehicle cannot be found, remove such vehicle or arrange for it to be removed from the place in which it is parked to a place of safe custody either by towing or driving the vehicle or in such other manner as the constable may think necessary.

(2) Where a constable removes or provides for the safe custody of any motor vehicle or arranges for any person to remove such vehicle or provide for the removal of the vehicle under subsection (1) then, except upon proof of failure to exercise reasonable care, the constable or the other person shall not be liable in any action or demand for any damages arising from the loss or damage to the vehicle in the course of its removal or otherwise.

208. (1) Where a vehicle is removed to a place of safe custody pursuant to section 200, the vehicle shall not be released to the owner thereof unless there is paid to the Commissioner of Police a sum for—

(a) the removal of the vehicle; and

(b) each day or part thereof for which the vehicle is kept in custody,
as specified in the Eleventh Schedule.

(2) The Minister may by Order subject to negative resolution of
Parliament, vary from time to time the sums specified in the Eleventh Schedule.

(3) Notwithstanding subsection (1), where any vehicle is left in a place of safe custody for any period exceeding thirty days, a constable not below the rank of Superintendent may direct that the vehicle be sold by public auction and any moneys arising from the sale shall be applied in the following order of priority—

(a) in defraying the expenses of sale, if any;

(b) in settlement of any sum payable by the owner under subsection (1); and

(c) to the credit of the registered owner of the vehicle.

(4) At least fourteen days’ notice shall be given in a daily newspaper of any sale by public auction of a vehicle under this section.

(5) Where a vehicle is sold under this section, the constable who authorised the sale of the vehicle shall issue to the purchaser a certificate, in the form prescribed by Regulations, to that effect and the certificate shall be sufficient authority for the Authority to register the vehicle in the name of the person who purchased the vehicle and any right, title or interest of the former registered owner in the vehicle shall be extinguished on the issue of the certificate.

(6) Any moneys received by the Commissioner of Police under subsection (1) shall be used in defraying any expenses incident on the removal or custody of the vehicle and the balance, if any, shall be paid to the Comptroller of Accounts.

209. (1) It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed for the carriage of more than one person.

(2) If any person is carried on such a bicycle in contravention of this section, each of the persons carried commits an offence and is liable on first conviction to a fine of two thousand dollars and on any subsequent conviction to a fine of four thousand dollars.

(3) In this section references to a person carried on a bicycle shall include reference to a person riding a bicycle.
210. (1) No person on a motor cycle, or on a bicycle not propelled by mechanical power, shall, on a road, ride abreast of another person on a motor cycle, or on a bicycle not propelled by mechanical power, except with the permission of the Commissioner of Police; but a person shall not be convicted under this section in respect of the overtaking of two persons so riding and in the absence of other traffic on the road at the point of overtaking.

(2) A person shall not, while riding a motor cycle or a bicycle not propelled by mechanical power, on a road—
   (a) hold on to any other moving vehicle; or
   (b) ride such motor cycle or bicycle without at least one hand being on the handlebars of such motor cycle or bicycle.

(3) More than one person, in addition to the driver, shall not be carried on any two-wheeled motor cycle, nor shall any such one person to be so carried otherwise than sitting astride the motor cycle and on a proper seat securely fixed to the motor cycle behind the driver’s seat.

(4) A person who contravenes this section commits an offence and is liable on first conviction to a fine of five hundred dollars and on any subsequent conviction to a fine of one thousand dollars.

211. (1) Where, owing to the presence of a vehicle on a road, an accident occurs whereby injury or damage is caused to any person, animal or property, the driver of such vehicle shall immediately stop, and—

(a) if any person has been injured in the accident, the driver shall render such person aid, and if the person wishes to be taken to hospital or to a doctor, or is unconscious, convey or cause to be conveyed the injured person without delay to the nearest hospital or to a doctor;

(b) if requested by the injured person or by the owner of the damaged property or some person on such owner’s behalf, the driver shall give his name and address and particulars of his driver’s licence and the name and address of the owner of the vehicle;

(c) unless a report is made by the driver at the time and place of the accident to a member of the Police Service, the person
riding in, driving or in charge of the vehicle shall proceed with all proper dispatch to the nearest Police Station or police officer in uniform and shall report the accident, and shall give his name and address and the name and address of the owner of the vehicle and the names of any persons in the vehicle at the time of the accident.

(2) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars.

212. (1) Except as is otherwise provided in this Act, if—

(a) any vehicle is—

(i) used on any road for a purpose that the vehicle is not registered to be used for;

(ii) altered in a manner which may conflict with the purpose or use for which it is registered, without permission from the Authority, or is in contravention of any provision of this Act; or

(b) any commercial vehicle, public service vehicle, rented car or trailer is used on a road being loaded so as to exceed the maximum gross weight or the number of passengers, respectively, permitted by the registration,

the owner or the driver or other person in charge of the vehicle, as the case may be, commits an offence and is liable on summary conviction to a fine of eight thousand dollars.

(2) Where the driver of a vehicle is charged with an offence under subsection (1), the Magistrate may order that a summons be issued against any person alleged by the driver to be the owner of the vehicle, and such alleged owner shall be a co-defendant in the case and the Magistrate may, after hearing the evidence and witnesses of all parties, make such order in regard to the payment of any penalty and costs as the Magistrate considers fit.

(3) Where a vehicle is used for a purpose for which it is not registered under this Act, it shall be a defence on the part of the owner to prove that the contravention was without his knowledge and that he had taken all reasonable steps to avoid the contravention.

213. (1) Notwithstanding section, 212 the Authority may, where it thinks fit and on payment of the fee prescribed in the Fifth Schedule, grant permission to
vehicle to be used for the conveyance of persons enable –

(a) a commercial vehicle;

(b) an agricultural trailer; or

(c) a trailer,

to be used for the conveyance, either generally or on particular journeys of such number and classes of passengers, without hire or reward, and of such number of other persons employed for the purpose of loading or unloading the goods, merchandise or other loads carried on the commercial vehicle, agricultural trailer or trailer, as the Authority thinks fit, subject to such conditions as the Authority may impose.

(2) Where permission is granted under subsection (1), the Authority shall issue to the applicant a permit in the prescribed form which shall specify the conditions by which the commercial vehicle, agricultural trailer or trailer shall be use.

(3) A permit issued pursuant to subsection (2) for the conveyance of –

(a) passengers shall not be valid for a period exceeding six months from the date of issue of the permit; or

(b) persons employed to load and unload goods, merchandise or other loads shall not be valid for a period longer than the unexpired portion of the calendar year in which the permit was issued.

(4) The Authority may cancel or suspend any permit issued under this section if in the opinion of the Authority any condition of the permit has not been complied.

(5) Where a permit issued under this section is lost, defaced, mutilated or rendered illegible, the Authority may where it thinks fit and after an application is made in that regard and the upon the payment of the fee specified in the Fifth Schedule, issue to the applicant a substitute or duplicate permit.

214. Notwithstanding section 212, the Police Service, Prison Service or Fire Service may convey their personnel and in the case of the Prison Service and Police Service, any person in their custody, in vehicles belonging to those services and registered as commercial vehicles under this Act, without paying the prescribed fee.
PART XVII

ALCOHOL RELATED OFFENCES

215. A person who assaults, obstructs or resists a person in the execution of his duty, or aids or incites any other person to assault, obstruct or resist a person in the execution of his duty, commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for nine months.

216. (1) In sections 217 to 223, except so far as the context otherwise requires—

“authorized analyst” means a person designated under section 223(5) as such by the Minister to whom responsibility for health is assigned;

“breath analysis” means the quantitative measuring of the proportion of alcohol in a person’s breath, carried out by means of a device prescribed for the purpose by the Minister, under section 219(13);

“breath test” means a test for the purpose of obtaining an indication of the proportion of alcohol in the person’s breath carried out by means of a device approved for the purpose of such a test by the Minister, under section 220(10);

“drug” includes any intoxicant other than alcohol;

“fail” in relation to providing a specimen includes refuse;

“hospital” means an institution which provides medical or surgical treatment for in-patients or outpatients and includes a laboratory accredited under the Standard Act and recognized by the Minister to whom responsibility for health is assigned, as a place where laboratory tests are carried out;

“laboratory test” means the analysis of a specimen provided for the purpose;

“the prescribed limit” means in respect of—

(a) breath alcohol concentration, thirty-five microgrammes of alcohol in one hundred
millilitres of breath or such other proportion as may be prescribed; and

(b) blood alcohol concentration, eighty milligrammes of alcohol in one hundred millilitres of blood, or such other proportion as may be prescribed.

(2) References in section 219 to providing a specimen of breath shall be construed as references to providing a specimen thereof in sufficient quantity to enable a breath test to be carried out.

