

THE ROAD TRAFFIC ACT, 2015

(Act of 2015)

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A BILL

ENTITLED

AN ACT to Repeal and Replace the Road Traffic Act; to establish the Island Traffic Authority as the licensing authority for the regulation and control of traffic on roads; to create new categories of driver's licences; and for connected matters.

[]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I—*Preliminary*

1.—(1) This Act may be cited as the Road Traffic Act, 2015, and shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title and commencement.

(2) Different days may be appointed for the commencement of different provisions of this Act.

Interpretation.

2.—(1) In this Act, unless the context otherwise requires—

“area”, “traffic area” or “licensing area” means the area from time to time prescribed by the Minister as a traffic area or licensing area, as the case may be;

“Authority” means the Island Traffic Authority established by section 3;

“certificate of competence” means a certificate issued to a driver by the Authority certifying the competence of the driver to drive a motor vehicle of the category indicated on the certificate;

“certificate of fitness” means a certificate issued by the Authority certifying in respect of a motor vehicle that the vehicle is in compliance with the prescribed requirements as to the fitness of the vehicle;

“child” includes any person who is under 12 years old and any person whose height or build is such that the person experiences or is likely to experience problems or difficulty with the prescribed upper anchorage point of a seat belt;

“child restraint system” means a restraint system, other device or combination of devices for use in a vehicle that is—

- (a) designed to diminish the risk of injury to a child in the event of an abrupt deceleration or acceleration of the vehicle in which the child is seated or a collision involving the vehicle, by limiting the mobility of the body of the child;
- (b) designed either to be fixed directly to a suitable anchorage or to be used in conjunction with a seat belt and held in place by the restraining action of that seat belt; and

- (c) fitted in the vehicle in accordance with the specifications of the vehicle manufacturer and of a type which complies with the standards declared by the Bureau of Standards under the Standards Act to meet the standard specification for seat belts and other safety belt assemblies and anchorages for child restraint systems;

“commercial motor vehicle” means—

- (a) a motor truck with an unladen weight exceeding 5000 kilogrammes, whether used for private or commercial purposes; or
- (b) any other motor vehicle that is used to carry persons or goods in connection with any trade or business;

“constable” means a member of the Constabulary Force;

“Constabulary Force” means the Jamaica Constabulary Force or the Rural Police;

“driver” means a person who is engaged in driving or operating a motor vehicle;

“Driver’s Licences Register” means the Driver’s Licences Register required to be kept under section 39;

“emergency vehicle” means—

- (a) any motor vehicle carrying officers or firemen or fire equipment of the Jamaica Fire Brigade or members of a Constabulary Force to or from—
 - (i) the scene of a fire or place from which an alarm of fire has been sent;
 - (ii) the scene of a crime or a motor vehicle collision;

- (iii) a place where there is traffic congestion or civil disturbance; or
- (iv) a rescue operation;
- (b) any ambulance attached to a public health facility as defined in the *National Health Services Act*, or the University Hospital of the West Indies, or to any military hospital, carrying hospital attendants or appliances to or from a place where a person has been reported to the hospital to be in immediate need of medical attention;
- (c) any ambulance, not being an ambulance referred to in paragraph (b), which is approved by the Minister responsible for health as being suitably equipped for the purpose of carrying any medical attendant or appliance to or from a place where a person has been reported to the person operating such ambulance as being in immediate need of medical attention;
- (d) any motor vehicle used by the Correctional Services in the transportation of inmates;

“functions” includes powers and duties;

“licence decal” means a licence sticker issued by the Authority in the licensing of a motor vehicle;

“local authority” means, in relation to—

- (a) the parishes of Kingston and St. Andrew, the Kingston and St. Andrew Corporation;
- (b) any other parish, the Parish Council for that parish;
- (c) any municipality, the Municipal Council for that municipality;

“motor truck” means a vehicle classified as such under section 6;

“motor vehicle” means any vehicle falling within any classification under section 6;

“National Vehicle Register” means the National Vehicle Register required to be kept under section 11;

“pedestrian crossing” means any portion of a road, whether at an intersection or elsewhere, designated by the Authority for crossing by pedestrians, and distinctly marked for such crossing in such manner as may be prescribed;

“permit or driver’s licence” means, as the circumstances may require—

- (a) a learner’s permit, which entitles the holder to learn to drive a motor vehicle, subject to the conditions noted on the permit;
- (b) a driver’s licence for which the holder has full driving privileges to drive a motor vehicle of the category noted on the licence; or
- (c) a driver’s licence, issued by a state with which Jamaica has an agreement for the mutual recognition of driver’s licences of other countries, which entitles the holder, while in Jamaica, to drive a motor vehicle of the category noted on the licence;

“the regulations” means the regulations made under this Act;

“road” includes—

- (a) any main road under the *Main Roads Act* or parochial road under the *Parochial Roads Act*;
- (b) a bridge over or under which a road passes;
- (c) any other roadway or thoroughfare declared to be a major road pursuant to section 54(1); and

- (d) any roadway or public thoroughfare to which the public has access by means of a vehicle;

“Road Authority”, in relation to any road, means the authority responsible for the construction and maintenance of the road, comprising as the case may be, any of the following—

- (a) the Chief Executive Officer of the National Works Agency;
- (b) the City Engineer of the Kingston and St. Andrew Corporation;
- (c) a Superintendent of Parochial Roads and Works; or
- (d) any other person declared to be a Road Authority pursuant to section 54(1)(b);

“Road Code” means the Road Code made under section 87;

“Road Traffic Appeal Tribunal” or “Tribunal” means the Tribunal established by section 44;

“school crossing warden” means any person appointed to patrol in accordance with the arrangements made under section 81;

“seat belt” means an arrangement of straps—

- (a) fixed to a motor vehicle as prescribed;
- (b) with a securing buckle and adjusting devices that comply with the standards prescribed by the Minister in accordance with section 115; and
- (c) designed to diminish the risk of injury to its wearer, in the event of a collision or of an abrupt deceleration or acceleration of the motor

vehicle, by limiting the mobility of the body of the wearer;

“standard” means any code of practice, compulsory specification or standard method adopted, adapted or promulgated by the Bureau of Standards;

“traffic sign” includes—

- (a) a marking on the surface of a road;
- (b) a traffic signal (whether an automatic electric signal or otherwise);
- (c) a warning sign;
- (d) a direction post and sign;
- (e) any other device for the guidance or direction of persons using roads;

“trailer” means a vehicle classified as such in section 6;

“vehicle” includes every description of carriage or other artificial contrivance used or capable of being used as transportation on land.

(2) A reference in this Part to a class of driver’s licence or a licence to drive certain vehicles means a licence of one of the following classes, subject to such restrictions as may be specified that is to say—

- (a) Class A driver’s licence, which entitles the holder thereof to drive a motor cycle;
- (b) Class B driver’s licence, which entitles the holder thereof to drive, trucks or motor cars (not being public passenger motor vehicles or commercial motor vehicles); and
- (c) Class C driver’s licence, which entitles the holder thereof to drive, whether in connection with a trade or business or otherwise, such category of motor vehicles as may be specified in the licence.

PART II—*Island Traffic Authority*

Establishment,
constitution
and
administration
of Island
Traffic
Authority.

3.—(1) There is established for the purposes of this Act, an agency of Government to be called the Island Traffic Authority.

(2) The Authority shall consist of five members, comprising—

- (a) three members appointed by the Minister, one of whom shall be the chairman;
- (b) the Chief Executive Officer of the National Works Agency or his nominee;
- (c) the Commissioner of Police or his nominee.

(3) The Authority may appoint committees for any such general or special purposes with which the Authority may be concerned, as in the opinion of the Authority would be better regulated and managed with the assistance of a committee.

(4) The number of members of a committee appointed under subsection (3), their functions and term of appointment, and the area, if any, within which the committee is to exercise authority, shall be determined by the Authority.

(5) A Committee appointed pursuant to this section may include persons who are not members of the Authority.

(6) There shall be attached to the Authority such officers as the Governor-General shall from time to time appoint and such officer shall receive such salary as may be provided in the estimates of the Island and shall perform such duties as the Authority shall assign.

(7) For the due administration of the Authority, there shall be appointed—

- (a) a Head of Department, who shall be responsible for the day-to-day administration and operation of the Authority; and

- (b) such other officers and agents as may be necessary for the efficient operation of the Authority.

4.—(1) The Authority shall perform the functions necessary to regulate and control traffic on roads, including—

Functions of
Island Traffic
Authority.

- (a) traffic flow management, by—
 - (i) analyzing vehicular and pedestrian traffic on roads;
 - (ii) developing and implementing measures to reduce traffic congestion and collision rates; and
 - (iii) regulating parking on and access to roads;
- (b) the development and implementation of traffic calming measures;
- (c) the development and implementation of plans for the improvement of road networks in order to meet immediate and anticipated needs, using projections based on factors such as—
 - (i) the measurement of traffic patterns on roads;
 - (ii) land use; and
 - (iii) development plans;
- (d) the monitoring and inspection of motor vehicles;
- (e) the testing of applicants for—
 - (i) learner's permits; or
 - (ii) driver's licences;
- (f) the granting of certificates of competence;
- (g) the issuing of—
 - (i) learner's permits; and
 - (ii) driver's licences;

- (h) the licensing and registration of motor vehicles to be used on a road;
- (i) the inspection of motor vehicles and granting of certificates of fitness pursuant to section 8;
- (j) the granting of special permit to import for use or to use or operate on any road, motor vehicles—
 - (i) the dimensions of which exceed the prescribed dimensions; and
 - (ii) the construction and design of which do not comply with this Act or the regulations;
- (k) the keeping of records of endorsements on driver's licences;
- (l) the establishment and maintenance of a statistical unit for the keeping of records of any collisions on roads, including the location, frequency and causes of collisions;
- (m) the furnishing of an annual report to the Minister;
- (n) the keeping of—
 - (i) the Driver's Offences Register;
 - (ii) the Driver's Licences Register;
 - (iii) the National Vehicle Register; and
 - (iv) all records and other registers required to be kept, under this Act;
- (o) the licensing and—
 - (i) regulation of driving instructors;
 - (ii) regulation of driving schools; and
 - (iii) the setting of minimum standards for the operation of driving instructors and driving schools;

- (p) the licensing of agents and persons to whom certain functions are to be delegated by the Authority;
- (q) preparing the Road Code and such other publications for ensuring the safe use of roads, as the Authority deems necessary;
- (r) advising the Minister on matters of general policy relating to the safe use of roads;
- (s) monitoring the traffic ticketing system and issuing notices under the traffic ticketing system; and
- (t) performing any other functions pertaining to the safe use of roads as may be assigned to the Authority by the Minister.

(2) In performing the functions specified in subsection (1), the Authority may—

- (a) carry out or support, by financial means or otherwise, research which in its opinion is relevant to any of those functions;
- (b) conduct seminars and provide appropriate training programmes and consulting service and gather and disseminate information relating to the safe use of roads;
- (c) subject to this Act, impose fees payable in respect of any licence or for any service provided by the Authority;
- (d) do anything or enter into any arrangement which, in the opinion of the Authority, is necessary to ensure the proper performance of its functions.

(3) The Authority—

- (a) shall, in the performance of its functions in relation to any road, consult with the Road Authority responsible

for the maintenance of that road and such consultation may relate to matters concerning—

- (i) the use and erection of traffic signs;
 - (ii) pedestrian crossings; and
 - (iii) the management of traffic on any such road; and
- (b) may require a Road Authority to perform any act that the Authority thinks is necessary for the regulation and control of traffic on any road managed by that Road Authority.

(4) A Road Authority which seeks to implement traffic control measures shall obtain the prior approval of the Authority.

(5) In this section —

“traffic calming” includes physical measures and strategies aimed at—

- (a) ameliorating any negative effects of vehicle use on roads;
- (b) reducing traffic speed or volume, in the interest of road safety;
- (c) altering driver behaviour and improving conditions for pedestrians and pedal cyclists;

“traffic flow management” means—

- (a) the analysis and assessment of vehicular, pedestrian and other traffic on roads;
- (b) the determination of appropriate traffic control measures to achieve—
 - (i) reduction of congestion and collisions;

- (ii) traffic calming; and
- (c) the regulation of parking, access and interruptions of traffic flow along roads.

5.—(1) The Authority may with the approval of the Minister, for the purpose of the due discharge of its functions under this Act, delegate any of its functions to the National Works Agency, a Collector of Taxes or to any of its members, officers, employees or agents except the power to prescribe anything under this Act. Delegation of functions.

(2) A delegation under subsection (1) is revocable by the Authority with the approval of the Minister and the delegation of a function shall not preclude the performance of that function by the Authority in its own behalf.

(3) A delegation under subsection (1), shall not affect the exercise of such function by or the responsibility of the Authority in relation to acts of the delegate carried out in lawful exercise of the delegated function.

(4) Any act done by or in relation to the delegate pursuant to the delegated function shall have the same effect as if done by or in relation to the Authority.

PART III—*Classification, Fitness and Registration of Motor Vehicles*

6.—(1) Motor vehicles shall be classified, for the purposes of this Act and the regulations, as the following— Classification of motor vehicles.

- (a) tractors, that is to say, motor vehicles which are not constructed to carry any load other than the following articles, namely, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment;
- (b) motor trucks, that is to say, motor vehicles (not being classified under this section as motor cars or motor cycles) which are constructed for the purpose of carrying a load or passengers or both;

- (c) motor cars, that is to say, motor vehicles (not being classified under this section as motor trucks or motor cycles) which are—
 - (i) constructed primarily for the carriage of passengers, exclusive of the driver;
 - (ii) adapted to carry not more than seven passengers, exclusive of the driver;
 - (d) private motor vehicles, that is to say, motor vehicles whether “motor trucks” or “motor cars” within the meaning of this section (not being commercial motor vehicles) constructed primarily for the carriage of passengers and their effects and used exclusively for personal purposes;
 - (e) motor cycles, that is to say, motor vehicles with fewer than four wheels;
 - (f) a trailer, that is to say, an unpowered vehicle pulled or towed by a powered vehicle.
- (2) For the purposes of this Part, where—
- (a) a motor vehicle is fitted with a crane, dynamo, welding plant or other special appliance or apparatus, which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load but shall be deemed to form part of the vehicle; and
 - (b) a side-car is attached to a motor cycle, the side car shall be regarded as forming part of the vehicle to which it is attached.

Fitness, Registration and Licensing of Motor Vehicles

7.—(1) Except in accordance with this Act and the regulations, a person shall not drive or cause to be driven a motor vehicle on a road unless—

- (a) there has been issued and is in force in respect of the motor vehicle, a valid certificate of fitness;

Application
and issue of
certificate of
fitness.

- (b) the motor vehicle is registered in the prescribed manner;
- (c) the motor vehicle is licensed in the prescribed manner;
and
- (d) there is in place in respect of the motor vehicle insurance coverage in accordance with the *Motor Vehicles Insurance (Third-Party Risks) Act*.

(2) Every driver of a motor vehicle shall carry evidence of a type prescribed that—

- (a) the vehicle is insured in accordance with the *Motor Vehicles Insurance (Third-Party Risks) Act*;
- (b) there is in place a valid certificate of fitness in respect of the vehicle;
- (c) the motor vehicle is licensed in accordance with this Act,

and shall provide the evidence for inspection upon demand by a Constable.

(3) Every person driving or causing a motor vehicle to be driven in contravention of subsections (1) and (2) commits an offence.

8.—(1) Every person seeking to obtain a certificate of fitness in respect of any motor vehicle shall apply to the Authority in the prescribed manner.

Application and issue of certificate of fitness.

(2) The Authority may, on the payment of the prescribed fee, issue to the applicant a certificate of fitness in respect of the motor vehicle for which the application has been made under subsection (1).

(3) The Authority shall refuse to issue to the applicant, a certificate of fitness if the prescribed requirements for the vehicle are not met.

Revocation of certificate of fitness.

9.—(1) The Authority may, at any time after a certificate of fitness has been issued for a motor vehicle, revoke that certificate of fitness, if on the inspection of the motor vehicle it does not comply with the prescribed requirements as to fitness of vehicles.

(2) Where a certificate of fitness is revoked pursuant to subsection (1), the motor vehicle licence shall cease to have effect until a new certificate of fitness has been obtained in respect of that vehicle.

Application for motor vehicle registration.

10.—(1) Every person seeking to register a motor vehicle under this Act shall apply to the Authority in the prescribed manner and pay the prescribed fees.

(2) The Authority, on the receipt of an application under subsection (1), may—

- (a) register the motor vehicle in the prescribed manner; or
- (b) refuse to register the motor vehicle, stating to the applicant in writing the reasons therefor.

National Vehicle Register.

11.—(1) Subject to subsection (3), the Authority shall—

- (a) keep a register of motor vehicles to be called the “National Vehicle Register”; and
- (b) in accordance with section 10, cause an entry to be made in the Register to include the prescribed information for every—
 - (i) motor vehicle imported into Jamaica; and
 - (ii) motor vehicle registered under section 10.

(2) The Authority shall use its best efforts to enter into the register prescribed particulars of all vehicles whether imported into or manufactured in Jamaica.

