

MOTOR VEHICLES AND ROAD TRAFFIC BILL

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Elliott MacClure
Legal Drafting Consultant
Mac Vane Drive, Sans Souci, Castries
Tel: 485 6059
Email: lydiavelliott@gmail.com

MOTOR VEHICLES AND ROAD TRAFFIC BILL

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A BILL

An Act to establish a drivers and vehicle 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 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 subsection (2) of the said **section 13**, 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 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:

Enactment. ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I

PRELIMINARY

Short title. 1. This Act shall be cited as the Motor Vehicles and Road Traffic Bill, 2011.

Act inconsistent with Constitution. 2. This Act shall have effect even though inconsistent with the Constitution.

Commencement. 3. (1) The provisions of this Act shall come into operation on such days as are appointed by the President by Proclamation.

(2) The President may on the recommendation of the Minister appoint different days for different provisions or for different purposes of the same provision.

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;

“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 79;

“articulated bus” means a bus with one or more trailers that have their chassis connected by a turntable joint and its bodies by a folding polyester bellow;

“authorised officer” means a person authorised by the Authority to exercise any function on behalf of the Authority under this Act or under any other written law which imposes a duty on the Authority;

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

“bicycle” means—

(a) a vehicle propelled by human power upon which or in which a person may ride and that has two tandem wheels either of which is 350 millimetres or more in diameter or that has 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 that is fitted with pedals that are operable at all times to propel the bicycle, that has the same wheel requirements as set out in paragraph (a) and that has an attached motor driven by electricity not producing more than 500 watts or 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 and Road Traffic Authority Board established under section 10;

“certificate” means a certificate approved under section 79;

“General Manager” means the person appointed under section 21 to serve as the Chief Executive Officer of the Authority;

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

“commercial vehicle” —

(a) means a vehicle other than an agricultural tractor or industrial tractor which is so constructed or adapted as to show its primary purpose is the carriage or haulage of goods, merchandise or other loads, having attached thereto a truck or delivery body; and

(b) includes—

(i) an ambulance, hearse, casket wagon and fire apparatus;

- (ii) a vehicle constructed, adapted or used for the transportation of both persons and goods; and
- (iii) a vehicle that is registered for weight in excess of 5000 kilograms;]

Chap. 15:01

“Constable” includes—

Chap. 15:03

- (a) a Police Officer as defined in the Police Service Act;
- (b) a Motor Vehicles Enforcement Officer;
- (c) an estate Constable in the employment of a Municipal Corporation; and
- (d) a constable appointed under the Special Reserve Police Act;

“construction equipment” means any heavy duty vehicle specially designed for executing civil engineering and construction tasks;

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

“driver’s licence” means a licence to drive, issued in accordance with Part V, in the approved form;

“fixed penalty” means the penalty prescribed under **section 232**;

“Fleet Management Facility” means premises maintained by a business registered under Part IX, for the purpose of facilitation of the inspection of the business’s vehicles, where the number of vehicles exceed the prescribed amount;

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

Chap. 48:50

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

Chap. 48: 01

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

“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;

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

“learner’s licence” means a licence to learn to drive issued in accordance with Part V, in the approved form;

“Maximum Gross Weight” or “M.G.W” in reference to a [commercial/goods] 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;

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

“motorcycle” means a motor vehicle having—

- (a) a design to travel on not more than three wheels in contact with the ground;
- (b) a seat height unladen greater than 700 millimetres above the level surface on which the motor vehicle stands;
- (c) a wheel-rim diameter greater than 250 millimetres;
- (d) a wheelbase greater than 1 metre;
- (e) a capability of maintaining a speed of 70 kilometres per hour when laden; and
- (f) an engine displacement capacity in excess of 350 cc;

“motor-driven cycle” means a motor vehicle—

- (a) having two tandem wheels each with a rim diameter greater than 0.5 metres;
- (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 0.7 metres above the level surface on which the vehicle stands;
- (e) having an engine not capable of developing more than 5 brake horsepower as measured at the driveshaft;
- (f) not capable of maintaining a speed of 60 kilometres per hour when laden; and
- (g) having an engine displacement capacity of 350 cc or less;

“motor omnibus” means a public service vehicle other than one registered as a “hiring car”, “private school bus” or “maxi-taxi”, and includes a light motor omnibus having seating accommodation for not more than ten passengers, an ordinary motor omnibus having seating accommodation for more than ten passengers and a freight passenger vehicle;

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on a road 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 Inspector” means any person carrying out the provisions of this Act relating to the inspection and making of reports on the condition of vehicles and includes the person for the time being performing the duties of Automotive Licensing Officer in the Ward of Tobago;]

“off-road vehicle”—

- (a) means any type of vehicle which is capable of driving on and off paved or gravel surface; and
- (b) includes a—
 - (i) four wheel all-terrain vehicle;
 - (ii) motorized cycle not meeting the definition criteria for a “motor cycle”;
 - (iii) dune buggy; or
 - (iv) other vehicle not meeting the definition criteria for a “vehicle”, as approved by the Authority;

“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;

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

- (a) while the vehicle is being loaded or unloaded;
- (b) while passengers are entering or leaving the vehicle;
- (c) in compliance with the directions of a Constable or of a traffic sign or with the requirements of traffic regulations;
- (d) while temporarily stopped by reason of traffic conditions; or
- (e) while stopped owing to mechanical breakdown or lack of fuel,

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

[“pole trailer” means a trailer so designed that an indivisible load placed thereon will be supported at its front end by the body or chassis of the towing vehicle and at its rear end by the body or the chassis of the trailer;]

“prescribed” means prescribed by Regulations made under this Act;

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

“private school bus” means a vehicle having seating capacity for not less than nine nor more than twenty-five passengers, that is approved by the Authority for transporting school children;

[**“public service vehicle”** means a vehicle used for carrying passengers for hire or reward, whether at separate and distinct fares for their respective places or not;]

“Registrar” means the 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 licensed under the Act to conduct the business of renting a vehicle without a driver;

“rented vehicle” means a vehicle which is privately rented or hired out from the owner;

“road” means any 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;

[**“semi-trailer”** means any trailer which is so designed that when operated the forward part of its body or chassis rests upon the body or the chassis of the towing vehicle;]

“tare” means the actual weight of a vehicle when unladen but 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;

Chap.75:01

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

“tonne” means the metric tonne of 1000 kilograms;

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

“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 for the guidance or direction of traffic;

“Traffic Warden” means a person appointed in accordance with **section 260**;

“trailer” means any vehicle which has no independent motor power of its own and

which is attached to a tractor or any motor vehicle, but does not include a side-car attached to a motorcycle;

“truck tractor” means any motor vehicle constructed for the purpose of hauling trailers whether or not it is itself capable of carrying passengers or goods but does not include a goods vehicle so constructed except when such goods vehicle is hauling a trailer;

“valid” in relation to a licence means a licence or document which has been lawfully issued by the relevant competent authority and has not expired;

“vehicle” includes a tramcar, trailer, motor vehicle, bicycle, tricycle, and any other conveyance for the portage of goods or persons;

“vehicle tax” means the tax payable under **section 82**.

Act binds the State

5. This Act binds the State.

PART II

MOTOR VEHICLES AND ROAD TRAFFIC AUTHORITY

Establishment of
Motor Vehicles and
Road Traffic
Authority.

6. There is hereby established a body to be known as the Motor Vehicles and Road Traffic Authority, which shall be a body corporate to which sections 37 and 38 of the Interpretation Act shall apply.

Chap. 3:01

Functions of the
Authority

7. (1) The Authority shall be charged with the responsibility for the registration, inspection, certification and classification of all vehicles and issue of drivers licences and for such other matters as are assigned by this Act or the Regulations.

(2) Without limiting the generality of subsection (1), the Authority shall also undertake the following functions:

- (a) ensure the effective administration of this Act, and in so doing—
 - (i) inspect and register all vehicles that have entered in Trinidad and Tobago;
 - (ii) classify the types of drivers' licences for the operation of vehicles in Trinidad and Tobago;
 - (iii) issue, restrict, and suspend licence plates for vehicles and other identifying tags which may be determined by the Authority from time to time;
 - (iv) register and monitor vehicle dealers, persons in the business of rental and persons in the business of

- inspection;
- (v) register and monitor operators of private school buses;
- (vi) define requirements for obtaining a specific class of driver's licence;
- (vii) register and monitor all persons who provide the services of vehicles for hire;
- (viii) register, inspect and monitor all fleet management facilities and inspection stations;
- (ix) implement the maxi-taxi system and regulate the use of maxi-taxis;
- (x) recommend the prescription of safety equipment to be used by motor vehicle drivers;
- (xi) deregister or cause to be deregistered any vehicle deemed not to be in compliance with this Act, or any Regulations;
- (xii) exercise such other functions and duties under this Act and any other written law and any Regulations; and
- (xiii) ensure compliance with the provisions of this Act, and any Regulations, Rule or Order made pursuant to this Act;
- (b) implement decisions of the Board; and
- (c) approve and ensure the implementation of policies in relation to—
 - (i) the finances, real property and other assets and resources 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; and

- (ix) the internal audit of the Authority; and

exercise such other functions and duties as are prescribed by any other written law or regulations made under this Act.

Powers of the Authority

8. The Authority may in carrying out its functions—

- (a) delegate any of its functions for the efficient operation or implementation of the Act;
- (b) charge and collect fees associated with the provision of its services, as may be prescribed;
- (c) with the permission of the Minister, acquire, purchase, take, hold and enjoy real and personal property of every description;
- (d) convey, assign, surrender and yield up, mortgage, demise, re-assign, transfer or otherwise dispose of, or deal with any real or personal property vested in the Authority on such terms as the Authority considers fit:

Except that the Authority shall not dispose of property representing a significant amount of its asset base, without the permission of the Minister;

- (e) hold such property that may by this Act be vested in the Authority, as well as such property as may from time to time—
 - (i) by virtue of any other written law; or
 - (ii) in any other way, be or may become vested in the Authority;
- (f) accept surrenders, assignments or reconveyances and exchange any property and enter into contracts;
- (g) exercise such other powers as are prescribed by any other written law; and
- (h) do such things as may in its opinion be conducive to proper exercise of its functions.

Ministerial directions and report.

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 request 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 relating to any matter investigated which, in its opinion, require the special attention of the Minister.

**Establishment of
Motor Vehicles and
Road Traffic
Authority Board.**

10. (1) The Authority shall be governed by a Board of Directors, to be known as the Motor Vehicles and Road Traffic Authority Board, which shall be responsible for the performance of the functions conferred on the Authority by this Act.

(2) The Board shall consist of eleven persons, appointed by instrument in writing by the Minister, who shall be selected as follows:

- (a) six members each having special qualifications or experience in one of the following areas:
 - (i) finance;
 - (ii) human resource management;
 - (iii) information technology;
 - (iv) law;
 - (v) mechanical engineering;
 - (vi) service delivery.
- (b) a representative of—
 - (i) the Ministry responsible for Works and Transport; and
 - (ii) the Tobago House of Assembly;
- (c) a suitably qualified member of the public appointed at his discretion;
- (d)
 - (i) the Commissioner of Police; and
 - (ii) the General Manager,both of whom shall serve as *ex officio* members of the Board.

(3) The Minister shall appoint from among the persons appointed pursuant to subsection (2) to serve as members of the Board—

- (a) a Chairman; and
- (b) a Deputy Chairman.

(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) A resignation made under subsection (4) shall take effect as from the date on which the Minister or the Chairman receives that notice in writing.

(6) A member of the Board, other than an *ex officio* member, shall be appointed to hold office for a period not exceeding three years from the date of his appointment and under such terms and conditions of service as may be fixed by the Minister from time to time and that member may be reappointed.

(7) The Minister may at any time revoke the appointment of a member of the Board, other than an *ex officio* member, where the member—

- (a) is adjudged bankrupt;
- (b) is certified by a Medical Board or Tribunal or declared by a court to be mentally incapable of performing the duties of a member;
- (c) is, for whatever reason, incapable of performing or unable to perform the duties of a member;
- (d) has neglected the duties of a member or has engaged in misconduct;
- (e) has been absent, without leave of the Chairman, or reasonable excuse from three consecutive meetings of the Board;
- (f) has been convicted of an indictable offence or an offence against this Act or any other written law for which a penalty of six months imprisonment has been imposed; or
- (g) for any other sufficient cause.

(8) Where the Minister is satisfied that—

- (a) a member is absent or temporarily 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.

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

Appointment of members of the Board to be notified in the Gazette.

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

Remuneration of members.

12. The Board shall, subject to the approval of the Minister, pay to each member in respect of his office such remuneration and allowances, if any, as the Board thinks fit, and subject to the like approval, to the Chairman and Deputy Chairman in respect of his office, such remuneration and allowances, if any, in addition to any remuneration or allowances to which he may be entitled in respect of his office as a member, as, subject to the like approval, may be so determined.

Liability of Board members.

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.

Secretary to the Board.

14. (1) The Board shall appoint an employee of the Authority to serve as Secretary to the Board, on such terms and conditions as the Board may determine.

(2) The Secretary to the Board shall—

- (a)* make preparations for and attend meetings of the Board;
- (b)* prepare and keep minutes of proceedings of the Board;
- (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.

(3) The Secretary shall not be a member of the Board.

Meetings of the Board.

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

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

(3) The Chairman may at any time call 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 by not less than four members of the Board.

(4) The Chairman may convene a meeting of the Board by video on teleconference or other electronic means with the concurrence of a majority of the members.

(5) A member shall be deemed to be present at a meeting of the Board where the member participates by teleconference or other electronic means and all members participating in the meeting are able to communicate with each other.

(6) At a meeting of the Board—

- (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.

- (7) The quorum for a meeting of the Board shall be five members.
- (8) The decisions of the Board shall be adopted by the votes of at least a majority of the members present and voting and in a case in which the voting is equal, the member presiding at the meeting shall, in addition to that member's original vote, have a casting vote.
- (9) Whenever, in the judgment of the Chairman, there arises a situation where any action contemplated by the Authority requiring the approval of the Board should not be postponed until the next of the Board and cannot await the calling of a special meeting of the Board under subsection (3), the Chairman shall request the members to vote without meeting.
- (10) The Chairman shall present to each member by rapid means of communication a motion embodying the proposed action.
- (11) In any such case, each member shall as soon as possible, notify the Chairman of his decision or recommendation on the matter.
- (12) At the expiration of the period prescribed for voting, the Chairman shall cause the results to be recorded, and must notify all members of the results and of the status of the decision or recommendation.
- (13) A decision or recommendation in writing signed by all the members entitled to receive notice of a meeting of the Board, shall be valid and effectual as if it had been passed in a meeting of the Board duly convened and held and may consist of several documents in the like form each signed by one or more members.
- (14) Decision by this method must be ratified by, and recorded in the report of the next or subsequent meeting of the Board.
- (15) Notwithstanding paragraphs 13 and 14, if any member so requests, the matter on which a decision is required shall be referred for consideration by the Board at its next meeting.
- (16) No Act or proceedings of the Board may be invalidated by reason of the existence of a vacancy amongst its members or of any defect in the appointment of a member.
- (17) 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.
- (18) 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.
- (19) The Secretary shall provide the Minister with a copy of the minutes of every meeting of the Board.

Administration.

16. Subject to **section 15**, the Board may by resolution make rules to govern its own proceedings and such rules shall be binding on the Board.

Appointment of committees.

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

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

(4) Any reference or assignment under subsection (1) and every appointment under subsections (2) and (3) may be withdrawn or revoked by the Board at any time, and no such reference or assignment shall prevent the exercise by the Board of any of its functions.

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

(6) Meetings of a committee shall be held at such time and place as the Chairman of that committee may determine or as the Board may direct.

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

(8) The members of a committee appointed under this section shall be paid from the funds of the Authority, such remuneration, whether by way of honorarium, salary or fees, and such allowances as may be determined by the Minister.

(9) The Board may by resolution reject the report of any committee appointed under this section or adopt it either wholly or with such modifications, additions or adaptations as the Board may think fit.

Disclosure of interest.

18. (1) A member of the Board or of a Committee established under **section 15 —**

- (a) who is in any way interested, whether directly or indirectly, in any—
 - (i) transaction, arrangement or contract with the Authority or in which the Authority is interested; or
 - (ii) matter which is being dealt with by the Authority; or
- (b) whose material, pecuniary or proprietary interest in a company, partnership, undertaking or other business is likely to be affected by a decision of the Board,

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 it shall not vote on the matter and, that member 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 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 Board or committee member, means the spouse, parent, child, stepchild, brother or sister of the Board or committee member or the parent, child, stepchild, brother or sister of the spouse of the Board or Committee member.

**Seal of the
Authority.**

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 —

- (a) the Secretary; and
- (b) the Chairman or in his absence, the Deputy Chairman; or
- (c) one other 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.

(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 General

Manager, 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.

Service of notice on the Authority.

20. (1) The Authority shall at all times have a fixed 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 fixed address of the Authority.

(3) The address for service of a notice, order or other document on the Authority shall be published in the *Gazette*.

PART III

STAFF, ENFORCEMENT AND ADMINISTRATION

Appointment of executive management and other staff of the Authority.

21. (1) The Authority may appoint, subject to **section 22(1)**, a General Manager, who shall be the chief executive officer and responsible for carrying out the decisions of the Authority, a Registrar of Motor Vehicles, a Chief Motor Vehicles Enforcement Officer, an Accountant and such other officers and employees as may be necessary and proper, to be staff of the Authority, for the due and efficient administration, management and performance by the Authority of its functions and the exercise of its powers under this Act.

(2) Subject to **sections 23, 26 and 27** and subsection (3) the Authority shall fix the qualifications, terms and conditions of service and such maximum limit of remuneration as may be approved by the Minister for members of staff of the Authority.

(3) The Authority shall not fix the terms and conditions of service, salaries and perquisite for its executive management without the prior approval of the Minister.

Staff of Licensing Authority established under former Act.

22 (1) On the commencement of this Act the officers and other employees who are members of the staff of the Licensing Authority established, under the former Act, shall comprise the staff of the Authority.

(2) Whenever a vacancy occurs in the membership of the staff of the Authority as comprised in subsection (1), the Authority may exercise its powers of appointment **under section 21** to fill the vacancy.

Employment of persons for specific tasks.

23. The Authority may employ persons to perform specific tasks that the Authority considers necessary for the due performance of its functions and exercise of its powers under this Act, on such terms and conditions as are agreed between the Authority and the person.

General Manager.

24. (1) Subject to subsections (5) and (6), the General Manager appointed pursuant to **section 21** shall hold office for a period not exceeding **five** years and shall receive such emoluments and be subject to such terms and conditions of service as may from time to time be determined by the Authority and shall be eligible for reappointment.

(2) The Authority may delegate to the General Manager such functions and duties as the Authority deems necessary or desirable for the execution of the functions of the Authority.

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

(a) is revocable 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 General Manager shall attend all meetings of the Board but shall not have a vote on decisions taken by the Board.

(5) The General Manager may resign from office by giving one month's notice, by instrument in writing, addressed to the Chairman of the Board and the Minister.

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

Role of the General Manager.

25. The General Manager shall be responsible to the Board for the management of the affairs of the Authority.

Registrar of Motor Vehicles.

26. (1) Subject to subsections (4) and (5) the Registrar appointed pursuant to section 21 shall be appointed to hold office for a period not exceeding five years and shall receive such emoluments and be subject to such terms and conditions of service as may from time to time be determined by the Board and shall be eligible for reappointment.

(2) The Registrar of Motor Vehicles shall—

- (a) have responsibility for the effective administration of this Act; and
- (b) assist the General Manager in the following areas:
 - (i) the development and implementation of frameworks for motor vehicle policy, programme, and quality management;
 - (ii) the continuous review and modernization of the law governing the registration, inspection, certification and classification of vehicles, and issuance of drivers licences;
 - (iii) the development of compliance programme evaluation processes;
 - (iv) the provision of expert advice and assistance on all motor vehicle classification, registration and licensing issues; and
 - (v) in ensuring the security, integrity, and accuracy of the information contained in the motor vehicles database.

(3) The Registrar of Motor Vehicles shall receive such emoluments and be subject to such terms and conditions as the Authority may determine.

(4) The Registrar may resign from office by giving one month's notice, by instrument in writing, addressed to the Chairman of the Board and the Minister.