217. (1) A person who, when driving or attempting to drive or when in charge of a motor vehicle on a road, is under the influence of drink or a drug, to such an extent as to be incapable of having proper control of the vehicle, is liable on first conviction to a fine of eight thousand dollars and to imprisonment for three years and on any subsequent conviction to a fine of fifteen thousand dollars and to imprisonment for five years.

(2) A person convicted of—

(a) two consecutive offences under this section shall, unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of three years from the date of the conviction from holding or obtaining a drivers licence; and

(b) a third conviction for a like offence, shall be permanently disqualified from holding or obtaining a driver’s licence.

(3) A police officer may arrest without a warrant any person found committing an offence under this section.

(4) The Minister may, by Order, approve the device to be used for the detection of drugs pursuant to subsection (1).

218. (1) A person shall not drive or attempt to drive, or be in charge of a vehicle on a road or other public place if he has consumed alcohol in such a quantity that the proportion thereof in his breath or blood exceeds the prescribed limit.

(2) Any person who contravenes subsection (1) commits an offence and is liable—

(a) in the case of a first conviction, to a fine of eight thousand
dollars or to imprisonment for three years; and

(b) in the case of a second or subsequent conviction, to a fine of fifteen thousand dollars or to imprisonment for five years.

(3) A person convicted of —

(a) two consecutive offences under this section shall, unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order longer period of disqualification, be disqualified for a period of three years from the date of the conviction from holding or obtaining a driver’s licence; and

(b) third conviction for a like offence, shall be permanently disqualified from holding or obtaining a driver’s licence.

(4) A person shall not be convicted under this section for being in charge of a vehicle under subsection (1) if he proves that at the material time, the circumstances were such that there was no likelihood of his driving the vehicle while there was alcohol in his breath or blood in a proportion exceeding the prescribed limit.

(5) A police officer may arrest without a warrant, any person found committing an offence under this section.

Breath tests

219. (1) Where a police officer has reasonable cause to suspect that a person

(a) is driving or attempting to drive or is in charge of a vehicle on a road or other public place has alcohol in his breath or blood exceeding the prescribed limit or is in breach of section 204;

(b) has been driving or attempting to drive or has been in charge of a vehicle on a road or other public place with alcohol in his breath or blood exceeding the prescribed limit and that the person still has alcohol in his breath or blood; or

(c) has been driving, attempting to drive or been in charge of a vehicle on a road or other public place and has committed an offence under this Act whilst the vehicle was in motion, he may, subject to subsection (4), require him to provide a specimen of breath for a breath test at or near the place where the requirement is made.
require him to provide a specimen of breath for a breath test at or near the place where the requirement is made.

(2) A requirement may not be made by virtue of paragraph (b) or (c) of subsection (1) unless it is made as soon as reasonably practicable after the commission of the offence.

(3) Where an accident occurs involving a vehicle on a road, a police officer may, subject to subsection (4), on arriving at the place of the accident, require any person whom he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident, to provide a specimen of breath for a breath test either at or near the place where the requirement is made or, if the police officer thinks fit, at a police station specified by him being a police station in reasonable proximity to that place.

(4) Where a person referred to in subsection (3) is at a hospital as a patient, he may be required by a police officer to give a specimen of breath at the hospital but no such requirement may be made unless the medical practitioner in charge of his case -

(a) is given prior notice of the proposal to make the requirement; and

(b) does not object to the provision of a specimen on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(5) Where a person, without reasonable excuse, fails to provide a specimen of breath under subsections (1), (3) or (4), that person commits an offence and is liable on summary conviction to a fine of eight thousand dollars or to imprisonment for three years.

(6) An police officer may arrest without warrant any person who, as a consequence of a breath test, is found to have a proportion of alcohol in his breath exceeding the prescribed limit but no such arrest may be made while the person is at a hospital as a patient.

(7) Where a person is required by an police officer under subsection (1), (3) or (4) to provide a specimen of breath for a breath test fails to do so and the police officer has reasonable cause to suspect that the person has alcohol in his breath or blood above the prescribed limit, the police officer may, without prejudice to sections 217(3) and 218(5), arrest the person without a warrant but no such arrest may be made if the person is at a hospital as a patient.

(8) A person arrested under subsection (7), section 217(3) or 218(5) shall, while at a police station, provide a specimen of breath or a breath test at the police station if required to do so by a police officer.
(9) Where a person, without reasonable excuse, fails to provide a specimen of breath under subsection (8), that person commits an offence and is liable on summary conviction to a fine of eight thousand dollars or to imprisonment for three years.

(10) The Minister shall, by Order, approve any device to be used for the purpose of obtaining an indication of alcohol in a person’s breath.

Breath analysis.

220. (1) Subject to subsections (2) and (3) where-

(a) any person required by an police officer under section 218 to undergo a breath test fails to undergo that test; or

(b) in consequence of a breath test carried out under section 218, it is indicated that there may be present in that person’s breath, a concentration of alcohol in excess of the prescribed limit,

the police officer may require that person to submit, in accordance with the directions of the police officer, to a breath analysis and on any such requirement, warn him that a failure to so submit may render him liable to prosecution.

(2) The breath analysis required under subsection (1) shall be carried out by an police officer, authorized in that behalf by the Minister to whom responsibility for national security has been assigned—

(a) at or near the place where the requirement is made if facilities for the specimens to be taken are available and it is practicable to conduct the analysis there; or

(b) at a police station, as the police officer may direct.

(3) For the purpose of the breath analysis—

(a) a person shall provide two separate specimens of breath for analysis;

(b) such specimens must be provided in accordance with the directions of the police officer referred to in subsection (2);

(c) there must be an interval of not less than two minutes and not more than ten minutes between the provision of specimens; and

(d) the reading from the specimen that indicates the lower concentration of alcohol in the person’s breath shall be taken to be the result of the breath analysis.
(4) A police officer shall not require any person to undergo a breath test or to submit to a breath analysis—

(a) if the person has been admitted to hospital for medical treatment and the medical practitioner in immediate charge of his treatment has not notified of the intention to make the requisition, or objects on the ground that compliance therewith would be prejudicial to the proper care or treatment of that person;

(b) if it appears to the police officer that it would, by reason of injuries sustained by the person, be dangerous to that person’s medical condition to undergo a breath test or submit to a breath analysis; or

(c) at that person’s usual place of abode.

(5) Notwithstanding subsection (4)(c), a person may be required to submit to a breath test at that person’s usual place of abode—

(a) if the police officer has reasonable cause to believe that—

(i) the person was involved in an accident on a road or other public place within the preceding two hours resulting in death or serious injury; and

(ii) at the time when the accident occurred, the person had an alcohol level in his breath exceeding the prescribed limit; and

(b) if it was not feasible for a police officer to require the person to submit to a breath test at the scene of the accident.

(6) Any person who—

(a) upon being required under subsection (1) to submit to a breath analysis fails to do so in accordance with the directions of a police officer; or

(b) wilfully does anything to alter the concentration of alcohol in his breath or blood between the time of the event referred to in section 219 (in respect of which he has been required to undergo a breath test) and the time when he undergoes that test or, if he is required to submit to a breath analysis, the time when he submits to that analysis, commits an offence and is liable -
(i) in the case of a first conviction, to a fine of eight thousand dollars or to imprisonment for three years; and

(ii) in the case of a second or subsequent conviction, to a fine of fifteen thousand dollars or to imprisonment for five years.

(7) It shall be a defence to a prosecution for an offence under subsection (5)(a) if the accused satisfies the Court that he was unable on medical grounds at the time he was required to do so, to undergo a breath test or to submit to a breath analysis, as the case may be.

(8) Within one hour after a person has submitted to a breath analysis, the police officer operating the breath analyzing instrument shall deliver to that person, a statement in writing signed by that police officer specifying—

(a) the concentration of alcohol determined by the analysis to be present in that person’s breath and expressed in microgrammes of alcohol in one hundred millilitres of breath; and

(b) the time of day and the day on which the breath analysis was completed.

(9) In proceedings for an offence under sections 217, 218 or this section—

(a) evidence may be given of the concentration of alcohol present in the breath of the accused as determined by the breath analyzing instrument operated by the police officer authorized in that behalf under subsection (2); and

(b) the concentration of alcohol so determined shall be deemed to be the concentration of alcohol in the breath of the accused at the time of the occurrence of the event mentioned in section 219(1)(a) unless the accused proves that the concentration of alcohol in his breath at the time did not exceed the prescribed limit.

(10) In proceedings for an offence under this section, a certificate purporting to be signed by a police officer certifying that—

(a) he is authorized by the Authority or the Minister to whom responsibility for national security has been assigned to operate breath analyzing instruments;

(b) a person named therein submitted to a breath analysis;

(c) the apparatus used by him to make the breath analysis was
a breath analyzing instrument approved by the Minister;

(d) the analysis was made on the date and completed at the time stated in the certificate;

(e) a concentration of alcohol determined by the breath analyzing instrument and expressed in microgrammes of alcohol in one hundred millilitres of breath was present in the breath of that person on the date and at the time stated in the certificate; and

(f) a statement in writing required by subsection (8) was delivered in accordance with that subsection,

shall be prima facie evidence of the particulars certified in and by the certificate.