(3) Where—

- (a) motor vehicle was imported into Jamaica on or before November 1, 2015;

- (b) the Authority is satisfied that the motor vehicle was lawfully imported into Jamaica;
- (c) the owner of the motor vehicle is unable to provide the prescribed information pursuant to subsection (1),

the Authority may, on an application under section 11, cause an entry containing such of the prescribed information as is available to the Authority to be entered in the National Motor Vehicle Register.

12.—(1) Every person seeking to obtain a motor vehicle licence in respect of any vehicle under this Part shall apply to the Authority in the prescribed manner.

Application
for motor
vehicle
licence.

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

- (a) a valid certificate of fitness in respect of the motor vehicle to be licensed;
- (b) proof of current motor vehicle insurance in respect of that motor vehicle in accordance with the *Motor Vehicles Insurance (Third-Party Risks) Act*; and
- (c) subject to section 17(1), proof of payment of the prescribed licence duty.

13.—(1) The Authority, on the receipt of an application for a motor vehicle licence under section 12, may—

Grant or
refusal of
licence and
issue of
registration
plate and
licence decal.

- (a) grant the licence and issue in respect of the vehicle for which the application has been made—
 - (i) a registration plate, where the vehicle is being licensed for the first time;
 - (ii) a licence decal; and
 - (iii) a registration certificate;
- (b) refuse to grant the licence, stating the reasons therefor.

(2) Subject to this Act and the regulations, registration plates shall be effective for the period during which the vehicle is kept for use on a road.

(3) A registration plate and licence decal issued under this section in respect of a motor vehicle specified in the application, shall not be used for any other vehicle.

(4) Where a motor vehicle—

(a) is brought into Jamaica by a person intending to stay in Jamaica temporarily; or

(b) forms part of the inventory of a motor vehicle dealer,

that motor vehicle shall be operated in compliance with the prescribed requirements and conditions under which a licence is granted in respect of such vehicle.

(5) Subject to subsection (6), a person commits an offence—

(a) if he uses a motor vehicle on a road—

(i) in contravention of the terms of the licence;

(ii) with the registration plates or licence decal—

(A) not affixed or not kept affixed to the vehicle as required by this Act and the regulations;

(B) affixed in such a manner so as to render them in any way obscured or not easily distinguishable; or

(C) obscured in such a manner that the characters thereon cannot be read;

(iii) which is not licensed in accordance with this Act,

(b) if he forges or, with fraudulent intent, alters, uses or allows to be used by any other person, any licence or any licensing or registration marks or plates issued under this Act;

- (c) with intent to enable another person to use a motor vehicle licence or registration plates not issued in respect of that vehicle under this Act, he gives, lends or otherwise make available the same to that other person.

(6) Where a motor vehicle is used in contravention of the provision of subsection (5), the motor vehicle shall be liable to be seized by the police and kept in their custody until the requirements of this section have been complied with;

(7) A person shall not be convicted of an offence, nor shall a motor vehicle used by the person be liable to be seized under this section if he proves that he had no reasonable opportunity of licensing the motor vehicle and that the vehicle is being driven on the road for the purpose of having its fitness tested in connection with it being licensed.

(8) Where a motor vehicle is seized by the police pursuant to subsection (5), the police shall have a duty of care and protection of the motor vehicle while it is in their custody.

(9) The provisions of sections 95 and 96 shall apply in respect of a motor vehicle seized under this section.

14.—(1) A motor vehicle licence may be granted for a period of twelve months or a period of six months, commencing from the first day of the month in which the licence first has effect.

Duration of
motor vehicle
licences and
grace period.

(2) The licence duty payable under section 17, on any motor vehicle shall, if the licence is taken out for a period of—

- (a) twelve months, be paid at the annual rate of duty applicable to that motor vehicle;
- (b) six months, be an amount equal to one-half of the annual rate of duty applicable to that motor vehicle.

(3) For the purposes of this Act—

- (a) the grant of a motor vehicle licence under section 13 shall take effect upon the expiry of an earlier motor vehicle licence, and the application for a grant may not

be made earlier than thirty days before the date of expiry of the earlier motor vehicle licence; and

- (b) without prejudice to paragraph (a) or to collection at the time when the licence duty for a motor vehicle is actually being paid, enforcement of any provision for the collection or recovery of motor vehicle licence duty payable under section 17, shall not be undertaken during the month of grace and the earlier motor vehicle licence shall, during the month of grace or until renewed during that month, be regarded as still in force.

(4) For the purposes of subsection (3), “the month of grace”, in relation to any motor vehicle licence, means the period of one month immediately after the expiry of the licence.

(5) Subject to section 10, and except in such circumstances as may be prescribed, every application for a motor vehicle licence shall be deemed to be an application for a motor vehicle licence to take effect immediately after the date of expiry of the previous motor vehicle licence and, the motor vehicle licence duty shall be payable accordingly.

(6) The provisions of sections 15 and 18 of the *Tax Collection Act* (which relate to the payment of taxes in installments) shall not apply to any motor vehicle licence duty payable in accordance with this section.

Renewal of
motor vehicle
licence.

15.—(1) Subject to subsection (2), a motor vehicle licence may be renewed by the Authority if—

- (a) an application for renewal is made in the prescribed form; and
(b) the applicant satisfies the requirements of section 12(2).

(2) The Authority shall not renew a motor vehicle licence in any of the following circumstances, namely, if the applicant for the licence has not paid—

First
Schedule.

- (a) the fixed penalty in respect of the commission of an offence specified in the First Schedule; or

(b) the fine in respect of the commission of an offence specified in the Second Schedule.

Second
Schedule.

16.—(1) Where any motor vehicle in respect of which a licence (in this section called the “original licence”) has been granted, is used or is altered in a manner that a higher or lower licence duty is applicable to such vehicle, the original licence shall immediately become null and void and the holder of the original licence shall surrender it to the Authority forthwith.

Surrender of
original
licence for
vehicle
alteration, *etc.*,
transfer of
licence.

(2) The holder of the original licence shall, on surrendering the licence and furnishing the prescribed particulars of the altered motor vehicle, be entitled to receive a new licence in respect of the motor vehicle for the same period for which the original licence was valid, on payment of such amount, if any, as represents the difference between the amount payable on the new licence and the amount paid on the surrendered licence.

(3) A licence granted under this Part may be transferred in the prescribed manner.

17.—(1) The rate of annual licence duties payable to the Authority in respect of every motor vehicle kept for use on a road shall be the appropriate rate specified in the Third Schedule.

Licence duties
for motor
vehicles.
Third
Schedule.

(2) The duty referred to in subsection (1) shall be payable in accordance with sections 12 and 14.

(3) Subject to this Act, the annual licence duty shall be collectable, recoverable and enforceable under the provisions of any enactment for the time being in force regulating the payment, collection, recovery and enforcement of taxes or duties.

(4) The licence duties charged under this section shall be paid in relation to a licence to be granted to the owner or person in charge of the motor vehicle, and such licence shall be granted and be subject to such conditions as may be prescribed or specified thereon.

(5) Without limiting the effect of any other enactment, no duties shall be payable under this section in respect of—

- (a) prescribed categories of vehicles owned or operated by a Ministry or Department of Government;
- (b) fire engines;
- (c) road rollers; or
- (d) tractors used exclusively within the limits of an estate or farm or upon any road running through an estate or farm and within the limits thereof.

Minister may
revoke,
increase,
reduce or alter
licence duty,
other duties or
fees.
Third
Schedule.

18.—(1) The Minister responsible for finance, after consultation with the Minister, may by order, revoke, increase, reduce or alter any—

- (a) licence duty specified in the Third Schedule and may add any licence duty to that Schedule; and
- (b) duty or fee imposed by sections 22(3), 40(7) and 42.

(2) Every order made under subsection (1) shall be subject to affirmative resolution and may contain such consequential, supplemental or ancillary provisions as appear to the Minister responsible for finance to be necessary or expedient for the purpose of giving due effect to the order.

Payment of
licence duties
and fees to
the Authority
and into the
Parochial
Revenue Fund
and the Road
Maintenance
Fund.

19.—(1) All licence duties and fees paid or payable under this Act or the regulations, other than the proportion of licence duties on motor vehicles specified in subsections (2) and (3), shall be paid to or accrue to the Authority.

(2) An amount equivalent to 66 and $\frac{2}{3}$ per cent of licence duties on motor vehicles shall be paid by the Authority into and shall accrue to the Parochial Revenue Fund.

(3) An amount equivalent to 33 and $\frac{1}{3}$ per cent of licence duties on motor vehicles shall be paid by the Authority into and shall accrue to the Road Maintenance Fund established by section 3 of the *Road Maintenance Fund Act*.

PART IV—*Licensing of Drivers**Restriction on Driving Without Permit or Driver's Licence*

20.—(1) A person shall not drive a motor vehicle on a road unless he is the holder of, and has on his person at all times while driving, a permit or driver's licence entitling him to drive that motor vehicle, or as the case may be, a motor vehicle of that category.

Restriction on driving without a permit or driver's licence and production of driver's licence on

(2) A person shall not employ or permit another person to drive a motor vehicle on a road, unless the person so employed or permitted to drive is himself the holder of a driver's licence entitling him to drive that motor vehicle, or as the case may be, a motor vehicle of that category.

(3) Every person—

- (a) driving a motor vehicle on a road;
- (b) accompanying another person who is learning to drive a motor vehicle on a road; or
- (c) who is learning to drive a motor vehicle on a road,

shall, on being so required by a constable in uniform or who shows his identifying documents as a member of a Constabulary Force, produce his permit or driver's licence for examination by the constable.

(4) Any person who contravenes subsection (1), (2) or (3) commits an offence.

Application, Grant and Refusal of Permit or Driver's Licence

21.—(1) Every person who is desirous of obtaining—

- (a) a learner's permit; or
- (b) driver's licence,

Application for permit or driver's licences.

shall apply to the Authority in the prescribed form and manner to be issued with same.

(2) It shall be an offence to—

- (a) apply for or hold a permit or driver's licence in circumstances where the applicant holds another permit or driver's licence of the same class;
- (b) provide false and misleading information to the Authority on an application under subsection (1).

(3) An application under subsection (1) shall be accompanied by the prescribed application fee.

(4) Where the Authority thinks necessary, it may require an applicant for a permit or driver's licence to furnish such additional information or documents as it specifies.

(5) A person shall be disqualified from holding or obtaining a permit or driver's licence while he holds another permit or driver's licence of the same class that is in force, whether the permit or driver's licence is suspended or not.

(6) For the purposes of subsection (5), two or more permits or driver's licences shall, unless the contrary is proven by the licensee, be deemed as having been granted to the same person, if his photograph appears thereon, notwithstanding the fact that the permits or driver's licences are in names other than his own.

Provisions as to physical fitness of applicant for permit or drivers's licences.

22.—(1) The Authority may impose conditions on an applicant for a permit or driver's licence, including a requirement for ophthalmic and auditory or other medical examination.

(2) Where an applicant for a permit or driver's licence is suffering from any prescribed disease or physical disability, the Authority may grant to the applicant, a licence limited to the driving of a motor vehicle modified so as to allow the applicant to operate the vehicle despite his disability, if the Authority is satisfied that the applicant is fit to drive such a vehicle.

(3) Where the Authority certifies that the testing of the applicant proves his fitness and ability to drive a motor vehicle of a particular construction or design only, the Authority shall not refuse to grant a driver's licence pursuant to the provisions of section

26(2) (b) and (c); however, the conditions in the licence shall be limited to the driving of vehicles of that construction or design.

(4) Where, on considering an application for a driver's licence, the Authority ascertains that a driver's licence was previously issued to the applicant after passing the test mentioned in subsection (3), a further test shall not be required, unless based on the declaration as to physical fitness made by the applicant, or from information received by the Authority, it appears that the disease or physical disability from which the applicant is suffering has become more acute or that the applicant is suffering from some disease or disability not disclosed on the previous occasion.

(5) Where it appears to the Authority that there is reason to believe that the holder of a driver's licence is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle to be a source of danger to the public and on enquiry into the matter the Authority is satisfied that the licence holder is suffering from such a disease or disability, the Authority shall so certify in the prescribed form and give notice to the holder of the driver's licence of its intention to revoke the driver's licence.

(6) The holder of the permit or driver's licence that is proposed to be revoked may, except in the case of such diseases and disabilities as may be prescribed, make a request in writing to be subjected to the prescribed test as to his fitness or ability to drive a motor vehicle, and if he passes the prescribed test the permit or driver's licence shall not be revoked.

23.—(1) Subject to the conditions set out in section 25, the Authority may grant to an applicant a learner's permit upon considering an application under section 22 and being satisfied that the applicant—

Grant and duration of learner's permit.

- (a) is at least seventeen years of age;
- (b) has successfully completed the prescribed Road Code test;
- (c) has passed the prescribed medical test in respect of first time applicant; and

(d) has paid the prescribed fee.

(2) Subject to section 30 and the conditions set out in section 24, a learner's permit shall remain in force for a period of twelve months after the date of it being granted.

Grant or
refusal and
duration of
driver's
licence.

24.—(1) A learner's permit granted under section 23 shall be subject to the following terms and conditions—

- (a) the holder of the learner's permit shall be accompanied at all times while driving by a person who is the holder of a driver's licence for not less than three years;
- (b) there shall be displayed on the front and on the back of the motor vehicle that the holder of the permit is driving, the letter "L" which shall be of such size and dimension as may be prescribed;
- (c) the breath alcohol concentration of the holder of the permit while driving shall not exceed 0.01 per cent or 10 micrograms of alcohol per 100 millilitres of breath;
- (d) the breath alcohol concentration of the accompanying driver referred to in paragraph (a) shall not exceed 0.02 per cent;
- (e) the holder of the learner's permit shall not drive any motor vehicle in excess of 80 km per hour.
- (f) the holder of the permit shall have on his person at all times while driving, the learner's permit granted to him under section 23; and
- (g) such other terms and conditions as may be prescribed.

(2) The holder of a learner's permit who fails to comply with any of the terms and conditions on which the permit is granted, commits an offence.

Conditions of
learner's
permit.

25.—(1) The Authority may, subject to section 26, on considering an application for a driver's licence under section 21 or an application for renewal under section 30 grant a driver's licence in one of the following classes, that is to say—

- (a) Class A driver's licence, which entitles the holder thereof to drive a motor cycle;

- (b) Class B driver's licence, which entitles the holder thereof to drive, not for reward, trucks, motor cars, (not being public passenger motor vehicles or commercial motor vehicles) and vehicles specially modified for persons with a disability; and
- (c) Class C driver's licence, which entitles the holder thereof to drive, whether for reward or otherwise, such category of motor vehicles as may be prescribed and specified in the licence.

(2) Subject to section 30, a driver's licence granted under subsection (1) shall—

- (a) remain in force for a period of five years; and
- (b) be subject to the prescribed terms and conditions.

26.—(1) The Authority shall not grant a driver's licence to the applicant unless the applicant has obtained from the Authority a certificate of competence, certifying that the applicant—

Prerequisite to the grant of driver's licence.

- (a) has, immediately prior to the application, been the holder of a learner's permit for at least six months;
- (b) is able to read and write and identify road signs and symbols that are associated with the Road Code;
- (c) has paid the prescribed fees;
- (d) subject to subsection (2) has successfully passed the driver's licence test administered by the Authority;
- (e) is at least seventeen and one-half years of age;
- (f) has produced to the Authority a prescribed certificate from a Justice of the Peace, Superintendent, Deputy Superintendent or Gazetted Officer of the Jamaica Constabulary Force, Minister of Religion, an Attorney-at-Law, a Councillor or a member of a Parish Council, Municipal Council or the Kingston and St. Andrew Corporation or a Principal of a school in the area in which the applicant resides certifying the identity and residential address of the applicant;

(g) during the twelve months preceding the application, has not been convicted of an offence under this Act or any regulations thereunder;

(2) The applicant shall satisfy the Authority, where he—

(a) is applying for a Class A or a Class B driver's licence, that he has submitted the medical report required under section 21; or

(b) is applying for a Class C driver's licence, that he has been the holder of a Class B driver's licence for a minimum of three years;

(c) is applying for a Class C driver's licence that he has produced to the Authority, a medical certificate from a duly qualified medical practitioner, in the prescribed form,

(3) The Authority may, as a prerequisite to the grant of a permit pr driver's licence—

(a) exempt persons or any categories of persons from any written test prescribed under this Act or the regulations; or

(b) require persons to pass the prescribed test.

Conditions of
driver's
licence during
first year of
grant.

27.—(1) Where a driver's licence is granted under section 25 the holder shall comply with the following terms and conditions during the first twelve months of the grant of the licence, namely that he—

(a) ensures that his breath alcohol concentration does not exceed 0.01% while driving;

(b) does not drive in excess of 80 kilometres per hour on any road;

(c) does not drive a motor vehicle carrying either passengers or goods for reward; and

(d) complies with all other terms and conditions as may be prescribed.

(2) The holder of a driver's licence who fails to comply with any of the terms and conditions subject to which the licence is granted commits an offence.