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

**Chief Motor Vehicles
Enforcement Officer.**

27 (1) Subject to subsections (7) and (8) the Chief Motor Vehicles Enforcement Officer appointed pursuant to **section 21** shall be appointed to hold office for a period not exceeding three years and shall receive such emoluments and be subject to such terms and conditions of service as may from time to time be determined by the Board and shall be eligible for reappointment.

(2) The Chief Motor Vehicles Enforcement Officer shall be responsible for—

- (a) assisting in the enforcement of this Act;
- (b) summoning before a Summary Court a person whom he reasonably suspects of having committed an offence under this Act; and
- (c) assisting in the prosecution of a person who commits an offence under this Act.

(3) The Chief Motor Vehicles Enforcement Officer shall be assisted by staff of the Authority to be designated as Motor Vehicles Enforcement Officers.

First Schedule

(4) On the appointment of any person to be a Motor Vehicles Enforcement Officer, the Chief Motor Vehicles Enforcement Officer shall deliver or cause to be delivered to him a precept authorizing him 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, by instrument in writing, addressed to the Chairman of the Board and the Minister.

(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 fulfil the responsibilities of the office.

Application of State Liabilities and Proceedings Act Chap. 8:02.

28. Notwithstanding the State Liabilities and Proceedings Act, the Chief Motor Vehicles Enforcement Officer and any Motor Vehicles Enforcement Officer in exercising their powers under this Act shall be deemed to be servants of the State and the State Liabilities and Proceedings Act shall apply to them.

Powers of the Motor Vehicles Enforcement Officer.

29. (1) The Chief Motor Vehicles Enforcement Officer and a Motor Vehicles Enforcement Officer shall, in the exercise of their powers and duties conferred by this Act or the Regulations, have the powers, authorities and privileges and shall be entitled to all the immunities given by any 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 warrant has been issued in respect of a person charged with an offence a Motor Vehicles Enforcement Officer shall, notwithstanding that the warrant is not in his possession, arrest the person charged with the offence and the warrant shall, on demand by the person arrested, be shown to him as soon as practicable after his arrest.

(4) Where a Motor Vehicles Enforcement Officer makes a complaint against any person, any other Motor Vehicles Enforcement Officer may appear before the Magistrate who is inquiring into the matter of the said complaint, and shall have the same privileges as to addressing the said Magistrate and as to examining the

witness adduced in the said matter as the Motor Vehicles Enforcement Officer who made the complaint would have had.

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

(6) A badge under subsection (6) 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.

(7) The cost of articles and clothing under subsections (6) and (7) shall be defrayed from such funds as may be provided for that purpose by the Authority.

Impersonation of a Motor Vehicles Enforcement Officer or wearing a Motor Vehicle Enforcement Officer Uniform.

30. A person, other than a Motor Vehicles Enforcement Officer, who without the written permission of the Authority—

- (a) puts on or assumes, 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 pretends to be a Motor Vehicles Enforcement Officer for any purpose which he would not by law be entitled to do of his own authority,

commits an offence and is liable on summary conviction to a fine of [thirty] thousand dollars and to imprisonment for three years.

**Options available to public officers.
Second Schedule.**

31. A person who, on commencement of this section is a public officer appointed to an office listed in Part A of the **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) to 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) to 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.

Secondment to or from the Authority.

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

(2) Where a secondment referred to in 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 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.

Confidentiality.

33. (1) Every member, officer and employee of the Authority and of the Board—

(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.

**Second Schedule
Chap. 7:01**

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

Limitation of personal liability of the Authority personnel.

34. Personal liability shall not be attached to any personnel of the Authority for anything done, permitted to be done or omitted in good faith in the course of the operations of the Authority.

Pension Fund Plan.

35. (1) The Authority shall establish a pension fund plan, or where the establishment of that plan is not feasible, the Authority shall make arrangements for membership in a pension fund plan or join an existing pension fund plan with an entity approved by the Minister.

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

Preservation and accrual of superannuation benefits.

36. Superannuation benefits which have accrued to a person transferred in accordance with of **section 31(b) or 32(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 from the date on which arrangements are made for membership in a plan 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.

Payment of superannuation benefits by the Authority prior to the establishment of the pension fund plan.

37 (1) Where a person who is transferred in accordance with **section 31(b) or 32(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 of the above-mentioned methods he was in receipt of pay, pensionable emoluments or salary higher than that referred to in **section 36**, 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 36**, shall be paid by the Authority.

Payment of Superannuation benefits by pension fund plan.

38. (1) Where a person who is transferred in accordance with **section 31(b) or 32(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 35**, 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 IV

FINANCIAL PROVISIONS

Funds and resources of the Authority.

39. The funds and resources of the Authority shall consist of—

- (a) such amounts as may be allocated annually or for special purposes by Parliament for the use and operations of the Authority;
- (b) such amounts which the Authority may collect as payment for services rendered, fees due regarding licences, registration, permits or applications pursuant to this Act or any other Act being administered by the Authority or the Regulations;
- (c) contributions or sums arising from grants, covenants, donations and other receipts from persons including national and international bodies;
- (d) any other sums or amounts to which the Authority may make a lawful claim; and
- (e) proceeds of loans.

Use of funds and resources of the Authority.

40. (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) monies identified by the Ministry with responsibility for transport and appropriated by the Parliament of Trinidad and Tobago for the exercise of the functions of the Authority;
- (d) sums borrowed by the Authority;
- (e) any payment toward real property by the Authority to further the exercise of its functions under this Act; and

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

(3) Any sum of money recovered against the Authority for an action of the Authority, its personnel or any authorised officer acting in good faith in the course of operations of the Authority, shall be paid out of the funds and resources of the Authority.

(4) The balance of the revenue or resources of the Authority, if any, shall be applied in accordance with **section 44** or as determined by the Authority with the approval of the Minister.

Borrowing powers.

Chap. 69:01

41. Subject to 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 obligations.

Exemption from taxes.

42. (1) Notwithstanding any rule of law to the contrary, the responsible Minister may by Order exempt the Authority in whole or in part from the payment of any tax imposed by or under any written law.

(2) In this section “tax” includes assessments, fees, charges, imposition and such other levies as form part or are intended to form part of the general revenue of Trinidad and Tobago.

Accounts of the Authority.

43 (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 first day of June in each year, prepare and submit to the Minister the estimates of revenue, other financial resources and expenditures of the Authority for the next financial year, in such form as the Minister may direct.

Public accounts.

Chap. 1

44. (1) The accounts of the Authority shall be public accounts within the meaning of section 116 of the Constitution.

(2) Subject to **section 40(4)**, at the end of each financial year or such earlier period as may be determined by the Minister of Finance there shall be paid into the Consolidated Fund, after allowing for funding for the operations of the Authority and for specific projects or other designated purposes, the balance standing to the credit of the accounts of the Authority.

Financial year.

45. The financial year of the Authority shall be 1st October to 30th September in each year.

**Responsibility of
accounting officers.**

46. All officers charged with the receipt, accounting for, or disbursement of moneys or with the custody or delivery of stores, or other property belonging to the Authority shall be individually responsible for the due and efficient discharge of their respective duties, and for the exercise of proper supervision of the accounts kept or controlled by them and of all property entrusted to their care, and for the due observance of all rules and regulations, and of all orders and instructions prescribed for their guidance.

**Appointment of
external auditor.**

47. (1) The Board shall, with the approval of the Minister, appoint an external auditor.

(2) An external auditor appointed by the Board has a right of access at all reasonable times to the books, accounts, vouchers and other records of the Authority and is entitled to require from officers of the Authority such information and explanations as he considers necessary for the performance of his duties as external auditor.

**Preparation of
annual reports and
accounts of the
Authority**

48. (1) Within three months after the end of each financial year the Authority shall cause to be prepared, in respect of that year—

- (a) a report setting out the activities of the Authority; and
- (b) audited financial statements prepared in accordance with the accounting standards established by the Institute of Chartered Accountants of Trinidad and Tobago.

(2) Where the standards referred to in subsection (1) are inappropriate or inadequate for any type of accounting method the Comptroller of Accounts may provide such instructions as may be necessary.

(3) The external auditor shall prepare a report on the accounts and send the report to the Board which shall, as soon as practicable, but not later than one month, after its receipt, send a copy of the report and a copy of the statement of accounts to the Minister.

(4) The external auditor shall include in the report—

- (a) a statement whether, in the opinion of the auditor, the income and expenditure account for the financial year to which the report relates give a true and fair view of the income and expenditure of the Authority; and
- (b) a statement whether, in the opinion, of the auditor the balance sheet for the financial year gives a true and fair view of the financial affairs of the Authority at the end of that financial year.

(5) A copy of the report and financial statements referred to in subsection (1) shall be submitted by the Minister to be laid in Parliament within one month of the date of receipt of the report and financial statements.

**Exemption from
Central Tenders
Board Act.**

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49. (1) The Authority in pursuance of its functions is not subject to the Central Tenders Board Act.

(2) The Board shall, subject to the Minister's approval, make rules relating to the awards of tenders and contracts and those Rules shall govern the conduct of the award of tenders and related matters.

(3) The Authority shall not award any tender or contract until the Rules are made.

(4) The Authority shall open every tender in public and indicate the parties to and contents of each tender received in respect of its functions.

(5) The Minister shall cause Rules made under this section to be laid in Parliament.

(6) Rules made under this section shall be available to any person on request.

PART V

LICENSING OF PERSONS TO DRIVE

**Requirement to be
licensed.**

50. (1) Subject to **section 51** a person shall not drive a vehicle unless he holds a valid licence to so operate issued by the Authority under this Part for the 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) commits an offence and is liable on summary conviction to a fine of [three] thousand dollars or imprisonment for one year.

(4) Where the person who drives the vehicle in contravention of subsections (1) and (2), has never been the holder of a valid driver's licence or has previously been refused a valid driver's licence or disqualified from holding or obtaining a valid driver's licence, he commits an offence, he may be arrested forthwith without a warrant, and is liable on summary conviction to a fine of [three] thousand dollars or imprisonment for one year.

Holder of licence
issued outside
Trinidad and
Tobago.

Third Schedule

Fourth Schedule

51. (1) Subject to subsections (4) and (5), a person who holds—

- (a) a valid driver's licence issued by a country listed in the **Third Schedule** shall not, where the licence remains valid, be required to hold a licence to operate a motor vehicle for the first three months that he is in Trinidad and Tobago; or
- (b) a valid international driver's licence issued by a country listed in the **Fourth 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 only be entitled to drive in Trinidad and Tobago a vehicle of the class for which he is authorised to drive by the licence of which he is a holder.

(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.

Classes of driver's
licences.

52. (1) The Authority may issue the following classes of driver's licences:

- (a) Class 1- the driver is authorised to operate a commercial vehicle or combination of vehicle and trailer registered for weight in excess of 15,000 kilograms;
- (b) Class 2 - the driver is authorised to operate a school bus in excess of twenty-five passengers;
- (c) Class 3- the driver is authorised to operate a commercial vehicle or combination of vehicle and trailer registered for weight in excess of 5000 kilograms but not exceeding 15,000 kilograms;
- (d) Class 4 - the driver is authorised to operate—
 - (i) a taxi, ambulance; and
 - (ii) a school bus with seating capacity of twenty-five passengers or less;
- (e) Class 5 – the driver is authorised to operate a private motor vehicle or combination of vehicle and trailer registered for weight not exceeding 5,000 kilograms;
- (f) Class 6 – the driver is authorised to operate a motorcycle or

motor driven cycle and a Class 5 vehicle as a learner;

- (g) Class 7 – the driver is authorised to operate a Class 5 vehicle as a learner; and
- (h) Class 8 – the driver is authorised to operate an agricultural tractor and may also operate a Class 5 vehicle if he is a learner.

(2) The Authority may affix further endorsements to the classes referred to in subsection (1) in respect of—

- (a) construction equipment, where the applicant for such an endorsement holds at least a Class 1 licence;
- (b) trailers exceeding a tare weight of 2200 kilograms;
- (c) motor cycles with an engine displacement capacity in excess of 350cc;
- (d) motor cycles with an engine displacement capacity of 350cc or less;
- (e) vehicles equipped with air-brakes;
- (f) motor omnibus with seating capacity in excess of 25 passengers;
- (g) motor omnibus with seating capacity of 25 passengers or less; and
- (h) articulated motor omnibus.

(3) In moving between the classes set out in subsection (1) a person who holds a Class 3 licence for at least one year may apply to obtain a Class 1 licence without holding a Class 2 licence but in all other instances the upward movement between classes from Class 5 to Class 1 shall be based on the holding of a licence of the earlier class for at least one year.

(4) The decision of the Authority as regards the class or type to which any vehicle conforms or under which it should be registered, shall be conclusive.

Power to stop and inspect vehicle.

53. (1) Every driver of a vehicle shall, on the request of a Constable in uniform, if such officer shall put up his hand as a signal for that purpose, cause a vehicle to stop and remain stationary as long as may be reasonably necessary for the Constable to satisfy himself of the vehicle's roadworthiness and the driver's general compliance with this Act or any other written law.

(2) A driver of a vehicle who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars or imprisonment for two years.

Exemption from requirement for driver's licence by Military.

54. (1) Subject to subsection (2) and notwithstanding **section 50**, 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 military purpose.

(2) Subsection (1) applies 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.

Motorcycles and safety helmets.

55. (1) A person shall not drive or be carried on a motorcycle on any road unless he wears a safety helmet capable of affording the head of the wearer protection from injury in the event of an accident.

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

(3) The types of helmet that are capable of affording the head of the wearer protection from injury in the event of an accident shall be prescribed by the Minister, by reference to design, construction or other quality, by Notification.

Learner driver's licence.

56. (1) A person over the age of seventeen years who 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,

(herein referred to as an applicant) who wishes to operate a vehicle for the purpose of learning to drive, shall—

- (i) apply to the Authority in the manner prescribed;
- (ii) pay the fee set out in the **Fifth Schedule**; and
- (iii) meet the requirements of subsection (2).

Fifth Schedule

(2) An applicant under subsection (1) shall take the—

(a) required vision test; and

(b) knowledge test on the rules of the road, road signals and road safety at the time prescribed.

(3) An applicant who successfully completes the knowledge test on the rules of the road, road signals and road signs, pursuant to subsection (2), may apply for a learner driver's licence for the purpose of learning to drive and must pay the prescribed fee.

(4) An application under subsection (1) must be made on the prescribed form and accompanied by —

- (a) proof of identification such as a passport, national identification card or a national electronic birth certificate —

Except that, if the passport is a machine readable passport, an electronic birth certificate may not be required.

- (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.

(5) The Minister may by Order, for the purpose of subsection (4), prescribe other forms of identification or proof of address that may be accepted.

(6) Subject to subsections (7) and (8), the Authority, on receiving an application made pursuant to subsection (1), may issue a learner driver's licence, in the approved form and as prescribed, subject to such conditions and restrictions as it thinks fit, entitling the applicant, while having the learner driver's licence in his possession, to drive a vehicle of a particular class, on a road and highway in Trinidad and Tobago when accompanied by a person who —

- (a) holds a driver's licence for at least five years;
- (b) holds a valid driver's licence issued under this Act for the class of vehicle being operated; and
- (c) occupies a front seating position and there is no other person in the vehicle.

(7) More than one examiner may be in a vehicle that is being driven by a person who holds a learner driver's licence.

(8) A person who holds a learner driver's licence shall not drive a motorcycle on a highway except for the purpose of being examined and when the person is within sight of an examiner.

(9) A learner who fails to comply with any condition attaching to or any restriction specified in his learner driver's licence commits an offence and is liable on summary conviction to the penalty prescribed for an offence committed in contravention of **section 50** as if he were not the holder of a learner driver's licence and the learner driver's licence shall be cancelled.

(10) When granting a learner driver's licence for the purpose mentioned in subsection (1), the Authority may impose such conditions and restrictions as it considers necessary for the safety of the public and shall, without prejudice to the generality of the foregoing specify that the learner shall—

- (a) drive on such roads at such times as may be mentioned in the

licence;

- (b) not use a taxi, or a motor omnibus carrying passengers for the purpose of learning to drive;
- (c) where the person is a differently-abled person, install such apparatus prescribed by Regulations as is required for the safer operation of the vehicle by the applicant.

(11) A learner driver's licence shall not be issued in respect of a vehicle in Class 1, 2, 3, or 4 unless the learner already holds a driver's licence in the prescribed form in respect of a vehicle in the next lower Class; with the exception of Class 1, where the holder may hold a minimum of Class 3 for at least one year.

(12) A learner driver's licence issued under this section is valid for one year.

(13) A learner and the person accompanying him for the purpose of instruction, shall each be liable for any offence committed against any of the provisions of this Act during the course of such instruction.

(14) A learner shall within the period of validity of the learner driver's licence take an on the road driving test in the manner prescribed.

Driver's Licence

Issue of a driver's licence

57. (1) Where a person successfully completes the on the road driving test referred to in **section 56(14)** the Authority shall on payment of the prescribed fee, issue to that person a driver's licence for the appropriate class.

(2) A driver's licence issued under subsection (1) shall, unless suspended, cancelled or revoked by the Authority, or surrendered by the holder, be valid for—

- (a) 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-six years;
- (b) 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;
- (c) 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;
- (d) 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;
- (e) 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

- (f) 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.**

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(3) An applicant referred to in subsection 2(f) shall provide a medical certificate as to his ability to operate a motor vehicle without impediment, from a medical practitioner registered under the Medical Board Act.

(4) 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 eight thousand dollars or to imprisonment for six months and the Authority shall report that conviction to the Medical Board.

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

Conditions of driver's licence.

58. A driver's licence granted under this Act shall —

- (a) require strict adherence to this Act;
- (b) prohibit the assignment of the licence; and
- (c) contain conditions regarding—
 - (i) the expiration and renewal of the licence;
 - (ii) the class of licence issued; and
 - (iii) any endorsements or restrictions.

Grounds for refusal of driver's licence.

59. (1) A driver's licence shall be refused where the applicant fails to meet the requirements of this Act.

(2) A driver's licence may be refused where the applicant has been convicted of an offence under this Act or under any other written law for which the term of imprisonment was three years or more.

Renewal of driver's licence.

60. (1) A holder of a driver's licence issued under this Act, who wishes to renew his driver's licence shall apply for the renewal of his driver's licence no more than thirty days prior to the date of expiration of the drivers licence and pay the fee set out in the **Fifth Schedule.**

Fifth Schedule

(2) On applying for a renewal under subsection (1) an applicant shall submit himself for a vision examination.

Extension of certificate, licence or permit.

61. The Authority may extend any certificate, licence or permit issued under the Act for a specified period, if the Authority considers it necessary as a result of any of the following circumstances:

- (a) a natural disaster;
- (b) a system outage;
- (c) an act of God;
- (d) any temporary situation, that the Authority considers requires the extension of the certificate, licence or permit for the purpose of carrying out the true intent, purpose and object of the Act.

Endorsements

62. (1) The holder of a driver's licence may apply to the Authority for an endorsement to be placed on his licence in respect of another class of vehicle for which an endorsement is required under **section 52**.

(2) An application under subsection (1) shall be made in the prescribed form and be accompanied by the prescribed fee.

(3) An applicant referred to in subsection (1) shall be subject to such examination for the endorsement applied for as may be prescribed.

Requirement to have correct endorsement.

63. (1) A person shall not operate or drive a vehicle unless his driver's licence has been endorsed authorizing him to operate that class of vehicle.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three thousand dollars and shall be suspended from driving for at least one year.

Revocation or suspension of driver's licence.

64. (1) Where the Authority is of the opinion that the holder of a driver's licence does not meet the prescribed requirements of this Act or Regulations, it may revoke or suspend the driver's licence issued to that holder.

(2) Where the Authority revokes or suspends a driver's licence under subsection (1), the Authority shall inform the holder of the driver's licence of the decision in the manner prescribed and remove the name of the holder from the driver's licence register required to be kept by the Authority under **section 74**.

(3) The Authority may also revoke or suspend a driver's licence granted under this Act where the holder of the driver's licence has been convicted of an offence under this Act or under any other Act for which the penalty is imprisonment for twelve months or more.

Authority may suspend a driver's licence in interest of public safety.