(11) In proceedings for an offence under this section, a certificate purporting to be signed by the Minister responsible for national security that the police officer named therein is authorized to operate breath analyzing instruments, shall be prima facie evidence of the particulars certified in and by the certificate.

(12) In any proceedings for an offence under this section, evidence of the condition of a breath analyzing instrument or the manner in which it was operated shall not be required unless evidence that the instrument was not in proper condition or was not properly operated has been adduced.

(13) The Minister may, by Order, approve the device to be used for the quantitative measuring of the proportion of alcohol in a person’s breath.

Laboratory test 221. (1) Subject to subsections (2) and (3), in the course of an investigation as to whether a person has committed an offence under section 218, a police officer may require a person under investigation to provide a specimen of blood for a laboratory test if the person is unable, by reason of his physical condition, to provide a specimen of breath for a breath test.

(2) A person shall not be required to provide a specimen of blood for a laboratory test under subsection (1) if he is at a hospital as a patient and the medical practitioner in immediate charge of his case is not first notified of the proposal to make the requirement, or objects to the provision of a specimen on the ground that the requirement to provide such specimen could be prejudicial to the proper care or treatment of that person.

(3) A police officer shall not require a person to submit a specimen of blood for a blood analysis once a breath analysis has been carried out in respect of that person and the result is available.
(4) Nothing in subsections (1) to (3) shall affect the provisions of section 223.

(5) For the purposes of this section and sections 218, 222 and 223, where any person is required to provide a specimen of blood, such specimen shall be taken only -

(a) with the consent of that person;

(b) at a hospital; and

(c) by a medical practitioner or qualified laboratory technician.

(6) The Minister to whom responsibility for health is assigned shall, by Order, designate laboratories for the purpose of giving effect to this section.

222. (1) Any person who is under investigation in relation to an offence under section 218 and who refuses to provide a sample of blood for a laboratory test when required to do so under section 221(1) commits an offence and is liable—

(a) in the case of a first conviction, to a fine of eight thousand dollars or to imprisonment for three years; and

(b) in the case of a second or subsequent conviction, to a fine of fifteen thousand dollars or to imprisonment for five years.

(2) A person shall not be treated as failing to provide a specimen of blood if he is unable to do so for the reasons set out in section 221(2).

223. (1) For the purposes of any proceedings for an offence under section 218, a certificate signed by an authorized analyst, certifying the proportion of alcohol found in a specimen identified by the certificate shall, subject to subsection (3), be evidence of the matters so certified.

(2) For the purposes of any proceedings for an offence under section 218, a certificate purporting to be signed by the medical practitioner that he took a specimen of blood from a person with that person’s consent shall, subject to subsection (3), be evidence of the matters so certified.

(3) Subsections (1) and (2) shall not apply to a certificate tendered on behalf of the prosecution—

(a) unless a copy has been served personally on the accused or
on his counsel or by prepaid registered post not less than seven days before the hearing or trial; or

(b) if the accused, not less than seven days before the hearing or trial, or within such further time as the court may in the circumstances of the case allow, has served notice on the prosecution requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

(4) Where, in proceedings for an offence under section 206 the accused, at the time a specimen of blood was taken from or provided by him in accordance with this Act, requested that he be supplied with a specimen, evidence of the proportion of alcohol found in the specimen shall not be admissible on behalf of the prosecution unless—

(a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided; and

(b) the other specimen or part was supplied to the accused.

(5) The Minister to whom responsibility for health is assigned may designate qualified persons to conduct laboratory tests in accordance with this Act, to determine the concentration of alcohol in a person’s blood.

224. (1) A person who is convicted of an offence under section 217 or 218(a) may be ordered by the Court to participate in an alcohol rehabilitation programme before his licence is reinstated; and

(b) shall, if the Court makes an order under paragraph (a) in relation him, provide the Authority with evidence of participation in the alcohol rehabilitation programme and of satisfactory rehabilitation before consideration is given to his application for reinstatement of a licence.

(2) Evidence of satisfactory rehabilitation required under subsection (1)(b) may be provided by the body approved by the Minister to whom responsibility for Health is assigned, that conducted, directed or promoted the alcohol rehabilitation programme attended by the convicted person.

PART XVIII

FIXED PENALTY OFFENCES
Interpretation of certain words used in sections 227 to 235

Chap. 4:20

225. For the purposes of this Part, except so far as the context otherwise requires—

“Clerk” and “Court” have the meanings respectively assigned to those expressions by section 2 of the Summary Courts Act;

“fixed penalty” means the any penalty prescribed by regulations as having a fixed penalty for any contravention under this Act or regulations made thereunder;

“fixed penalty offence” means any offence under this Act or any written law that carries a fixed penalty;

“proceedings” means proceedings by complaint before a Magistrate;

226. (1) Where a constable has reason to believe that an offence has been or is being committed, he may give to the driver a notice charging him with the commission of the offence, and requiring him either to pay a fixed penalty within the time specified in the notice or to appear before the Court specified in the notice on the day and at the hour stated therein to answer the said offence charged.

(2) Subject to this section, where a constable finds a vehicle on any occasion and has reason to believe that an offence is being or has been committed in respect of that vehicle, the may affix a notice to any part of the vehicle where the notice may be easily seen.

(3) A notice affixed pursuant to subsection (2) shall, for the purposes of this Act, be deemed to have been served upon the person liable for the offence, and notwithstanding any law to the contrary, the owner of the vehicle shall, for the purposes of the proceedings instituted by the notice, be presumed to be the person liable for the offence.

(4) A notice affixed pursuant to subsection (2) shall charge the person liable or presumed to be liable for the commission of the offence, and shall require him to either pay the fixed penalty within the time specified in the notice, or to appear at the Court specified in the notice on the day and at the hour stated therein to answer the offence charged.

(5) Where a constable intends to proceed under subsection (1) or (2),
the notice shall be given or affixed on the occasion where he had reason to believe that the offence was committed and the constable shall forthwith send by registered mail a copy of the notice to the owner of the vehicle.

(6) The constable shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the notice.

(7) The notice given or affixed, and sent, under this section shall be deemed to be a complaint for the purposes of section 33 of the Summary Courts Act.

(8) Notwithstanding any written law to the contrary, the notice referred to in subsection (5) is, from the expiration of the time thereon specified for the payment of the fixed penalty, deemed to be a summons issued in accordance with section 43 and served in accordance with section 43, of the Summary Courts Act.

(9) Notwithstanding any provisions of this Act or any written law to the contrary, a person who pays a fixed penalty before the expiration of the time specified for the payment thereof, may in the prescribed form, appeal to the Magistrate in the district in which he paid the fixed penalty in respect of the offence for which he was charged.

(10) Where in an appeal referred to in subsection (9), the Court decides in favour of the appellant, the amount representing the fixed penalty paid by the appellant shall be refunded to him.

227. A notice given or affixed under section 226 shall be signed by the and shall specify -

(a) the date, time and place of the giving and affixing of the notice;

(b) the section of the written law creating the offence alleged, and such particulars of the offence as are required for proceedings under the Summary Courts Act;

(c) the time within which the fixed penalty may be paid in accordance with section 226;

(d) the amount of the fixed penalty;

(e) the Clerk to whom, and the address at which the fixed penalty may be paid or remitted; and
(f) the address of the Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time of the appearance.

228. (1) Where a notice has been given under section 226, the driver or owner of the vehicle, as the case may be, may, pay the fixed penalty in accordance with the notice.

(2) Payment of the fixed penalty shall be made to the Clerk having jurisdiction in the district in which the offence is alleged to have been committed.

(3) The time within which the fixed penalty is payable shall be 30 days from the date of the notice.

(5) Where a person pays a fixed penalty in accordance with a notice, that person shall not be liable to be convicted for the offence in respect of which the notice was given but shall be liable to be awarded penalty points in accordance with section 60.

(6) The payment of a fixed penalty under this Act shall be dealt with in the same manner as the payment of a fine imposed under the Summary Courts Act.

229. The fixed penalty for an offence shall be the amount specified by regulations made under this Act for that purpose.

230. Proceedings in respect of an offence deemed to be instituted by a notice under section 226 shall not be listed for hearing in Court unless -

(a) a period of two months has elapsed from the last day on which the penalty is payable and the Clerk has no record that the fixed penalty was paid in accordance with section 228(3); and

(b) in respect of a that notice, the Clerk has been furnished by the constable or the Authority with such information on the owner of the vehicle as would have been furnished to the Clerk had the notice been issued under section 231(1).