28. Where the applicant for a driver's licence is a member of the Jamaica Defence Force and he is required to drive motor vehicles belonging to the Jamaica Defence Force, the certificate of competence required pursuant to subsection 26(1) may instead of being issued by the Authority, be issued by a person authorized in that behalf by the Chief of Defence Staff of the Jamaica Defence Force and, for that purpose, any—

Provision relating to the Jamaica Defence Force.

- (a) function which is vested in the Authority may be performed by a person so authorized; and
- (b) reference therein to the Authority shall be construed to include a reference to such person.

Refusal to Grant Permit or Driver's Licence

29.—(1) The Authority shall refuse to grant a permit or driver's licence where—

Grounds for the refusal of permit or driver's licence.

- (a) the application contains or is based on—
 - (i) a false or misleading representation; or
 - (ii) information that is false in a material particular;
- (b) the applicant has not met the applicable requirement to be granted a driver's licence;
- (c) pursuant to section 35, the applicant is disqualified from holding or obtaining a permit or driver's licence; or
- (d) the applicant's permit or driver's licence is suspended.

(2) Where the Authority refuses to grant a permit or a driver's licence, the Authority shall give notice of its refusal, and the reasons therefor in writing, to the applicant forthwith.

*Renewal, Suspension and Revocation of Permit or
Driver's Licence*

Renewal of
permit or
driver's
licence.

30.—(1) A permit or driver's licence granted pursuant to this Part may be renewed by the Authority if—

- (a) an application for renewal is made in the prescribed manner and form;
- (b) the prescribed fee has been paid;
- (c) the applicant has, where either of the following cases applies—

First
Schedule.

- (i) paid the fixed penalty specified in the First Schedule in respect of offences, if any, committed by him;

Second
Schedule.

- (ii) paid the fine in respect of any offence specified in the Second Schedule committed by him; and

- (d) in the case of an applicant who has attained the age of seventy years, he produces the prescribed medical report.

(2) Every renewal of a driver's licence shall be for a duration of five years, except in the case of an application for renewal to which subsection (1)(d) applies, the driver's licence shall be for a duration of three years.

(3) Where the Authority refuses to renew a permit or driver's licence pursuant to subsection (1), the Authority shall give notice of the refusal and the reasons therefor in writing to the applicant forthwith.

(4) The applicant shall, on receipt of the notice under subsection (3) and without prejudice to any appeal to the Road Traffic Appeal Tribunal, forthwith surrender the permit or driver's licence to the Authority.

(5) A person commits an offence where the Authority refuses to renew a permit or driver's licence and the person fails to surrender the permit or driver's licence to the Authority.

31. Upon an application by the holder of a driver's licence issued under this Part for a variation or modification of the driver's licence, the licence may be varied or modified, if the holder—

Variation and modification of driver's licence.

- (a) has paid the prescribed fee for such variation or modification;
- (b) proves, to the satisfaction of the Authority, that he is capable of driving the category of motor vehicle for which he is now seeking a varied or modified licence;
- (c) surrenders the driver's licence which he currently holds and is seeking to be varied or modified; and
- (d) has attained all the prerequisites for the issue of a driver's licence of the class for which he is now applying.

32.—(1) Subject to subsection (2), where the Authority becomes aware that the demerit points issued under section 98 that have been accumulated by a person total—

Power of Authority to suspend permit or driver's licence.

- (a) ten or more but less than fourteen, the Authority shall suspend his permit or driver's licence for a period of six months;
- (b) fourteen or more but less than twenty, the Authority shall suspend his permit or driver's licence for a period of one year; or
- (c) twenty or more, the Authority shall suspend his permit or driver's licence for a period of two years,

and in each case the period of suspension shall commence on the date that the notice referred to in subsection (2) is served or deemed to be served pursuant to section 115.

(2) Where the Authority intends to suspend a permit or driver's licence, the Authority shall give notice of the suspension and the reasons therefor in writing to the holder of the permit or driver's licence, who shall upon being served the notice of suspension and without prejudice to any appeal to the Road Traffic Appeal Tribunal, surrender the licence or permit to the Authority within twenty-one days.

(3) A permit or driver's licence suspended pursuant to this Part shall, during the period of suspension, be of no effect.

(4) Every person who, upon receiving notice of the suspension of his permit or driver's licence and who fails to submit the permit or driver's licence under subsection (2) to the Authority, commits an offence.

(5) Where a person has accumulated more than twenty demerit points and his driver's licence has been suspended pursuant to subsection (1)(c), the Authority may require the person to be retested as to his competence to drive before his permit or driver's licence is reinstated.

Restrictions on driver's licence to be specified.

33. Where the holder of a driver's licence is subject to any restriction on his licence, whether with respect to—

- (a) the class of licence;
- (b) the description, design, construction, weight or any other feature of the motor vehicle,

as shown in the certificate of competence, the extent of such restriction shall be specified on the driver's licence.

Revocation of permit or driver's licence.

34.—(1) The Authority may revoke a permit or driver's licence on any of the following grounds—

- (a) it is discovered that the holder of the permit or driver's licence has been issued with the permit or driver's licence based on false or misleading information provided by the holder;
- (b) the holder of the permit or driver's licence had been disqualified from holding or obtaining a permit or driver's licence by an order of the court;
- (c) the holder of the permit or driver's licence has been convicted of an offence under this Act, while driving during a period while his permit or driver's licence is suspended; or
- (d) the holder of the permit or driver's licence fails to submit the permit or driver's licence to the Authority within

twenty-one days after the permit or driver's licence is suspended;

- (e) the holder of the permit or driver's licence is suffering from a disease or prescribed physical disability mentioned in section 22(2).

(2) The Authority, where it intends to revoke a learner's permit or driver's licence, the Authority shall issue prescribed revocation certificate.

(3) Where a permit or a driver's licence has been revoked under this section, the holder of the permit or the driver's licence that has been revoked may apply to the Authority after a period of twelve months for a new permit or driver's licence.

(4) The Authority may, after considering an application under subsection (2) and the circumstances surrounding the revocation, issue a new permit or driver's licence.

35.—(1) A court before which a person is convicted of any offence in connection with the driving of a motor vehicle—

Disqualifica-
tion for
offences.

- (a) may, in addition to any other penalty provided for the offence; and
- (b) shall, where so required by this Act,

order that the convicted person be disqualified from holding or obtaining a permit or a driver's licence (hereinafter called an "order for disqualification") for such period as the Court thinks fit.

(2) An order for disqualification may be limited to the driving of a motor vehicle of—

- (a) the same class or description as the vehicle in relation to which the offence was committed; or
- (b) any particular class or description.

(3) Where the Court makes an order for disqualification—

- (a) if the convicted person holds a permit or a driver's licence, the Court shall forthwith—
 - (i) cause to be endorsed on the permit or driver's licence particulars of the conviction and the order for disqualification; and

- (ii) order that the conviction be entered into the Drivers' Licence Register and the Driver's Offence Register; or
 - (b) submit to the Authority information as to the disqualification for the purpose of endorsing the particulars of the conviction and the order for disqualification on the permit or driver's licence.
- (4) A permit or a driver's licence that is obtained by a person who (while disqualified from holding or obtaining a permit or a driver's licence) wilfully applies for or obtains a permit or driver's licence, is void.
- (5) A person commits an offence if, while disqualified from holding or obtaining a permit or a driver's licence—
- (a) wilfully applies for or obtains a permit or driver's licence;
 - (b) wilfully drives a motor vehicle in breach of the order for disqualification; or
 - (c) drives a motor vehicle of a particular class or description for which he is disqualified.
- (6) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under subsection (5) may be brought within a period—
- (a) of six months from the date of the commission of the alleged offence; or
 - (b) which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence, whichever period is the longer.
- (7) A person who, by virtue of an order of a court under this Part, is disqualified from holding or obtaining a permit or driver's licence, may appeal against the order in the same manner

as against a conviction and the Court making the order may, if it thinks fit, pending the appeal, suspend the operation of the order.

36.—(1) A person who, by virtue of a conviction or an order of a court under this Part, is disqualified from holding or obtaining a permit or driver's licence may, at any time after the expiry of six months from the date of the conviction or order, or the date of determination of an appeal under section 35(7), whichever is later, and from time to time thereafter, apply to the Court before which he was convicted or by which the order was made to remove the disqualification. Application to court to remove disqualification.

(2) On an application under subsection (1), the Court may, after considering—

- (a) the character of the person disqualified;
- (b) his conduct subsequent to the conviction or order;
- (c) the nature of the offence; and
- (d) any other circumstance of the case,

by order remove the disqualification as from such date specified in the order or refuse the application.

(3) Where an application under subsection (1) is refused, a further application under that subsection shall not be made earlier than three months after the date of the refusal.

(4) If the Court orders a disqualification to be removed, the Court shall cause particulars of the order to be endorsed on the licence, if any, previously held by the applicant and the Court may, in any case, have power to order the applicant to pay the whole or any part of the costs of the application.

Endorsements

37.—(1) Where an order for disqualification under section 35 is made against the holder of a driver's licence, the Court may make an order that the particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any driver's licence held by the person. Duty of Court to notify Authority of endorsement, etc.

(2) An order that the particulars of any conviction or of any disqualification be endorsed on any driver's licence held by the convicted person shall, whether the convicted person is at the time the holder of the licence or not, any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under the provisions of this section to have a licence granted to him free from endorsement.

(3) Where an order is made requiring any driver's licence held by a convicted person to be endorsed, then –

- (a) if the convicted person is at the time the holder of a driver's licence, he shall, if so required by the Court, produce the licence within five days or the longer time as the Court may determine for the purpose of endorsement; and
- (b) if the convicted person is not then the holder of a driver's licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the Court for the purpose of endorsement.

(4) A driver's licence that is not produced for the purpose of endorsement within the time specified in subsection (2), shall be suspended from the expiration of the time until it is produced for the purpose of endorsement.

(5) On the grant of a new driver's licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the provisions of this section to have a licence granted to him free from endorsement.

(6) A person whose driver's licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a licence granted to him free from endorsement who applies for or obtains a licence without giving particulars of the order, commits an offence, and any licence so obtained shall be of no effect.

(7) Subject to subsection (9), where a person, in respect of whom an order has been made under this Part requiring the endorsement of any licence held by him, during a continuous period of three years since the order was made no further order made against him, he shall be entitled, at any time thereafter, subject to payment of the prescribed fee, and subject to the surrender of any subsisting licence, to have granted to him a new licence free from endorsement.

(8) In calculating the period of three years, under subsection (7) any period during which the person was by virtue of the order disqualified from holding or obtaining a driver's licence shall be excluded.

38.—(1) Where a court orders particulars to be endorsed on a driver's licence held by any person, or where by conviction or order of a court a person is disqualified from holding or obtaining a licence, the clerk or other officer of the Court shall within ten days—

Duty of Authority to keep and sustain licence that has been disqualified.

- (a) send a notice of the order to the Authority; and
- (b) in any case where a person is so disqualified, on the production of the licence for the purpose of endorsement, retain the licence and forward it to the Authority,

and the Authority shall keep the licence until the disqualification has expired or been removed, and the person entitled to the licence has made a demand in writing for its return to him.

(2) 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 grant to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not authorized to drive.

(3) A licence granted under subsection (2) shall, remain in force either for the unexpired period of the original licence or for the period of the disqualification, whichever is the shorter.

(4) Where on an appeal against any disqualification quashed, the Court by which the appeal is allowed or the conviction is quashed shall, within twenty-one days of making the order, send notice thereof forthwith to the Authority.

Driver's Licences Register

Driver's
Licences
Register.

39.—(1) The Authority shall keep and record in a register to be known as the "Driver's Licences Register" the prescribed particulars of every learner's permit and driver's licence, granted under this Act.

(2) Every endorsement, suspension, revocation and notice relating to every permit or driver's licence required to be recorded in the Driver's Licences Register shall be entered into the Register.

Substitute
permit or
driver's
licence.

40. In the event that a permit or driver's licence is lost, stolen, destroyed or defaced, the Authority, upon the receipt of an application made in the prescribed manner and accompanied by the prescribed fee, may grant a substitute permit or driver's licence, as the case may be, similar to the one that was lost, stolen, destroyed or defaced with the word "substitute" written on the face of it.

Acceptance of
foreign
driver's
licences.

41.—(1) Subject to subsections (2) and (3)—

- (a) a driving permit which is a permit issued under the authority of a state other than Jamaica that is a party to the Geneva Convention on Road Traffic, 1949, which was issued while the holder thereof was not permanently or ordinarily resident in Jamaica; and
- (b) a driver's licence (in this section called a "foreign driver's licence") authorizing the driving of a motor vehicle, which was granted in any prescribed country,

shall, in respect of the class of motor vehicle to which that permit or driver's licence relates and, subject to the conditions thereof, be deemed to be a permit or driver's licence for the purposes of this Part.

(2) A foreign driver's licence, whether or not accompanied by an international driving permit, shall not authorize the holder thereof to drive a motor vehicle carrying passengers or goods for hire or reward.

(3) Subject to the provisions of this section a foreign driver's licence shall be deemed to be a driver's licence, for the purposes of this Part, for a period ending no later than—

- (a) the date of expiry of the foreign driver's licence;
- (b) the date of departure of the holder of the foreign driver's licence from Jamaica; or
- (c) twelve months from the date of arrival of the holder of the foreign driver's licence in Jamaica, on proof of entry into Jamaica.

(4) The holder of a foreign driver's licence may, apply in the prescribed manner to the Authority for a driver's licence.

(5) On receipt of an application under subsection (4), the Authority shall, if satisfied that the prescribed requirements have been met issue to the applicant a driver's licence in the prescribed manner and subject to the prescribed conditions.

Offences Relating to Licensing of Driver

42.—(1) Any document granted contrary to this Act, purporting to be a permit or driver's licence shall be void and, the holder of the purported permit or driver's licence shall forthwith submit it to the Authority which shall receive the purported permit or driver's licence and keep it.

Voiding of
purported
licence issued
contrary to
Act.

(2) A person who fails to submit the document under subsection (1), knowing it to be void or on the demand of the Authority commits an offence.

(3) The Authority or any agent of the Authority who reasonable suspects a permit or driver's licence to be fraudulently obtained, may detain such permit or driver's licence until such time as the validity has been proven and deliver it to the Authority and may make it available to the police where necessary.

Use of
another
person's
permit or
driver's
licence.

43.—(1) The holder of a permit or driver's licence shall not allow it to be used or caused to be used by any other person.

(2) Every person who contravenes the provisions of subsection (1), commits an offence.

Road Traffic Appeal Tribunal

Establishment
of Road
Traffic Appeal
Tribunal.
Fourth
Schedule.

44.—(1) There is established a tribunal to be called the Road Traffic Appeal Tribunal.

(2) The provisions of the Fourth Schedule shall have effect as to the constitution of the Tribunal and otherwise in relation thereto.

(3) Any person who is aggrieved by a decision of the Authority or any agent thereof—

- (a) not to grant or renew a permit or driver's licences;
- (b) to revoke or suspend a permit or driver's licences;
- (c) to detain a permit or driver's licence pursuant to section 42,

may appeal to the Tribunal by lodging with the Tribunal a notice of appeal, within fourteen days of the date of the decision, or within such longer period as the Tribunal may, in any special circumstance, allow.

(4) The notice of appeal shall set out the grounds of the appeal and shall be accompanied by copies of any correspondence, documents or statements relevant to the appeal.

(5) The Tribunal shall, within seven days of the receipt of a notice of appeal under subsection (4), request the Authority to furnish to it, a statement in writing setting out the reasons for the Authority's decision and accompanied by copies of any correspondence, documents or statements relevant to the appeal.

(6) The Tribunal may order that any book, paper, statement or other document, relating to the appeal which is in the possession

of the Authority or being held by the person aggrieved, be produced at the hearing of the appeal.

(7) The Tribunal shall cause all parties to the appeal to be informed of—

- (a) the date of the hearing of the appeal;
- (b) their right to—
 - (i) appear themselves or be represented by an attorney-at-law or other person of their choice;
 - (ii) call witnesses in support of their case.

(8) On hearing an appeal under this section, the Tribunal may—

- (a) dismiss the appeal and confirm the decision of the Authority or its agent;
- (b) allow the appeal and set aside the decision; or
- (c) vary the decision.

*PART V—Road Authority, Road Traffic Signs, Speed
Limits and Rules of the Road*

45. A Road Authority shall exercise its functions in relation to the construction and maintenance of roads for which it is responsible with due regard for the safety of users of the roads.

Construction and maintenance of roads.

46.—(1) Subject to the provisions of this section, and notwithstanding any other enactment, where a Road Authority is satisfied that traffic on any road, for the maintenance of which the Road Authority is responsible, should be restricted or prohibited by reason of works of repair or reconstruction being required or in progress on the road, the Road Authority may, by order, restrict or prohibit the use of that road or any part thereof by any vehicle of any particular class or description, to such extent and subject to such conditions or exceptions as it may specify.

Power of Road Authority to prohibit or restrict traffic on roads temporarily.

(2) A Road Authority when considering the question of the making of an order under subsection (1) shall have regard to the

existence of alternative routes suitable for the traffic which will be affected by the order.

(3) Any person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under subsection (1) commits an offence.

Traffic signs.