65. (1) Notwithstanding any other written law, the Authority may suspend for a period not exceeding six months, every driver's licence issued under this Act to a person where the person's record as a driver of a motor vehicle 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 issued under this Act or that the person is not competent to drive a motor vehicle.

Ninth Schedule

(2) For the purpose of establishing that it would not be in the interest of public safety for a person to hold a valid driver's licence or that such a person is not competent to drive a motor vehicle, the Minister may prescribe by Regulations, a system of awarding penalty points against a person for the commission of an offence under this Act or referred to in the **Ninth Schedule** or the Regulations.

(3) The Regulations referred to in 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 him to hold a valid driver's licence or that the person is not competent to drive a vehicle;
- (b) the period during which the points shall remain on a person's driving record.

(4) The Authority may exercise the power conferred upon it by this section to suspend the driver's licence of a person, at such time after the maximum number of points referred to in subsection (3), has been awarded against the person as the Authority thinks fit.

(5) Where the points awarded against a person under the Regulations made under subsection (2) reach fifty per cent of the maximum number at which the Authority may suspend the driver's licence of that person under this section, the Authority shall give notice in writing to the person.

(6) Where a person is disqualified by an order of a Court from holding or obtaining a driver's licence for such period of time as may be specified in the order, every point awarded against him under the Regulations made under subsection (2) shall thereupon be cancelled.

(7) Where a holder of a valid driver's licence commits on a single occasion, two or more offences under this Act or the Regulations made under this Act, penalty points shall be awarded against him only for the offence committed by him and in respect of which the largest number of points may be awarded against him.

(8) For the purposes of this section, a person shall be deemed to have committed an offence referred to under Part XII or the Regulations made under subsection (2) if he pays the prescribed penalty under **section 229**, except that a person who appeals a fixed penalty in accordance with **section 229(9)**, shall not be deemed to have committed the offence until the appeal has been adjudicated against him.

Holder of driver's licence may show cause why licence should not be suspended.

66. (1) The Authority shall, before suspending the driver's licence of a person under **section 65**, give that person notice in writing of its intention to do so, specifying a date not less than fourteen days after the date of the notice, upon which such suspension shall be made and calling upon the person to show cause to the Authority why the driver's licence should not be suspended.

(2) Where the person fails to show cause within the period referred to in subsection (1) and if the Authority, after taking into consideration any facts in mitigation, decides to suspend the driver's licence of the person pursuant to **section 65**, the Authority shall forthwith, in writing, notify the person of the suspension.

(3) An order of suspension made under **section 65** shall not take effect until the expiration of fourteen days after the Authority has informed the person concerned of the order.

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

Surrender and return of driver's licence.

67. (1) The Authority shall, upon suspending a driver's licence under **section 65**, require the person concerned to surrender the driver's licence to the Authority.

(2) Any person whose driver's licence has been suspended under **section 65** shall forthwith surrender the driver's licence to the Authority on request pursuant to subsection (1).

(3) Subject to a decision of the Appeal Committee, following an appeal referred in **section 66(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 for obtaining a driver's licence.

(4) 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.

Voluntary surrender of driver's licence.

68. The holder of a driver's licence issued under this Act, may voluntarily surrender it—

(a) for cancellation; or

(b) to be converted into another category of vehicle licence.

Production of a driver's licence.

69. (1) A person who drives or is in charge of a motor vehicle on any road or a learner who is in a vehicle on any road receiving instruction, shall have on his person or in the vehicle for production as required by subsection (2), his driver's or learner's licence.

(2) A Constable in uniform may require any person referred to in

subsection (1) to produce his driver's or learner's licence for examination, in order to ascertain the name and address of the holder of the licence, the date of issue and class of the licence to drive, and any endorsements or restrictions in respect of the licence.

(3) Where a person fails to produce a licence pursuant to subsection (2), without reasonable excuse, he commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Driver's licence remains property of the Authority.

70. A driver's licence, issued under this Act remains the property of the Authority and must be returned to the Authority by the holder whenever required by the Authority.

Lost, stolen or destroyed driver's licence.

71. (1) Where a driver's licence issued under this Act is lost, stolen or destroyed, the person to whom the same was issued may obtain a duplicate or substitute thereof on furnishing proof satisfactory to the Authority that the licence has been lost, stolen or destroyed and on payment of the prescribed fee.

(2) Where on receipt of an application under subsection (1) the Authority is satisfied that a new driver's licence should be issued it may so issue.

(3) Where after the issue of a driver's licence, under subsection (2), the holder comes into possession of the previously lost or stolen driver's licence, he shall return the previously lost or stolen driver's licence, to the Authority.

Issue of International driver's licence.

72. (1) Where a person in Trinidad and Tobago wishes to drive a motor vehicle in any country referred to **in the Fourth Schedule** which is a party to any international convention to which Trinidad and Tobago is a party regarding the international circulation of motor vehicles, he shall apply to the Authority for an international driver's licence.

Fourth Schedule

Fifth Schedule

(2) In application under subsection (1) shall be accompanied by the fee set out in the **Fifth Schedule**.

(3) An applicant under this section shall, in addition to such other particulars as are required by the Authority, satisfy the Authority that he holds a valid driver's licence issued in Trinidad and Tobago and is ordinarily resident in Trinidad and Tobago.

(4) The Authority on receipt of an application under subsection (2) and on being satisfied that the applicant satisfies subsection (3), issue the applicant an international driver's licence in accordance with the international convention.

(5) A licence issued under subsection (4) shall, unless suspended by a Court, remain valid for a period of twelve months from the date of issue.

(6) The Authority shall keep a register of all holders in Trinidad and Tobago of valid international driver's licence issued inside Trinidad and Tobago and outside Trinidad and Tobago.

**Requirements for
visiting drivers.**

Third Schedule

73. (1) The holder of a valid driver's licence issued in a country listed in the **Third Schedule**, referred to in **section 51 (1)(a)**, who drives or is in charge of a motor vehicle on any road shall have that driver's licence on his person or in the motor vehicle together with any travel documents on which is certified, the date of his arrival in Trinidad and Tobago for production when required under subsection (2).

(2) A Constable in uniform may require any person referred to in subsection (1) to produce his driver's licence together with his travel documents on which is certified his date of arrival into Trinidad and Tobago for examination in order to ascertain the validity of the licence and his entitlement to drive in Trinidad and Tobago.

(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.

(4) The holder of a driver's licence referred to in subsection (1) who uses that licence as authorization to drive on a road in Trinidad and Tobago, shall only drive on a road in Trinidad and Tobago under such authorization for three months from the date on which the holder enters Trinidad and Tobago and thereafter if he wishes to drive on a road in Trinidad and Tobago he must apply to the Authority for a driver's licence.

(5) An application under subsection (4) shall be made in the prescribed form and accompanied by the prescribed fee.

(6) An applicant pursuant to this section for a driver's licence shall be required to undertake the knowledge test on the rules of the road, road signals and road signs and the road driving test.

(7) An applicant pursuant to this section on successful completion of the knowledge test on the rules of the road, road signals and road signs and the road driving test may be issued a driver's licence depending on when he obtained his driving licence.

**Driver's licence
register.**

74. (1) The Authority shall keep a register of all persons who have been issued a licence to drive under this Act.

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

Assignment of points.

75. (1) Where a person who holds a driver's licence, issued under this Part, fails to comply with any provision of this Act or any Regulations, the Authority may attach driving points to the holder of the licence in accordance with **sections 231 to 234.**

(2) The Minister may by Regulations prescribe a system of awarding penalty points against any person for failure to comply with any provisions of this Act.

(3) The Regulations referred to in 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 valid driver's licence or that the person is not competent to drive a motor vehicle;
- (b) the period during which the points shall remain on a person's driving record.

(4) The Authority may exercise the power conferred on it by this section to suspend the driver's licence of a person, at such time after the maximum number of points, referred to in subsection (3), has been awarded against the person as the Authority thinks fit.

(5) Where the points awarded against a person under the Regulations made under subsection (2) reach fifty percent of the maximum number at which the Authority may suspend the driver's licence of that person under this section, the Authority shall give notice in writing to the person.

(6) Where a person is disqualified by an order of a court from holding or obtaining a driver's licence for such period of time as may be specified in the order, every point awarded against that person under the Regulations made under subsection (2) shall thereupon be cancelled.

(7) Where a holder of a valid driver's licence commits on a single occasion, two or more offences under this Act, or the Regulations, penalty points shall be awarded against him only for the offence committed by him and in respect of which the largest number of points may be awarded against him.

(8) Notwithstanding this section, where the person holds a learner driver's licence and he earns five points or more, his learner driver's licence shall be revoked and he shall not be entitled to hold a driver's licence for a period of two years.

(9) A person who has been assigned points for contravention of this Act shall, on taking a defensive driving course offered by the Authority be entitled to have a number of points removed from his record.

(10) Where a person has had his driver's licence suspended or revoked under this section, the Authority may on his application for re-instatement require the person to-

- (a) pay a re-instatement fee;
- (b) submit to a road driving test; and
- (c) submit to an interview to determine whether the driver's licence should be reissued.

Notice before suspension.

76. (1) The Authority shall, before suspending under **section 75** the driver's licence of a person, give that person notice in writing of its intention to do so, specifying a date not less than fourteen days after the date of the notice, on which such suspension shall be made and calling on the person to show cause to the Authority why the driver's licence should not be suspended.

(2) Where the person fails to show cause within the period referred to in subsection (1) and if the Authority after taking into consideration any facts in mitigation, decides to suspend the driver's licence of the person pursuant to **section 75**, the Authority shall forthwith, in writing, notify the person of the suspension.

(3) An order of suspension made under **section 75** shall not take effect until the expiration of fourteen days after the Authority has informed the person concerned of the order.

(4) A person whose driver's licence has been suspended by the Authority under this section may, within fourteen days of the receipt of the notice referred to in subsection (2), appeal to the Appeal Committee against that decision.

Surrender of driver's licence

77. (1) The Authority shall, upon suspending a driver's licence under **section 75**, require the person concerned to surrender the driver's licence to the Authority.

(2) Any person whose driver's licence has been suspended under **section 75** shall forthwith surrender the driver's licence to the Authority on request pursuant to subsection (1).

(3) Subject to a decision of the Appeal Committee following an appeal referred in **section 76(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 for obtaining a driver's licence.

(4) 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.

Transitional provisions relating to permits and licences.

78 (1) On the coming into force of this Act, 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 its date of expiration.

(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 a new driver's licence under this Act he may apply to the Authority under this Act for a driver's licence to be issued.

(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 thereof was previously permitted to drive.

PART VI

REGISTRATION AND CERTIFICATION OF VEHICLES

Approved form.

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

Tagging of vehicles.

80. (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 for which entry is being sought;

(b) take —

(i) the chassis and engine number where applicable, from the vehicle; and

(ii) all other details necessary for the registration of the said vehicle, from the vehicle,

and place the necessary electronic identification tags on the vehicle and record the information obtained pursuant to this section.

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

(3) Where on examination of a vehicle under this section it is determined that the purpose of the vehicle is uncertain the Authority shall seize and detain the vehicle until such time as enquiries can be made to ascertain its purpose and ownership.

Requirement to inform Authority of intention to import vehicle.

81. (1) Where it is intended that a vehicle enter Trinidad and Tobago as part of a shipment, the importer shall prior to the arrival of the shipment, provide the Authority with —

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

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

Vehicle tax.

Sixth Schedule

82. (1) There shall be payable to the relevant tax authority in respect of the classes of vehicles specified in the **Sixth Schedule**, a vehicle tax computed in accordance with the provisions of that Schedule for all vehicles entering Trinidad and Tobago.

(2) The vehicle tax referred to in subsection (1) shall be payable to the Tax Authority before registration of a vehicle.

(3) Where a vehicle in respect of which vehicle tax is payable is registered and vehicle tax is not paid pursuant to this section, that registration shall be void and of no effect and the vehicle shall be deemed not to have been registered.

(4) The Minister may by Order amend the **Sixth Schedule**.

(5) Every Order made by the Minister under subsection (4) shall have effect from the date of publication of that Order 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 confirm, amend or revoke that Order.

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

(7) So much of vehicle tax shall have been paid under an Order made under this section as may be 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) shall be repaid to any person who has paid the same.

Vehicle assembled in Trinidad and Tobago.

[83.](1) Where a motor vehicle is assembled in Trinidad and Tobago and the customs duty payable on the vehicle as assembled has not been paid, the Authority shall not register the vehicle for use, unless the fee prescribed by the Minister by Order in relation to such a vehicle is paid, and the vehicle shall be exempt from the vehicle tax.

(2) The President may remit or refund the whole or any part of any fee referred to in this section where he considers it expedient to do so.

(3) A locally assembled motor vehicle using a combination of new foreign parts and used foreign parts shall not be registered for use under this Act.]

Registration of Vehicles

Requirement to register vehicle.

84. (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 it 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 to a penalty for a contravention of this section if he proves he has taken all reasonable steps to comply with its requirements, and when the vehicle is in use on a road, that it is on its way for the purpose of being registered.

(4) Notwithstanding subsection (2), a vehicle which is on its way to be registered may have a temporary permit referred to in **section 106** attached to it for the purpose of being on the road for the purpose of being registered.

Exemption from requirement to register.

85. (1) The following classes of vehicles shall be exempted from the need for registration:

- (a) new vehicles in the possession of manufacturers or vehicle traders, but subject to such provisions as to vehicle traders certificate as may be provided in Part VII;
- (b) private motor vehicles and motor cycles brought into Trinidad and Tobago by visitors for their own use for a period not exceeding three months subject to such conditions as may be prescribed;
- (c) any vehicle the property of or used by the President for his official or personal duties;
- (d) any vehicle the property of or used by the Prime Minister for his official or personal duties.

(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) No fee on registration shall be charged in respect of the following:

(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;

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

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

(5) Notwithstanding the requirements of subsection (1) and 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.

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**Registration of
antique vehicle**

86. A vehicle may be registered as an antique vehicle where—

(a) the vehicle has been tested for originality, running order and safety and certified as an antique vehicle;

(b) the owner of the antique vehicle is a resident of Trinidad and Tobago;

(c) in the case of a commercial vehicle, the vehicle is not used for trade or business purposes;

(d) 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

(e) upon application for registration, the owner pays the prescribed fee.

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**Registration of a
vehicle.**

87. (1) A person who wishes to register a vehicle shall —

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

Fifth Schedule

Sixth Schedule

- (b) pay the fee set out in the **Fifth Schedule**;
- (c) meet the age requirements for the particular type of vehicle set in the **Sixth Schedule**; and
- (d) provide proof of payment of vehicle tax required to be paid under **section 82**.

(2) An application under subsection (1) shall be accompanied by a valid certificate of inspection issued by an approved inspection station within the previous four weeks.

(3) On receipt of an application for registration of a vehicle under subsection (1), a Motor Vehicles Enforcement Officer shall check the certificate of inspection and identification tags on the vehicle and verify their validity.

(4) Where the Authority is satisfied that —

- (a) the vehicle referred to in subsection (1) is road worthy;
- (b) the identification tags on the vehicle are valid;
- (c) 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
- (d) the vehicle should be registered to operate in Trinidad and Tobago,

the Authority shall, subject to subsection (5), so register and enter the particulars of the vehicle in the register of motor vehicles established under **section 110**.

Sixth Schedule

(5) Before registering a vehicle under this section, the Authority shall classify the vehicle in the manner specified in **Sixth Schedule**.

(6) Before registering any goods vehicle, freight passenger vehicle, motor omnibus or trailer, the Motor Vehicles Enforcement Officer shall ascertain the maximum gross weight or the maximum number of passengers which 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.

(7) The Authority shall, on registering a vehicle under subsection (4) issue to the owner thereof, a Vehicle Certificate of Registration in respect of the vehicle and the Vehicle Certificate of Registration shall be regarded as *prima facie* evidence that the vehicle to which it refers has been registered.

(8) A vehicle must not be registered in a name of a person who is under the age of eighteen years.

Sixth Schedule

[(9) The Minister may by Order, amend the **Sixth Schedule** to add to or remove classes of vehicles.]

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(10) Notwithstanding the registration of a vehicle under this section, the vehicle must not be driven on any road or highway, unless a validation certificate has been issued pursuant to **section 101** in respect of the vehicle.

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

Private motor vehicle and certain other vehicles to be fitted with seat belts.

88. (1) Every —

- (a) private motor vehicle;
- (b) public service vehicle;
- (c) goods vehicle; and
- (d) rented vehicle,

not exceeding a maximum tare weight of 3,000 kilograms, subject to such exemptions as may be prescribed, brought into Trinidad and Tobago, 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 and the seat belt shall form an integral and not an optional part of the vehicle.

(2) The seat belt referred to in subsection (1), shall be so designed as to provide restraint for both upper and lower parts of the trunk of the wearer and shall be of the type prescribed —

- (a) by reference to design, construction or other quality;
- (b) by reference to different classes of vehicles, different descriptions of persons and different circumstances, save that in a vehicle authorised 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 wearer.

(3) The Authority shall, before the registration of any vehicle referred to in subsection (1), be satisfied that the provisions of that subsection and of any Regulation made pursuant to subsection (2) 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).

Certain vehicles to be equipped with seat belts.

89. (1) Every person who is the registered owner of any vehicle referred to in **section 88** (1) shall have such vehicle fitted with seat belts of the type referred to in **section 88** (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 thousand dollars.

Wearing of seat belts compulsory.

90. (1) The driver and every passenger seventeen years of age or more occupying a front seat in any vehicle referred to in **section 88 (1)** shall wear a seat belt while the vehicle is in motion.

(2) The driver of a vehicle referred to in **section 88 (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 certificate signed by a legally qualified 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 provisions of subsection (1).

Driving while a child is in the vehicle.

91. (1) The driver of a vehicle referred to in **section 88 (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, rear-ward facing child restraint;

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

(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.

(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 [commercial/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 shall 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.

**Registration
restriction on certain
vehicles.**

92. (1) Save as provided in this section, the following shall not be used on any road:

- (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 all the wheels of which are not fitted with pneumatic tyres;
- (d) a vehicle the windscreen or any other window of which is fitted with glass so tinted as to exceed the limit prescribed;
- (e) a vehicle painted in the colour or combination of colours used by the Trinidad and Tobago Regiment, the Coast Guard, the Police Service or the Prison Service other than a vehicle of the Trinidad and Tobago Regiment, the Coast Guard, the Police Service, or the Prison Service respectively, and a vehicle, other than, a private motor vehicle, painted in the colour or combination of colours used by the Fire Service.

(2) The Authority shall cancel the registration of any vehicle or trailer referred to in subsection (1) where, in relation to that vehicle or trailer, subsection (1) is contravened.

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

(4) Subject to subsection (5), the Authority shall not register any motor vehicle over fifteen tonnes and trailers exceeding eight tonnes and vehicles, more than

nine metres in length and more than two metres in width for use generally on a road in Trinidad and Tobago.

(5) The Authority may on the application of the person seeking to register a motor vehicle which is over fifteen tonnes or a trailer exceeding eight tonnes, determine the conditions in respect of the use of that vehicle on the road as recommended by the Minister and register the motor vehicle or trailer subject to conditions in respect of a road which may be used and times when the motor vehicle or trailer may be on such a road.

(6) The appropriate Officer in the Ministry with responsibility for works may grant a special permit to the owner of any machine used for industrial 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**.

(7) A person to whom a permit has been granted under this section who fails to observe any of the conditions specified in the permit commits an offence and is liable on summary conviction to a fine of five thousand dollars, and, in addition, he shall be liable for any damages occasioned by his neglect or failure to observe any of the conditions.

Fifth Schedule

Validity of Vehicle Certificate of Registration.

93. (1) The registration of a vehicle under **section 87** remains valid as long as the vehicle is kept in use, and shall be cancelled 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; and
- (e) a transaction in respect of the vehicle was effected under misrepresentation of the information required for the purposes of the transaction.

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

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

Requirement to notify Authority on destruction of vehicle or where rendered unserviceable.

94. (1) The owner of a vehicle under **section 93** which has been destroyed, rendered unserviceable or has been removed from Trinidad and Tobago shall notify the Authority in writing, within one month 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) Prosecution of an offence under subsection (1) may be instituted at any time within two years of the commission of the offence.

Registration of change of use.