231. In any proceedings, a certificate that payment of a fixed penalty was or
proof was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

232. Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the notice shall proceed in the same manner prescribed in the Summary Courts Act.

233. (1) A notice affixed to a vehicle under section 228(2) shall not be removed or interfered with except by or under the authority of the driver of the vehicle or the person liable for the offence in question.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of three thousand dollars.

234.(1) The Minister may from time to time by regulations -

(a) add to or remove any fixed penalty offence and prescribe in respect of that offence a penalty not exceeding five thousand dollars; and

(b) alter the fixed penalty for any offence so that the penalty as altered does not exceed five thousand dollars.

(2) In subsection (1)(a), “offence” means an offence against any written law relating to the use of vehicles on a road or highway and punishable on summary conviction.

PART XIX

LEGAL PROCEEDINGS

235. Where on the trial of a person who is indicted for manslaughter in connection with the driving of a vehicle by him, it shall be lawful for the jury, if they are satisfied that he has committed an offence under section 194, to find him guilty of that offence, whether or not the requirements of section 198 have been satisfied as respects that offence.

236. (1) Where a person is charged summarily before a Magistrate with an offence under section 217 or section 219 and the Magistrate is of the opinion that the offence is not proved, then, at any time during the hearing or immediately
thereafter, the Magistrate may, without prejudice to any other powers possessed by him, direct or allow a charge for an offence under section 197 to be preferred forthwith against the defendant and may thereupon proceed with that charge.

(2) The defendant under subsection (1) or his attorney-at-law shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the Magistrate shall, if he considers that the defendant is prejudiced in his defence by reason of the new charge being preferred, adjourn the hearing.

237 (1) The Court before which a person is convicted of any offence in connection with the driving of a vehicle may, in addition to any other penalty provided for such offence, order that the offender be disqualified for a stated period or permanently, from holding or obtaining a driver’s licence either generally or limited to the driving of a vehicle of any particular class and where the offender holds a driver’s licence, the Court shall require him to produce the driver’s licence and on the making of an order of disqualification he shall forfeit the driver’s licence and return it to the Authority.

(2) A person who is disqualified under this Act from holding or obtaining a driver’s licence may, after the expiration of six months from the date of the disqualification, apply to the Court by which he was disqualified to remove the disqualification and the Court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the disqualification, the nature of the offence and any other circumstances of the case either by order, remove the disqualification as from the date specified in the order or refuse the application.

(3) Where an application is refused under this section a further application shall not be entertained within six months of the date of the refusal.

(4) Particulars of a conviction or disqualification or of the removal of a disqualification under this Act shall be furnished to the Authority.

(5) The costs of any application referred to in this section may be borne in whole or in part by the applicant, as the Court may order.

Right of appeal 238. A person who by virtue of an order of a Court under section 240 is disqualified from holding or obtaining a driver’s licence may appeal against the order in the same manner as against a conviction, and the Court may, if it thinks fit, pending the appeal, suspend the operation of the order.
239. Where a person who holds a driver’s licence is convicted of an offence in connection with driving a motor vehicle, the Court may, in order to impose an appropriate penalty, require the Authority to produce for its inspection the offender’s Record of Conviction and the Authority where so required, shall furnish the Court with the offender’s Record of Conviction or with a certified copy thereof and such other records relevant to the offender in the custody of the Authority as the Court may determine.

240 (1) A Court which suspends or cancels a driver’s licence, or declares a person disqualified from obtaining a driver’s licence shall forthwith send to the Licensing Authority every Class of the driver’s licence that is suspended or cancelled driver’s licence.

(2) At the expiration of the period of suspension, the Authority shall return the licence to the owner on demand.

(3) Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the Authority shall forthwith after the receipt of the driver’s licence endorse on the licence in the usual manner the class or description of vehicle which the holder of the licence is not thereby authorised to drive, and the licence shall then be returned to the holder.

(4) At the expiration of the period of disqualification of a licence, the holder shall again forward the licence to the Authority, who shall thereupon indicate on the licence that the restriction imposed during the period of disqualification has been removed.

241. A driver’s licence suspended by a Court shall, during the period of suspension, be of no effect, and a person whose licence is suspended, or who is declared by the Court to be disqualified for obtaining a licence shall, during the period of such suspension or disqualification, be disqualified for obtaining a driver’s licence.

242. Where a person is charged with manslaughter arising out of the use of any vehicle or with contravening the provisions of section 217 or section 194 the Authority may, in the interest of public safety, order the suspension of the driver’s licence of the person so charged pending the determination of the charge.
243. Where a person who is disqualified from holding or obtaining a driver’s licence under this Part applies for or obtains a driver’s licence while he is so disqualified or while he is so disqualified, drives a vehicle or the disqualification is limited to the driving of a vehicle of a particular class or description and is found driving a vehicle of that class or description on a road or has been refused a driver’s licence applies for or obtains a driver’s licence without disclosing such refusal, he commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months.

PART XX

APPEALS COMMITTEE

244 (1) The Minister shall, establish a committee to be known as the Appeals Committee whose responsibility shall be to –

(a) hear and determine all appeals from the decisions of the Authority, in the exercise of its functions and duties under this Act; and

(b) review any decision of the Authority to refuse to grant any permit, licence or certificate under this Act.

(2) An appeal under subsection (1) shall be made by the person aggrieved by the decision to the Appeals Committee at the instance.

245 (1) The Minister shall appoint the following persons as members of the Appeals Committee:

(a) an attorney-at-law of at least seven years’ standing; and

(b) four persons, each with knowledge and experience in matters relating to at least one of the following:

(i) land transportation;

(ii) civil engineering;

(iii) automotive engineering; or
(iv) industrial relations management.

(2) The Minister shall, from among the members, appoint the Chairman and Deputy Chairman of the Appeals Committee.

(3) The members of the Appeals Committee shall be paid out of monies allocated by the Parliament such remuneration, whether by way of honorarium, salary or fees, and such allowances as may be determined by the Minister.

246 A person shall not be qualified to be a member of the Appeals Committee who is -

(a) a member of the Senate;
(b) a member of the House of Representatives;
(c) a member of the Tobago House of Assembly;
(d) a member of a local authority; or
(e) a person who has at any time been convicted of an offence punishable by a term of imprisonment exceeding three years.

247 (1) A member of the Appeals Committee shall, subject to this section, hold office for a period not exceeding three years from the date of appointment as a member.

(2) A member of the Appeals Committee shall be eligible for reappointment for not more than two consecutive terms.

(3) A member of the Appeals Committee appointed to fill a vacancy shall hold office for the unexpired term of his predecessor.

(4) A member of the Appeals Committee other than the Chairman may at any time, resign his office by instrument in writing, addressed to the Minister and transmitted through the Chairman of the Appeals Committee, and from the date of the receipt by the Minister of the instrument, the member shall cease to be a member of the Appeals Committee.

(5) The Chairman of the Appeals Committee may at any time resign
his office by instrument in writing, addressed to the Minister, and such resignation shall take effect as from the date on which the Minister receives that instrument.

248 The Authority shall publish in the Gazette the names of all members of the Appeals Committee as first constituted, including the Chairman and Deputy Chairman and every change in the membership of the Appeals Committee and the termination of any such appointment.

249. (1) The Appeals Committee shall appoint a suitably qualified person to serve as Secretary to the Appeals Committee.

(2) The Secretary shall assist the Appeals Committee in all respects and in such manner as the Appeals Committee may from time to time require in the discharge of its functions.

250. (1) The Appeals Committee, in making a determination of an appeal against a decision of the Authority—

(a) shall take into account the operations of the holder of the licence, permit or certificate and how its decision will affect such operations and either—

(i) dismiss the appeal; or

(ii) allow the appeal and direct the Authority with or without conditions to grant or reinstate a licence, permit or certificate; or

(b) may affirm or reverse the decision but shall not have power to vary that decision except where the decision was to—

(i) cancel, suspend or revoke a licence, permit or certificate, the Appeals Committee may direct the Authority to impose certain conditions, where applicable; or

(ii) impose or vary any conditions or restrictions, the Appeals Committee may direct the Authority to impose different conditions or restrictions, or to vary them in a different way.

(2) Where the Appeals Committee gives a direction to the Authority under subsection (1)(a)(ii) it shall be for the Authority to decide what conditions
or restrictions should be imposed or how the conditions should be varied or, as the case may be, what direction should be given or how a direction should be varied and the Authority shall by notice in writing to the holder of the licence, permit or certificate concerned impose the restrictions, give the direction or make the variation.

(3) Where the Appeals Committee reverses a decision of the Authority to refuse an application for a licence, permit or certificate, the Appeals Committee shall direct the Authority to grant it.