47.—(1) Subject to this Act, the Authority may, with the approval of the Minister and for the purposes of prohibiting, limiting, regulating or controlling traffic in general or any particular class of traffic, prescribe traffic signs as it may determine to be expedient.

(2) A Road Authority may cause and permit traffic signs to be placed on or near any road in exercise of its responsibilities under section 45.

(3) Unless otherwise authorized by the responsible Road Authority, every traffic sign shall be of the prescribed size, colour and type.

(4) For the purpose of ascertaining the suitability of a sign, signal or device as a road traffic sign, a Road Authority may, subject to such conditions as it considers necessary, authorize any person or body to display on a road any sign, signal, marking or other device.

Placing and displaying of advertising signs.

48.—(1) Notwithstanding any other enactment, a person shall not, at any place alongside any road, erect or display an advertising sign if the erection or display is prohibited by this Act or the regulations.

(2) Every person who contravenes subsection (1) commits an offence.

Damaging or altering traffic signs.

49.—(1) Notwithstanding any other enactment, a person shall not damage a road traffic sign, or, without proper authority to remove it, alter its position or the inscription, lettering, colour or marking thereon.

(2) Every person who contravenes subsection (1), commits an offence.

50.—(1) A Road Authority shall, by notice in writing, require the owner or occupier of any land on which there is any sign or object which so closely resembles a traffic sign that it might reasonably be taken to be a traffic sign, to remove it.

Removal or alteration of devices that may be mistaken for traffic signs

(2) If any person fails to comply with a notice under subsection (1), the Road Authority may act in accordance with subsection (3).

(3) The Road Authority may, in furtherance of its right to take action under subsection (1), by officers, employees and agents authorized by the Authority for the purposes of this section, enter the premises at any reasonable time and remove the sign or object which closely resembles the traffic sign.

51.—(1) A Road Authority shall be entitled to recover from the person notified under section 50, the costs and expenses incurred by it pursuant to section 50(3), as a civil debt in the Resident Magistrate's Court for the parish in which the place is situated, notwithstanding any limitation as to amounts recoverable under the *Judicature (Resident Magistrates) Act*.

Authority entitled to recover costs.

52.—(1) The driver of every motor vehicle and the rider of every bicycle shall obey all—

Road traffic signs to be obeyed.

- (a) traffic signals or stop signs; and
- (b) other traffic signs or traffic lights which may be lawfully placed, erected or exhibited on or near any road, or so as to be visible from a road, in accordance with the provisions of section 47.

(2) Every person who fails to comply with subsection (1) commits an offence.

(3) Unless the contrary is proved, for the purposes of this section, a traffic sign placed, erected or exhibited on or near any road shall be deemed to be of the prescribed size, colour and type or be a sign of another character authorized by the Road Authority under section 49 and to have been lawfully so placed, erected or exhibited.

(4) In any prosecution for a contravention of subsection (1), it shall be deemed, in the absence of evidence to the contrary, that the traffic sign concerned was lawfully placed by the Road Authority in the exercise of powers conferred upon it by and in accordance with this Act.

(5) Subject to subsection (6), the driver of an emergency vehicle who drives such vehicle in the performance of his duties or a Constable who drives a vehicle in the carrying out of his duties—

- (a) may, if the circumstances so warrant, disregard the directions of a traffic sign; but nevertheless
- (b) shall drive the vehicle with due regard to the safety of other traffic and users of the road.

(6) In the case of an emergency motor vehicle—

- (a) the vehicle shall be fitted with a device capable of emitting an audible siren sound and a prescribed identification lamp; and
- (b) the device shall emit the audible siren sound and the lamp shall produce the flashing light, while the vehicle is being driven in disregard of any traffic sign.

Sidewalks,
cycle lanes
etc.

53. A Road Authority shall, where that Authority deems it necessary or desirable for the safety or accommodation of pedestrians, provide proper and sufficient sidewalks, cycle lanes and pedestrian refuges by the side of any road which is under the control of that Authority.

Power to
declare roads
to be major
roads.

54.—(1) The Minister may, by order, declare—

- (a) any roadway or thoroughfare to be a major road for the purposes of this Act; and
- (b) any person to be the Road Authority for the purposes of this Act, in relation to the roadway or thoroughfare specified in the order.

(2) Where two or more roads meet, the Minister may declare one or more of those roads to be a major road.

(3) Where a roadway or thoroughfare is not controlled by traffic lights, the driver of a vehicle of any description,—

- (a) before turning into or crossing a major road—
 - (i) shall comply with any traffic signs posted or any directions of a Constable; and
 - (ii) where no traffic signs are posted or Constable assigned, bring the vehicle to a full stop; and
- (b) on turning into or crossing the major road—
 - (i) shall not drive the vehicle so as to obstruct any traffic on the major road; and
 - (ii) shall comply with such directions as may be contained in the regulations.

(4) Every person who contravenes subsection (3) commits an offence.

55.—(1) The Authority may cause traffic signs to be displayed on any road indicating the maximum speed limit which applies in respect of vehicles being driven on that road.

Provision
specifying
maximum
speed limit.

(2) Subject to section 56, a person shall not drive a vehicle on a road at a speed in excess of the—

- (a) maximum speed limit prescribed under section 110(2);
- (b) speed limit which applies in respect of that road or a prescribed part thereof;
- (c) speed limit indicated in subsection (1) by an appropriate road traffic sign in respect of that road or a part thereof;
or
- (d) maximum speed limit prescribed under section 110 (2) in respect of the class or description of motor vehicle concerned.

(3) Every person who contravenes subsection (2) commits an offence.

(4) For the purposes of proving an offence under this section, the speed at which a motor vehicle is driven shall be measured using the prescribed equipment.

Exceptions to speed limits.

56.—(1) Notwithstanding section 55, the driver of an emergency vehicle, in the carrying out of his duties, or a Constable who drives a motor vehicle in the carrying out of his duties, may exceed the applicable speed limit.

(2) Notwithstanding subsection (1), the driver or Constable referred to in that subsection shall drive the vehicle with due regard for the safety of other vehicular traffic and of pedestrians.

(3) Every emergency vehicle shall be fitted with—

- (a) a device capable of emitting a prescribed sound;
- (b) a flashing lamp,

and such device shall be so sounded and such lamp shall be in operation while the vehicle is being driven in excess of the applicable speed limit.

Rules of the road.

57.—(1) The driver of a motor vehicle shall observe the following rules in respect of the motor vehicle—

- (a) when being approached or being overtaken by another vehicle, he shall keep the vehicle to the left or near side of the road;
- (b) when overtaking other traffic, he shall keep the vehicle on the right or off-side of such other traffic;
- (c) while the vehicle is being overtaken by other traffic, he shall so drive his motor vehicle so as to allow such other traffic to pass;
- (d) while driving, he shall not drive the motor vehicle—
 - (i) so as to overtake other traffic, unless he has a clear and unobstructed view of the road ahead;
 - (ii) alongside of, overlap or overtake other traffic proceeding in the same direction, if by so

doing the motor vehicle obstructs any traffic proceeding in the opposite direction;

(iii) so as to cross, commence to cross or turn in a road, if by so doing, the motor vehicle will obstruct any traffic;

(e) while proceeding from a place which is not a road onto a road, or from a road onto a place which is not a road, he shall not drive so as to obstruct any traffic on the road;

(f) while on a main road, he shall not be permitted to travel backwards further than two vehicle lengths for turning or for other reasonable purpose.

(2) Notwithstanding anything contained in this section, it shall be the duty of a driver of a motor vehicle to take such action as may be necessary to avoid a collision, and the breach by a driver of any motor vehicle of any of the provisions of this section shall not exonerate the driver of any other motor vehicle from the duty imposed on him by this section.

(3) Notwithstanding anything contained in this section, a person shall drive a motor vehicle or bicycle with due regard to other motor vehicle or bicycle and pedestrians and with due regard to the safety of any person or property.

(4) For the purposes of this section—

(a) a motor vehicle or bicycle obstructs other traffic if it causes risk of collision; and

(b) “traffic” includes bicycles, tricycles, motor vehicles, tramcars, vehicles of every description, processions, pedestrians, bodies of troops and all animals being ridden, driven or led;

(c) “overtaking” includes passing or attempting to pass any other traffic proceeding in the same direction.

(5) Every person who contravenes this section commits an offence.

PART VI—*Reckless, Dangerous and Careless Driving*

Reckless or
dangerous
driving.

58.—(1) A person shall not drive a motor vehicle on a road recklessly or dangerously or without due regard for the safety of other persons or property.

(2) In considering whether subsection (1) has been contravened, the court shall have regard to all the circumstances of the case, including, but not limited to—

- (a) the nature, condition and use of the road upon which the contravention is alleged to have been committed; and
- (b) the amount of traffic which, at the relevant time, was or that could reasonably have been expected to be upon that road.

(3) Any person who contravenes subsection (1) commits an offence.

(4) The court shall order particulars of any conviction for an offence under subsection (3) to be endorsed on the driver's licence held by the person convicted.

(5) On a second or subsequent conviction for an offence under subsection (3), the court shall order that the offender be disqualified from holding or obtaining a driver's licence, unless the court, having regard to the lapse of time since the date of the last conviction or for any other special reason, thinks fit to order otherwise.

(6) Subsection (5) shall not be construed as affecting the right of the court to exercise the power conferred by that subsection on a first conviction.

(7) Where a person is convicted of aiding, abetting, counseling, procuring or inciting the commission of an offence under this section and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of Part IV relating to disqualification from holding or obtaining driver's licences, be deemed to be an offence within the meaning of section 35.

59.—(1) A person who drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road commits an offence whether or not such driving results in a collision with a pedestrian, another vehicle or with property. Careless driving.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified from holding or obtaining a driver's licence.

60. A person commits an offence, if he causes the death of another person by the driving of a motor vehicle on a road recklessly or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the— Causing death by reckless or dangerous driving.

- (a) nature, condition and use of the road;
- (b) amount of traffic which is actually at the time or which might reasonably be expected to be on the road; and
- (c) speed and manner in which the vehicle was driven.

61.—(1) Upon 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 court, if the court is satisfied that the person is guilty of an offence committed under section 58, to find him guilty of that offence, whether or not the requirements of section 65 have been satisfied in respect of that offence. Power to proceed on charge of reckless or dangerous driving on hearing of charge of manslaughter.

(2) A person who is charged with an offence under section 63 who causes the death of another person may be convicted of reckless or dangerous driving under section 58.

62.—(1) Subsections (2) and (3) shall apply where a person is charged before a court of summary jurisdiction with an offence under section 58 and the court is of the opinion that the offence is not proved. Power to proceed on charge for reckless or dangerous driving on hearing of charge for reckless or dangerous driving.

(2) The court may, at any time during the hearing or immediately thereafter, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence

under section 59 (careless driving) to be preferred forthwith against the accused person and thereupon proceed with that charge.

(3) Where the court takes action under subsection (2)—

- (a) the accused person 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 accused person or otherwise, of answering the new charge; and
- (b) the court shall adjourn the hearing if it considers that the accused person is prejudiced in his defense by reason of the new charge being so preferred.

(4) Every accused person in whose case the requirements of section 65 (restrictions on prosecution) have been satisfied or do not apply, as respects the alleged offence under section 58, may be convicted on a charge preferred under subsection (1), notwithstanding that such requirements have not been satisfied as respects the alleged offence under section 59.

Disqualifi-
cation for
offences
causing
death.

63.—(1) A person convicted of manslaughter in connection with the driving of a motor vehicle by him or of an offence under section 60 shall, unless the court for special reasons thinks fit to order otherwise, be disqualified from holding or obtaining a driver's licence for a period of twelve months, or such longer period as the court thinks fit, from the date of the conviction.

(2) Where a person is convicted of aiding, abetting, counseling, procuring or inciting the commission of an offence referred to in subsection (1), and it is proved that the person was present in the motor vehicle at the time of the commission of the offence, the provisions of that subsection shall apply in relation to the offence of which he is convicted as if it were mentioned in that subsection.

Duty to give
particulars
and place of
residence and
power of
arrest in
certain cases.

64.—(1) A driver of a motor vehicle who is alleged to have committed an offence under this Act, as to reckless or dangerous driving or careless driving, and who refuses, upon being so required by any person having reasonable ground for so requiring, to produce

his driver's licence or give his name, date of birth and place of residence or gives a false name, date of birth or place of residence, commits an offence.

(2) Any Constable in uniform or on showing his authority as a member of a Constabulary Force may arrest, without warrant, the driver of any motor vehicle who within the view of the Constable commits any offence under the provisions of this Act as to reckless or dangerous driving or careless driving, unless the driver either gives his name, date of birth and place of residence or produces his driver's licence for examination and the Constable is satisfied as to the identity of the driver of the motor vehicle.

65.—(1) Where a person is prosecuted for an offence under section 55, 58 or 59 he shall not be convicted unless— Restrictions
on
prosecutions.

- (a) he was warned after he committed the alleged offence that he may be prosecuted for the offence;
- (b) a summons was served on him within fourteen days of the commission of the offence; or
- (c) within fourteen days after the offence was committed, 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 the person registered as the owner of the vehicle at the time of the commission of the offence.

(2) A failure to comply with the requirements of subsection (1) shall not prohibit the conviction of the accused in any case where the court is satisfied that—

- (a) neither the name and place of residence of the accused nor the name and place of residence 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 this section shall in every case be deemed to have been complied with, unless the contrary is proved.

PART VII—*Driving under the Influence of Alcohol or Drugs*

Driving under the influence of alcohol or drugs.

66.—(1) The provision of the Fifth Schedule shall have effect as to driving under the influence of alcohol or drugs and otherwise in relation thereto.

(2) The Minister may, by order subject to negative resolution of the House of Representatives, amend the provisions of the Fifth Schedule.

Fifth Schedule.

PART VIII—*Provisions as to Motor Vehicles and Motor Cycles*

Restriction affecting motor cycle.

67.—(1) It shall not be lawful for—

- (a) more than one person (in addition to the driver) to be carried on any two-wheeled motor cycle;
- (b) any person to be carried otherwise than by sitting astride the motor cycle and on a proper seat securely fixed to the motor cycle behind the driver's seat;
- (c) any person to cause a two-wheeled motor cycle to be driven on one wheel only.

(2) If any person—

- (a) is carried on any motor cycle in contravention of subsection 1(a) or (b); or
- (b) drives a motor cycle in contravention of subsection (1)(c), the driver of the motor cycle commits an offence.

Restriction on number of trailers drawn.

68.—(1) The number of trailers, if any, which may be drawn by a motor vehicle on a road shall not exceed such number as may be prescribed in relation to motor vehicles of any particular class.

(2) For the purposes of this section the expression "trailer" shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.

(3) A person commits an offence if he causes or permits a trailer to be drawn in contravention of this section.

69.—(1) Without prejudice to the generality of section 123(1)(f), where the driver of a vehicle is alleged to have committed an offence under this Act or the regulations—

Duty to give information as to identity of driver, *etc.*, in certain cases.

- (a) the owner of the vehicle shall give such information as to the identity of the driver—
 - (i) as is requested by any member of a Constabulary Force; or
 - (ii) in the case of an offence against section 88, as the local authority having power to institute proceedings for such offence, or any person acting on their behalf, may require;
- (b) the powers conferred under paragraph (a)(i) and (ii) may be exercised in relation to any other person who shall, if required as specified in that paragraph, give such information which may lead to the identification of the driver as the person may be able to give.

(2) A person who fails to comply with the requirements of—

- (a) paragraph (a) of subsection (1) commits an offence, unless he shows to the satisfaction of the court that he did not know and could not, with reasonable diligence, have ascertained who the driver of the motor vehicle was;
- (b) paragraph (b) of subsection (1) commits an offence.

70.—(1) Subject to subsection (2), where a collision occurs resulting in injury to any motor person or animal or damage to any vehicle, property or the road infrastructure, the driver of the motor vehicle, involved in the collision shall stop and, if required so to do by any motor person having reasonable grounds for so requiring, give—

Duty to stop in case of collision.

- (a) his name and place of residence;

- (b) the name and place of residence of the owner of the motor vehicle;
- (c) the registration numbers of the vehicle involved in the collision; and
- (d) proof of motor vehicle insurance in respect of that motor vehicle in accordance with the *Motor Vehicles Insurance (Third Party Risks) Act*.

(2) Where, in the case of any such collision as mentioned in subsection (1), the driver of the motor vehicle for any reason does not give his name and place of residence to any such person as mentioned, he shall report the collision at the nearest police station or to a Constable as soon as is reasonably practicable, and in any case, within twenty-four hours of the occurrence thereof.

(3) Every person who fails to comply with this section, commits an offence.

(4) In this section—

- (a) “animal” includes any horse, cattle, donkey, mule, sheep, pig or goat;
- (b) “road infrastructure” means any physical construct on the road produced with the intention of enhancing the road network such as railings, guard railings, paved corridors, bridges, culverts, retaining walls, road markings, kerb walls, pavement markers and road signs.

Lights,
reflectors,
warning
devices and
seat belts on
motor vehicle.