95. (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 for use for that other purpose; and the application shall, subject to subsection (2), be dealt with as if the vehicle had not previously been registered, but—

(a) the fee payable for such registration shall be the fee prescribed for an amendment of the Register;

(b) except as provided by subsection (2), vehicle tax shall not be payable before such registration.

(2) Where the tax paid in respect of the current registration is more than that payable for the class of vehicle in respect of which the new registration will apply, no tax is payable.

Cancellation of registration in certain circumstances.

96. (1) Where a Motor Vehicles Enforcement Officer certifies in writing that the 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 a vehicle registration or trailer registration or refuse to renew such registration.

(2) 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.

Requirement to notify Authority where a vehicle is involved in accident.

[97.] (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,

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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 information at subsection (1) record such details in respect of 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.]

**Inspection of vehicle
by Authority prior to
registration.**

98. (1) Notwithstanding the provision of an inspection certificate at the time of application of registration under **section 87(1)**, where the Chief Motor Vehicles Enforcement Officer directs that a vehicle be inspected by a Motor Vehicles Enforcement Officer prior to its registration, the vehicle shall be so inspected for the purpose of ensuring that it conforms with the requirements of the Act and the purposes for which it is sought to be registered.

(2) Where the owner of a vehicle is aggrieved at the outcome of any inspection required under subsection (1), he may appeal to the Appeal Committee who may review the outcome of that inspection and direct that the requirements of the Motor Vehicles Enforcement Officer are either unreasonable or that the requirements shall be enforced.

**Lost stolen or
damaged Vehicle
Certificate of
Registration.**

99. (1) Where a Vehicle Certificate of Registration is lost, stolen or damaged the holder shall report the lost theft or damage 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**.

Fifth Schedule

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

(3) Where a replacement Vehicle Certificate of Registration has been issued to a person whose previous Vehicle Certificate of Registration was reported under subsection (1) to be damaged, the holder of the certificate shall, on application for a new certificate under this section, return the damaged Vehicle Certificate of Registration to the Authority.

(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 previously lost, stolen or damaged Vehicle Certificate of Registration as required under subsections (3) and (4), commits an offence and is liable on summary conviction to a fine of [five] thousand dollars.

Offence to alter or deface Vehicle Certificate of Registration.

100. 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 [ten] thousand dollars or to imprisonment for three years.

Validation Certificates for Vehicles

Validation certificates for vehicles

101. (1) Where a vehicle has been registered under this Act, the vehicle shall be issued a validation certificate, on payment of the prescribed fee, which shall—

- (a) in respect of the private motor vehicle, be valid for a period not exceeding twenty-four months from the month of registration of the vehicle;
- (b) in respect of any other vehicle, be valid for a period not exceeding twelve months from the month of registration of the vehicle.

(2) A validation certificate issued under this section shall be accompanied by a validation sticker which shall be affixed to the appropriate licence plate of the vehicle in respect of which the validation certificate is issued.

(3) Within thirty days prior to the expiration of the validation of a vehicle the owner of that vehicle shall, where he wishes to renew his validation certificate for the vehicle, apply to the Authority for the renewal of the validation certificate on payment of the prescribed fee.

(4) Where the Authority receives an application under subsection (3) it shall subject to subsection (6), issue a validation certificate.

[(5) Notwithstanding the existence of a valid inspection certificate, every application for a transfer of a vehicle under this Act shall be accompanied by an inspection certificate which expires no less than sixty days before the date of sale.]

(6) An application for validation under this section shall, in relation to the classes of vehicles, as may be prescribed, be accompanied by an inspection certificate and proof of insurance which shall accompany the application after the prescribed period.

(7) A validation certificate shall be refused where the applicant fails to meet the requirements of this Act.

Assignment of letters or numbers to vehicle.

102. (1) Where the Authority issues a validation certificate in respect of a vehicle it may assign to the vehicle registered letters or letters and numbers, which shall become one of the identification marks of that vehicle and shall be contained on licence plates issued in accordance with this Act.

(2) If a vehicle does not bear on it an identification mark as required under this Act, this fact shall be regarded as *prima facie* evidence that the vehicle to which it refers has not been registered or validated.

Licence plates.

103. (1) Subject to **sections 106 and 107** and subsection (7), 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) The Authority may, on payment of the prescribed fee, issue personalised licence plates in respect of—

- (a) a motorcycle; and
- (b) a private motor vehicle.

(3) Subject to subsection (5), 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, where required, a front and rear licence plate in respect of the vehicle.

(4) Where licence plates have been issued in respect of a vehicle under this section, they 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; and
- (c) an application for the removal of a licence plate for reasons other than under paragraphs (a) and (b).

(5) A person who contravenes subsections (1) and (4) commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

(6) An owner who discovers an error on his licence plates shall return the licence plates to the Authority within seventy-two hours of the discovery.

(7) In the event that the 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 make an immediate application for and obtain replacement licence plates on furnishing information of such fact satisfactorily to the Authority and on payment of the prescribed fee.

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

(9) The licence plates issued under this Act remain the property of the Authority and shall be returned to the Authority by the registered owner of the vehicle whenever required by the Authority.

**Renewal of
validation certificate.**

104. The holder of a validation certificate issued under this Act shall apply for a renewed validation certificate no earlier than one month prior to the date of expiration of the current validation certificate and pay the prescribed fee.

**Revocation or
suspension of
validation certificate.**

105. (1) Notwithstanding **section 104**, where a Motor Vehicles Enforcement Officer is of the opinion that the vehicle does not meet the prescribed requirements of this Act or the Regulations, he may recommend the cancellation, suspension or revocation of the validation certificate issued to the registered owner of the vehicle under this Act.

(2) Where a Motor Vehicles Enforcement Officer makes a recommendation for the cancellation, suspension or revocation of a validation certificate under subsection (1), the Authority may cancel, suspend or revoke the validation certificate, inform the registered owner of the vehicle of his decision in the manner prescribed and remove the name of that owner from the register required to be kept by the Authority under the Act.

Temporary permits.

106. (1) A person who wishes to operate a vehicle which has not yet been registered as required by this Act, may obtain a temporary permit in the prescribed form, from the Authority for the purpose of registration or validation.

Fifth Schedule.

(2) Upon payment of the fee set out in by the **Fifth Schedule** a temporary permit may be issued in respect of a vehicle that is not registered or for which no permit or licence plates have been issued in the manner prescribed.

(3) A temporary permit authorizes the vehicle in respect of which it is issued to be operated or moved on a highway without load in accordance with the conditions stated on the temporary permit.

(4) The person to whom a temporary permit is issued shall affix it in the lower corner of the windshield of the vehicle opposite the driver in respect of which it was issued.

(5) A permit issued under this section shall be valid for 30 days and shall be issued in respect of a vehicle that has a valid inspection certificate and insurance.

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

In-transit permit.

107. (1) The Authority may issue an in-transit permit in such form and on such conditions as the Minister may prescribe.

(2) An in-transit permit may be issued in respect of a vehicle that is not registered or for which no permit or number plates have been issued, on payment of the prescribed fee.

(3) An in-transit permit authorizes the vehicle in respect of which it is issued to be operated or moved on a road or highway without load for a single trip from a place to another place named in the permit and in accordance with the conditions stated in or on the permit.

(4) The person to whom an in-transit permit is issued shall affix it in the lower corner of the windshield of the vehicle opposite the driver in respect of which it was issued 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 it shall be displayed in the towing vehicle.

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

Change in ownership of vehicle.

108. (1) Where a person wishes to effect a transfer ownership of a vehicle registered in the name of another person, that person shall apply to the Authority to effect the transfer.

(2) At the discretion of the Authority and as of the date of commencement of this Act, both parties may not be required to be present on the transfer of registration of a vehicle.

Fifth Schedule

(3) An application under subsection (1) must be made in the prescribed form and accompanied by the current Vehicle Certificate of Registration, transfer slip and the fee set out in the **Fifth Schedule**.

(4) In the case of the death of the registered owner the legal personal representative of the deceased in Trinidad and Tobago shall be deemed to be the owner for the purposes of such transfer, and in the absence of any legal personal representative in Trinidad and Tobago the person into whose possession the vehicle shall lawfully come shall, for the purposes of such transfer, be deemed to be the registered owner.

(5) The personal representative or other person referred to in subsection (3) shall notify the Authority of the death of the registered owner within one month of the happening of that event.

(6) The Authority may 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 physical possession of a vehicle but that the registered owner has failed to make the application referred to in subsection (3) or to surrender the certificate of registration, the Authority may, without prejudice to any 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 the said subsection (3) had been complied with.

(8) Where a registration of transfer referred to in subsection (7) has not been made within [thirty] days after the change of physical possession of that vehicle, the purchaser commits an offence and is liable on summary conviction to a fine of [five thousand] dollars.

(9) It shall be a defence for the owner of a vehicle sought to be transferred under this section that he attempted to affect the transfer where he provides proof of that attempt.

(10) On a transfer of ownership of a vehicle or trailer the Authority shall duly amend the appropriate register and the certificate of registration.

Transfer tax.

109. (1) There shall be charged, levied and collected in respect of every used vehicle in respect of which there is to be a transfer of registration on the change of physical possession a tax (hereinafter called “transfer tax”) as specified in the **Seventh Schedule**.

Seventh Schedule

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(2) The Tax Authority shall in respect of the transfer tax have all the powers in has in relation to income tax under the Income Tax Act.

(3) A transfer tax shall be paid to the Tax Authority by the person seeking registration as the registered owner (hereinafter referred to as “the transferee”) at the time of the application for change of physical possession of the vehicle under **section 108**.

(4) A transferee shall not be registered as the new owner in respect of the transfer of a vehicle unless the transfer tax is paid.

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(5) Subject to subsection (6), the transfer tax shall not be payable by a used [vehicle trader/car dealer] registered under the Value Added Tax Act.

(6) In order to be eligible for an exemption from the payment of the transfer tax, a used [vehicle trader/car dealer] shall register with the Authority as an exempt person and shall—

(a) produce a Value Added Tax Certificate to the Authority; and

(b) satisfy the Authority that—

(i) he is a *bona fide* [vehicle trader/dealer] in used vehicles; and

(ii) he has sold five or more used vehicles in the period of

twelve months preceding the time of the aforementioned registration.

(7) A person shall not be considered a *bona fide* [trader/dealer] in used vehicles unless he is engaged in the business of buying used vehicles for resale.

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(8) Where a person purchases a used vehicle from a person registered under the Value Added Tax Act, he shall be exempt from the payment of the transfer tax where he produces to the Authority a tax invoice under that Act in respect of the purchase.

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

(10) The [President/Minister] may remit or refund in whole or in part any transfer tax whenever he deems it expedient to do so.

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(11) Unconditional gifts of vehicles to an organisation approved by the President under section 6(1) (g) of the Corporation Tax Act are exempt from the transfer tax.

Seventh Schedule.

(12) Subject to negative resolution of Parliament, the Minister with responsibility for finance may be Regulations amend, suspend or revoke the provisions of the **Seventh Schedule**.

Register of vehicles

110. (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 notify the Authority of all circumstances or events which affect the accuracy of the entries in the register.

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

Rebuilt vehicles.

111. (1) Where a vehicle has previously been registered and tagged with reference to a particular vehicle identification number or chassis number and that vehicle is rebuilt and now displays more than one vehicle identification number or chassis number which varies from the original numbers stated in the certificate of registration, a validation certificate and in the electronic identification tag, the Authority may issue a new vehicle identification number to the vehicle and record that new number on the certificate of registration, a validation certificate and electronic identification tag.

(2) From the date on which the new vehicle identification number is

assigned to a motor vehicle and recorded on the certificate of registration, a validation certificate and electronic identification tag, the vehicle shall be referred to by that vehicle identification number.

(3) The Authority may issue an identification number to a trailer which was built by a local manufacturer.

**Interpretation of
certain words used in
sections 113 to 120.**

112. For the purposes of sections 113 to 120—

"applicant" means a person who applies for an identification permit under **section 115**;

"differently-abled person" means a person whose mobility is limited as a result of permanent 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 of a crutch, cane, leg brace or leg prosthesis; or
- (b) (i) the daily use of a device to assist the person with breathing is required;
- (ii) the person has a significant cardio-pulmonary condition, which results in severe shortness of breath with minimum physical activity;
- (iii) the person 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 blind;

"identification permit" means a permit issued under **section 113** to allow access to parking spaces designed for the exclusive use of a differently-abled person;

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

**Identification
permits for vehicles
transporting
differently-abled
persons.**

113. (1) The Authority may issue an identification 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—

- (a) whether the immobility is permanent or temporary; and
- (b) if temporary, being six months or less, the anticipated length of

time that the immobility is expected to continue, if known.

(2) The Authority may issue an identification permit to a visitor in Trinidad and Tobago, if the visitor establishes to the satisfaction of the Authority that—

- (a) the visitor is the holder of a currently valid identification permit or number plates, bearing the International Symbol of Access, issued by the visitor's home territory, state or country; or
- (b) the visitor is a resident of another territory, state or country and is a differently-abled person.

(3) The Authority may issue an identification 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) Every identification permit must bear the International Symbol of Access and must be in the prescribed form and show information as the Authority may determine.

(5) An identification permit issued pursuant to this section shall be valid—

- (a) for a term of three years, if a medical practitioner has certified that the immobility is permanent;
- (b) for the anticipated length of time of the immobility, not exceeding a term of six months, if a medical practitioner has certified that the immobility is temporary and has certified the anticipated length of time that the immobility is expected to continue:

Except that an extension not exceeding a term of six months may be granted by the Authority on further certification by the medical practitioner that the person has not recovered within the anticipated length of time;

- (c) for the length of the visit by the visitor, not exceeding a term of three months, if the identification permit is issued pursuant to subsection (2);
- (d) if issued to a corporation pursuant to subsection (3), for a term not exceeding three years, unless the identification permit is cancelled under the Act.

**Application for
identification permit.**

114. (1) An application for an identification permit shall be made to the Authority in the prescribed form.

(2) The applicant shall furnish such information as the Authority may require.

(3) In the event that any identification permit issued under the Act is lost, mutilated or has become illegible, the Authority may issue a duplicate or substitute therefor upon application.

Display of permit.

115. The person to whom an identification permit has been issued shall display the identification permit in or on a vehicle in such place and in such manner as the Authority shall direct.

Cancellation of identification permit.

116. The Authority may cancel an identification permit if it is satisfied that—

- (a) the applicant has violated any provision of the Act or the Regulations;
- (b) the applicant has made a false statement in an application;
- (c) the identification permit is used in violation of the Act or the Regulations;
- (d) the identification permit is lost, stolen, mutilated, defaced, altered or has become illegible;
- (e) the identification permit is displayed in a vehicle stopped, left standing or parked in a differently-abled person zone while the vehicle is not being used for the purpose of transporting a differently-abled person; or
- (f) the vehicle is used in violation of any provision of the Act or the Regulations.

Lost or stolen identification permit.

117. (1) Where the identification permit is lost or stolen, the applicant to whom the identification permit has been issued shall immediately notify the Authority in writing of the loss or theft.

(2) Where an identification permit is mutilated, defaced, altered or has become illegible, the applicant to whom the identification permit has been issued shall immediately notify the Authority of the mutilation, defacement, alteration or illegibility.

Signs of differently-abled person's zone.

118. Where a sign is used to designate a differently-abled person's zone, the sign shall state or represent thereon such matters as are prescribed.

Offences in relation to an identification permit.

119. (1) A person who has not been issued with an identification permit under the Act shall not commit any of the following acts:

- (a) stop, leave stand or park in a differently-abled person's zone, a vehicle in which an identification permit is displayed, unless the person stops, leaves stands or parks the vehicle for the purpose of transporting a differently-abled person;
- (b) display, cause or permit to be displayed or have in that person's

possession any identification permit knowing the permit has been cancelled;

- (c) make a false statement in an application;
- (d) fail to notify the Authority as required pursuant to **section 117**;
- (e) mutilate, deface or alter any identification permit.

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

Display of special licence plates.

120. Notwithstanding any other provisions of this Act, where special licence plates are issued to a differently-abled person, or other person, and assigned to a vehicle and the special licence plates are displayed on the vehicle, the special licence plates shall be deemed to be an identification permit—

- (a) to the extent that—
 - (i) the differently-abled person to whom the special licence plates are issued, may stop, leave standing or park the vehicle in a differently-abled person zone; and
 - (ii) any person, other than a differently-abled person, may stop, leave standing or park the vehicle in a differently-abled person zone, where the person stops, leaves standing or parks the vehicle for the purpose of transporting a differently-abled person; and
- (b) for the purposes of **sections 116, 117 and 119**.

Transitional provisions relating to an identification mark and identification permit.

121. (1) On the coming into force of this Act any identification mark issued by the Authority to a vehicle registered under the former Act, shall remain valid until the vehicle is registered by the Authority under this Act.

(2) On the coming into force of this Act, the Minister may by Order make provision for the use of a new licence plate under this Act, by the owner of a vehicle registered under the former Act.

(3) An Order made under subsection (2) shall prescribe the date and time, [series of vehicles] to be registered and documents to accompany an application for registration, and such other particulars as the Minister deems necessary; and the Authority may, where it is satisfied with the validity of the application and documentation provided under this subsection, register the vehicle under this Act.

(4) On the coming into force of this Act, any registration certificate issued by the Licensing Authority under the former Act, in respect of a vehicle, shall remain valid, until the vehicle is registered under this Act.

[(5) Within six months of the coming into force of this Act, the owner of a non-motorised vehicle shall cause the non-motorised vehicle to be registered with the Authority.]

[(6) Notwithstanding, the provisions of this Part, an offence shall not be considered to have been committed under this Part in respect of the non-registration of any non-motorised vehicle for six months from the date of coming into force of this Act.]

PART VII

REGISTRATION OF PERSONS TRADING IN VEHICLES

Interpretation of certain words used in Part VII.

122. For the purpose of this Part “vehicle trader” means a person who sells or conducts a business of buying, selling or dealing in more than five vehicles, within any period of twelve consecutive months, and the term “a person is trading in vehicles” shall be construed accordingly.

Requirement for persons trading in vehicles to be registered.

123. (1) A person shall not trade in vehicles unless that person is registered by the Authority in accordance with this Part.

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

Fifth Schedule

(3) A person who wishes to trade in vehicles shall apply to the Authority in the prescribed form and pay the prescribed fee set out in the **Fifth Schedule**.

Eighth Schedule

[(4) An applicant under subsection (1) shall meet the requirements set out in the **Eighth Schedule**.]

(5) A person who makes a false statement in an application under this Part commits an offence and is liable on summary conviction to a fine of [five] thousand dollars or to imprisonment for six months.

Inspection of location of vehicle trader.

124. (1) On receipt of an application under **section 123**, the Authority shall cause the location of the vehicle trader to be inspected to ensure it meets the requirements of this Act or the Regulations.

(2) Where the location of the vehicle trader does not meet the requirements of this Act or the Regulations, the Authority may give the vehicle trader sufficient time to meet the requirements of this Act and the Regulations before issuing a Vehicle Trader Certificate under **section 125**.

**Issue and expiration
of Vehicle Trader
Certificate**

125. (1) Where the Authority is satisfied that an applicant under **section 123** meets the requirement of this Act and the Regulations, to operate as a vehicle trader, the Authority shall issue a Vehicle Trader Certificate, in the prescribed form, to the applicant and enter the name of the vehicle trader in the Vehicle Trader Register.

(2) A Vehicle Trader Certificate issued under this Part shall be valid for two years and may be renewed.

**Requirement to
display Vehicle
Trader Certificate.**

126. (1) The holder of a Vehicle Trader Certificate shall display that certificate in a conspicuous place at the vehicle trader's place of operation.

(2) A person who trades in vehicles and fails to display a Vehicle Trader Certificate as required under subsection (1) commits an offence and is liable on summary conviction to a fine of one thousand dollars.

**Validity of Vehicle
Trader Certificate.**

127. (1) A Vehicle Trader Certificate on first issue shall remain valid for a period of twenty-four months from the date of issue, and may be renewed, subject to subsection (3), and on the application of the holder of the expired Vehicle Trader Certificate.

Fifth Schedule

(2) An application under subsection (1) shall be made in the prescribed form and shall be accompanied by the fee set out in the **Fifth Schedule**.