(4) Notice of the decisions of the Appeals Committee together with a statement of the reasons for its decision, shall be served on the appellant, the Authority and where the holder of the licence, permit or certificate is not an appellant, on that holder and unless the Appeals Committee otherwise directs, the decision shall come into operation when the notice is served on the appellant, the Authority or the holder of the licence, certificate or permit, as the case may be.

251. Where an appeal of a decision of the Authority is pending, any order made, decision or direction given on the matter by the Authority shall remain in force until a decision is made on the appeal unless on an inter partes application or an ex parte application, where notice has been given to the Authority that the Appeals Committee is of the view that exceptional circumstances exist that warrant the grant of a stay of any further action by the Authority.

252. The Appeals Committee may give such directions as it thinks fit for the payment of costs or expenses by any party to the appeal.

253. (1) Subject to this section the Appeals Committee may regulate -

(a) its own procedure; and

(b) the procedure for conducting appeals.

(2) The Appeals Committee shall hear applications in camera and may permit—

(a) an applicant or his representative; and

(b) a representative of the Authority,

to appear before the Appeals Committee.
(3) Sittings of the Appeals Committee shall be held as often as may be necessary for the performance of its functions and at such place, time and day as the Appeals Committee may determine.

(4) A quorum for a sitting of the Appeals Committee shall be a majority of the members of the Committee.

(5) At a sitting of the Appeals Committee—
   (a) the Chairman shall preside;
   (b) if the Chairman is not present, the Deputy Chairman shall preside; or
   (c) if neither the Chairman nor the Deputy Chairman is present, the members present may appoint a member to preside at that meeting.

(6) Any question before the Appeals Committee shall be determined by the majority of the members of the Appeals Committee present and voting and in the case of an equality of votes, the person presiding may exercise a casting vote.

PART XXI

GENERAL

254. (1) Where a person alleges that a person has committed an offence under this Act, and the person refuses to give his name and address or gives a false name or address to the , the person commits an offence and is liable on summary conviction to a fine of five thousand dollars.

   (2) The owner of a vehicle who is required to give any information which it is within his power to give and which may lead to the identification and apprehension of the driver of the vehicle, and who fails to do so within four days of his being notified of such request, commits of an offence and is liable on summary conviction to a fine of five thousand dollars.

   (3) Except where a person gives his name and address or produces his driver’s licence for examination, a constable may arrest without warrant a person who, in the opinion of the constable, is found committing an offence under this Act.

255. A person who makes any statement which he knows to be false, or
misleading in connection with -

(a) an application for registration of a vehicle which is capable of being towed for the purpose of carriage of load;
(b) a driver’s licence;
(c) any change or correction in a Vehicle Registration Certificate; or
(d) the provision of any information lawfully demanded or required under this Act,

commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months.

256. (1) A driver or other person in charge of a vehicle registered according to its maximum gross weight shall, on demand by a constable or a Motor Vehicle Enforcement Officer satisfy the that the load which is being carried on the vehicle does not exceed the maximum limit for which the vehicle is registered.

(2) Where a has reason to believe that the load being carried on a vehicle exceeds the maximum gross weight for which the vehicle is registered, the may require the driver or other person in charge of the vehicle to drive the vehicle to such place as the constable or a Motor Vehicle Enforcement Officer may direct for the purpose of weighing such load.

(3) Any person who –

(a) fails to comply with a request under subsection (1); or
(b) carries load on a vehicle that exceeds the maximum gross weight for which the vehicle is registered,

commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(4) Notwithstanding subsection (3), where a person fails to comply with a request under subsection (2), a constable or Motor Vehicle Enforcement Officer may arrest the person without a warrant.

(5) A vehicle under subsection (2) may be detained at the expense and risk of the owner and taken to a place for safe keeping, until such request is complied with, and any excess load found on weighing shall first be removed before the vehicle is permitted to proceed on its journey.

(6) The Authority or any person authorised by the Authority may, before registering a vehicle, including any renewal of registration in respect of the vehicle, require the vehicle to be weighed by and at the expense of the owner in the presence of a person authorised by the Authority.
257. (1) A person who commits an offence under this Act for which no penalty is prescribed shall, on summary conviction, be liable to a fine of five thousand dollars and to imprisonment for nine months.

(2) Any person who contravenes Regulations made under this Act shall, unless otherwise specifically provided, be liable to a fine of three thousand dollars or imprisonment for six months.

(3) Unless otherwise expressly provided, all offences under this Act may be prosecuted and all penalties incurred may be imposed or recovered in the manner provided by the Summary Courts Act.

258. Notwithstanding any written law to the contrary, where an offence under this Act is committed by a person who is under the age of seventeen, that person shall be liable to the same penalties as if he was seventeen at the time of the commission of the offence and such penalty shall, where it results in disqualification from holding a driver’s licence, commence from the day the person attains the age of seventeen.

PART XXII

MISCELLANEOUS

259. (1) Where by reason of an offence under this Act, any damage is caused to any road or bridge, the Authority responsible for the repair of the road or bridge may cause such damage to be made good, and may, either before or after the damage is made good, recover the estimated or actual cost of the damage from the owner of the vehicle by the use of which the offence was committed.

(2) A certificate under the hand of the relevant officer in the Ministry with responsibility for Works, or any person authorised by him in that behalf, of the amount of the cost of making good the damage shall, without proof of signature, be prima facie evidence of the amount payable by the owner of the vehicle.

260. If in any proceedings under this Act any question arises as to whether a
vehicle does or does not comply with any provision of this Act, the certificate of any person appointed by the Authority as a Motor Vehicles Enforcement Officer, that he has examined the vehicle and, as to the result of his examination, shall be admissible in evidence and shall be sufficient 

prima facie evidence of any fact or opinion stated therein relating to the matter in question, and the Court shall not permit the officer to be called for cross-examination on the certificate, unless contrary evidence is given which appears to the Court to be credible, or unless for any reason the Court considers cross-examination to be necessary in the interests of justice.

261. All fees and duties specified in the Fifth Schedule shall be payable to the Authority in respect of the several matters to which they are applicable.

262. The Clerk of the Peace of any District or the Registrar of the High Court shall, on the conviction of any person under this Act, furnish such information to the Authority.

263. Nothing in this Act shall affect any liability of the driver or owner of a motor vehicle by virtue of any Act or at Common Law.

264. (1) The Minister may make Regulations subject to negative resolution of Parliament generally for giving effect to the provisions of this Act in respect of all or any of the following matters:

(a) anything which by this Act may or is to be prescribed;

(b) the forms to be used under this Act;

(c) the construction, fittings, dimensions and design of any motor vehicle;

(d) the character and nature of horns or other instruments capable of giving audible and sufficient warning of motor and other vehicles and regulating their use;

(e) the number, position and kind of lights and reflectors to be carried on motor and other vehicles and the times during which they are to
be exhibited;

(f) the duties and powers of Motor Vehicles Enforcement Officers with regard to the inspection of motor and other vehicles;

(g) the inspection of motor and other vehicles and the times, places and manner of such inspection;

(h) the form of identification marks to be fixed on motor vehicles and trailers in respect of registration and licensing and the sizes and colour of the letters of and the manner of displaying such marks;

(i) the classification of roads and the prohibition or restriction of the use of any classified roads by vehicles of any specified class or description;

(j) the precedence of vehicles and pedestrians respectively at and in the vicinity of crossings;

(k) the issue of licences to drivers of hiring cars by the Authority and the conditions to be observed by the holders of such licences;

(l) the badges and uniforms to be worn by drivers and conductors of public service vehicles and the conduct of drivers, conductors and passengers;

(m) passenger fares and tolls in respect of public service vehicles;

(n) the maximum number of hours a person may be employed to drive a public service vehicle continuously within a period of twenty-four hours;

(o) generally, for the better carrying out of the provisions of this Act and in particular for the safety, control and regulation of traffic and the use of vehicles or any class of vehicles on any road and the conditions under which they may be used;

(p) health, safety or environmental matters with respect to the registration of motor vehicles or trailers including the prescribed vehicle emissions, use of unleaded fuels, and vehicle specifications for motor vehicles or classes of motor vehicles for the purpose of registration;

(q) fixed penalty offences for contravention of any provision of this
Act or regulations made thereunder and prescribe a maximum penalty of five thousand dollars for such offences; and

(r) passenger transport.

(2) For the purposes of subsection (q), “fixed penalty offences” means an offence against any written law relating to the use of vehicles on a road or highway and punishable on summary conviction.

(3) The Minister may, in making Regulations under subsection (1), limit the applicability of all or any of those Regulations to any specified area.

(4) Regulations made under subsection (1) may provide for the imposition of a fine and imprisonment of up to a maximum of five thousand dollars and nine months respectively.

(5) Regulations made under this section may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the Regulations and, without prejudice to the generality of the foregoing and notwithstanding anything in the former Act, the Maxi-Taxi Act and the Motor Vehicles and Road Traffic (Enforcement and Administration) Act may make different provisions with respect to different descriptions of vehicles specified in the Regulations.