71.—(1) No person shall drive or operate a motor vehicle without there being attached thereon and in the correct working order the prescribed—

- (a) headlamps;
- (b) parking lamps;
- (c) reflectors;
- (d) rear registration plate lights;
- (e) brake lights;

- (f) warning devices; and
- (g) seatbelts.

(2) A motor vehicle shall not be used on the road unless it is equipped with the prescribed seat belts.

(3) Any person who drives or operates a motor vehicle in contravention of the provision of subsections (1) and (2) commits an offence.

72.—(1) Subject to subsection (2), every person shall wear a seat belt who, on any road— Wearing of seat belts.

- (a) drives a motor vehicle specified in paragraph (b), (c) or (d) of section 6(1);
- (b) rides in a motor vehicle specified in paragraph (c) or (d) of section 6(1); or
- (c) rides in the front seat of a motor truck as specified in paragraph (b) of section 6(1).

(2) Subsection (1) shall not apply to—

- (a) a child who wears or is conveyed in a child restraint system;
- (b) the driver of a motor vehicle while performing a maneuver which includes reversing;
- (c) any person who holds a valid certificate of exemption prescribed by the Minister and signed by a registered medical practitioner as defined under section 2 of the *Medical Act*;
- (d) a person riding in a motor vehicle while it is being used for fire brigade purposes in response to a fire alarm; or
- (e) a person driving or riding on a motor vehicle constructed or adapted for the delivery of goods or mail, as the case may be, while engaged in the delivery to or collection of such goods or mail from locations not further than sixty metres from each other.

(3) The driver of a motor vehicle shall cause every passenger who is being conveyed in the motor vehicle to wear a seat belt.

(4) Any person who contravenes subsection (1) or (3) commits an offence.

Child in motor vehicles to wear child restraint system.

73.—(1) The driver of a motor vehicle that conveys a child shall cause the child to wear or be conveyed in the prescribed child restraint system.

(2) Any driver who contravenes subsection (1) commits an offence.

Protective helmets.

74.—(1) A person shall, at all times while driving or riding on a motor cycle or pedal cycle, wear a protective helmet in the prescribed manner of the prescribed shape, quality, construction or standard.

(2) The driver of a motor cycle shall cause every person who is riding as a pillion to wear a protective helmet in the prescribed manner at all times while riding on the motor cycle.

(3) Any person who contravenes subsection (1) or (2) commits an offence.

Zones

Silence zones.

75.—(1) Subject to subsection (2), the Authority may, by notice published in the *Gazette*, declare that from and after a date to be fixed by such notice, no loud noise emanating from a motor vehicle that is reasonable capable of causing annoyance to persons, no horn or other warning device shall be sounded during such hours, at or within such place or area as may be specified in the notice and every person who acts in contravention of any such notice commits an offence.

(2) Subject to subsection (1), the offence shall not be committed if the sounding of the horn was reasonably required to prevent a collision.

(3) The provisions of subsection (1) shall not apply to an emergency vehicle.

76.—(1) The Minister, on the advice of the Authority may, by notice published in the *Gazette*, designate a road, or part of a road, as a school safety zone. School safety zone.

(2) The Road Authority shall cause traffic signs notifying road users of the designation of a school safety zone pursuant to subsection (1) to be erected on the road or part of the road in a school safety zone.

(3) A traffic sign erected under subsection (2) shall specify—

- (a) the hours of the day and the days of the week when the designation is in effect; and
- (b) the maximum speed at which a person may drive a motor vehicle on that road or part of the road when the designation under paragraph (a) is in effect;
- (c) where the school safety zone begins and ends.

(4) Every road user shall comply with every traffic sign erected pursuant to this section.

(5) A person who contravenes subsection (4) commits an offence.

77.—(1) A Road Authority may, by order, designate any road or part of a road as a construction zone, where by reason of works, repairs or reconstruction, construction work is required or is in progress on the road or part of the road. Construction zone.

(2) The Road Authority shall cause traffic signs to be erected on the road or the parts thereof designated under subsection (1), to notify road users of the beginning and end of the construction zone and the speed limit in effect thereto.

(3) Every person who—

- (a) fails to comply with a traffic sign erected under subsection (2);

- (b) exceeds the speed limit in effect, commits an offence.

Unlawful Use of Motor Vehicles

Unlawful use
of motor
vehicle.

78.—(1) Any person who takes and drives away a motor vehicle without having the consent of the owner or other lawful authority commits an offence triable in a Resident Magistrate's Court.

(2) If, the Court is satisfied that the accused acted in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor, the accused shall not, without more, be liable to be convicted of the offence.

(3) In a trial for stealing a motor vehicle, if the Court is of the opinion or the Court is satisfied that the accused is not guilty of stealing the motor vehicle, but is guilty of an offence under this section, the Court may find him guilty of an offence under this section and, thereupon, he shall be liable to be punished accordingly.

*PART IX—Traffic Wardens, Pedestrian Crossings and
Parking of Motor Vehicles*

Appointment
and duties
of traffic
wardens.

79.—(1) Subject to subsection (2), a local authority may appoint persons (to be known as traffic wardens) to—

- (a) discharge in aid of the police, under the direction of the Commissioner of Police, functions normally undertaken by the police in connection with the control and regulation of road traffic in general and the enforcement of this Act in particular; and
- (b) act as parking attendants at parking places provided or controlled by that local authority.

(2) A traffic warden shall not be appointed pursuant to subsection (1) without the local authority consulting with the Commissioner of Police and shall not discharge functions other than those prescribed by order made by the Minister.

(3) In so far as an order under subsection (2) authorizes the appointment of a traffic warden, for the purposes of section 109, references to a Constable includes references to a traffic warden.

(4) A local authority shall—

- (a) not appoint as a traffic warden any person who is a Constable;
- (b) take steps to ensure that—
 - (i) only persons adequately qualified for the purpose are appointed as traffic wardens; and
 - (ii) traffic wardens are suitably trained by the police before undertaking their duties.

(5) Every traffic warden shall wear such uniform as the local authority may prescribe, and shall only act as traffic wardens when wearing such uniform.

80.—(1) The appropriate authority may make arrangements for the patrolling of places where children cross roads on their way to or from school, between the hours of six in the morning and six in the evening by persons appointed by the appropriate authority. Arrangements for patrolling school crossings.

(2) The functions of the appropriate authority for the purpose of arrangements under subsection (1) shall include the duty to satisfy himself of the adequate qualifications of persons appointed to patrol, and to provide requisite training of persons to be appointed.

(3) In making arrangements under subsection (1), the appropriate authority shall have regard to any representations made by the Authority.

(4) In this section, “appropriate authority” in relation to the place in any parish or district which is to be patrolled under this section, means a Superintendent or Assistant Superintendent of Police posted to the parish or district and includes any sub-officer of police temporarily in charge of the parish or district.

81.—(1) Where, between the hours of six in the morning and six in the evening, a motor vehicle is approaching a place in a road where children, on their way to or from school, are crossing or seeking to cross the road, a school crossing warden may (subject to the provisions of subsection (4)), by exhibiting a prescribed sign, require the person driving or propelling the motor vehicle to stop. Power of school crossing warden to stop traffic.

(2) Where a person is required to stop a motor vehicle in accordance with subsection (1)—

- (a) he shall cause the motor vehicle to stop before reaching the place where the children are crossing or seeking to cross and so as not to prevent or impede their crossing; and
- (b) the motor vehicle shall not be put in motion again so as to reach the place where the children are crossing or seeking to cross so long as the sign continues to be exhibited.

(3) Any person who fails to comply with subsection (2)(a) or who causes a motor vehicle to be put in motion in contravention of subsection (2)(b) commits an offence.

(4) On or after a date to be fixed by order by the Minister with responsibility for national security, the power conferred on a school crossing warden by subsection (1) shall be exercisable only if the school crossing warden is wearing the approved uniform.

(5) For the purposes of this section—

“approved uniform” means the uniform for the time being approved by the Minister with responsibility for national security;

“prescribed sign” means a sign of a size, colour and type prescribed by regulations made under this Act.

(6) Where it is proven that—

- (a) a sign was exhibited by a school crossing warden, it shall be deemed to have been of the size, colour and type prescribed, unless the contrary is proved; and
- (b) a school crossing warden was wearing the approved uniform, the uniform shall be presumed, unless the contrary is proven, to have been the approved uniform.

82.—(1) Subject to subsection (2), the Authority may establish a pedestrian crossing on a road for the use of pedestrians in accordance with the prescribed procedures.

(2) The Road Authority shall execute any works (including the placing, erection, maintenance, alteration and removal of marks and traffic signs) required in connection with the establishment or removal of pedestrian crossings in accordance with the prescribed provisions.

83.—(1) The driver of a motor vehicle shall yield the right of way, when a pedestrian is at or in the pedestrian crossing.

Pedestrian's
right of way in
pedestrian
crossing.

(2) Where a vehicle is stopped at a pedestrian crossing to permit pedestrians to cross the roadway, the driver of any other vehicle approaching from the rear of the stopped vehicle shall not overtake or pass the stopped vehicle.

(3) A person who fails to comply with the provisions of this section commits an offence.

84.—(1) Where a pedestrian crossing is situated in conjunction with a pedestrian signal, a pedestrian shall not enter such crossing except in accordance with the indications of such pedestrian signal.

Duties of
pedestrians.

(2) A pedestrian shall not suddenly enter a pedestrian crossing and walk or run into the path of a vehicle which is so close that it is not possible for the driver to yield in accordance with subsection (1).

(3) Where a sidewalk or footpath abuts the road, a pedestrian shall not walk onto such roadway, except for the purpose of crossing from one side of the roadway to the other or for some reasonable cause.

(4) A pedestrian, on a road which has no sidewalk or footpath abutting the roadway shall walk as near as is practicable to the edge of the roadway except where the presence of pedestrians on the roadway is prohibited by a prescribed road sign.

(5) A pedestrian shall not cross a road without satisfying himself that the roadway is sufficiently free of oncoming traffic so as to permit him to cross the road safely.

(6) A pedestrian, when crossing a road by means of a pedestrian crossing or in any other manner, shall not linger on the road unnecessarily.

(7) No pedestrian on a road shall conduct himself in such a manner so as to, or is likely to, constitute a source of danger to himself or to traffic which is or maybe on the Road.

Parking of
motor
vehicles.

85.—(1) Rules may be made by a local authority, at the request of the Authority, prohibiting, restricting or regulating the parking of vehicles on any road, street, or public place and, without prejudice to the generality of the foregoing, such rules may, subject to approval by the Minister responsible for local government, provide for the—

- (a) imposition of charges in respect of vehicles left in any such road, street or public place; and
- (b) the method of collection of such charges, whether by the insertion of coins or token in an apparatus provided for the purpose (hereinafter referred to as a parking meter) or otherwise.

(2) The exercise by a local authority of its functions under this section shall not render the local authority subject to any liability in respect of the loss of or damage to any vehicle in a parking place or the contents or fittings of any such vehicle.

(3) Where provision is made for the use of parking meters, it shall be the duty of the local authority to—

- (a) take the prescribed steps for the periodic inspection of the parking meters;
- (b) repair any parking meter found to be out of order;
- (c) secure the testing of the parking meters—
 - (i) before they are brought into use; and
 - (ii) not less frequently thereafter than may be prescribed;

- (d) record in the prescribed manner the date on which, and the person by whom, a parking meter has been tested.

86.—(1) A person commits an offence who—

Offences
relating to
parking places.

- (a) being the driver of a motor vehicle;
 - (i) leaves the motor vehicle in a parking place designated by the rules under section 85(1), otherwise than as prescribed under such rules; or
 - (ii) fails duly to pay any charge payable pursuant to such rules or contravenes or fails to comply with any provision of such rules relating to the parking place as to the manner in which vehicles shall stand or be driven into or out of, the parking place;
- (b) whether being the driver of a motor vehicle or not, otherwise contravenes or fails to comply with the provisions of such rules.

(2) In relation to an offence under paragraph (a) of subsection (1), the reference in the said paragraph (a) to the driver of a vehicle shall be construed as a reference to the person in control of the vehicle at the time the vehicle was in the parking place.

(3) A person who, with intent to defraud, interferes with a parking meter or operates or attempts to operate a parking meter by the insertion of objects other than cash or tokens of the appropriate denomination commits an offence.

(4) Where, in any proceedings for an offence under this section of failing to pay any charge, it is proved that the amount which has become due or any part of that amount, has not been duly paid, the court shall order the payment of the sum not paid, and, in default of such payment, the person charged shall be liable to a term of imprisonment for a period not exceeding two weeks.

(5) In any proceedings for an offence under this section, it shall be deemed, unless the contrary is shown, that any apparatus provided for the purposes of a parking place, being an apparatus operated by the insertion of cash or tokens, is of a type and design prescribed by the rules under section 85(1).

(6) A local authority may institute proceedings for an offence under this section in connection with a parking place for which it has responsibility.

The Road Code

Issue by
Authority of
directions for
guidance of
users of
roads.

87.—(1) The Authority shall prepare, in accordance with this Act and the regulations, comprising such directions as appear to the Authority to be proper for the guidance of persons using the roads (in this Act referred to as the “Road Code”).

(2) The Authority shall revise the Road Code at least once every five years by revoking, varying, amending or adding to the provisions thereof in such manner as the Authority may think fit.

(3) The Authority shall cause the Road Code, and every revision of the Road Code, to be made available to the public at a price, if any, prescribed by the Authority.

(4) The failure on the part of any person to observe any provisions of the Road Code shall not by itself render that person liable to criminal proceedings of any kind; but such failure may in any proceedings (whether civil or criminal and including proceedings for an offence against this Act) be relied upon by any party to the proceedings as evidence tending to establish or to negative any liability which is in question in those proceedings.

Riding on
outside of
motor
vehicles.

88.—(1) A person shall not ride on the running board, wings or fenders of a vehicle or on the outside of the vehicle.

(2) Every person who contravenes the provisions of subsection (1) commits an offence.

89.—(1) A motor vehicle when not in motion—Stationary
motor
vehicles.**(a) shall be placed—**

- (i) with its near side as close to the left of the road as possible;
- (ii) in such position as is safe;
- (iii) as may be indicated by any Constable or by notice exhibited by the Authority;

(b) shall not be placed, parked or allowed to remain in such a position as to obstruct, or be likely to obstruct, traffic on a road.

(2) The driver of a motor vehicle shall not leave the motor vehicle unattended, without having stopped the engine and taken due precautions against it being moved or moving in his absence.

(3) A person shall not pour any petrol or other fuel into any tank of a motor vehicle or into any receptacle in or on a motor vehicle while its engine is running, or when any naked light, other than an electric light, is alight in or on the motor vehicle.

(4) Any person who contravenes subsection (1), (2) or (3) commits an offence.

90.—(1) The driver of a motor vehicle shall, before turning to, or changing direction towards the left or right, give the prescribed signal so as to indicate that direction.

Signals by
drivers.

(2) When approaching a Constable on duty at a road junction, the driver of a motor vehicle shall give the appropriate signal so as to indicate the direction in which he wishes to proceed and so as to be visible to the Constable.

(3) The use of additional signals may be prescribed or permitted by regulations and all or any of the signals prescribed or permitted by this section or by regulations may be given by any hand signal or mechanical or illuminated device of a type prescribed by the Authority.

(4) Every motor vehicle shall be fitted with a mechanical or illuminated device prescribed by the Authority, and such device shall be employed by the driver of the motor vehicle to indicate the intention of the driver to turn to or change direction towards the right or left or of his intention to stop the vehicle and to keep it stationary and may be employed to signal to the driver of an overtaking motor vehicle to pass, or not to pass, as the case may be.

(5) Every person who acts in contravention of or fails to comply with any of the provisions of subsection (1), (2) or (4), or of any regulations made under subsection (3), commits an offence.

Signals by
police to be
obeyed.

91. The driver of a motor vehicle shall obey all directions (whether verbal or by signal) given by a Constable, in the execution of his duty, to stop the vehicle and to keep it stationary or to make it slow down or to pass on any indicated side of the Constable or to keep to any indicated line of traffic or any other direction given, and every person who fails to obey any such direction commits an offence.

Racing, sports
and trial of
speed on
roads.

92.—(1) A person commits an offence if he promotes, organizes or takes part in any race, sporting event or trial of speed on a road, unless the prior written consent of the Road Authority is obtained and where the race, sporting event or trial of speed will take place within the area of jurisdiction of any local authority, the prior written consent of such local authority shall also be obtained.

(2) In granting consent under subsection (1), the Road Authority or the local authority, as the case may be, may—

- (a) in addition to any requirement prescribed in this Act or regulations hereunder, impose such further conditions as it may deem expedient;
- (b) exempt any person concerned with the race, sporting event or trial of speed, for the duration thereof, from any —
 - (i) provisions of this Act regarding any speed limit or determine another speed limit for the road concerned;

- (ii) other provision of this Act or regulations made hereunder and from any by-law; and ,
- (c) levy fees for defraying the expenses incurred by the Road Authority or local authority, as the case may be, in connection with the race, sporting event or trial of speed.

(3) Any consent granted in terms of subsection (1) may be withdrawn at any time in the interest of public safety.