(3) On receipt of an application under subsection (2), the Authority shall cause the vehicle trader's facility to be inspected to determine whether it is meeting the standards required by this Act and the Regulations.

(4) Where the Authority is satisfied that the vehicle trader's facility in respect of which an application for renewal is made under subsection (2) has met the requirements of this Act and the Regulations, it may renew the Vehicle Trader Certificate, in respect of the vehicle trader's facility.

**Remedial work of a
vehicle trader.**

128. (1) Where the Authority is of the view that the holder of a Vehicle Trader Certificate has failed to comply with any requirement of the Act or standards set out in the Regulations, it may either suspend the Vehicle Trader Certificate in accordance with **section 129**, or prior to such suspension, issue that vehicle trader a Notice of Compliance Requirement in accordance with this section.

(2) A Notice of Compliance Requirement to be issued under subsection (1), shall contain information detailing —

- (a) the areas in which the vehicle trader is not complying with this Act and standards set out in the Regulations;
- (b) the remedial work required to be done in order for the vehicle trader to be compliant with this Act and standards set out in the Regulations;

- (c) the time frame within which all that remedial works should be completed;
- (d) a statement that failure to complete remedial work may result in the suspension or revocation of a Vehicle Trader Certificate; and
- (e) such other requirements that may be prescribed.

(3) On receipt by the holder of a Vehicle Trader Certificate of a Notice of Compliance Requirement under this section, the vehicle trader shall take all necessary steps to remedy the defects stated in the Notice of Compliance Requirement within or by the time frame specified in the Notice of Compliance Requirement.

(4) A vehicle trader in respect of whom a Notice of Compliance Requirement was issued under this section, shall, anytime within seventy-two hours of the date on which the last time frame expires, make necessary enquiries as to the remedial work required to be completed under this Notice.

(5) Where the holder of a Vehicle Trader Certificate is of the view that he would be unable to complete any or all of the remedial works in the time frame stipulated in the Notice of Compliance Requirement, he shall so inform the Authority and the Authority may extend the period specified in the Notice of Compliance Requirement in order for the work to be completed; but in no case shall the period be longer than what is required to complete the work.

(6) Subject to subsection (5), where the holder of a Vehicle Trader Certificate fails to complete any of the remedial works specified in the Notice of Compliance Requirement, within the time frame specified in the Notice of Compliance Requirement, the Authority shall suspend his Vehicle Trader Certificate in accordance with **section 129**.

(7) Where the holder of a Vehicle Trader Certificate is unable to complete any of the remedial works specified in the Notice of Compliance Requirement, he shall notify the Authority who may revoke his Vehicle Trader Certificate in accordance with **section 130**.

(8) Any person whose certificate has been suspended or revoked under this Part may appeal to the Appeal Committee.

Suspension of Vehicle Trader Certificate

129. (1) Where the Authority is of the view that a Vehicle Trader Certificate issued under this Act should be suspended, as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it may suspend the Vehicle Trader Certificate, and notify the holder of such suspension.

(2) Where a Vehicle Trader Certificate has been suspended under this section the holder shall cease the provision of all services which he was entitled to provide under the Vehicle Trader 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 one thousand dollars for every day the offence is continued after conviction.

(4) Where the circumstances which gave rise to the suspension of a Vehicle Trader Certificate, referred to in this section no longer exists and the holder of the suspended Vehicle Trader Certificate, wishes to resume the conduct of the activities he was authorized to conduct under the valid Vehicle Trader Certificate, he may pay the prescribed fee and apply to the Authority for the suspension to be lifted.

(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 no longer exists and that the holder of the suspended Vehicle Trader Certificate has met the requirements of this Act and standards set out in the Regulations, lift the suspension on the Vehicle Trader Certificate, and issue a valid Vehicle Trader Certificate.

(6) Notwithstanding the issue of a Vehicle Trader Certificate, under subsection (5), upon the lifting of a suspension, the new Vehicle Trader Certificate remains valid for the remainder of the validity period of the original suspended Vehicle Trader Certificate.

**Revocation of
Vehicle Trader
Certificate.**

130. (1) Where the Authority is of the view that a Vehicle Trader Certificate issued under this Part should be revoked, as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it shall revoke the Vehicle Trader Certificate.

(2) The Authority shall give notice of such revocation to the person to whom the certificate was issued and may at its discretion repay that person so much of the annual fee paid as is proportionate to the unexpired portion of the year in respect of which the fee is paid.

(3) Where a Vehicle Trader Certificate has been revoked pursuant to subsection (1), the holder shall cease providing all of the services which he is or was entitled to provide under the Vehicle Trader Certificate.

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

**Vehicle Trader
Certificate not
transferable.**

131. A Vehicle Trader Certificate shall not be used for any purpose not provided for in this Act nor shall it be transferred or assigned to any other person without the approval of the Authority.

**Vehicle trader to
keep records**

132. (1) A vehicle trader, registered in accordance with this Act, 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 in subsection (1) shall contain—
- (a) a description of every vehicle in his possession, including the name of the maker, serial number and 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 dealer; and
 - (c) the name and address of the person to whom the vehicle was sold or delivered.

(3) Every record kept in the manner prescribed under this section shall be shown to inspection by a Motor Vehicles Enforcement Officer and second division Police Officers authorised by the appropriate superior in writing.

Vehicle trader to keep record of interest.

133. (1) Every registered vehicle trader shall keep in his possession and in his name, a separate certificate of registration or an assignment thereof or other documentary evidence of interest, in every motor vehicle in his possession.

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

Vehicle Trader Register

134. (1) The Authority shall keep a register to be known as the Vehicle Trader Register in which all names, business address and contact details of all motor vehicles must be kept.

(2) The Authority shall, from time to time, enter or remove the name of a registered vehicle trader from the Register.

Vehicle trader plates.

135. (1) The Authority may issue vehicle trader plates to a person registered as a vehicle trader under this Act, for the purpose of affixing to a vehicle which is subject to be sold in his business or that is to be moved from one place to another for the purposes of delivery or for the purposes of demonstration.

(2) Vehicle trader plates issued under this section shall be valid for **two** years.

(3) The use of vehicle trader plates shall be as prescribed.

Transitional provisions relating to dealer plates and vehicle trader plates.

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

(2) Within six months of the coming into force of this Act, a person shall be required to register as a dealer under the former Act, in accordance with this Part

and no offence shall be committed within that period, in respect of registration as a dealer.

(3) Upon registration under this Part, new vehicle trader plates shall be issued in respect of the vehicle trader and the vehicle trader shall return the dealer plates issued under the former Act.

PART VIII

REGISTRATION OF VEHICLE RENTAL FIRMS

**Interpretation of
certain words used in
Part VIII.**

137. For the purposes of this Part —

“**vehicle**” means a motor vehicle and a non-motorised vehicle which is capable of being towed for the purpose of carriage of load;

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“**firm**” has the meaning assigned to it under section 4 of the Companies Act.

**Prohibition on rental
of vehicles.**

138. (1) A person shall not engage in the business of renting a vehicle without a driver unless that person is registered with the Authority to engage in such business.

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

**Registration of
vehicle rental firm.**

139. (1) A person who wishes to engage in the business of renting a vehicle without a driver shall—

- (a) be over the age of seventeen years;
- (b) be the holder of a driver’s licence; and
- (c) apply to the Authority in the prescribed form be registered to engage in that business.

(2) An application under subsection (1) shall be made in the prescribed form and accompanied by—

Fifth Schedule

- (a) the fee set out in the **Fifth Schedule**;
- (b) a list of all the vehicles owned and operated as rental vehicles by the business; and

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(c) where applicable, a valid certificate of insurance issued in accordance with the Motor Vehicles (Third Party Risks) Act in respect of each of the vehicles listed in paragraph (b).

Inspection of location of vehicle rental firm.

140. (1) On receipt of an application under **section 139**, the Authority shall cause the location of the vehicle rental firm to be inspected to ensure it meets the requirements of this Act or the Regulations.

(2) Where the location of the vehicle rental firm does not meet the requirements of this Act or Regulations, the Authority may give the Vehicle Rental Firm sufficient time to meet the requirements of this Act and the Regulations, before issuing a Vehicle Rental Firm Registration Certificate under **section 141**.

Issue of Vehicle Rental Firm Registration Certificate.

141. Where the Authority is satisfied that an applicant under this Part meets the requirements of this Act and Regulations for registration as a Vehicle Rental Firm, it shall issue the applicant a Vehicle Rental Firm Registration Certificate.

Validity of Vehicle Rental Firm Registration Certificate.

142. A Vehicle Rental Firm Registration Certificate issued under this Part, on first issue, shall remain valid until the 31st December of that year and subject to subsection (3) and on the application of the holder of the expired Vehicle Rental Firm Registration Certificate, may be renewed.

Remedial work of a vehicle rental firm.

143. (1) Where the Authority is of the view that the holder of a Vehicle Rental Firm Registration Certificate has failed to comply with any requirement of the Act or standards set out in Regulations, it may either suspend the Vehicle Rental Firm Registration Certificate in accordance with **section 144** or prior to such suspension issue to the Vehicle Rental Firm a Notice of Compliance Requirement in accordance with this section.

(2) A Notice of Compliance Requirement under subsection (1) shall contain information detailing —

- (a) the areas in which the Vehicle Rental Firm is not complying with this Act and standards set out in the Regulations;
- (b) the remedial work required to be done in order for the Vehicle Rental Firm to be compliant with this Act and standards set out in the Regulations;
- (c) the time frame under which all such remedial works should be completed;
- (d) a statement that failure to complete remedial work may result in suspension or revocation of a Vehicle Rental Firm Registration Certificate; and
- (e) such other requirements that may be prescribed.

(3) On receipt by the holder of a Vehicle Rental Firm Registration Certificate of a Notice of Compliance Requirement under this section, the Vehicle Rental Firm shall take all necessary steps to remedy the defects stated in the Notice of Compliance Requirement within or by the time frame specified in the Notice of Compliance Requirement.

(4) A Vehicle Rental Firm in respect of whom a Notice of Compliance Requirement was issued under this section shall anytime within seventy-two hours of the date on which the last time frame expires make necessary enquiries as to the remedial work required to be completed under this Notice.

(5) Where the holder of a Vehicle Rental Firm Registration Certificate is of the view that he would be unable to complete any or all of the remedial works in the time frame stipulated in the Notice of Compliance Requirements, he shall so inform the Authority and the Authority may extend the period specified in the Notice of Compliance Requirement in order for the work to be completed but in no case shall the period be longer than what is required to complete the work.

(6) Subject to subsection (5), where the holder of a Vehicle Rental Firm Registration Certificate fails to complete any of the remedial works specified in the Notice of Compliance Requirement within the time frame specified in the Notice of Compliance Requirement, the Authority shall suspend his Vehicle Rental Firm Registration Certificate in accordance with **section 144**.

(7) Where the holder of a Vehicle Rental Firm Registration Certificate is unable to complete any of the remedial works specified in the Notice of Compliance Requirement, he shall notify the Authority who shall revoke his Vehicle Rental Firm Registration Certificate in accordance with **section 145**.

**Suspension of
Vehicle Rental Firm
Registration
Certificate.**

144. (1) Where the Authority is of the view that a Vehicle Rental Firm Registration Certificate issued under this Act should be suspended as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it may suspend the Vehicle Rental Firm Registration Certificate, and notify the holder of such suspension.

(2) Where a Vehicle Rental Firm Registration Certificate has been suspended under this section the holder shall cease the provision of all services which he was entitled to provide under the Vehicle Rental Firm 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 one thousand for every day the offence continues after conviction.

(4) Where the circumstances which gave rise to the suspension of a Vehicle Rental Firm Registration Certificate referred to in this section no longer exists, and the holder of the suspended Vehicle Rental Firm Registration Certificate

wishes to resume the conduct of the activities he was authorized to conduct under the valid Vehicle Rental Firm Registration Certificate he may pay the prescribed fee and apply to the Authority for the suspension to be lifted.

(5) The Authority upon receipt of an application under subsection (4) and upon being satisfied that the circumstances which gave rise to the suspension no longer exists, and that the holder of the suspended Vehicle Rental Firm Registration Certificate has met the requirement of this Act and standards set out in the Regulations, lift the suspension on the Vehicle Rental Firm Registration Certificate and issue a valid Vehicle Rental Firm Registration Certificate.

(6) Notwithstanding the issue of a Vehicle Rental Firm Registration Certificate under subsection (5), on the lifting of a suspension, the new Vehicle Rental Firm Registration Certificate remains valid for the remainder of the validity period of the original suspended Vehicle Rental Firm Registration Certificate.

**Revocation of
Vehicle Rental Firm
Registration
Certificate.**

145. (1) Where the Authority is of the view that a Vehicle Rental Firm Registration Certificate, issued under this Part should be revoked as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it shall revoke the Vehicle Rental Firm Registration Certificate.

(2) Where a Vehicle Rental Firm Registration Certificate, has been revoked under this section the holder shall cease providing all of the services which he is or was entitled to provide under the Vehicle Rental Firm 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.

**Requirement to keep
records of rentals.**

146. (1) Every person engaged in the business of renting a vehicle without a driver who rents a vehicle without a driver, shall maintain the identity of the person to whom the vehicle is rented and the exact time the vehicle is subject of the rental or in the possession of the person renting and having use of the vehicle.

(2) Every record kept in the manner prescribed under subsection (1) shall be open to inspection by a Motor Vehicles Enforcement Officer and second division Police Officer authorised by the appropriate supervisor in writing.

(3) A person under subsection (1) who fails to keep a record as required by subsection (1) commits an offence and is liable on summary conviction to a fine of [seven thousand and five hundred] dollars.

**Restriction on rented
vehicles.**

147. (1) Where the owner of a vehicle rents a vehicle without a driver to another person, that person commits an offence if he permits any other person to operate the vehicle without the permission of the owner.

(2) Any provision in any rental contract where the owner of any motor vehicle so rented is relieved from liability in respect of any of the matters mentioned in subsection (1), shall be void.

Transitional provisions relating to rental of vehicles.

148. Within six months of the coming into force of this Act a person who was carrying on the business of renting vehicles shall be required to register in accordance with this Act and for such purposes shall not commit an offence in respect of registration under this Act within that period.

PART IX

INSPECTION OF VEHICLES AND

CERTIFICATION OF FLEET MANAGEMENT FACILITIES INSPECTION CENTRES

Requirement for registration to operate business of inspection centre.

149. A person shall not operate a business of a Fleet Management Facility or a Vehicle Inspection Centre unless the business is registered by the Authority in accordance with this Act.

Registration of Fleet Management Facility.

150. (1) A person who owns twelve or more vehicles as part of his business operations and wishes to operate a Fleet Management Facility for the purpose of the inspection of such vehicles by the Authority, shall apply to the Authority in the prescribed form and pay the fee set out in the **Fifth Schedule**.

Fifth Schedule

(2) An application under subsection (1) shall be accompanied by—

- (a) a list of all motor vehicles to be inspected; and
- (b) town and country planning approval or permission for the operation of that business.

(3) On receipt of an application under subsection (1), the Authority shall cause the proposed facility to be inspected to determine its suitability for use in accordance with standards set out in the Regulations.

(4) Where upon an inspection of a Fleet Management Facility under subsection (3), the Authority is satisfied that the facility meets the requirements of this Act and the Regulations, it may register the facility as an approved Fleet Management Facility and issue a certificate of registration in the prescribed form (hereinafter referred to as a “Fleet Management Facility Certificate of Registration”).

Validity of Fleet Management Facility Certificate.

151. (1) A Fleet Management Facility Certificate of Registration on first issue shall remain valid for twelve months from the date of issue and subject to subsection (3) and on the application of the holder of the expired Fleet Management Facility Certificate of Registration, may be renewed.

Fifth Schedule

(2) An application under subsection (1) shall be made in the prescribed form and shall be accompanied by the fee set out in the **Fifth Schedule**.

(3) On receipt of an application under subsection (2), the Authority shall cause the Fleet Management Facility to be inspected to determine whether it is meeting the standards required by this Act and the Regulations.

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

Remedial work for Fleet Management Facility

152. (1) Where the Authority is of the view that the holder of a Fleet Management Facility Certificate of Registration has failed to comply with this Act or standards set out in the Regulations, it may either suspend the Fleet Management Facility Certificate of Registration in accordance with **section 153** or prior to such suspension issue such Fleet Management Facility a Notice of Compliance Requirement in accordance with this section.

(2) A Notice of Compliance Requirement under subsection (1) shall contain information detailing —

- (a) the areas in which the Fleet Management Facility is not complying with this Act and standards set out in the Regulations;
- (b) the remedial work required to be done in order for the Fleet Management Facility to be compliant with this Act and standards set out in the Regulations;
- (c) the time frame under which all such remedial should be completed;
- (d) statement that failure to complete remedial work may result in suspension or revocation of a Fleet Management Facility Certificate of Registration; and
- (e) such other requirements that may be prescribed.

(3) Upon receipt by a Fleet Management Facility of a Notice of Compliance Requirement under this section, the Fleet Management Facility shall take all necessary steps to remedy the defects stated in the Notice of Compliance

Requirement within or by the time frame specified in the Notice of Compliance Requirement.

(4) A Fleet Management Facility in respect of which a Notice of Compliance Requirement was issued under this section shall anytime within seventy-two hours of the date on which the last time frame expires make necessary enquiries as to the remedial work required to be completed under this Notice.

(5) Where the holder of a Fleet Management Facility Certificate of Registration is of the view that he would be unable to complete any or all of the remedial works in the time frame stipulated in the Notice of Compliance Requirement, he shall so inform the Authority and the Authority may extend the period specified in the Notice of Compliance Requirement in order for the work to be completed but in no case shall the period be longer than what is required to complete the work.

(6) Subject to subsection (5), where the holder of a Fleet Management Facility Certificate of Registration fails to complete any of the remedial works specified in the Notice of Compliance Requirement within the time frame specified in the Notice of Compliance Requirement, the Authority shall suspend his Fleet Management Facility Certificate of Registration in accordance with **section 153**.

(7) Where the holder of a Fleet Management Facility Certificate of Registration is unable to complete any of the remedial works specified in the Notice of Compliance Requirement, he shall notify the Authority who shall revoke his Fleet Management Facility Certificate of Registration in accordance with **section 154**.

**Suspension of Fleet
Management Facility
Certificate of
Registration.**

153. (1) Where the Authority is of the view that a Fleet Management Facility Certificate of Registration issued under this Act should be suspended as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it may suspend the Fleet Management Facility Certificate of Registration and notify the holder of such suspension.

(2) Where a Fleet Management Facility Certificate of Registration has been suspended under this section the holder shall cease the provision of all services which he was entitled to provide under that Fleet Management Facility Certificate of Registration for such time as the suspension remains in force.

(3) Where the circumstances which gave rise to the suspension of a Fleet Management Facility Certificate of Registration referred to in this section no longer exists and the holder of the suspended Fleet Management Facility Certificate of Registration wishes to resume the conduct of the activities he was authorized to conduct under the valid Fleet Management Facility Certificate of Registration, he may pay the prescribed fee and apply to the Authority for the suspension to be lifted.

(4) The Authority on receipt of an application under subsection (3) and on being satisfied that the circumstances which gave rise to the suspension no longer exists and that the holder of the suspended Fleet Management Facility Certificate of

Registration has met the requirement of this Act and standards set out in the Regulations, lift the suspension on the Fleet Management Facility Certificate of Registration and issue a valid Fleet Management Facility Certificate of Registration.

(5) Notwithstanding the issue of a Fleet Management Facility Certificate of Registration under subsection (5), on the lifting of a suspension, the new Fleet Management Facility Certificate of Registration remains valid for the remainder of the validity period of the original suspended Fleet Management Facility Certificate of Registration.

Revocation of Fleet Management Facility Certificate of Registration.

154. Where the Authority is of the view that a Fleet Management Facility Certificate of Registration issued under this Part should be revoked as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it shall revoke such Fleet Management Facility Certificate of Registration.

Vehicle Inspection Centres

Registration of Vehicle Inspection Centres.

155 (1) A person who wishes to operate a business of a Vehicle Inspection Centre shall apply to the Authority, in the prescribed form and pay the fee set out in the **Fifth Schedule**.