(6) Notwithstanding the generality of subsection (1), the Minister may make Regulations—

(a) prescribing—

   (i) standards and requirements for premises carrying out Fleet Management Facilities and Vehicle Inspection Centres;
   (ii) fees required under the Act to be prescribed;
   (iii) forms required under the Act to be prescribed;
   (iv) the requirements and standards for vehicles under the Act; and
   (v) the form of any notice required under this Act;

(b) regulating the use of roads;

(c) prescribing the operations of -

   (i) Fleet Management Facilities and Vehicle Inspection Centres;

   (ii) Vehicle Traders;
(iii) Vehicle Rental Agencies;

(iv) Hired Vehicles;

(v) Private School Buses;

(vi) Maxi-Taxi Operators; and

(vii) Driving Schools;

(d) prescribing all that is required by this Act to be prescribed in relation to maxi-taxis and more specifically Regulations—

(i) governing the criteria by which a permit to own and operate a maxi-taxi shall be issued;

(ii) specifying route areas;

(iii) governing the operation of maxi-taxis on route areas;

(iv) governing the allocation of maxi-taxis to specific route areas;

(v) restricting the number of maxi-taxis to be allocated to a successful applicant; and

(vi) pertaining to the colour in which a maxi-taxi may be painted.

265. Where the provisions of this Act or of any Regulations made thereunder are in conflict with the provisions of any other written law relating to the control of vehicles and road traffic, the provisions of this Act and the Regulations made thereunder shall prevail.

266. (1) The following Acts are repealed:

(a) the Motor Vehicles and Road Traffic Act;

(b) the Motor Vehicles and Road Traffic (Enforcement and Administration) Act; and

(c) the Maxi-Taxi Act.

(2) Notwithstanding subsection (1), any Order, regulation, notice or other subsidiary legislation made pursuant to the Acts specified in that subsection, shall, if in force at the commencement of this Act, continue in force until replaced by any Order, regulation, notice or other subsidiary legislation made under this Act.
FIRST SCHEDULE

[Section 26(4)]
PRECEPT FORM

REPUBLIC OF TRINIDAD AND TOBAGO

MOTOR VEHICLES AND ROAD TRAFFIC ACT CHAP: 48:50

To ........................................................................................................................................

of.........................................................................................................................................I,

.................................................................................................................., Chief Motor Vehicles Enforcement Officer
do, under and by virtue of the power vested in me by the Motor Vehicles and Road Traffic
Act hereby issue to you this precept authorizing you to perform the duties of a Motor
Vehicles Enforcement Officer.

......................................................
Chief Motor Vehicles Enforcement Officer

SECOND SCHEDULE

[Section 27]

PUBLIC OFFICES UNDER THE LICENSING AUTHORITY

TECHNICAL:

Transport Commissioner
Assistant Transport Commissioner
Project Manager
Systems Analyst I
Programmer I
Automotive License Officer II
Automotive License Officer I
Motor Vehicle Inspector II
Motor Vehicle Inspector I
Photographer I
Driver License Examiner
Motor Vehicle Supervisor II
Motor Vehicle Supervisor I
Traffic Safety Officer
Motor Vehicle Officer II
Motor Vehicle Officer I

ADMINISTRATIVE/ACCOUNTING/CLERICAL/SECRETARIAL/MANIPULATIVE

Clerk Stenographer II
Computer Operator I
Accountant I
Administrative Officer II
Administrative Assistant
Cashier II
Clerk IV
Clerk III
Clerk II
Clerk I
Clerk I Laminator
Clerk Typist II
Clerk Steno I/II
Clerk Typist I
Clerk Steno III
Watchman
Cleaner I
Message I
Cleaner II
SRP
Estate Constable
Motor Vehicle Attendant
Motor Vehicle Driver
Chauffeur

THIRD SCHEDULE

[Section 33(2)]

Oath of Affirmation of Office

I.......................................... do swear/solemnly declare and affirm, that I will without fear, favour, affection or ill-will, well and truly perform my duties in the office of [Chairman/
Member of the Board / officer or employee of the Authority, in the exercise of the powers vested in me under the Motor Vehicles and Road Traffic Act, and that I will not directly or indirectly reveal any information to any unauthorised person or otherwise than in the course of duty. So help me God.

Sworn/Declared before me this ................. day of ........................, 20.......
Class 4

The driver is authorised to operate—

(a) a hiring car, chartered vehicle or ambulance;

(b) a private school bus with a seating capacity not exceeding twenty-five passengers or an omnibus with maximum gross weight not exceeding 15,000 kilograms; or

(c) a maxi-taxi with a tare weight of 2,270 kilograms or less.

Class 5

The driver is authorised to operate a private motor vehicle or a combination of a private motor vehicle and trailer registered for a maximum gross weight not exceeding 5,000 kilograms.

Class 6

The driver is authorised to operate a motorcycle or motor driven cycle.

Class 7

The driver is authorised to drive an agricultural tractor, an industrial tractor and a wheel tractor.

FIFTH SCHEDULE

[Sections 50, 52, 55, 56, 68]

FEES AND DUTIES

(1) Driver’s Licence—

(a) ten-year licence .............................................. .............................................. $1,000.00

(b) five-year licence .................................................. .............................................. $500.00

(c) four-year licence .................................................. .............................................. $80.00

(d) three-year licence .................................................. .............................................. $60.00

(e) two-year licence .................................................. .............................................. $40.00
(f) one-year licence ................................................................. $20.00

(g) persons who have attained the age of sixty-five years may renew their driver’s licence without charge.

(2) Special Driver’s Licence (physically challenged) –
   (a) Temporary................................................................. $20.00 per month
   (b) Renewable every two years ................................................. $100.00

(3) International Driver’s Licence................................................... ???

(4) Special Permits........................................................................... ???

(5) Temporary Permits.................................................................... $150.00

(6) In-Transit Permits...................................................................... $50.00

(7) Differently abled Parking Permits ............................................. $100.00

(8) Hired Driver’s Permit (Renewable every three years)................. $40.00

(9) Hired Vehicle Permit................................................................. $100.00

(10) Passenger Conveyance Permits-
   (a) per month or any part thereof.................................................. $90.00
   (b) for every six months ............................................................. $500.00

(11) Removal of suspension on Permits (hired drivers, hired vehicle etc)........ $500.00

(12) Maxi-Taxi Owner Permit.......................................................... $100.00

(13) Maxi-Taxi Operator Permit ....................................................... $100.00

(14) Carnival Permits (Carnival Monday and Tuesday) ....................... $1,000.00

(15) Maxi-taxi conductor’s licence .................................................. $50.00

(16) Motor omnibus conductor’s licence ........................................... $5.00

(17) Registration of vehicle ............................................................ $100.00

(18) Vehicle Certificate of Registration............................................... ???

(19) Validation Certificate............................................................... $100.00

(20) Transfer of Ownership............................................................ ???

(21) Vehicle Trader’s Certificate........................................................ $500.00

(22) Fleet Management Facility Certificate........................................... $500.00
<table>
<thead>
<tr>
<th>No.</th>
<th>Service Description</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>23</td>
<td>Vehicle Inspection Centre Certificate</td>
<td>$500.00</td>
</tr>
<tr>
<td>24</td>
<td>Hired School Bus Registration Certificate</td>
<td>$100.00</td>
</tr>
<tr>
<td>25</td>
<td>Driving School Registration Certificate</td>
<td>$500.00</td>
</tr>
<tr>
<td>26</td>
<td>Removal of Suspension on Certificates</td>
<td>$1000.00</td>
</tr>
<tr>
<td>27</td>
<td>Re-classification of registration of vehicle other than on registration</td>
<td>$100.00</td>
</tr>
<tr>
<td>28</td>
<td>Certificate of extract of entry in Register of Vehicles other than on registration</td>
<td>$100.00</td>
</tr>
<tr>
<td>29</td>
<td>Any duplicate or copy of a licence or permit authorized or required to be issued</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) For the first duplicate or copy</td>
<td>$70.00</td>
</tr>
<tr>
<td></td>
<td>(ii) For subsequent duplicate or copy</td>
<td>$300.00</td>
</tr>
<tr>
<td>30</td>
<td>Examination of driver under section 191</td>
<td>$175.00</td>
</tr>
<tr>
<td>31</td>
<td>Certificate of competency under section 191</td>
<td>$35.00</td>
</tr>
<tr>
<td>32</td>
<td>Annual inspection of a—</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(i) trailer</td>
<td>$300.00</td>
</tr>
<tr>
<td></td>
<td>(ii) motor vehicle (commercial)</td>
<td>$300.00</td>
</tr>
<tr>
<td></td>
<td>(iii) motor vehicle (private)</td>
<td>$251.50</td>
</tr>
<tr>
<td>33</td>
<td>Vehicle Trader’s Licence</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Registration of Vehicle Trader</td>
<td>$1,000.00</td>
</tr>
<tr>
<td></td>
<td>(b) Renewal of Vehicle Trader’s Licence (annually)</td>
<td>$500.00</td>
</tr>
<tr>
<td>34</td>
<td>Learner’s licence</td>
<td>$35.00</td>
</tr>
<tr>
<td>35</td>
<td>Amendment to Register (other than a transfer of registration of the change of possession of a vehicle)</td>
<td>$35.00</td>
</tr>
<tr>
<td>36</td>
<td>Study guide booklet (including Highway Code)</td>
<td>$15.00</td>
</tr>
<tr>
<td>37</td>
<td>Permit to convey persons other than persons employed to load or unload goods, merchandise or other loads on commercial vehicles, agriculture trailers or trailers for a period not exceeding six months</td>
<td>$90.00 per month or part thereof</td>
</tr>
<tr>
<td>38</td>
<td>Application for a hired driver’s permit (other than a maxi-taxi)</td>
<td>$70.00</td>
</tr>
<tr>
<td>39</td>
<td>Taxi-driver’s licence/badge (renewable every three years)</td>
<td>$40.00</td>
</tr>
</tbody>
</table>
SIXTH SCHEDULE