(4) A member of the Jamaica Constabulary Force at and above the rank of Inspector responsible for the safety of the public in the area where the race or sporting event or trial of speed is staged or a member of the Road Authority or the local authority so authorized, may immediately withdraw the permit for the event or amend the conditions thereof to ensure the safety of road users, if the staging or continuation of the event is causing or will cause any danger or undue obstruction for other road users or any of the participants in the event.

(5) For the purposes of this section, a race, sport event or trial of speed includes any—

- (a) race, speed trial, reliability trial, hill climbing competition or any sport event using the roads; or
- (b) other activity whatsoever which may—
 - (i) constitute a source of danger to traffic; or
 - (ii) impede or disrupt the normal flow of traffic.

93.—(1) A person shall not wilfully or unnecessarily hinder or interrupt or otherwise obstruct the free and proper passage of vehicles or pedestrians on a road. Obstructing traffic on road.

(2) Subject to this Act or any regulations made hereunder or any other enactment, a person shall not place or abandon or cause to be placed or abandoned on a road any object that may endanger pedestrians or cause damage to vehicles or injure pedestrians or occupants of a vehicle on such road.

(3) Every person who contravenes subsection (1) or (2) commits an offence.

Vehicle left or
abandoned
on road.

94.—(1) A person commits an offence if he leaves or abandons any vehicle left on a road in a position or in circumstances which, in the opinion of a Constable, are likely to cause danger or an obstruction to other traffic on the road, may be removed forthwith by the Constable or a person instructed by the Constable to remove such vehicle.

(2) Where under subsection (1), a vehicle was carrying persons who are subsequently left stranded at the scene when the vehicle is removed to a safer place, the Constable may arrange and contract with another person to provide transport to such persons.

(3) The Constable mentioned under subsection (1) shall, in removing such vehicle, use such device or devices as may be necessary, have regard to public safety.

(4) The owner of a vehicle referred to in subsection (2) shall be liable for all expenses incurred in the removal of the vehicle and the arrangement and contracting of another vehicle to transport stranded persons.

(5) Subject to subsection (6), any vehicle—

(a) parked in a place where—

- (i) the stopping of a vehicle is prohibited; or
- (ii) vehicles of a class to which such vehicle belongs may not be parked,

and the vehicle is left for a continuous period of more than twenty-four hours in the same place on a road within an urban area or seven days in the same place on a road outside an urban area;

(b) found on a road with no—

- (i) registration plate affixed or a false registration plate affixed; or

- (ii) other number or anything else affixed which may, in the opinion of a Constable, serve to identify its owner,

shall be removed by or on behalf of the local authority having jurisdiction over the place or road.

(6) The local authority, prior to acting under subsection (5), shall take all reasonable steps to identify the owner, and the owner shall, except in the case of a stolen vehicle, be liable to the local Authority for the expenses incurred in—

- (a) the removal of such vehicle;
- (b) keeping the vehicle in storage for a period not exceeding four months; and
- (c) connection with the effort to identify him, and such local Authority may, subject to subsection (4), retain possession of the vehicle until such expenses have been paid.

(7) Where the local authority has removed a vehicle under subsection (5) and the vehicle has not been claimed within ninety days, the vehicle shall be deemed abandoned and the local Authority may make an application under section 95.

(8) In this section, “appropriate authority” in relation to a vehicle that has been removed, means the authority which, in relation to the vehicle, where—

- (a) the removal is under subsection (1), the Jamaica Constabulary Force; and
- (b) where the removal is under subsection (5), the local authority.

(9) The reasonable and *bona fide* exercise by any person or authority of the powers conferred by this section shall not subject such person to any personal liability in respect of the loss, theft of or damage to the vehicle or part thereof or of anything therein or thereon.

Forfeiture of
seized and
abandoned
motor vehicle.

95.—(1) On the application of any person empowered by this Act to remove a vehicle where a motor vehicle is seized pursuant to section 13(5) or removed under section 94(1) or (5), the person may apply to a Resident Magistrate's Court having jurisdiction and the Resident Magistrate may order forfeiture of the motor vehicle if the court is satisfied on a balance of probability that the motor vehicle has been abandoned.

(2) Where a person proposes to apply for the forfeiture of any motor vehicle under subsection (1), the person shall give to any person who, to his knowledge, was the owner at the time of the seizure or removal, notice of the seizure or removal of the motor vehicle and of its intention, after the expiration of thirty days from the date of the notice, to apply for forfeiture thereof and of the grounds therefor.

(3) Without prejudice to any other form of service or notification, notification may, for the purposes of subsection (2), be made by publication in a daily newspaper circulating in Jamaica.

(4) Any person having a claim to any motor vehicle seized or removed under this section may appear before the court on the hearing of the application and show cause why an order for forfeiture should not be made.

(5) Where, on the hearing of an application pursuant to subsection (1) for the forfeiture of a motor vehicle, the court is satisfied on a balance of probability that a motor vehicle had been abandoned the court may make an order under subsection (1).

(6) Where a motor vehicle has been involved in the commission of an offence, the cost and expenses incurred by the government in removing and storing the vehicle may be recovered by the Government as a civil debt in a Resident Magistrate Court and an order for payment may be made by the Court in the same proceeding where a person is convicted under subsection (1).

(7) If, upon the application of any person prejudiced by an order made by the court under subsection (1), the court is satisfied that it is just to revoke such order, the court—

- (a) may revoke that order upon such terms and conditions as it deems appropriate; and
- (b) without prejudice to the generality of the foregoing, shall require the applicant to pay in respect of storage, maintenance, administrative expenses, security and insurance of the motor vehicle such costs as shall be incurred by the person who exercised the powers of removal or seizure, subject to such cost having been approved by the court as reasonable.

(8) Subject to this section, where by virtue of any provision made by or pursuant to this Act, a vehicle has been, or could at any time be, removed from a road, the appropriate authority may, if it appears to it that the vehicle has been abandoned, sell or otherwise dispose of the vehicle and—

- (a) apply the proceeds of a sale of the vehicle in or towards satisfaction of any costs incurred by the local authority in connection with the storage and disposal thereof or any charge to payment of which they are entitled as regards the vehicle under section 94(6);
- (b) recoup from the owner any such costs as aforesaid which are not satisfied under paragraph (a);
- (c) any sums received by the appropriate authority on sale of the vehicle, after deducting any sum applied thereof by virtue of paragraph (b) shall be paid to the owner or if the owner cannot be identified, be paid to the Accountant General and if not claimed within six months, paid to the consolidated fund.

(9) A power of disposal conferred by subsection (7) shall not be exercisable in the case of a vehicle unless the appropriate authority has obtained an order for forfeiture in accordance with this section;

(10) An application under subsection (7) for the revocation of an order shall be made within thirty days of the date of the order or within such greater time, not exceeding six months, after the date of the order as the court may allow.

Security for
release of
motor vehicle.

96.—(1) Where a person is charged with an offence against this Act and a motor vehicle involved in the commission of the offence is taken, seized or detained, the owner thereof may, at any time before the determination of the matter, apply to the court for the release of the motor vehicle on the provision of security in accordance with this section.

(2) On hearing the application, the court may order the release of the motor vehicle on being satisfied that adequate security has been given to the Government in respect of—

- (a) the maximum fine to which the accused person may be liable or the value of the motor vehicle which is greater; and
- (b) a reasonable estimate of the likely time, cost and expenses that the Government may recover.

(3) Notwithstanding subsection (2), the court may, where it is satisfied that special circumstances so warrant, order that the bond be in a specified amount that is less than the amount required by that subsection.

(4) The security referred to in subsection (2) shall be that on terms whereby it shall remain in force unless—

- (a) the accused person is found not guilty of the offence; or
- (b) the accused person, on being convicted of the offence, pays in full, within fourteen days after conviction, the amount of the fine imposed by the court and the amount of all costs and expenses due by him to the Government.

(5) If the circumstances in subsection (4) arise the security paid under subsection (2) shall be returned forthwith to the person making the payment.

(6) The amount specified in the security shall be recoverable in full in any court of competent jurisdiction as a debt due to the Government jointly and severally by the person or persons by whom the security is given unless the person or persons prove the due performance of the condition for which the security was made.

97.—(1) It shall be an offence for any person on a road to— Damage to roads.

- (a) cause any wheel of any vehicle to drag or spin upon the surface of the roadway, except in the case of an emergency;
- (b) make use of chocks or shoes between any wheel of any vehicle moving along the roadway and the surface of such roadway;
- (c) use any vehicle or object or move any vehicle or object on the roadway, in a manner causing or likely to cause damage to the roadway;
- (d) cause to be spilled on the road surface any debris, concrete mix, garbage, oil or similar material; or
- (e) cause debris or any matter to be burnt or used in such a manner as to cause damage to any roadway.

(2) The Authority shall be entitled to recover from the person charged under subsection (1), the costs and expenses incurred to repair any damage to the road as civil debt in the Resident Magistrate Court for the parish in which the damage was done.

PART X—*Demerit Points*

98.—(1) Subject to subsection (2), where any person is convicted under a provision specified in Column 1 of the Sixth Schedule of an offence specified in Column 2 of that Schedule, the court before which that person is convicted shall, in addition to any penalty for that offence, order— Demerit points on conviction for certain offences.
Sixth Schedule.

- (a) that the demerit points specified in that Schedule in relation to that offence be recorded against any driver's licence held by that person; and

- (b) that the record of the order be forwarded to the Authority for action to be taken in accordance with the provisions of section 31.

(2) Subsection (1) shall not apply if the penalty imposed by the court on the person convicted of the offence includes a period of driver's licence suspension or an order disqualifying that person from holding or obtaining a driver's licence.

(3) Where a person is served with a prescribed notice under section 105(2) in respect of an offence to which that section relates and pays a fixed penalty in accordance with that section—

- (a) the number of demerit points specified in the Sixth Schedule shall be recorded against any licence held by that person; and
- (b) the officer in charge of the Police Traffic Division of the Constabulary Force shall record in respect of that person—
 - (i) details of the offence committed;
 - (ii) the date on which the fixed penalty was paid;
 - (iii) the number of demerit points specified in the Sixth Schedule in relation to that offence; and
 - (iv) the total number of demerit points accumulated as of that date;
- (c) the Traffic Division of the Constabulary Force shall forward to the Authority the information regarding the demerit points recorded against the driver's licence of that person.

Sixth
Schedule.

Expiration and
expunging of
demerit
points.

99.—(1) Where demerit points have been recorded against a person's driver's licence under section 98, and the driver's licence of the person has been suspended under section 32, the Authority shall cause the demerit points that have been recorded against that driver's licence, be expunged after the period of suspension has ended.

(2) Where the demerit points that have been recorded against a person driver's licence have expired in the manner prescribed, the Authority shall cause those demerit points to be expunged in the manner prescribed.

100.—(1) The Minister may, from time to time, by order amend the Sixth Schedule.

Changes in the demerit point system by the Minister.
Sixth Schedule.

(2) Every order under subsection (1) shall be published in a daily newspaper circulated in Jamaica not less than seven days before the coming into force of the order and shall also be published in the *Gazette*.

(3) Every order under subsection (1) shall be subject to negative resolution of the Houses of Parliament.

PART XI—*Weighing of Motor Vehicles*

101. For the purposes of this Act—

Calculation of unladen weight.

- (a) the unladen weight of any motor vehicle shall be deemed to be the weight of the vehicle—
 - (i) inclusive of the body and all parts which are necessary to or ordinarily used with the vehicle when in use on a road;
 - (ii) exclusive of the weight of loose tools and loose equipment;
- (b) the laden weight of any motor vehicle shall be the unladen weight of a vehicle or combination of vehicles plus the weight of any load carried thereon;
- (c) all wheels whose centres are included between two parallel transverse vertical planes that are 1.016 metres apart, extending the full width of the vehicle shall comprise an axle, and the total load transmitted to the road by all such wheels shall constitute an axle load.

102.—(1) Every person who owns or operates a motor vehicle, or any part of that vehicle, which is transmitting to the road, weight in excess of the prescribed maximum laden weight or in excess of the prescribed axle load commits an offence.

Operating motor vehicle in excess of prescribed maximum laden weight.

(2) Every person who commits an offence under subsection (1) shall be liable on summary conviction in a Resident Magistrate's Court to the penalty prescribed in the First or Second Schedule, as the case may be.

First
Schedule.
Second
Schedule.

(3) For the purposes of subsection (1) a person is deemed to operate a vehicle if—

- (a) he has the responsibility for supervising the loading of the vehicle;
- (b) he is the holder of a special permit referred to in this Act or any regulations made hereunder.

Weighing of
vehicles.

103.—(1) Subject to regulations made under this Act, a Constable or person authorized by or on behalf of the Authority may, on production of evidence of his authority, require the person in charge of any vehicle to allow the—

- (a) vehicle drawn thereby to be weighed, as directed, whether or not the vehicle is laden; and
- (b) weight transmitted to the road by any parts of the vehicle in contact with the road to be tested.

(2) Every person in charge of a vehicle who refuses or fails to comply with the requirements of subsection (1) commits an offence.

(3) A Constable or person so authorized under subsection (1) shall not require the person in charge of the motor vehicle to unload the vehicle or to cause or allow it to be unloaded, for the purpose of being weighed unladen.

(4) The person in charge of the vehicle shall not be required to proceed further than such distance as may be prescribed for the purpose of the vehicle complying with subsection (1).

(5) Where a vehicle or any part of the vehicle is found to be transmitting to the road, weight in excess of the prescribed maximum laden weight or in excess of the prescribed maximum axle load, a Constable or a person authorized by or on behalf of the

Authority may remove or cause to be removed, any goods from the vehicle in order to ensure that the weight transmitted to the road is within the prescribed limit.

(6) Where a vehicle, is weighed under this section, a certificate of weight certifying the laden weight of the vehicle shall be given to the person in charge of the vehicle.

(7) The Authority may provide and maintain machines of a fixed or portable construction for the weighing of vehicles.

(8) Every person who commits an offence under subsection (1) shall be liable on summary conviction in a Resident Magistrate's Court to the penalty prescribed in the Second Schedule.

Second
Schedule.

104.—(1) The Authority and any person authorized to act on its behalf shall not be liable for any loss of earnings or loss of goods where a Constable or person authorized under section 103(1) requires that—

Further
provisions *re*
weighing of
motor
vehicles.

- (a) the person in charge of a vehicle allow the vehicle to be weighed; and
- (b) goods be removed from the vehicle under section 103(5) or subsection (2).

(2) Where the weight of a vehicle or any part of the vehicle weighed under section 107 is found to be above the prescribed maximum laden weight or maximum axle load, and goods are accordingly required to be removed therefrom, the owner or operator of the vehicle shall ensure that another vehicle is dispatched and the excess goods be off-loaded, at the owner's expense, onto the dispatched vehicle in a manner not likely to cause obstruction to traffic or any person; and the overweight vehicle shall not be permitted to proceed until the prescribed weight limit in respect of that vehicle has been satisfied.

(3) The owner or operator of a vehicle who fails to comply with subsection (2) commits an offence and the vehicle shall be treated as being abandoned for the purposes of section 94 if it has been left at the location where weighed for a continuous period of more than twenty-four hours.

(4) In this section, “goods” includes materials, produce, livestock, equipment or any other article.

PART XII—*Fixed Penalties*

Punishment
without
prosecution
for certain
offences.

105.—(1) Subject to subsection (7), this section shall apply to any offence created by or under an enactment and punishable on summary conviction, being an offence—

- (a) committed in respect of a motor vehicle by—
 - (i) its being left or parked on a road without the lights or reflectors as prescribed;
 - (ii) its obstructing a road or waiting, or being left or parked or being loaded or unloaded, on a road; or
 - (iii) the non-payment of the charge made at a parking place;
- (b) specified in the First Schedule; or
- (c) specified in the regulations as being subject to a fixed penalty.

First
Schedule.

(2) Where a Constable has reason to believe that a person is committing or has committed an offence referred to in subsection (1), he may give to the person the prescribed notice, in writing—

- (a) offering the opportunity to discharge any liability to conviction of that offence by the payment of a fixed penalty; or
- (b) summoning the person to attend the court indicated in the prescribed notice to answer to the charge outlined in the notice.

(3) A person shall not be liable to be convicted of an offence referred to in subsection (2)(a) if the fixed penalty is paid in accordance with this section before the expiration of the final adjudication of the case.

(4) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against any person for that offence by any Constable or local authority, as the case may be, until the end of the thirty days following the date of the notice or such longer period (if any) as may have been specified therein.

(5) In subsection (4), "proceedings" means any criminal proceedings in respect of the act or omission constituting the offence specified in the notice under subsection (2) and "convicted" shall be construed in like manner.

(6) Payment of a fixed penalty under this section and regulations made hereunder shall be made in respect of any offence specified in—

(a) paragraph (a) of subsection (1), to the relevant local authority or to such other payee on its behalf as may be prescribed by the Minister responsible for local government;

(b) the First Schedule, to any Collector of Taxes,

and in any proceedings a certificate that payment of the fixed penalty was or was not made to the local authority or to the Collector of Taxes, as the case may be, by a date specified in the certificate shall, if the certificate purports to be signed by the secretary of the local authority or such other person referred to in paragraph (a) or the Collector of Taxes, be sufficient evidence of the facts stated, unless the contrary is proved.