Fifth Schedule

(2) An application under subsection (1) shall be made in the prescribed form and accompanied by—

- (a) town and country planning approval or permission for the operation of such a business; and
- (b) a list of mechanics it employs and their qualifications.

(3) On receipt of an application under subsection (1), the Authority shall cause the proposed inspection centre to be inspected to determine its suitability for use in accordance with standards set out in the Regulations.

(4) Where upon inspection of a proposed Vehicle Inspection Centre under subsection (3), the Authority is satisfied that the Vehicle Inspection Centre meets the requirements of this Act and the Regulations, it may register the Vehicle Inspection Centre as an approved Vehicle Inspection Centre and issue a certificate of registration in the prescribed form (hereinafter referred to as a Vehicle Inspection Centre Registration Certificate).

(5) A certificate issued under subsection (4)—

- (a) shall authorise the Vehicle Inspection Centre to issue approved certificates of road worthiness; and
- (b) may be issued subject to such conditions as may be determined by the Authority.

(6) The Authority shall publish a current list of approved Vehicle Inspection Centres annually, in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago.

**Validity of Vehicle
Inspection Centre
Registration
Certificate.**

156. (1) A Vehicle Inspection Centre Registration Certificate on first issue shall remain valid for twelve months from the date of issue and subject to subsection (3) and on the application of the holder of the expired Vehicle Inspection Centre Registration Certificate, may be renewed.

Fifth Schedule

(2) An application under subsection (1) shall be made in the prescribed form and shall be accompanied by the fee set out 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 it is meeting the standards required by this Act and the Regulations.

(4) Where the Authority is satisfied that the Vehicle Inspection Centre in respect of which an application for renewal is made under subsection (3) has met the requirements of this Act and the Regulations it shall renew the Vehicle Inspection Centre Registration Certificate in respect of the Vehicle Inspection Centre.

**Remedial work for
Vehicle Inspection
Centres.**

157. (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 or standards set out in the Regulations, it may either suspend the Vehicle Inspection Centre Registration Certificate in accordance with **section 158** or prior to such suspension, issue such Vehicle Inspection Centre, a Notice of Compliance Requirement in accordance with this section.

(2) A Notice of Compliance Requirement under subsection (1) shall contain information detailing —

- (a) the areas in which the Vehicle Inspection Centre is not complying with this Act and standards set out in the Regulations;
- (b) the remedial work required to be done in order for the Vehicle Inspection Centre to be compliant with this Act and standards set out in the Regulations;
- (c) the time frame under which all such remedial works should be completed;
- (d) a statement that failure to complete remedial work may result in suspension or revocation Vehicle Inspection Centre Registration of a Certificate; and
- (e) such other requirements that may be prescribed.

(3) On receipt by a Vehicle Inspection Centre of a Notice of Compliance Requirement under this section, the Vehicle Inspection Centre shall take all necessary steps to remedy the defects stated in the Notice of Compliance Requirement within or by the time frame specified in the Notice of Compliance Requirement.

(4) A Vehicle Inspection Centre in respect of which a Notice of Compliance Requirement was issued under this section shall at anytime within seventy-two hours of the date on which the last time frame expires, make the necessary enquiries as to the remedial work required to be completed under the Notice.

(5) Where the holder of a Vehicle Inspection Centre Registration Certificate is of the view that he would be unable to complete any or all of the remedial works in the time frame stipulated in the Notice of Compliance Requirement, he shall so inform the Authority and the Authority may extend the period specified in the Notice of Compliance Requirements in order for the work to be completed but in no case shall the period be longer than what is required to complete the work.

(6) Subject to subsection (5), where the holder of a Vehicle Inspection Centre Registration Certificate fails to complete any of the remedial works specified in the Notice of Compliance Requirement within the time frame specified in the Notice of Compliance Requirement, the Authority shall suspend his Vehicle Inspection Centre Registration Certificate in accordance with **section 158**.

(7) Where the holder of a Vehicle Inspection Centre Registration Certificate is unable to complete any of the remedial works specified in the Notice of Compliance Requirement, he shall notify the Authority who shall revoke his Vehicle Inspection Centre Registration Certificate in accordance with **section 159**.

**Suspension of
Vehicle Inspection
Centre Registration
Certificate.**

158. (1) Where the Authority is of the view that a Vehicle Inspection Centre Registration Certificate issued under this Act should be suspended as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it may suspend the Vehicle Inspection Centre Registration Certificate and notify the holder of such suspension.

(2) Where a Vehicle Inspection Centre Registration Certificate has been suspended under this section the holder shall cease the provision of all services which he was entitled to provide under such Vehicle Inspection Centre 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.

(4) Where the circumstances which gave rise to the suspension of a Motor Vehicle Inspection Centre Registration Certificate referred to in this section no longer exists and the holder of the suspended Vehicle Inspection Centre Registration

Certificate wishes to resume the conduct of the activities he was authorized to conduct under the valid Vehicle Inspection Centre Registration Certificate, he may pay the prescribed fee and apply to the Authority for the suspension to be lifted.

(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 no longer exists and that the holder of the suspended Vehicle Inspection Centre Registration Certificate has met the requirement of this Act and standards set out in Regulations, lift the suspension on the Vehicle Inspection Centre Registration Certificate and issue a valid Vehicle Inspection Centre Registration Certificate.

(6) Notwithstanding the issue of a Vehicle Inspection Centre Registration Certificate under subsection (5), upon the lifting of a suspension, the new Vehicle Inspection Centre Registration Certificate remains valid for the remainder of the validity period of the original suspended Vehicle Inspection Centre Registration Certificate.

**Revocation of
Vehicle Inspection
Centre Registration
Certificate.**

159. (1) Where the Authority is of the view that a Vehicle Inspection Centre Registration Certificate issued under this Part should be revoked as a result of the failure of the holder to comply with this Act or standards set out in Regulations, it shall revoke the Vehicle Inspection Centre Registration Certificate.

(2) Where a Vehicle Inspection Centre Registration Certificate has been revoked under this section, the holder shall cease providing all of the services which he is or was entitled to provide 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 [fifteen] thousand dollars.

**Transitional
provisions relating to
premises designated
for inspection of
motor vehicles or
trailers.**

160. On the coming into force of this Act all certificates issued by the Authority under the former Act, to premises designated for the inspection and examination of motor vehicles and trailers, shall remain valid until its date of expiration and on its expiration the holder thereof shall make an application under this Part for a certificate to operate an inspection centre.

PART X

HIRED VEHICLES

**Application of Part
X and interpretation
of certain words used
in Part X.**

161.(1) [This Part applies to a person who wishes to operate a taxi, private hired vehicle, maxi-taxi, commercial vehicle and school bus.]

(2) For the purposes of this Part—

“hired vehicle”—

- (a) means a vehicle operated for hire with driver whether operated as part of one transaction or many transactions; and
- (b) includes a private hired vehicle [and a private school bus];

“private hired vehicle”—

- (a) means a vehicle constructed or adapted to seat fewer than nine passengers, which is made available with a driver to the public for hire, for the purpose of carrying passengers in such areas in Trinidad and Tobago, as may be prescribed; and
- (b) does not include a [school bus], commercial vehicle, maxi-taxi or taxi.

Prohibition on hiring vehicles.

162. (1) A person shall not hold his vehicle out for hire unless—

- (a) the vehicle to be operated for hire is classified as such in accordance with **Part V**; and
- (b) he holds a hired driver’s permit for the class of vehicle to be driven issued under this Part.

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

Application for hired driver’s permit.

163. (1) A person who wishes to hold a hired driver’s permit to operate a vehicle for hire shall apply to the Authority in the prescribed form and pay the fee set out in the **Fifth Schedule**.

Fifth Schedule

(2) An applicant under subsection (1) shall—

- (a) be over the age of 21 years; and
- (b) be the holder of a driver’s licence.

(3) Where the application under subsection (1) is for a taxi, maxi-taxi, private hired vehicle or school bus the application shall be accompanied by—

- (a) evidence of having completed a defensive driving course; and
- (b) police certificate of good character.

Issue of hired driver's permit.

164. Where the Authority is satisfied that an applicant under **section 163** meets the requirements of this Act and the Regulations, for the issue of a hired driver's permit, it shall issue to the applicant a hired driver's permit in the prescribed form and attach such conditions to the licence as it deems necessary.

Display of hired driver's permit and hired vehicle permit.

- 165.** (1) The holder of a hired driver's permit and a hired vehicle permit shall—
- (a) display both permits at all times in a conspicuous place in the hired vehicle;
 - (b) ensure that all passengers can clearly view both permits from their seated positions in the hired vehicle; and
 - (c) ensure that both permits are not obstructed in any manner.

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

Offence to alter or deface a hired driver's permit or hired vehicle permit.

166. (1) A person who intentionally alters or defaces any hired driver's permit or hired vehicle permit issued by the Authority commits an offence.

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

Lost, stolen or destroyed hired driver's permit or hired vehicle permit.

167. (1) Where a hired driver's permit or hired vehicle permit issued by the Authority is lost, stolen or damaged, the holder of such permit shall report the lost theft or damage to the Authority in the prescribed form and apply for a replacement hired driver's permit or hired vehicle permit.

Fifth Schedule

(2) An application under subsection (1) shall be accompanied by the fee set out in the **Fifth Schedule**.

(3) On receipt of an application under subsection (1), the Authority shall, where it is satisfied that the hired driver's permit or hired vehicle permit has been lost, stolen or damaged, issue to the holder of the lost, stolen or damaged permit, a replacement hired driver's permit or hired vehicle permit.

(4) Where a replacement hired driver's permit or hired vehicle permit is issued to a person whose previous permit was reported under subsection (1) to be damaged, the holder of the permit shall on the application for a replacement permit under subsection (3), return the permit to the Authority.

(5) Where after the issue of a replacement hired driver's permit or hired vehicle permit under subsection (3), the holder comes into possession of the previously lost or stolen hired driver's permit or hired vehicle permit he shall return that previously lost or stolen permit to the Authority.

(6) A person who contravenes subsection (5) commits an offence and is liable on summary conviction to a fine of [five] thousand dollars.

Suspension of hired driver's permit or hired vehicle permit.

168. (1) Where the Authority is of the view that a hired driver's permit or hired vehicle permit issued under this Act should be suspended as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it may suspend the hired driver's permit or hired vehicle permit and notify the holder of the suspension.

(2) Where a hired driver's permit or hired vehicle permit has been suspended under this section the holder shall cease the provision of all services which he was entitled to provide under that hired driver's permit 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.

(4) Where the circumstances which gave rise to the suspension of a hired driver's permit or hired vehicle permit referred to in this section no longer exists and the holder of the suspended hired driver's permit or hired vehicle permit wishes to resume the conduct of the activities he was authorized to conduct under the valid hired driver's permit or hired vehicle permit he may pay the prescribed fee and apply to the Authority for the suspension to be lifted.

(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 no longer exists and that the holder of the suspended hired driver's permit or hired vehicle permit has met the requirement of this Act and standards set out in Regulations, lift the suspension on the hired driver's permit and issue a valid hired driver's permit.

(6) Notwithstanding the issue of a hired driver's permit or hired vehicle permit under subsection (5), on the lifting of a suspension, the new hired driver's permit or hired vehicle permit remains valid for the remainder of the validity period of the original suspended hired driver's permit or hired vehicle permit.

Revocation of hired driver's permit or hired vehicle permit.

169. Where the Authority is of the view that a hired driver's permit or hired vehicle permit issued under this Part should be revoked as a result of the failure of the holder to comply with this Act or standards set out in Regulations, it shall revoke the hired driver's permit or hired vehicle permit.

Validity and renewal of hired driver's permit or hired vehicle permit.

170. (1) A hired driver's permit or hired vehicle permit issued under this Part shall be valid for one year from the date of issue and shall be renewed yearly thereafter.

Fifth Schedule

(2) An application for renewal shall be made in the prescribed form and be accompanied by the fee set out in the **Fifth Schedule**.

Requirements to operate a taxi.

171. (1) A person who wishes to operate a taxi must meet the requirements of **sections 162 to 170** and the vehicle must be registered as a hired vehicle under this Part.

(2) For the purposes of this section "taxi" means a vehicle held out for hire to carry no more than [eight] passengers.

[(3) Subject to **section 225(3)** a person referred to in subsection (1) who fails to meet the requirements of **sections 162 to 170** commits an offence, whether he is the owner or driver of the vehicle, and is liable to the penalty stipulated for or under the section that has been contravened.]

[(4) Notwithstanding subsection (1), during any period when there is in force an Order under this section, a vehicle shall not be registered for use as a taxi except in accordance with such Order.

(5) The Minister may by Order prohibit or restrict, subject to such conditions, if any, as may be specified in the Order, the registration of a vehicle or a type of vehicle for use as a taxi.]

Requirements to operate a private hired vehicle.

[172.] (1) A person who wishes to operate a private hired vehicle must meet the requirements of **sections 162 to 170** and the vehicle must be registered as a hired vehicle under this Part.

(2) A person referred to in subsection (1) who fails to meet the requirements of **sections 162 to 170** commits an offence and is liable to the penalty stipulated for or under the section that has been contravened.]

Interpretation of certain words used in sections 174 to 182.

173. (1) For the purposes of **sections 174 to 182**—

"**maxi-taxi**" means a public service motor vehicle with seating accommodation for not less than [nine] nor more than [thirty] passengers;

"**permit**" means a permit issued pursuant to **section 174 (1)** and includes a permit to own and operate a maxi-taxi, issued prior to the commencement of this Act.

[(2) Notwithstanding any other 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.]

Prohibition on operation of maxi-taxi without hired driver's permit.

174. (1) Subject to **section 175**, a person shall not operate a maxi-taxi unless —

- (a) he is the holder of a valid hired driver's permit issued under this Part;
- (b) the vehicle is registered as a hired vehicle under this Part.

(2) An owner of a maxi-taxi shall not employ or allow a person who is not the holder of a valid hired driver's permit, to operate the maxi-taxi.

(3) Notwithstanding subsections (1) and (2), a mechanic may operate a maxi-taxi for the purpose of testing a maxi-taxi on a road.

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

Authority to determine types of suitable vehicles.

175. (1) The Authority shall determine the type of vehicle suitable for use as a maxi-taxi and in so doing, shall take into account—

- (a) its safety as a [commercial/public service] vehicle;
- (b) the convenience and comfort of the passengers;
- (c) the availability of the vehicle as well as its spare parts in Trinidad and Tobago;
- (d) the facilities available for assembling the vehicle locally; and
- (e) such specifications of the vehicle as may be prescribed.

(2) The Authority shall [from time to time] by Notice published in the *Gazette* and in a daily newspaper circulating in Trinidad and Tobago publish the type of vehicle selected for use as a maxi-taxi.

Application to own maxi-taxi.

176. (1) A person who is desirous of owning a maxi-taxi may apply to the Authority for a permit to own or to be registered as a maxi-taxi.

(2) An application under subsection (1) shall be in the prescribed form and accompanied by the prescribed fee.

Issue of maxi-taxi owner permit.

177. (1) Where the Authority is satisfied that the maxi-taxi system can accommodate the ownership of a maxi-taxi applied for under **section 176**, and that the applicant has complied with all the requirements of this Act and the Regulations governing the application of such permit, it may grant a maxi-taxi owner permit to the applicant.

(2) For the purposes 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 it thinks fit and shall cause notice of the suspension to be published in the *Gazette* and a daily newspaper circulating in Trinidad and Tobago.

Maxi-taxi owners register

178. The Authority shall compile and maintain a register of maxi-taxi owners.

Repossession of a maxi-taxi.

179. (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 reposessor shall not be in breach of any of the provisions of this Act by reason only of the fact that he is not the holder of a permit to operate a maxi-taxi.

(2) The reposessor of a maxi-taxi shall not use a maxi-taxi which has been repossessed as a maxi-taxi unless the reposessor obtains the prior approval in writing, of the Authority to operate the vehicle on its usual route or a new route.

(3) A reposessor 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 three thousand dollars for each day during which the offence continues after conviction.]

Use of repossessed maxi-taxi.

180. (1) A person to whom a maxi-taxi permit is issued or a person by whom a maxi-taxi has been repossessed shall not, without the prior approval in writing of the Authority, use the maxi-taxi for commercial purposes, other than the transportation of passengers.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction—

- (a) to a fine of [five] thousand dollars, where the contravention takes place within four years of the first being registered as a maxi-taxi; or
- (b) to a fine of [two thousand five hundred] dollars, where the contravention takes place after the expiration of the period referred to in paragraph (a).

(3) In addition to the penalty imposed pursuant to paragraph (a) of subsection (2), a person who is convicted of an offence pursuant to that paragraph —

- (a) is liable to have his permit revoked; and
- (b) is liable for the repayment of an amount equivalent to the customs duty and the vehicles tax which would have been ordinarily payable.

(4) Any sum payable under subsection (3) shall be recoverable summarily as a civil debt.

Restriction on maxi-taxi.

181. (1) A person shall not paint or decorate a vehicle in such a manner or in such a combination of colours as are 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].

Restrictions on use of certain equipment on maxi-taxi.

182. (1) Subject to subsection (2), the use of televisions, videos, digital versatile discs player, radios, tape decks, compact disc players, amplifiers, equalizers, speakers 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 is prohibited.

(2) Subject to such conditions and technical specifications as the [Authority/Minister] may by Order prescribe, the use of a radio is permitted in a maxi-taxi.

(3) A person who contravenes subsection (1) or any Order made by the [Authority/Minister] under subsection (2) commits an offence and is liable on summary conviction to a fine of [ten] thousand dollars.

Hired school bus drivers

183. (1) A person shall not offer his services as a hired school bus driver unless he—

- (a) applies to the Authority to be registered to provide such service; and
- (b) has a valid hired driver's permit.

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

(3) A person who wishes to offer his services as a hired school bus driver shall apply to the Authority in the prescribed form and pay the fee set out in the **Fifth Schedule**.

Fifth Schedule

(4) An applicant under this section must hold an experienced driver's licence and meet the requirements of this Act and Regulations.

(5) An application under subsection (3) shall be accompanied by—

- (a) a valid inspection certificate for the vehicle to be used;
- (b) proof of valid insurance for such vehicle; and

(c) a basic first aid certificate.

(6) On receipt of an application made pursuant to subsection (3), the Authority shall cause the motor vehicle to be used to be inspected to determine its suitability for operation as a school bus and whether it meets the requirements of this Act or the Regulations for operation as a hired school bus.

(7) Where the Authority is satisfied that an applicant under this section has met the requirements of this Act and the Regulations, it may register the applicant as a hired school bus driver and issue a Hired School Bus Registration Certificate.

(8) A Hired School Bus Registration Certificate issued under this section shall be subject to such conditions as to the limit of the number of passengers and such other conditions as the Authority may determine.

(9) For the purposes of this section, a person is carrying on operations as a hired school bus driver where, whether for a fee or not, he transports more than seven school children to and from school.

Special permit for private school bus.

184. The Authority may issue a special permit to the owner of a private school bus, used to transport school children during a school term, subject to such conditions as may be specified in the permit and on payment of the prescribed fee.

Transitional provisions relating to maxi-taxi owners' and operators' permit.

185. (1) On the coming into force of this Act, a valid taxi badge issue under the former Act shall remain valid until its expiration and the holder thereof shall where he wishes to provide such service apply in accordance with this Part to obtain a permit to so operate.

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(2) Six months from the coming into force of this Act, the holder of a maxi-taxi operators permit issued under the repealed 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.

(No 6 of 1992).

(3) On the coming into force of this Act a person who is the holder of a valid permit to own and 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 XI

REGISTRATION OF DRIVING SCHOOLS AND TESTING OF DRIVERS

Prohibition on teaching persons to drive or carry on a driving school.

186. (1) A person shall not teach a person to operate or drive a motor vehicle or carry on a business to teach persons to operate or drive unless he is registered to do so 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.

**Application for
registration of
driving school.**

187. (1) A person who wishes to—

- (a) teach another person to operate or drive a vehicle; or
- (b) operate a business to teach persons to operate or drive a vehicle,

Fifth Schedule

shall apply to the Authority in the prescribed form and pay the fee set out in the **Fifth Schedule**.

(2) An application under subsection (1) shall be accompanied by —

- (a) valid certificate of insurance in respect of such vehicle;
- (b) a certificate of good character;
- (c) a defensive driving certificate issued within the last year.