[Sections 68(1), 69 and 70]

PART A
Countries Parties to International Convention

PART B
CARICOM Member States
CARICOM Full Member States

1. Antigua and Barbuda
2. The Bahamas
3. Barbados
4. Belize
5. Dominica
6. Grenada
7. Guyana
8. Haiti
9. Jamaica
10. Montserrat
11. Saint Lucia
CARICOM Associate Member States

1. Anguilla
2. Bermuda
3. British Virgin Islands
4. Cayman Islands
5. Turks and Caicos Islands

SEVENTH SCHEDULE

[Sections 77 and 80]

CLASSIFICATION OF VEHICLES AND VEHICLES TAX

Tax payable on registration of certain vehicles

1. There shall be charged, levied and collected in respect of every vehicle of a class or description specified in the first column of Part I of Appendix A a tax (in this Act referred to as “vehicle tax”) calculated on such basis as is specified in the second column of that Part of Appendix A in relation to a vehicle of that class or description.

Payment of vehicles tax

2. (1) Where vehicle tax is required to be paid on a vehicle, it shall be paid in the case of an imported vehicle by the importer of the vehicle and in the case of a locally assembled vehicle, by the assembler of the vehicle.
Where a person who is required by this section to pay vehicle tax fails to do so, he commits an offence and is liable on conviction to a fine of one thousand dollars and to a further fine of one hundred dollars for each day that the vehicles tax remains unpaid after conviction.

Rebate of vehicles tax

3. (1) Subject to this paragraph and to paragraphs 4 to 6, where vehicles tax has been paid on the sale of a private motor vehicle, a hiring car or a rented vehicle (hereinafter referred to as a “motor vehicle”) assembled in Trinidad and Tobago a rebate of tax shall be made to the manufacturer.

(2) For the purposes of subparagraph (1), vehicles tax shall be deemed to have been paid where the purchaser of the motor vehicle was exempt from the payment of the tax or any part thereof or where the tax or any part thereof has been remitted.

(3) Subject to paragraph 7, the rebate of tax in respect of any such motor vehicle shall be computed in accordance with Appendix B according to the local value added in the assembly of the motor vehicle.

(4) Nothing in this paragraph shall apply in any case where the motor vehicle is sold for export.

(5) In this paragraph and in paragraphs 5 and 6 “manufacturer” means a person who carries on in Trinidad and Tobago the business of assembling motor vehicles.

Local value added

4. (1) In this paragraph, and in paragraphs 3, 5 and 6 and in Appendix B and Appendix C, the local value added is the aggregate amount of the expenses specified in Appendix C, incurred during the immediately preceding year in the assembly of motor vehicle similar to the motor vehicle in respect of which the
claim for rebate of tax is made apportioned over the number of motor vehicles assembled during that year and expressed as a percentage of the showroom price of such motor vehicle.

(2) Notwithstanding subparagraph (1) in any case where the Minister so directs, the Board of Inland Revenue may reduce the aggregate amount of the expenses incurred in the assembly of any such motor vehicle by an amount representing the excess over the level of profits that the Minister considers appropriate to be taken into account in determining the local value added of any such motor vehicles.

(3) In any case where there is no immediately preceding financial year or the immediately preceding financial year is less than twelve months, the aggregate amount of expenses incurred in the assembly of similar motor vehicles in the current financial year shall be estimated in the claim for the rebate of tax and subject to subparagraph (4) be applied in determining the local value added.

(4) In any case where the aggregate amount of the expenses incurred in the assembly of similar motor vehicles is estimated under subparagraph (3), the Board of Inland Revenue shall as soon as it considers it convenient, determine the twelve-month period to be taken as the immediately preceding financial year for the purpose of calculating the local value added with respect to any such motor vehicles for the first financial year.

(5) In this section, “financial year” means the period of twelve months during which the business of a person is made up.

Claim for rebate

5. (1) The rebate of tax provided for in paragraph 3 shall be made monthly in arrear to a manufacturer upon a claim therefor.

(2) Every claim for rebate of tax in respect of any motor car shall contain the following information:
(i) the make, chassis number, registration number, engine number (measured in cubic centimetres) and the showroom price of the motor car sold in the current financial year with respect to which the claim is made;

(ii) the make, chassis number, registration number, engine number (measured in cubic centimetres) and the showroom price of similar motor cars sold during the immediately preceding financial year;

(iii) the local value added showing additional particulars required for the calculation thereof, or the estimated local value added; and

(iv) the amount of motor vehicles tax paid in respect of the motor car, the date of payment and the name and address of the office into which payment of the motor vehicles tax has been paid.

Examination of books of account

6. The Board of Inland Revenue or any officer acting under its authority may examine the books of account of a manufacturer for the purpose of determining the local value added in the assembly of the motor vehicle in respect of which the claim for rebate of tax is made.

APPENDIX A

Paragraph 1.
In this Appendix—

(a) engine size references expressed in cm\(^3\) means the total volume of the cylinders measured in cubic centimetres;

(b) “showroom price” means such sum as in the opinion of the (Board of Inland Revenue) is the ordinary retail selling price of the vehicle
without having regard to any discounts, commissions, monetary deductions, or other allowances given or made by the seller thereof.

**PART I**

**PARTICULARS OF TAX**

<table>
<thead>
<tr>
<th>Class of Description of Motor Vehicles</th>
<th>Motor Vehicle Tax</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$</td>
</tr>
</tbody>
</table>

1. **PRIVATE MOTOR CARS OR RENTED CARS, STATION WAGONS OR ESTATE WAGONS:**

   (i) Engine size exceeding 1599 cc but not exceeding 1799 cc: 4.00 per cc
   (ii) Engine size exceeding 1799 cc but not exceeding 1999 cc: 8.00 per cc
   (iii) Engine size exceeding 1999 cc but not exceeding 2499 cc: 21.00 per cc
   (iv) Engine size exceeding 2499 cc but not exceeding 2999 cc: 25.00 per cc
   (v) Engine size exceeding 2999 cc but not exceeding 3499 cc: 30.00 per cc
   (vi) Engine size exceeding 3499 cc: 45.00 per cc

2. **MOTOR CYCLES**

3. **HIRED VEHICLES, HIRING CARS OR CHARTERED VEHICLES:**

   (i) Engine size not exceeding 999 cc: 0.75 per cc
(ii) Engine size exceeding 1499 cc but not exceeding 1799 cc 1.50 per cc

(iii) Engine size exceeding 1499 cc but not exceeding 1799 cc 3.00 per cc

(iv) Engine size exceeding 1799 cc but not exceeding 1999 cc 6.00 per cc

(v) Engine size exceeding 1999 cc but not exceeding 2499 cc 15.75 per cc

(vi) Engine size exceeding 2499 cc but not exceeding 2999 cc 18.75 per cc

(vii) Engine size exceeding 2999 cc but not exceeding 3499 cc 22.50 per cc

(viii) Engine size exceeding 3499 cc 33.75 per cc

3. MAXI-TAXIS OR PRIVATE SCHOOL BUSES:
   (i) Engine size not exceeding 2499 cc 6.00 per cc
   (ii) Engine size exceeding 2499 cc 8.00 per cc

4. COMMERCIAL VEHICLES: 2.50 per cc

5. TRACTORS:
   (i) Agricultural tractors 1.00 per cc
   (ii) Industrial tractors 1.00 per cc

6. Completely built-up foreign used motor vehicles imported by persons other than returning nationals, seventy-five per cent of the tax specified in subparagraph (1), (2), (3) or (4).