First
Schedule.

(7) A notice under subsection (2) shall—

(a) specify the offence alleged, and give such particulars of the offence as are necessary for giving reasonable information of the allegation;

(b) state the period during which, by virtue of subsection (4), proceedings will not be taken for the offence;

(c) state the amount of the fixed penalty and that such fixed penalty shall be paid to—

- (i) the relevant local authority or the person referred to in sub-paragraph (6)(a); or
- (ii) any Collector of Taxes,

as the case may be, and, in the case of payment to a local authority, the address at which the fixed penalty may be paid;

(d) require the person, in the event that the fixed penalty is not paid within the period specified in the notice, to attend before the Traffic Court or, as the case may be, the Resident Magistrate's Court in the parish in which the offence is alleged to have been committed, to answer the charge on such date as may be specified, being a date not earlier than ten days after the expiration of the period specified pursuant to subsection (3).

(8) Where a Constable finds a vehicle on an occasion and has reason to believe that on that occasion there is being or has been committed in respect of it an offence to which this section applies, he may proceed under this section as if he had found a person reasonably believed by him to be committing the offence, and for that purpose, a notice affixed to the vehicle shall be deemed to be given to the person liable for that offence.

(9) A notice affixed to a vehicle under subsection (8) shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question, and every person contravening this subsection commits an offence.

(10) Subject to subsection (11) the fixed penalty for an offence specified in the First Schedule, shall be the amount so specified in relation to each such offence.

First
Schedule.

(11) Where the fixed penalty (hereinafter referred to as the "original fixed penalty") for an offence is not paid within—

- (a) thirty days of the notice being given, but is paid within forty-four days thereof, the fixed penalty shall be increased

by an amount equivalent to twenty *percent* of the original fixed penalty; and

- (b) forty-five days of the notice being given, but is paid within sixty days thereof, the fixed penalty shall be increased by an amount equivalent to thirty percent of the original fixed penalty.

(12) In any proceedings for an offence to which subsection (1) applies, no reference shall be made to the—

- (a) giving or affixing of any notice under this section; or
- (b) payment or non-payment of a fixed penalty thereunder,

unless in the course of the proceedings or in some document which is before the court in connection with the proceedings reference has been made by or on behalf of the accused to the giving or affixing of such a notice or, as the case may be, to such payment or non-payment.

Registers

106.—(1) A document purporting to be an extract from, or a copy of, any register or record kept in terms of this Act and purporting to be certified as such, shall in any court and upon all occasions be admissible as evidence and shall be *prima facie* evidence of the truth of the matters stated in the document, without the production of the original register or record or any certificate, licence, other document.

Copy of entry in register or record to be *prima facie* evidence.

(2) The information contained in a register or record kept for the purposes of this Act shall be provided to—

- (a) a Constable who requires it for the carrying out of his or her duties;
- (b) a company registered under the *Insurance Act* and authorized by the Minister for the purpose of providing insurance coverage under the *Motor Vehicle Insurance (Third Party Risk) Act*;

- (c) any person authorized thereto by the Minister to demand such information.

(3) Any person or company to whom information is communicated under this Act, or any other regulations made under this Act, shall regard and deal with such information as confidential, save as and to the extent otherwise provided in any other law.

(4) Every person referred to in subsections (1), (2) or (3) having possession of or control over any information, book, record or other document, who at any time communicates or attempts to communicate any such information or anything contained in such book, record or document to any person, otherwise than for the purposes of this Act, or any other regulations made under this Act—

- (a) to any person, other than an investigative authority, except in accordance with applicable law; or
- (b) otherwise than pursuant to a court order, commits an offence.

(5) Every institution or person keeping a register or record under this Act shall, at the request of any Constable or person so authorized, confirm whether certain information corresponds to the information contained in the register or record, if that person, on reasonable grounds, requires confirmation of the information.

107. The Minister, may, in exercising his discretion or taking a decision under this Act, have regard to any information contained in a register or record kept under this Act.

108.—(1) The contents of the—

- (a) National Vehicles Register;
- (b) Driver's Licences Register; and
- (c) Drivers' Offences Register,

shall be *prima facie* evidence of all the facts contained therein in all proceedings under this Act.

(2) A person shall not wilfully deface or destroy any record, register or part thereof kept by the Authority.

Cognizance may be taken of information contained in register or record.

National Vehicles Register, Drivers' Offences Register and Driver's Licences Register to be *prima facie* evidence.

(3) A person who contravenes the provisions of subsection (2) commits an offence.

PART XIII—*General*

109. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect and, in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

General power of making regulations.

- (a) the forms to be used, and the particulars to be furnished, for any of the purposes of this Part;
- (b) the procedure on application for, and the determination of questions in connection with the grant, suspension and revocation of licences under this Part;
- (c) the issue of licences, and the issue of copies of licences in the case of a licence lost or destroyed;
- (d) the means by which vehicles are to be identified, whether by plates, marks or otherwise, as being authorized vehicles;
- (e) the custody of licences, the production, return and cancellation of licences on suspension or revocation, and the custody, production and return of documents and plates,

and different regulations may be made as respects different classes or description of vehicles and as respects the same class or description of vehicles in different circumstances.

110.—(1) The Minister may make regulations generally for giving effect to this Act and, without prejudice to the generality of the foregoing, may make regulations in respect to any of the following matters—

Minister may make regulations.

- (a) the use of vehicles and trailers on roads;
- (b) the construction and equipment of vehicles and trailers;

- (c) the requirements for the fitness of vehicles in general, and specific classes of motor vehicles in particular;
- (d) the periods for the testing and re-testing of the fitness of vehicles and the fitness of equipment on existing vehicles;
- (e) the conditions under which vehicles may be used;
- (f) the limits of traffic areas and licensing areas;
- (g) the width, height and length of vehicles and trailers and the load which may be carried thereby, the overhang of body over chassis, the diameter of wheels and the width, type and condition of tyres of vehicles and trailers;
- (h) the emission of gases, vapour, particulate matter, smoke, sparks, ashes, grit, oily substances or any other related substances by vehicles;
- (i) noise owing to the design or condition of the vehicle or the loading thereof;
- (j) the maximum weight or the axle load of vehicles and the maximum weight to be transmitted to the road by a vehicle of any class or description or by any part or parts of such a vehicle in contact with the road and the conditions under which the weights may be required to be tested;
- (k) the use, restriction or prohibition of a vehicle of any class or description on any road or part of a road or on any bridge or culvert may vary such restrictions from time to time according to the season of the year or with reference to wet or dry periods;
- (l) calculating the unladen weight of any vehicle, the axle load or the unit of horsepower, the cylindrical capacity of any engine or any other basis which may be prescribed for the purpose of any rate of duty specified in the Third Schedule;
- (m) notices on or in connection with, or with respect to any road, bridge or culvert, by the Road Authority dealing

- with the type of tyre to be used on any such road, bridge or culvert, or the total weight and dimensions (measured overall with the load) of the vehicle using such road, culvert or bridge or preventing or restricting permanently or temporarily, any particular class or kind of vehicle from using or proceeding along the road, culvert or bridge;
- (n) the particulars to be marked on vehicles;
 - (o) the towing or drawing of any vehicle by another vehicle;
 - (p) the efficiency of brakes and the securing of brakes, silencers, mufflers and steering gears of vehicles, and for empowering any officer or employee of the Authority to stop, test and inspect, on a road or, subject to the consent of the owner of the premises to test and inspect on any premises where the vehicle and trailers are, any such brakes, silencers, mufflers or steering gear;
 - (q) the forms to be used for the purposes of this Act;
 - (r) applications for licences or registration and the licensing or registration of vehicles and for the examination thereof either for licensing or registration purposes, or as to mechanical fitness or fitness to be driven on a road;
 - (s) the issue of documents of registration, licence decal, title and certificates of fitness and for determining and regulating generally the size, shape and character of such documents, certificates, licences, licence holders and registration plates to be used and any fee payable therefor and the manner in which they are to be displayed and rendered easily distinguishable, either by night or day;
 - (t) the granting of a licence and registration plates to dealers in vehicles and the conditions subject to which such registration plates may be granted and the amount to be paid therefor, the returns to be made by the dealers and for assigning a general identification mark to such dealers;

- (u) the custody, production, suspension, cancellation or revocation of licences and certificates of fitness and the return to the Authority of licences which have become void or have been suspended, cancelled or revoked;
- (v) prohibiting the driving of vehicles, or of vehicles of a specified class or description, on any specified road, otherwise than in a specified direction;
- (w) declaring which road is to be considered a major road where two or more roads intersect;
- (x) the prior right of passage along all roads of vehicles used—
 - (i) in consequence of an alarm of fire or for the purpose of proceeding to a fire by any constable or any officer, sub-officer or fireman of the Fire Brigade constituted under the *Jamaica Fire Brigade Act*;
 - (ii) for the purpose of collecting or transporting a person in immediate need of medical attention;
 - (iii) in such other circumstances as the Minister may prescribe;
- (y) the safety of traffic on a road, including the restriction of the use of any road or part thereof by the traffic and the duties of the users of any such road;
- (z) the conditions on which vehicles fitted with steering apparatus on the left side may be imported into Jamaica or operated on a road, including the power to prohibit the operation of such vehicles on a road;
- (aa) the designation of lanes and zones on a road or part thereof for the use by vehicles carrying passengers;
- (ab) the number, nature and kind of lights, including reflectors, to be carried by any vehicle operated on a road, the position in which they shall be placed on a vehicle and

the manner, conditions and times of their use and the use of any light or lighting device which may endanger public safety;

- (ac) the transportation, by road, of dangerous goods;
- (ad) the electronic monitoring and surveillance of motor vehicles;
- (ae) the issue, expiration and expungement of demerit points;
- (af) procedure for the establishment and removal of pedestrian crossings;
- (ag) the procedure of vehicles and pedestrians respectively and generally with respect to the moving of traffic, including pedestrians;
- (ah) the installation and use of seat belts on motor vehicle;
- (ai) the licensing and regulation of driving instructors and driving schools;
- (aj) the prohibition of excessive noise and smoke, and the improper use of warning devices.

(2) The Authority may, with the approval of the Minister, make regulations,—

- (a) prescribing the maximum speed at which vehicles of any class or description may be driven on any road with a prescribed area;
- (b) for the governance and administration of the Authority at for the appointment, function and responsibilities of any committee appointed.

(3) The Authority may, with the approval of the Minister, make regulations prescribing the maximum speed at which vehicles of any class or description may be driven on any road within a prescribed area.

(4) The Minister may make regulations providing for the following matters in relation to the tests to be taken for drivers'

licences or any alternative to the test as to—

- (a) who shall take the test;
- (b) details of the matters to be tested;
- (c) the times at which the test is available to be taken;
- (d) how often a person may take the test;
- (e) the fee payable for taking or re-taking the test; and
- (f) any other matter that the Minister thinks necessary.

(5) Notwithstanding section 29 of the *Interpretation Act*, regulations made under this section may provide for the imposition of penalties not exceeding a fine of one million dollars or for a term of imprisonment not exceeding six months, or to both such fine and imprisonment.

(5) Regulations made under subsection (4) shall be subject to affirmative resolution.

Incorporation
of standards
by reference.

111.—(1) The Minister may, incorporate in the regulations under this Act any standard, under the *Standards Act*, without stating the text thereof, by reference to the number, title and year of issue of that standard or to any particulars by which that standard is sufficiently identified.

(2) If any standard is at any time after the incorporation thereof in the regulations, amended, revoked or replaced, the notice incorporating that any standard in the regulations shall, unless otherwise stated therein, be deemed to refer to that standard as so amended or replaced, as the case may be.

Vehicle and
load may be
exempted from
provisions of
Act.

112.—The Minister may, subject to such conditions and upon payment of such prescribed fees or charges as he may determine, authorize in writing, either generally or specifically, the operation of a vehicle on a road which does not comply with this Act or the conveyance of passengers or any load on a road, otherwise than in accordance with this Act.

113.—(1) The Minister may authorize any person to carry out any inspection which the Minister deems necessary in order to ensure that this Act are being complied with.

Inspections for ensuring that provisions of Act are given effect to.

(2) A person who obstructs or hinders any person in the carrying out of any inspection contemplated in subsection (1) commits an offence.

114. A person who is unable to sign his name shall, whenever his signature is required upon any document in terms of this Act, impress in the place thereof his left thumb print upon the space within which he would otherwise have been required to sign his name; and if the person's left thumb print is not available, he shall in place thereof impress another of his fingerprints on the document so marked and same shall be endorsed by the constable in whose presence the print is made, identifying the finger used.

Signature upon documents.

115.—(1) Any notice under this Act that is authorized or required to be served upon or issued to any person, shall either be—

Service of notices.

- (a) served personally upon the person to whom it is addressed;
- (b) sent to that person by registered post to his last known address; or
- (c) sent to that person by electronic means.

(2) Service by registered post in terms of subsection (1) shall be deemed to have been effected on the tenth day after the date stamped upon the receipt for registration issued by the post office which accepted the notice.

(3) Service by electronic means shall be deemed to have occurred at the time when the electronic means becomes capable of being retrieved by the addressee at an electronic address previously indicated by the addressee.

(4) A certificate by the officer who issued the notice referred to in subsection (1) or by a person subordinate to such officer, stating the time, place and manner of issuing such notice, shall be *prima facie* proof that such notice was duly served.

Certain provisions of Act not to apply to vehicles of Jamaica Defence Force and the Jamaica Constabulary Force.

116.—(1) The provisions of sections 7(1), 11, 68, and 102 shall not apply to or have any force or effect in respect of, any motor vehicle belonging to the Jamaica Defence Force.

(2) The provisions of section 7(1) (b), (c) and (d) shall not apply or have any force or effect in respect of any motor vehicle belonging to the Jamaica Constabulary Force.

Exemption from certain restrictions

117. Subject to the provisions of sections 52(5) and 56(3), any other provisions that apply to emergency vehicle and this Act and of any enactment which—

- (a) restrict the speed at which or the direction in which any motor vehicle shall proceed along any street or road;
- (b) require any motor vehicle to slow down or stop at the intersection of any two or more streets or roads;
- (c) prohibit or restrict the parking of any motor vehicle on any street or road;
- (d) prohibit or restrict the sounding of any horn or other warning device within any area; or
- (e) relate to road traffic signs,

shall not apply to the driver of an emergency vehicle while such a vehicle is on duty or on emergency service.

Evidence by certificate

118.—(1) Subject to subsections (2) and (3), in any proceedings for an offence under this Act a certificate in the prescribed form, purporting to be signed by a Constable and certifying that a person specified in the certificate stated to the Constable that on a particular occasion a motor vehicle—

- (a) was being driven by, or belonged to, that person;
- (b) was used by, or belonged to, a firm in which that person also stated that he was at the time of the statement, a partner; or
- (c) was used by, or belonged to, a corporation of which that person also stated that he was at the time of the statement a director, officer or employee,

shall be admissible as evidence for the purpose of determining by whom the motor vehicle was being driven or used or to whom it belonged, as the case may be, on that occasion.

(2) Nothing in subsection (1) shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.

(3) Nothing in subsection (1) shall be deemed to make a certificate admissible as evidence in proceedings for an offence—

- (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or
- (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.

119. Notwithstanding the provisions of any other Act or regulations made hereunder, the provisions of sections 52, 57, 58(1), 59, 61, 65, 66, 70, 75, 76, 77, 81, 85, 89, 90, 90(1), (2), (5), 91, 92 shall apply to animal drawn vehicle, bicycles and the drivers or riders thereof, subject to the modifications and references in the said provisions to motor vehicles shall be construed as references to the animal drawn vehicles and to bicycles.

Application of certain provisions to animal drawn vehicles and bicycles.

120.—(1) Where a vehicle is removed by an appropriate Authority from a parking place or from a road in pursuance of any provision made by or pursuant to this Act, there shall be payable by the owner or person in charge of the vehicle in respect of—

Charges for removing and storing vehicles.

- (a) the removal and the fixed charges; and
- (b) any period during which the motor vehicle is in the custody of the appropriate authority,

a charge ascertained by reference to the prescribed rate.

(2) A charge under this section may, without prejudice to any other form of recovery, be recovered as a simple contract debt in any court.

(3) In this section, “appropriate authority” in relation to a motor vehicle removed from a parking place means that local authority, the police or the Authority, as the case may be.

Use of
electronic
communication
devices while
driving

121.—(1) Subject to subsection (3), a person shall not drive or operate a motor vehicle on a road while using an electronic communication device whether by holding in one hand or both hands or with any other part of the body or otherwise unless the electronic communication device is—

- (a) attached to the motor vehicle or is part of a fixture in the vehicle and remains affixed while being used or operated;
- (b) specially adapted or designed to be affixed to the person of the driver as a hands-free device and so used, to enable the driver to use or operate the electronic device without so holding it.

(2) A person who is in a motor vehicle in the capacity as an instructor shall not hold or use an electronic communication device in the manner referred to in subsection (1), while he is instructing the holder of a learner’s permit.

(3) Subsection (1) shall not apply to a person—

- (a) driving or operating a motor vehicle while the vehicle is being used as an emergency vehicle;
- (b) operating a motor vehicle that is lawfully parked and is not impeding traffic.