**Issue of Driving
School Registration
Certificate.**

188. (1) Where the Authority, on receipt of an application made pursuant to **section 187**, is satisfied that the applicant meets the requirements of this Act and the Regulations for the operation of a driving school, it may issue to the applicant thereof a Driving School Registration Certificate.

(2) A Driving School Registration Certificate issued under this section shall be valid for one year and may on the application of the holder be renewed.

**Suspension of
Driving School
Registration
Certificate.**

189. (1) Where the Authority is of the view that a Driving School Registration Certificate issued under this Act should be suspended as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it may suspend the Driving School Registration Certificate and notify the holder of the suspension.

(2) Where a Driving School Registration Certificate has been suspended under this section the holder shall cease the provision of all services which he was entitled to provide 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.

(4) Where the circumstances which gave rise to the suspension of a Driving School Registration Certificate referred to in this section no longer exists and the holder of the suspended Driving School Registration Certificate wishes to resume the conduct of the activities he was authorized to conduct under the valid Driving School Registration Certificate, he may pay the prescribed fee and apply to the Authority for the suspension to be lifted.

(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 no longer exists and that the holder of the suspended Driving School Registration Certificate has met the requirement of this Act and standards set out in the Regulations, lift the suspension on the Driving School Registration Certificate and issue a valid Driving School Registration Certificate.

(6) Notwithstanding the issue of a Driving School Registration Certificate under subsection (5), upon the lifting of a suspension, the new Driving School Registration Certificate remains valid for the remainder of the validity period of the original suspended Driving School Registration Certificate.

**Revocation of
Driving School
Registration
Certificate.**

190. Where the Authority is of the view that a Driving School Registration Certificate issued under this Part should be revoked as a result of the failure of the holder to comply with this Act or standards set out in the Regulations, it shall revoke the Driving School Registration Certificate.

**Requirements
for
instructors.**

191. (1) A person who instructs a learner to drive a motor vehicle in [Classes 4, 5 and 6] shall be the holder of a valid driving licence for that class of vehicle for a period of not less than three years.

(2) A person who instructs a learner to drive a motor vehicle in [Classes 1, 2 and 3] shall be the holder of a valid driver's licence for that class of vehicle for a period of not less than five years.

(3) A person who instructs a learner shall have with him at all times while in a vehicle instructing the learner his valid driving licence in respect of the class of vehicle in which he is giving instruction.

(4) An applicant under this Part shall meet all other requirements that may be prescribed.

**Prohibitions
on
instructors.**

192. (1) Where a motor vehicle is being driven by a person who holds a learner driver's licence—

(a) that vehicle must be equipped with dual pedal controls;

(b) the licensed driver accompanying the driver must be an instructor approved by the Authority, and

(c) not more than two persons may occupy the back seat of the vehicle for the purpose of receiving instructions in driving.

(2) A person who instructs a learner and who—

(a) is not the holder of a valid driver's licence for the class of motor vehicle in which he is giving instruction;

- (b) is not the holder of a permit referred to in paragraph (a) for the period specified in **section 191**; or
- (c) is giving instructions to a learner who is driving a motor vehicle on a road and the learner is not the holder of a learner driver's licence for that class of vehicle,

commits an offence and is liable on summary conviction to a fine of [ten] thousand dollars.

Driving tests.

193. (1) A Motor Vehicles Enforcement Officer in his discretion may require an applicant for a valid driver's licence under **Part V**, to produce a certificate of having passed a driving test signed by such association as may be approved by the Authority.

(2) A driving test may be conducted by such examiners as the Authority shall, from time to time, approve or appoint for the purpose.

(3) The nature of the driving test shall be at the discretion of the Motor Vehicles Enforcement Officer or of such examiner referred to in subsection (2) and shall include a test of the applicant's knowledge of the rules of the road, road signals and road signs.

(4) Where the applicant desires permission to drive an agricultural tractor only, the driving test shall be restricted to the driving of an agricultural tractor and to questions affecting such driving and shall not include questions affecting the driving of a motor vehicle generally.

(5) Where an applicant requires permission to drive a particular class of vehicle only, or if the applicant is being tested under the provisions of **section 50**, 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 may deem suitable that the applicant is qualified to drive a vehicle of such particular class or of such particular construction.

Transitional provisions relating to driving schools.

194. Within six months of the coming into force of this Act, a person who operates a driving school and who wishes to continue to provide that service shall apply for a licence to so operate and during that period a person conducting services shall not be deemed to have committed an offence, in respect of registration under this Act.

PART XII

DRIVING AND OTHER OFFENCES AND GENERAL CONDITIONS RELATING TO USE OF ROADS

**Requirement to
notify Authority
when absenting from
jurisdiction.**

195. Where the registered owner of a vehicle is about to absent himself from Trinidad and Tobago for more than ninety days leaving his registered vehicle in Trinidad and Tobago in the charge or possession of another person, he shall notify the Authority in writing of the name and address of the person in whose charge or possession the vehicle will be left and where he fails to inform the Authority under this section he is liable to a fine of two thousand five hundred dollars.

Speed Limit.

196. (1) Subject as hereinafter provided, a person shall not drive a vehicle of any class or description on any road—

Eleventh Schedule

- (a) outside a built-up area at a speed greater than the speed specified in the **Eleventh 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 **Eleventh Schedule** as the maximum speed in relation to a vehicle of that class or description;
- (c) whether outside or within a built-up area, in respect of which a special speed limit is imposed, at a speed exceeding the special speed limit imposed in relation to a vehicle of that class or description.

(2) 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 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 to maintain or cause to be maintained traffic signs in such positions as may be requisite for the purpose of securing that adequate guidance is given to drivers of vehicles as to the places where a length of road begins, and ceases, to be a road in respect of which a special speed limit is imposed and as to the special speed limit so imposed;

(b) alter or remove traffic signs as may be requisite 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 [one thousand] dollars and to be disqualified from holding or obtaining a driver's licence for such period as the court shall think fit.

(6) It shall be a good 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 to comply with subsection (4) by reason of which he did not know that the length of road over which the contravention is alleged to have taken place was a length 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 length of road.

(7) A person charged under this section shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving a vehicle at a speed greater than the maximum speed allowed.

(8) Subject to negative resolution of Parliament, the Minister may by Regulations amend the Eleventh Schedule.

(9) In this section—

“built-up area” means the City of Port-of-Spain, the Borough of San Fernando, the Borough of Arima, and any other area or road or portion thereof declared by Order of the Minister 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 speed less than the 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 trails.

197. (1) An person who, except under and in accordance with the written permission of the Commissioner of Police, promotes or takes part in a race of trail of speed between vehicles on a road commits an offence and shall be liable to a fine of [five] thousand dollars and to imprisonment for six months.

(2) 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 period of twelve months from the date of the conviction from holding or obtaining a driver's licence.

Traffic signs.

198. (1)(a) The Authority may cause or permit traffic signs to be placed, erected or otherwise marked on or near any road, and may authorise any traffic signs so placed, erected or otherwise marked before, the date of commencement of this Act to be retained.
- (b) The Authority may not cause or permit any traffic sign to be placed, erected or otherwise marked, or authorise the retention of any traffic sign, on or near any road in respect of which an Order of the Minister made under **section 202** is in force, where such sign relates to the subject matter of such Order but is not in conformity with the provisions thereof.
- (2) The size, colour and type of any traffic sign may be prescribed, 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 thereof are not prescribed, shall be of a character authorised by the Authority.
- (3) 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 same have been prescribed, and in other cases to be of a character authorised by the Authority under this section.
- (4)(a) Notwithstanding anything contained in subsection (3), no person other than the Authority or any person acting under its directions may, except with the general or special permission in writing of the Authority—
- (i) erect place or mark any traffic sign on or near any road; or
- (ii) retain any traffic sign erected, placed or marked, or caused to be erected, placed or marked, by the Authority on or near any road.
- (b) Without prejudice to the operation of subsection (5), nothing in this subsection shall apply to any traffic sign—
- (i) which the owner of an 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
- (ii) 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 law of Trinidad and Tobago other than this Act.

(c) For the purposes of 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.

(5) 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 authorise 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.

(6) The Authority or any person authorised by it 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; but the Authority or any person authorised by it shall not exercise any powers under this section until after the expiration of three days’ notice in writing of its intention to exercise the relevant power given to the occupier of the land or posted up conspicuously thereon.

(7) The Authority or any person authorised by it in that behalf may enter any land near to or adjoining a road—

(a) for the purpose of exercising any power conferred by this section upon the Authority; or

(b) for the purpose of replacing or maintaining traffic signs, and

the Authority shall do as little damage as may be in executing any work authorised by this section.

(8) In any case where a Constable is for the time being engaged in the regulation of traffic in a road, or where any traffic sign, being a sign 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, then in any such case 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 Constable in the execution of his duty; or

(b) who fails to conform to the indication given by the traffic sign, commits an offence.

(9) 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 to a fine of five hundred dollars or to imprisonment for three months.

(10) Notwithstanding the provisions of **section 267**, “prescribed” for the purposes of this section means prescribed by Order of the Minister and any such Order may revoke any Regulations in force in respect of the size, colour and type of any traffic sign.

(11) If any person owning or having any 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 by subsection (1), 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.

(12) If any difference arises between any person claiming compensation under subsection (11) and the Authority as to whether such person is entitled to any such compensation or as to the amount of such compensation, such person or of the Attorney General, be determined—

- (a) if the amount of the compensation claimed does not exceed [two thousand] dollars, by a Magistrate; and
- (b) if the amount of the compensation exceeds [two 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.

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(13) Compensation payable under this section shall be defrayed out of moneys provided for the purposes by Parliament.

Experimental traffic schemes.

Twelfth Schedule

199. (1) Where it appears to the Commissioner of Police expedient to do so, for the purpose of carrying out an experimental scheme of traffic control, he 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 **Twelfth 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 of any class or description specified in the

Regulations, and Regulations under this section may make different provision for different classes or descriptions of traffic.

(3) Any person who contravenes Regulations made under this section commits an offence and is liable on summary conviction for a first offence to a fine of [one thousand] dollars and on any subsequent conviction to a fine of [three] thousand dollars.

(4) Where there is any conflict or variance between Regulations made under this section and Regulations made by the Minister or the Authority, the Regulations made by the Minister or the Authority shall be read with such modifications as are necessary to bring them into conformity with those of the Commissioner under this section.

(5) Regulations under this section shall not continue in force for a period not exceeding [six months] as the Minister may at any time before the expiration of the Regulations direct.

(6) Regulations made under this section shall be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago.

**Temporary
prohibition or
restriction of traffic
on roads.**

200. (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 he may consider necessary.

(2) The Commissioner 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 Order, either generally or subject to exceptions so specified, and either at all times or at times 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 it's so proceeding;
- (b) specifying the part of the carriageway 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;
- (f) regulating the speed of vehicles.

(4) An Order made or notice issued under the above provisions of 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 thereof.

(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 one thousand five hundred dollars and on any subsequent conviction to a fine of three thousand five hundred dollars.

(8) Any person who unlawfully and without just cause or excuse removes from the position where it is placed, alters or defaces a notice of the Commissioner under subsection (2) commits an offence and is liable to a fine of [one thousand] dollars.

**Parking of vehicles
and one-way roads.**

201. (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.

Restrictions on parking on certain streets.

202. (1) Notwithstanding any rule of law to the contrary, but subject to this section, a vehicle shall not be parked—

(a) at any time of the day or night on any portion of—

(i) Knox Street, between St Vincent Street and Abercromby Street;

(ii) Abercromby Street, between Hart Street and Knox Street,

in the City of Port-of-Spain, by any person not being a member of the House of Representatives or of the Senate or his servant or agent;

(b) at such times and on such portion of any road as are designated by the Minister by Notification, by any person not being—

(i) a member of the diplomatic corps and his staff (duly authorized by the Head of Mission) representing such countries and institutions as are specified in the Notification or his servant or agent;

(ii) a person belonging to such other classes of persons as are specified in the Notification or his servant or agent,

and any statutory provision respecting parking on such roads (other than one contained in the Notification) shall have effect subject to the Notification.

(2) Where a member of the House of Representatives or of the Senate or a member of the diplomatic corps or his staff or other person as is mentioned in subsection (1) or their servants or agents parks a vehicle on a road pursuant to this section, the vehicle shall have attached to it, in the prescribed position, a special identification mark of the kind prescribed by the Minister.

(3) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on summary conviction to a fine of four thousand dollars.

Powers of Constable where vehicle parked in contravention of Act or left on road.

203. (1) Where a vehicle is parked in contravention of any provision of this Act or of any Regulations or Orders, 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 to a fine of [one thousand and five hundred] dollars;
- (b) if the driver or other person in control or in charge of such vehicle cannot be found or refuses to remove it when required to do so, 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 he may think necessary.

(2) When any [Constable] removes or provides for the safe custody of any motor vehicle or arranges for any person to remove it or provide for its removal 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.

**Charges payable
before delivery of
vehicle and sale of
vehicles in custody.**

Fifth Schedule

204. (1) Where any vehicle is removed to a place of safe custody pursuant to **section 203** the vehicle shall not be released to the owner thereof unless there is paid to the [Authority/Commissioner of Police] the fee prescribed in the **Fifth Schedule** by way of removal charges, and a further sum set out in the **Fifth Schedule** for each day or part thereof during which the vehicle is kept in custody.

(2) Notwithstanding subsection (1), where any vehicle is left in a place of safe custody for any period exceeding thirty days [the Authority/any Constable/Police Officer 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.

(3) At least [fourteen] days' notice shall be given in a daily newspaper of any sale by public auction of a vehicle under this section.

(4) Where a vehicle is sold under this section, [the Authority/any Constable/Police Officer not below the rank of Superintendent] who authorised the sale shall issue to the purchaser a certificate, in the prescribed form, to that effect and the certificate shall be sufficient authority for the Authority to register the vehicle in the name of the purchaser; and any right, title or interest of the former registered owner in the vehicle shall be extinguished on the issue of the certificate.

(5) Any moneys received by the [Authority/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.

Penalty for assaulting or obstructing a Constable.

205. Any person who assaults, obstructs or resists any Constable in the execution of his duty, or aids or incites any other person to assault, obstruct or resist any Constable 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 two months.

Interpretation of certain words used in sections 207 to 212.

206. (1) In sections 207 to 212, except so far as the context otherwise requires—

“alcohol rehabilitation programme” means a programme that is conducted, directed or promoted by a body approved by the Minister responsible for Health, for a person who has been disqualified from holding or obtaining a driver’s licence pursuant to **section 207 or 208**, for an alcohol related driving offence;

“authorized analyst” means a person designated under **section 212(5)** as such by the Minister 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 210(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 209(9)**;

“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 209** 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.

Offence of driving under the influence of drink or drug.

207. (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 like offence under this Act, on a third occasion, shall be permanently disqualified from holding or obtaining a driver's licence.

(3) Any Constable may arrest without a warrant any person 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).

Driving or being in charge of a vehicle while blood alcohol levels exceed

208. (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.

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 —

- (a) **of** 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) of a like offence under this Act, on a third occasion, 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 Constable may arrest without a warrant, any person committing an offence under this section.

Breath tests.

209. (1) Where a Constable has reasonable cause to suspect—

- (a) that a person driving or attempting to drive or 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 207**;
- (b) that a person has been driving or attempting to drive or 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;
- (c) that a person 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 against 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.

(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 Constable may, subject to subsection (4), on arriving at the place of the accident, require the driver of the vehicle, whom the Constable has reasonable cause to believe was driving or attempting to drive the vehicle after consuming alcohol in a quantity that the proportion of the alcohol in his breath or blood exceeds the prescribed limit at the time of the accident, to provide a specimen of breath for a breath test—

(a) either at or near the place where the accident occurred; or

(b) at a police station within reasonable proximity to the place where the accident occurred.

(4) Where a person referred to in subsection (3) is at a hospital as a patient, he may be required by a Constable 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 subsection (1), (3), (4) or (8) he commits an offence and is liable on conviction to a fine of eight thousand dollars or to imprisonment for three years.

(6) A Constable 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 required by a Constable under subsection (1), (3), (4) or (8) to provide a specimen of breath for a breath test fails to do so and the Constable has reasonable cause to suspect that the person has alcohol in his breath or blood above the prescribed limit, the Constable may, without prejudice to **sections 207(3) and 208(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 207(3)** or **208(5)** shall, while at a police station, be given an opportunity to provide a specimen of breath or a breath test at the police station.

(9) The Minister may, by Order, approve the device to be used for the purpose of obtaining an indication of alcohol in a person's breath.

Breath analysis.

210. (1) Subject to subsections (2) and (3) where—

- (a) any person required by a Constable under **section 209** to undergo a breath test fails to undergo that test; or
- (b) in consequence of a breath test carried out under **section 209**, it is indicated that there may be present in that person's breath, a concentration of alcohol in excess of the prescribed limit, the Constable may require that person to submit, in accordance with the directions of the Constable, 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 a Constable 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 Constable may direct.

(3) For the purpose of the breath analysis—

- (a) a person must provide two separate specimens of breath for analysis;
- (b) such specimens must be provided in accordance with the directions of the Constable 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 Constable 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 Constable 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 Constable 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 Constable 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 Motor Vehicles Enforcement 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 208** (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 Constable operating the breath analyzing instrument shall deliver to that person, a statement in writing signed by that Constable 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 207, 208**, 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 Constable 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 209(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 Constable 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 Constable 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.

211. (1) Subject to subsections (2) and (3), in the course of an investigation as to whether a person has committed an offence under **section 208**, a Constable 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 **Constable** 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 213.**

(5) For the purposes of this section and **sections 208, 212 and 213** 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.

Refusing to provide a sample of blood.

212. (1) Any person who is under investigation in relation to an offence under **section 208** and who refuses to provide a sample of blood for a blood test when

required to do so under **section 211(1)** commits an offence and is liable—

- (a) in the case of a first conviction, to a fine of thousand dollars or to imprisonment for three eight 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 211(2)**.

Ancillary provisions as to evidence in proceedings for an offence under **section 208 or 209**.

213. (1) For the purposes of any proceedings for an offence under **section 208**, 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 and of the qualifications of the analyst.

(2) For the purposes of any proceedings for an offence under **section 208**, 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 and of the qualifications of the medical practitioner.

(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 208** the accused, at the time a specimen of blood was taken from or provided by him in accordance with this Act, asked to be supplied with such 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.

**Alcohol
rehabilitation
programme.**

214.(1) A person who is convicted of an offence under **section 207 or 208.**

- (a) may be ordered by the Court to participate in an alcohol rehabilitation programme before his licence is reinstated; and
- (b) shall 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 responsible for Health that conducted, directed or promoted the alcohol rehabilitation programme attended by the person.

(3) A person participating in an alcohol rehabilitation programme shall pay costs as may be prescribed.

**Offence of causing
death by dangerous
driving.**

215. (1) Any 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) Any Constable may arrest without warrant the driver of any motor vehicle who commits an offence under this section within his view, if he refuses to give his name and address, or if the Constable has reason to believe that the name or address so given is false, or if the [motor] vehicle does not bear licence plates.

Dangerous driving.

216. (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 215(3)** shall apply where an offence is committed under this section.

Interpretation of certain words used in sections 215 and 216.

217. (1) For the purposes of **sections 215 and 216** 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 215 and 216** 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.

218. 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.

219. (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 fourteen 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.

**Taking vehicle
without consent of
owner.**

220. (1) Any 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 either—

- (a) that he had 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) that he had 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 do 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) Any Constable may arrest without a warrant any person suspected by him of having committed an offence under this section.

**Interfering with a
vehicle.**

221. Any 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.

Restrictions on persons being towed on bicycles.

222. (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 hundred dollars and on any subsequent conviction to a fine of four hundred dollars.

(3) In this section references to a person carried on a bicycle shall include reference to a person riding a bicycle.

Restriction on cyclists riding abreast or holding on to other moving vehicles.

223. (1) More than two persons shall not ride abreast on a road either on a motor cycle or bicycle not propelled by mechanical power; 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 motorcycle 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.

Requirement to report an event or accident.

224. (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 Constable 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.