7. Note For the purposes of this Part of this Schedule, a station wagon or estate vehicle is not a
commercial vehicle.

PART II

RELIEF FOR CITIZENS RETURNING FROM ABROAD

1. (i) A returning national of Trinidad and Tobago who returns to Trinidad and Tobago to reside permanently after residing abroad for a continuous period of not less than five years shall, where he imports a motor vehicle of a class or description set out at item 1(1) in Part I of this Appendix, be entitled to relief from motor vehicles tax as follows:

   (i) where he is the registered owner of the vehicle for more than six months but not more than one year, 25 per cent of the tax payable;

   (ii) where he is the registered owner of the vehicle for more than one year but not more than two years, 50 per cent of the tax payable;

   (iii) where he is the registered owner of the vehicle for more than two years, 90 per cent of the tax payable,

except that where there is a transfer of ownership of the motor vehicle within two years of the date of its importation into Trinidad and Tobago, there shall become immediately due and payable by the transferor, motor vehicles tax in an amount equal to the amount of relief granted.

(ii) A person seeking relief from motor vehicles tax shall satisfy the Board of Inland Revenue—

   (i) that he is the registered owner of the motor vehicle in respect of which he is required to pay motor vehicles tax;

   (ii) that he acquired the motor vehicle while abroad and was the owner of that vehicle for the entire period on which his claim for relief from motor vehicles tax is based.

2. A returning national who imports a motor vehicle into Trinidad and Tobago shall, upon satisfying the relevant conditions stipulated in section 45A of the Customs Act, be entitled to exemption from motor vehicles tax in respect ……

APPENDIX B

RATE OF REBATE OF MOTOR VEHICLES TAX

(1) Where the local value added is 35 per cent or more but does not exceed 45 per cent the rebate shall be—

   (i) in the case of motor cars with an engine rating of under 1,500 cm³, 15 per cent of the motor vehicles tax;

   (ii) in the case of motor cars with an engine rating of 1,500 cm³ and over but under 1,800 cm³, 10 per cent of the motor vehicles tax;

   (iii) in the case of motor cars with an engine rating of 1,800 cm³ and over but under 2,500 cm³, 5 per cent of the motor vehicles tax.

(2) Where the local value added exceeds 45 per cent the rebate shall be—
(i) in the case of motor cars with an engine rating of under 1,500 cm$^3$, 20 per cent of the motor vehicles tax;

(ii) in the case of motor cars with an engine rating of 1,500 cm$^3$ and over but under 1,800 cm$^3$, 15 per cent of the motor vehicles tax;

(iii) in the case of motor cars with an engine rating of 1,800 cm$^3$ and over but under 2,500 cm$^3$, 10 per cent of the motor vehicles tax.

APPENDIX C

EXPENSES FOR DETERMINING LOCAL VALUE ADDED

1. The expenses to be computed in determining the local value added are as follows:
   (i) wages and other earnings of wage labour paid, excluding overtime earnings, and wages and other earnings of wage labour paid to non-nationals;
   (ii) salaries and other earnings of salaried staff and management fees paid, not including salaries and other earnings of salaried staff and management fees paid to non-nationals and to non-resident principals of resident companies;
   (iii) any interest paid, not being interest paid to non-nationals and to non-resident principals of resident companies;
   (iv) normal depreciation on physical assets, other than imported assets, as shown in the books of account;
   (v) payments for patents, royalties, licences and similar charges, not including payments for patents, royalties, licences and similar charges made to non-nationals and to non-resident principals of resident companies;
   (vi) rent paid, not including rent paid to non-nationals and to non-resident principals of resident companies;
   (vii) the cost of raw materials (including components and fuel power) other than imported raw materials, used in productions;
   (viii) other overhead expenses apportionable to production, not including similar expenses incurred to non-nationals and to non-resident principals of resident companies; and
      (i) plant profit, not including profits distributed or remitted directly or indirectly to non-nationals and to non-resident principals of resident companies.

2. In this Appendix—
   “Caribbean Common Market”, “Common Market Origin” and “Member State” have the same meanings respectively as in the Customs Act, Chap. 78:01.
   “imported” means imported from outside the Caribbean Common Market or imported from the Caribbean Common Market but not qualifying for treatment as goods of Common Market Origin;
   “non-national” means a person who is not a citizen of a Member State and includes a person whose connection with such a State does not entitle him to be regarded as belonging to, or being a native or resident of the State

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for the purposes of the laws relating to immigration for the time being in force;

“non-resident principal” means a person (including a company) who is not resident in a Member State;

“resident company” means a company incorporated in a Member State and not controlled directly or indirectly by a person (including a company), who is not resident in a Member State.

EIGHT SCHEDULE

[Section 100(1)]

PARTICULARS OF VEHICLES TRANSFER TAX

<table>
<thead>
<tr>
<th>Description</th>
<th>Tax ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Used vehicles (other than motor cycles) over ten years old</td>
<td>100.00</td>
</tr>
<tr>
<td>(b) Used vehicles (other than motor cycles) over seven years old, but not more than ten years old</td>
<td>900.00</td>
</tr>
<tr>
<td>(c) Used vehicles (other than motor cycles) over five years old but not more than seven years</td>
<td>2,000.00</td>
</tr>
<tr>
<td>(d) Used vehicles (other than motor cycles) two years old but not more than five years old</td>
<td>3,000.00</td>
</tr>
<tr>
<td>(e) Used vehicles (other than motor cycles) two years old and under</td>
<td>4,000.00</td>
</tr>
<tr>
<td>(f) Used motor cycles not exceeding 250 cc</td>
<td>100.00</td>
</tr>
<tr>
<td>(g) Used motor cycles exceeding 250 cc</td>
<td>200.00</td>
</tr>
</tbody>
</table>
### NINTH SCHEDULE

**SPEED LIMIT**

<table>
<thead>
<tr>
<th>Class or Description of Vehicle</th>
<th>Maximum Speed kilometres per hour</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Outside a Built-up Area</td>
</tr>
<tr>
<td>(a) Tractor (except a commercial vehicle or private motor vehicle with or without trailer) ...</td>
<td>35</td>
</tr>
<tr>
<td>(b) Motor omnibus ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...</td>
<td>65</td>
</tr>
<tr>
<td>(c) Vehicles constructed to carry more than ten passengers ... ... ... ... ... ... ... ... ... ...</td>
<td>65</td>
</tr>
<tr>
<td>(d) Commercial vehicle the licensed M.G.W. of which exceeds 2540 kilograms with trailer ... ...</td>
<td>65</td>
</tr>
<tr>
<td>(e) Commercial vehicle the licensed M.G.W. of which does not exceed 2540 kilograms with trailer ... ...</td>
<td>65</td>
</tr>
<tr>
<td>(f) Private motor vehicle with trailer ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...</td>
<td>65</td>
</tr>
<tr>
<td>(g) Any other vehicle ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ... ...</td>
<td>80</td>
</tr>
</tbody>
</table>

### TENTH SCHEDULE

**SCOPE OF EXPERIMENTAL TRAFFIC REGULATIONS**

178
1. For prescribing the routes to be followed by all classes of traffic, or by any particular class or classes of traffic or vehicles, from one specified point to another, either generally or between any specified times.

2. For prescribing streets which are not to be used for traffic by vehicles, or by vehicles of any specified class or classes, either generally or at specified times.

3. For regulating the relative position in the roadway of traffic of differing speeds or types.

4. For prescribing the places where vehicle or vehicles of any particular class or description may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by the Regulations.

5. For prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles of any particular class or description, on streets.

6. For prescribing the conditions subject to which, and the times at which, vehicles of any particular class or description, delivering or collecting goods or merchandise, or delivering goods or merchandise of any particular class or classes, may stand in streets, or in streets of any class or description, or in specified streets.

7. For prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions, or when crossing.

8. For prescribing places in streets where vehicles, or vehicles of any particular class or description may, or may not, wait either generally or at particular times.

9. For prescribing cab ranks and ranks and stopping places of omnibuses and public conveyances.
ELEVENTH SCHEDULE

[Section 208]

PARTICULARS OF THE SUMS REQUIRED TO BE PAID TO
THE COMMISSIONER OF POLICE FOR ILLEGAL PARKING

<table>
<thead>
<tr>
<th>Particulars</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Removal Charge</td>
<td>300.00</td>
</tr>
<tr>
<td>Custody of Vehicle</td>
<td>200.00</td>
</tr>
</tbody>
</table>

Passed in the House of Representatives  day of  2014

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all members of the House that is to say by the votes of members of the House.

Passed in the House of Representatives this  day of  2014

Clerk of the House
Passed in the Senate this fourth day of November, 2014

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all members of the Senate that is to say by the votes of members of the Senate.

Clerk of the Senate