**Using vehicle
without prescribed
registration an
offence.**

225. (1) Save as is otherwise provided in this Act, if—

- (a) any vehicle is used on any road for a purpose which is not authorised by the registration issued in respect thereof or is 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 [goods/commercial 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, covered by the registration, the owner or the driver or other person in charge of the vehicle, as the case may be, who contravenes paragraph (a) or (b), 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, making such alleged owner the 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 to the Magistrate seems just.

(3) Where a vehicle is used for a purpose for which it is not duly registered as such under this Act; it is 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.

Authority may permit goods vehicle to be used for the conveyance of persons.

Fifth Schedule.

226. (1) Notwithstanding anything contained in **section 225** the Authority may, in its discretion and on payment of the appropriate fee (if any) specified in the **Fifth Schedule**, grant permission to enable a [commercial/goods vehicle], agricultural trailer or 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 goods vehicle, agricultural trailer or trailer as the Authority may think fit, subject to such conditions as the Authority may impose.

(2) Whenever permission is granted pursuant to subsection (1), a permit, in the prescribed form, issued by the Authority and containing the conditions subject to which such permission has been granted shall be issued to the applicant.

(3) A permit for the conveyance of passengers shall not be valid for a period exceeding six months from the date of issue of the permit and the permit for the conveyance of 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 its opinion any of the conditions attached to the issue of the permit have not been complied with by the [registered owner].

Fifth Schedule.

(5) The Authority may issue a [replacement/duplicate] permit on payment of the appropriate fee specified in the **Fifth Schedule** in place of any permit proved to its satisfaction to have been lost, defaced, mutilated or rendered illegible.

Police, Prison and Fire Service vehicles exemption from payment of fees.

227. (1) Notwithstanding anything contained in **section 225**, the Police, Prison and Fire Services may convey their personnel and the Prison and Police Services may convey persons in their custody in vehicles belonging to those Services and registered as goods vehicles under this Act, without paying the prescribed fee.

(2) Notwithstanding the provisions of this Act, station wagons or estate cars, however registered, may be used for the purpose of carrying passengers.

Distribution of advertisements from vehicles prohibited.

228. (1) A person who throws or distributes from any vehicle on any road any picture, print or any other article of whatsoever nature by way of advertisement, or any handbill, commits an offence and is liable on summary conviction to a fine of one thousand dollars and to imprisonment for two months.

(2) Where an offence has been committed under subsection (1) by any person other than the driver or person in charge of the vehicle used in connection with such offence, the driver or person of such vehicle shall be deemed to have committed an offence under subsection (1), unless he satisfies the Court before which he is tried that he could not reasonably have prevented or stopped the commission of such offence.

**Constable may give
or affix notice.**

229. (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 the 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 Constable 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 given to 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 with 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 or sent under this section shall be deemed to be a complaint within the meaning 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 42 and served in accordance with section 43, respectively 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

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charged.

(10) Where in an action 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.

Contents of notice.

230. A notice given or affixed under **section 229** shall be signed by the Constable and shall specify—

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- (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 231(2)**;
- (d) the amount of the fixed penalty;
- (e) the Clerk to whom, and the address at or to which the fixed penalty may be paid or remitted;
- (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.

Penalties to be paid in accordance with notice.

231. (1) Where a notice has been given under **section 229**, the driver or owner of the vehicle, as the case may be, may, subject to subsection (2), 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 fourteen days from the date of the notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(4) Payment of the fixed penalty shall be accompanied by the notice completed by the driver or the owner as the case may be, in the manner prescribed.

(5) Where the fixed penalty is duly paid in accordance with the notice, no person shall then be liable to be convicted of the offence in respect of which the notice was given.

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(6) A fixed penalty paid under this Act shall be dealt with in the same

manner as payment of a fine imposed under the Summary Courts Act.

Amount of fixed penalty.

232. The fixed penalty for an offence shall be the amount specified in the third column of the **Ninth Schedule** for that offence.

Ninth Schedule

Proceedings to be instituted by notice.

233. Proceedings in respect of an offence deemed to be instituted by a notice under this Act shall 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 231(3)**; and

(b) in respect of a notice issued under **section 229(2) (a)**, 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 229(1)**.

Certificate of Clerk sufficient proof.

234. In any proceedings, a certificate that payment of a fixed penalty was or 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.

Where fixed penalty not paid.

235. 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.

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Notice not to be removed.

236. (1) A notice affixed to a vehicle under **section 229(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 fifteen thousand dollars.

Minister may amend Schedules.

237. (1) The Minister may from time to time by Order—

Ninth Schedule

(a) add to or remove any offence from the **Ninth Schedule** and prescribe in respect of that offence a penalty not exceeding five thousand dollars;

(b) alter the fixed penalty for any offence so however 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 XIII

LEGAL PROCEEDINGS

Power to convict for reckless or dangerous driving on trial for manslaughter.

238. On the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he has committed an offence under **section 215** to find him guilty of that offence, whether or not the requirements of **section 219** have been satisfied as respects that offence.

Power to proceed on charge for careless driving on hearing of charges under sections 207 or 216.

239. (1) Where a person is charged summarily before a Magistrate with an offence under **section 207** or **section 216** 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 218** 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.

Court may order disqualification from holding driver's licence.

240. (1) The Court before which a person is convicted of any offence in connection with the driving of a motor vehicle may in addition to any other penalty provided for such offence, order that the offender be disqualified for a stated period or permanently for obtaining a driver's licence either generally or limited to the driving of a motor 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 shall forfeit the driver's licence and return it to the Authority.

(2) A person who is disqualified under this Act for 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 [Chief Motor Vehicles Enforcement Officer/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.

241. A person who by virtue of an order of a Court under **section 240** is disqualified for 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.

Production of offender's Record of Conviction.

242. 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 [Chief Motor Vehicles Enforcement Officer/Authority] to produce for its inspection the offender's Record of Conviction and the [Chief Motor Vehicles Enforcement Officer/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.

Custody of driver's licence while suspended or cancelled.

243. (1) A Court which suspends or cancels a driver's licence, or declares a person disqualified for obtaining a driver's licence shall forthwith send to the Authority every suspended or cancelled driver's licence.

(2) At the expiration of the period of suspension, the Authority shall on the request of the holder of the driver's licence, re-issue the driver's licence.

Endorsement on driver's licence limiting use.

244. (1) 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 indicate on the driver's licence, in the usual manner, the class or description of vehicle which the holder of the driver's licence is now thereby authorised to drive and any conditions in respect of the operations of the vehicle under the licence, and the driver's licence shall then be returned to the holder.

(2) At the expiration of the period of disqualification, the holder shall again forward the driver's licence to the Authority, who shall indicate on the licence that the restriction imposed during the period of disqualification has been removed.

Suspended driver's licence to be of no effect.

245. A driver's licence suspended by a Court shall, during the period of suspension, be of no effect, and a person whose driver's licence is suspended, or who is declared by the Court to be disqualified for obtaining a driver's licence, shall, during the period of such suspension or disqualification, be disqualified for obtaining

a driver's licence.

Temporary suspension of driver's licence pending determination of charges.

246. (1) If and when any person is charged with manslaughter arising out of the use of any motor vehicle or with contravening the provisions of **section 207 or section 215**, the Authority may order the suspension of the driver's licence of the person so charged pending the determination of the charge.

(2) A driver's licence that has been suspended pursuant to this section shall on demand by any Constable be surrendered to the Constable who shall forthwith forward the same to the Clerk of the Court before which the person who's charged is to appear.

Fraudulent application for driver's licence.

247. Where a person who is disqualified for holding or obtaining a driver's licence under the provisions of this Part applies for or obtains a driver's licence while he is so disqualified, or if any person while he is so disqualified drives a vehicle or, if the disqualification is limited to the driving of a vehicle of a particular class or description, a vehicle of that class or description on a road, or if any person who 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 XIV APPEAL COMMITTEE

Establishment of Appeal Committee.

248. (1) The Minister may, from time to time, establish a committee to be known as the Appeal Committee to, notwithstanding the provisions any other written law —

- (a) hear and determine all appeals from the decisions of the Authority, in the exercise of its functions and duties under this Act and in particular, respecting its refusal of a permit, licence or certificate under this Act;
- (b) review the exercise by the Chief Motor Vehicles Enforcement Officer of his powers.

(2) An appeal under subsection (1) shall lie to the Appeal Committee at the instance of the person in respect of whom the decision is made.

Composition of Appeal Committee.

249. (1) The Appeal Committee shall comprise the following persons to be appointed by the President, after consultation with the Prime Minister and Leader of the Opposition, and on such terms and conditions as the President may determine:

- (a) an attorney-at-law with at least 7 years legal experience; and
- (b) two persons, each with knowledge and experience in matters relating to land transportation, the operation of vehicles, civil engineering or

industrial relations management.

Tenth Schedule.

(2). Before entering upon the duties of his office a member of the Appeal Committee shall take and subscribe the oath of office set out in the **Tenth Schedule**.

Restrictions on composition of Appeal Committee.

250. A person shall not be qualified to be a member of the Appeal 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;
- (e) a person who has at any time been convicted of an offence punishable by a term of imprisonment exceeding three years.

Powers of the Appeal Committee.

251. (1) In the determination of an appeal, the Appeal Committee—

- (a) shall take into account the operations of the holder of the licence, permit or certificate and how its decision will affect such operations;
- (b) shall 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;
- (c) may confirm or reverse the decision which is the subject of the appeal; but shall not have power to vary that decision, except that—
 - (i) where the decision was to cancel, suspend or revoke a licence, permit or certificate, the Appeal Committee may direct the Authority, to impose certain conditions, where applicable, instead; or
 - (ii) where the decision was to impose or vary any conditions or restrictions, the Appeal Committee may direct the Authority, to impose different conditions or restrictions, or to vary them in a different way.

[or for (b and (c) above

(b) may—

- (i) affirm, modify or amend the decision appealed against;
- (ii) set aside the decision;

- (iii) substitute any other decision which the Authority could have made;
- (iv) refer the matter back to the Authority with directions to rehear it.]

(2) Where the Appeal Committee gives a direction to the Authority under subsection (1) it shall be for the Authority to decide what conditions or restrictions should be imposed or how they 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 on which it has decided.

(3) Where the Appeals Committee reverses a decision of the Authority to refuse an application for a licence, permit or certificate, it shall direct the Authority to grant it.

(4) Notice of the Appeal Committee's determination, together with a statement of its reasons, 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 Appeal Committee otherwise directs, the determination shall come into operation when the notice is served on the appellant, the Authority or the holder of the licence, certificate or permit.

Effect of the decision of the Authority during appeal

252. During the pendency of an appeal, orders made and decisions and directions given by the Authority remain in force pending the outcome of the appeal; unless on an *inter parte* application or an *ex parte* application, where notice has been given to the Authority that the Appeal Committee is of the view that exceptional circumstances exist that warrant the grant of a stay of any further action by the Authority.

Costs, evidence and further appeal.

253. (1) The Appeal Committee may give such directions as it thinks fit for the payment of costs or expenses by any party to the appeal.

(2) On an appeal, the holder of the licence, certificate or permit concerned shall be entitled to be heard.

(3) A further appeal by a person affected may be made to the Court of Appeal, which, if it is of the opinion that the decision was erroneous on a point of law, shall remit the matter to the Appeal Committee for rehearing and determination by it.

Appeal Committee to regulate its own procedure.

254. (1) Subject to subsection (2) the Appeal Committee may regulate—

- (a) its own procedure; and
- (b) the procedure for conducting appeals.

(2) The Appeal Committee shall hear applications *in camera* and may permit—

- (a) an applicant or his representative;
- (b) the Chief Motor Vehicles Enforcement Officer or his representative,

to appear before the Appeal Committee.

(3) Any question before the Appeal Committee shall be determined by the opinion of the majority of the members of the Committee.

(4) With the consent of the Prime Minister, the Appeal Committee may by Regulations or otherwise confer powers and impose duties on any officer of the Authority for the purpose of the exercise of the functions of the Appeal Committee.

PART XV

OFFENCES AND PENALTIES

Refusing to give name or address or giving false name or address.

255. (1) Any driver or conductor of a vehicle who commits an offence under this Act or any Regulations and refuses to give his name and address or gives a false name or address commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(2) The owner of the 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 or conductor, and who fails to do so within four days of his being notified of such request commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(3) A Constable may arrest without a warrant the driver or conductor of any vehicle who within view commits an offence under this Act or under the Regulations unless the driver or conductor either gives his name and address or produces his permit for examination.

Giving false information.

256. (1) Any person who makes any statement which to his knowledge is false, or in any material respect misleading –

- (a) in or in connection with an application for registration of a vehicle [or a non-motorised vehicle] which is capable of being towed for the purpose of carriage of load; or
- (b) a driver's licence; or
- (c) any change or correction in a Vehicle Certificate of Registration; or
- (d) in giving any information lawfully demanded or required under this Act or the Regulations commits an offence

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

**Power to require
[motor] vehicle
registered according
toMGW to be
weighed.**

257. (1) The driver or other person in charge of a [motor] vehicle or trailer registered according to its maximum gross weight may, on demand by any person authorised in writing by the Authority or by a Constable, be required to satisfy such person or Constable that the load which is being carried on such [motor] vehicle or trailer does not contravene the provisions of the registration or this Act or any Regulations, and may be required by such person or Constable to drive him with such vehicle or trailer to the nearest weighbridge for the purpose of weighing such load.

(2) Any person who fails to comply with a request to proceed to the nearest weighbridge as aforesaid commits an offence and may be arrested forthwith without a warrant and he is liable to a fine of two thousand dollars

(3) The [motor]vehicle or trailer 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 or trailer is permitted to proceed on its journey.

(4) The Authority or any person authorised by the Authority may, before registration (including a renewal) in respect of a [motor] vehicle or trailer, require the [motor] vehicle or trailer to be weighed by and at the expense of the owner in the presence of a person authorised by the Authority.

Penalties

258. (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 [three] thousand dollars or to imprisonment for [six] months.

(2) Any person who contravenes the provisions of any Regulations shall, unless otherwise specifically provided be liable to a fine of [three] thousand dollars or imprisonment for [three] 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.

Offences by minors.

259. Where a road traffic offence under this Act is committed by a person who is under the age of seventeen, he 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 debarment from holding a driver's licence shall commence from the day he becomes seventeen.

PART XVI
MISCELLANEOUS

Traffic Wardens.

260. (1) The Police Commissioner may—

- (a) with the approval of the Minister responsible for the Police; and
- (b) subject to—
 - (i) such conditions as the Minister directs; and
 - (ii) criteria as may be established by Order by the Minister responsible for transport after consultation with the Authority,

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

(2) A Traffic Warden shall, while in the execution of his duty, wear such uniform as the Police Commissioner, with the approval of the Minister responsible for the Police, directs.

(3) Any driver who—

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

**Liability of driver
and person in charge
of vehicle for
offences.**

261. (1) If—

- (a) any vehicle is used which contravenes any provision of this Act or of any Regulations, or of any Order lawfully made under this Act or
- (b) any vehicle is used in such a state or condition or in such a manner as to contravene any such provision; or
- (c) anything is done or omitted in connection with a vehicle in contravention of any such provision,

then, unless otherwise expressly provided by this Act, the driver or person in charge of the vehicle at the time of the offence commits an offence, unless the offence was

not due to any act, omission, neglect or default on his part.

(2) Any person authorised in writing by the Authority may, at all reasonable times, enter any premises for the purpose of ascertaining whether any vehicle is kept on such premises contrary to this Act, and for the purpose of inspecting any vehicle on such premises.

Recovery of damage to road or bridge.

262. (1) If by reason of an offence against this Act any injury is caused to any road or bridge, the authority responsible for the repair of the road or bridge may cause such injury to be made good, and may, either before or after the injury is made good, recover the estimated or actual cost thereof 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 such injury shall, without proof of signature, be *prima facie* evidence of the amount payable by the owner of the vehicle.

Certificate as to damage to be admissible as evidence.

263. If in any proceedings under this Act any question arises whether a vehicle does or does not comply with any provision of this Act or any Regulations, 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.

Fees to be paid to Authority.

264. 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.

Fifth Schedule

Requirement for details of conviction to be forwarded to the Authority.

265. 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 forward such information to the Authority.

Liability at Common Law.

266. 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.

Regulations.

267. (1) Subject to negative resolution of Parliament the Minister may make Regulations generally for giving effect to the provisions of this Act.

(2) The Minister may, in making Regulations under subsection (1), limit the applicability of all or any of those Regulations to any specified area.

(3) Notwithstanding the provisions of section 63 of the Interpretation Act, Regulations made under subsection (1) may provide that on summary conviction the penalties which may be imposed shall not exceed a fine of five thousand dollars or imprisonment for a term not exceeding six months or both such fine and imprisonment.

(4) Except insofar as this Act otherwise provides, any power conferred thereby to make Regulations may be exercised—

- (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of case; and
- (b) so as to make, as respect to the case in relation to which it is exercised—
 - (i) the full provision to which the power extends or any less provision (whether by way of exception or otherwise);
 - (ii) the same provision for all cases in relation to which the power is exercised or different provisions for different cases or class of case, or different provisions as respects the same case or class of case for different purposes of the Act;
 - (iii) any such provision either conditionally or subject to any specified condition.

(5) Any Regulations 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 and the Maxi-Taxi 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 motor 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;
 - (v) the form of the notice under **section 229**;
 - (vi) the duties of the Clerks and the information to be supplied to them under **section 234**;
- (b) regulating—
- (i) road use;
 - (ii) the operations of—
 - (A) Fleet Management Facilities and Inspection Centres;
 - (B) Vehicle Rental Firms;
 - (C) Hired Vehicle Firms;
 - (D) Private Hired Vehicles;
 - (E) Maxi-Taxi Operators;
 - (F) Hired School Bus Drivers;
- (c) 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 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.

Provisions of Act to prevail.

268. Whenever the provisions of this Act or of any Regulations made hereunder are in conflict with the provisions of any other law relating to the control of vehicles and road traffic the provisions of this Act and the Regulations made hereunder shall prevail.

Appeal Committee to decide where similar powers granted.

269.(1) Wherever any powers conferred on the Authority or the Commissioner of Police under this Act are similar to powers conferred on a Municipal or Road Authority under any other written law and there shall arise any conflict or dispute as to the exercise of such powers, the matter at issue shall be referred to the Appeal

Committee who shall decide which authority shall exercise such powers and the manner in which such powers shall be exercised.

(2) The decision of the Appeal Committee granted pursuant to subsection (1) shall be final and conclusive.

Repeal and savings

270. (1) The following Acts are repealed:

Chap. 48:50

(a) the Motor Vehicles and Road Traffic Act;

Chap. 48:52

(b) the Motor Vehicles and Road Traffic
(Enforcement and Administration) Act; and

Chap. 48:53

(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 other subsidiary legislation made under this Act.

FIRST SCHEDULE

(Section 27(4))

Precept Form

REPUBLIC OF TRINIDAD AND TOBAGO

MOTOR VEHICLES AND ROAD TRAFFIC ACT

To

of I,
....., Chief Motor Vehicles Enforcement Officer do
under and by virtue of the power and 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

PART A

(Section 31)

Public Offices

PART B

(Section 33(2))

Oath of Secrecy

THIRD SCHEDULE

(Section 51, 73)

Countries from which Three Month Licences are Accepted

DRAFT

FOURTH SCHEDULE

(Sections 51(1)(b), 72 (1))

Countries Parties to International Convention

DRAFT

FIFTH SCHEDULE

(Sections 56, 60,72(2))

Fees

SIXTH SCHEDULE

(Sections 82, 87)

Classification of Vehicles

SEVENTH SCHEDULE

(Section 109)

Transfer Tax

DRAFT

EIGHTH SCHEDULE

(Section 123)

Requirements for Vehicle Traders

NINTH SCHEDULE

(Section 65, 232, 237)

Fixed Penalty

DRAFT

TENTH SCHEDULE

(Section 249)

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 Appeal Committee in the exercise of the powers vested in the Appeal Committee 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.....

Judge of High Court

ELEVENTH SCHEDULE

(Section 196)

Speed Limit

TWELFTH SCHEDULE

(Section 199)

Experimental Traffic Schemes

DRAFT

Passed in the House of Representatives this

day of

2011.

Clerk of the House.

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the House 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

2011.

Clerk of the House.

Passed in the Senate this

day of

2011.

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.

DRAFT