(4) Every person who contravenes the provisions of subsections (1) and (2) commits an offence.

(5) In this section—

“electronic communication device” means—

- (a) a mobile telephone or other hand-held electronic device that includes a telephone or other telecommunication function;

- (b) a hand-held electronic device that is capable of transmitting or receiving electronic mail or other text-based messages; or
- (c) a prescribed class or type of electronic device;

“use”, in relation to an electronic device, includes one or more of the following actions—

- (a) holding the device in a position in which it may be used;
- (b) operating one or more of the device’s functions;
- (c) communicating orally by means of the device with another person or another device;
- (d) taking any other prescribed action in relation to an electronic device.

122.—(1) Subject to subsection (2), a person shall not drive or operate a motor vehicle on a road while using an electronic visual device, whether or not the electronic visual device is attached to the motor vehicle or is a part of a fixture in the vehicle.

Use of
electronic
visual devices
while driving.

(2) The provisions of subsection (1) shall not apply to the person who uses a navigation device, a radio or a device that produces rearview images while reversing.

(3) Every person who contravenes the provisions of subsection (1) commits an offence.

(4) In subsection (1)—

“electronic visual device” means a device that produces images on a screen;

“use” or “operate” includes watching or operating the electronic visual device that is located in the driver’s line of sight while he is driving the vehicle.

Other
offences and
penalties.

123.—(1) A person commits an offence if he—

- (a) without the permission of the owner or person in charge of a vehicle, climbs upon or into or swings upon any motor vehicle, whether the same is in motion or stationary, sounds any horn or other signaling device, or attempts to manipulate any of the levers, the starter, brakes or machinery thereof or in any manner damages, interferes or tampers with a vehicle or puts in motion the engine thereof, while the motor vehicle is left parked;
- (b) throws any object at or from a vehicle whether or not any damage or injury is caused or places any object in or on any road whereby damage to any motor vehicle or injury to any person is caused;
- (c) uses any spotlight on a motor vehicle on a road or public place or when another approaching vehicle is in sight, except for providing light for effecting repairs;
- (d) uses or drives or permits to be used or driven any motor vehicle on a road in such defective condition as regards its mechanical fittings or otherwise, as to be a source of danger to its occupants or the public;
- (e) neglects, when employing or permitting any person to drive a motor vehicle to ascertain the correct name and place of residence of such person, at the time of such employment or the granting of such permission and in the case of any such employment to keep a record thereof;
- (f) being the owner of a motor vehicle, refuses on the request of any Constable to give—
 - (i) the name and address of the driver thereof, such driver having been authorized by such owner to drive the said motor vehicle; and
 - (ii) all such information in his possession as would assist in the discovery or identity of the driver;

- (g) holds on to the exterior of the motor vehicle when the vehicle is being driven;
- (h) makes or submits false or inaccurate statement or documents in any declaration required to be made under this Act;
- (i) drives or attempts to drive a motor vehicle across a funeral procession;
- (j) deliberately obstructs or hinders a Constable or authorized person during the course of their duties.
- (k) smokes ganja, as defined by the *Dangerous Drug Act*, while driving or attempting to drive, or while in charge of a motor vehicle on a road.

(2) Every person who commits an offence set out in Column 1 of the Second Schedule shall be liable to the penalty set out in Column 2 of that schedule. Second Schedule.

(3) If any person commits an offence against this Act or any regulations made under this Act (other than an offence in respect of which some other penalty is specifically provided by this Act or the regulations) he shall be liable on summary conviction in a Resident Magistrate's Court to a fine not exceeding one million dollars and in default of payment to three months imprisonment.

124. Every offence under, and every contravention of this Act or any regulations made hereunder shall, except where otherwise expressly provided, be tried summarily and the offence or contravention shall be deemed to have been committed either— Trial of offences.

- (a) at the place at which the same was actually committed; or
- (b) in the parish in which the offender resides.

125. Where on the summary trial of an information for an offence under this Act or any rule, order or regulation made thereunder— Proof, in summary proceedings, of identity of the driver of a vehicle.

- (a) it is proved to the satisfaction of the court that a requirement under subsection (1) of section 69 to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information

relates has been served on the accused by post or by electronic means; and

- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

Particulars of convictions to be furnished to Authority and entered in Drivers' Offences Register.

126.—(1) On every conviction for an offence under this Act or any regulations made hereunder, the information mentioned in subsection (4) shall be furnished to the Authority in accordance with subsection (2).

(2) The information shall, if the conviction is recorded in—

- (a) the Supreme Court, be furnished by the Registrar of the Supreme Court;
- (b) a Circuit Court, be furnished by the Clerk of the Courts of the parish in which the court is held; or
- (c) a court of summary jurisdiction, be furnished by the Clerk of the courts of the parish in which the court is held.

(3) The Authority shall enter or cause the information so furnished to be entered in the Drivers' Offences Register.

(4) The information referred to in subsection (1) shall be—

- (a) the name and place of residence of the offender;
- (b) the number of his driver's licence or learner's permit, as the case may be;
- (c) the parish in which the offender was granted his driver's licence or learner's permit, as the case may be;
- (d) the offence for which the person has been convicted;
- (e) the number of demerit points imposed against the person in respect of the offence; and
- (f) such other particulars of the conviction as may be prescribed.

127. The Minister may by order, subject to affirmative resolution, amend or vary any—

Minister may amend fines and penalties by order.

- (a) monetary penalty under this Act;
- (b) Schedule to this Act.

128. Anything that the Authority or the Minister is required or authorized to do or provide under this Act may be done or be provided by electronic means or in an electronic format.

Power to do things electronically.

129. Subject to section 131, the *Road Traffic Act* (hereinafter called the “repealed Act”) is repealed.

Repeal of *Road Traffic Act*.

130. Section 2(2) of the *Justices of the Peace Jurisdiction Act* is amended by deleting the numerals “116” and substituting therefor the numerals “109”.

Amendment of the *Justice of the Peace Jurisdiction Act*.

Savings and Transitional Provisions

131. Any proclamation, regulation, by-law, notice, order, prohibition, authorization, appointment, permission, information or other document made, issued, imposed, granted, furnished or given, and any other action taken in terms of any provision of the repealed Act shall be deemed to have been made, issued, imposed, granted, furnished, given or taken in terms of the corresponding provision of this Act (if any).

Savings.

132. Section 4(2) of the *Motor Vehicles Insurance (Third Party Risks) Act* is amended by deleting the word “two” and substituting therefor the words “Forty Five”.

Amendment of the *Motor Vehicles Insurance (Third Party Risks) Act*.

133.—(1) Any provision of the repealed Act, shall, notwithstanding the provisions of section 130, be treated as remaining in force until such time as the corresponding provision of this Act (if any), or any other enactment into which new provisions concerning matters, that were prior to the commencement of this Act, regulated by the repealed Act, has been brought into operation.

Transitional.

(2) Notwithstanding the provisions of subsection (1), sections 60 to 89 of the repealed Act shall remain in force.

134. This Act binds the Crown.

Act binds Crown.

FIRST SCHEDULE (Sections 16, 31, 107 and
109)

*Offences in respect of which a fixed penalty
may be paid to a Collector of Taxes*

<u>Section</u>	<u>Nature of Offence</u>	<u>Penalty</u>
7(3)	Driving or causing motor vehicle to be driven on road with no valid certification of fitness	\$4,000.00
7(3)	Driving or causing motor vehicle to be driven on road without it being registered in the prescribed manner	\$10,000.00
7(3)	Driving or causing motor vehicle to be driven on road without it being licensed in the prescribed manner	\$10,000.00
7(3)	Driving or causing motor vehicle to be driven on road without motor vehicle insurance coverage	\$20,000.00
7(3)	Driving motor vehicle without evidence of insurance or failing to surrender evidence of insurance	\$5,000.00
13(5)	Using a motor vehicle in contravention of the terms of the licence	\$10,000.00
13(5)	Using a motor vehicle with the registration plates or licence decal not affixed or not kept affixed to the vehicle	\$5,000.00
13(5)	Driving a motor vehicle with the registration plates or licence decal affixed in manner so as to render them obscured or not easily distinguishable	\$5,000.00

*Offences in respect of which a fixed penalty
may be paid to a Collector of Taxes*

Section	Nature of Offence	Penalty
13(5)	Driving a motor vehicle with the registration plates or licence decal obscured in such a manner that the characters cannot be read	\$5,000.00
13(5)	Driving a motor vehicle which is not licensed in accordance with Act	\$5,000.00
13(5)	Driving motor vehicle in contravention of the terms of the licence	\$15,000.00
20(4)	Driving motor vehicle without driver's licence or learner's permit in possession	\$2,000.00
24(2)	Failing to comply with the conditions of learner's licence	\$6,000.00
27(2)	Failing to comply with the terms and conditions of driver's licence during the first year of issue	\$6,000.00
52(2)	Driver of motor vehicle failing to obey—	
	(a) red lights or stop signs;	\$6,000.00
	(b) other traffic signs or lights	\$6,000.00
55(3)	Exceeding maximum speed limit by—	
	(a) 16 kmh to 32 kmh	\$6,000.00
	(b) 33 kmh to 49 kmh	\$10,000.00
	(c) 50 kmh or more	\$15,000.00

*Offences in respect of which a fixed penalty
may be paid to a Collector of Taxes*

<u>Section</u>	<u>Nature of Offence</u>	<u>Penalty</u>
57(5)	Driving motor vehicle in violation of the rules of the road by—	
	(a) failing to—	
	(i) keep to the nearside of road when being approached or being overtaken by another vehicle	\$5,000.00
	(ii) keep to the right or off-side of other traffic when overtaking	\$5,000.00
	(b) failing to allow passage to other overtaking vehicles	\$5,000.00
	(c) overtaking in a manner causing obstruction to oncoming traffic	\$10,000.00
	(d) driving across road so as to obstruct traffic	\$4,000.00
	(e) driving on to one road from another and causing traffic obstruction	\$4,000.00

*Offences in respect of which a fixed penalty
may be paid to a Collector of Taxes*

<u>Section</u>	<u>Nature of Offence</u>	<u>Penalty</u>
	(f) driving on to a road from a place not being a road causing obstruction to traffic	\$4,000.00
	(g) driving so as to overtake other traffic without the driver having a clear and unobstructed view of the road ahead	\$9,000.00
	(h) travelling backwards for further than necessary turning or other reasonable purpose	\$3,000.00
	(i) riding on outside of vehicle	\$3,000.00
59(1)	Careless driving—where no collision occurs	\$11,000.00
59(1)	Careless driving—where collision occurs	\$25,000.00
67(2)	Carry more than one person in addition to the driver on motor cycle	\$5,000.00
67(2)	Carrying any person not seated astride Motor Cycle and on a proper seat securely fixed on motor cycle behind driver's seat	\$5,000.00

*Offences in respect of which a fixed penalty
may be paid to a Collector of Taxes*

<u>Section</u>	<u>Nature of Offence</u>	<u>Penalty</u>
67(2)	Causing two-wheeled motor cycle to be driven on one wheel only	\$5,000.00
68(3)	Drawing more than the prescribed number of trailers	\$12,000.00
71(3)	Driving or operating motor vehicle without there being attached to the motor vehicle and in correct working order the prescribed—	
	(a) headlamps	\$5,000.00
	(b) parking lamps	\$5,000.00
	(c) reflectors	\$5,000.00
	(d) rear registration plate lights	\$5,000.00
	(e) brake lights	\$5,000.00
	(f) warning devices	\$5,000.00
	(g) seatbelts	\$5,000.00
72(4)	Driving motor vehicle without wearing seatbelt or person who rides in motor vehicle failing to wear seatbelts	\$2,000.00
72(4)	Driver of motor vehicle not causing passenger riding in motor vehicle to wear a seatbelt	\$2,000.00
73(2)	Driver of Motor vehicle not causing child to wear or be conveyed in a child restraint system	\$2,000.00

*Offences in respect of which a fixed penalty
may be paid to a Collector of Taxes*

<u>Section</u>	<u>Nature of Offence</u>	<u>Penalty</u>
74(3)	Driver of or pillion on Motor cycle failing to wear prescribed protective helmet	\$2,000.00
74(3)	Driver of motor cycle not causing pillion rider to wear prescribed protective helmet	\$5,000.00
75(2)	Driver of motor vehicle sounding horn or warning device or causing loud noise to emanate from vehicle which cause annoyance to persons within silent zones	\$5,000.00
76(5)	Exceeding speed limit within school safety zone	
	(a) by 16 to 32km/h	\$12,000.00
	(b) by 33 to 49 km/h	\$20,000.00
	(c) by 50km/h or more	\$30,000.00
76(5)	Exceeding speed limit within school safety zone	\$10,000.00
77(3)	Failure to comply with traffic signs in construction zone	\$10,000.00
77(3)	Exceeding speed limit within construction zone	\$10,000.00
81(3)	Failing to comply with a sign of school crossing patrol to stop	\$5,000.00
81(3)	Failing to comply with a sign of crossing patrol by—	
	(a) failing to stop motor vehicle before reaching place where children are crossing	\$12,000.00

*Offences in respect of which a fixed penalty
may be paid to a Collector of Taxes*

<u>Section</u>	<u>Nature of Offence</u>	<u>Penalty</u>
	(b) driver of motor vehicle putting vehicle in motion while signal to stop is still exhibited	\$12,000.00
83(3)	Driver of motor vehicle failing to yield the right of way when pedestrian in pedestrian crossing	\$7,000.00
83(3)	Driver of motor vehicle passing vehicle stopped in pedestrian crossing	\$10,000.00
83(3)	Failing to observe provisions concerning pedestrian crossing	\$10,000.00
88(2)	Person riding on the running board, wings, fender or on the outside of a vehicle	\$5,000.00
89(4)	Person pouring petrol into or on vehicle while engine running or naked lights is a light	\$4,000.00
89(4)	Driver of motor vehicle leaves vehicle unattended without stopping the engine	\$3,000.00
89(4)	Failing to place motor vehicle when not in motion at the near side of roadway	\$5,000.00
89(4)	Failing to place motor vehicle in position so as not to obstruct traffic	\$5,000.00
90(5)	Driver of motor vehicle failing to give prescribed hand signal as to indicate direction when turning	\$2,500.00

*Offences in respect of which a fixed penalty
may be paid to a Collector of Taxes*

<u>Section</u>	<u>Nature of Offence</u>	<u>Penalty</u>
90(5)	Driver of motor vehicle failing to indicate direction he wishes to proceed when a Constable at road junction	\$2,500.00
90(5)	Failure to fit motor vehicle with mechanical or eliminated device to indicate intention of driver to turn	\$2,500.00
91	Driver of motor vehicle failing to obey commands of Constable to stop or keep motor vehicle stationary	\$5,000.00
91	Disobeying directions or signal of Constable in execution of his duty	\$5,000.00
93(3)	Person wilfully or unnecessarily preventing, hindering, or interrupting free passage of vehicle or pedestrian	\$5,000.00
94(1)	Leaving or abandoning on road that may endanger or cause obstruction to other traffic on road	\$5,000.00
102	Operating motor vehicle that exceeds the maximum laden weight for vehicles by—	
	(a) 500–1,000kg	\$25,000.00
	(b) 1,001–5,000kg	\$100,000.00
103(2)	Refusal of driver of vehicle to allow vehicle to be weighed or tested	\$20,000.00

*Offences in respect of which a fixed penalty
may be paid to a Collector of Taxes*

<u>Section</u>	<u>Nature of Offence</u>	<u>Penalty</u>
104(3)	Owner or operator—	
	(a) failing to cause vehicle to be dispatched for excess goods to be offloaded;	\$7,000.00
	(b) causing vehicle to obstruct road or parked while being loaded or unloaded	\$7,000.00
121(4)	Use of electronic communication device while driving	\$10,000.00
121(4)	Driving Instructor holding or using electronic communication device while instructing person to drive	\$10,000.00
122(3)	Use of electronic video device within driver's line of sight while driving	\$10,000.00
123(1)	Offences relating to—	
	(a) using or driving or permitting to be used motor vehicle in a defective condition	\$10,000.00
	(b) driving or attempting to drive across funeral procession	\$5,000.00
	(c) smoking ganja, while driving or while in charge of a motor vehicle on a road.	\$10,000.00

SECOND SCHEDULE

(Sections 16, 31,
106, 107 and 127(2))*Offences and Penalties*

	Column 1	Column 2
Section	Offence	Penalty (Maximum)
7(3)	Driving or causing motor vehicle to be driven on road without valid certificate of fitness	\$10,000.00 and in default of payment to 15 days imprisonment
7(3)	Driving or causing motor vehicle to be driven on road without it being registered in the prescribed manner	\$20,000.00 and in default of payment to 15 days imprisonment
7(3)	Driving or causing motor vehicle to be driven on road without it being licensed in the prescribed manner	\$30,000.00 and in default of payment to 30 days imprisonment
7(3)	Driving or causing motor vehicle to be driven without motor vehicle insurance coverage	\$45,000.00 and in default of payment to 30 days imprisonment
7(3)	Failing to provide evidence of insurance coverage for inspection upon demand by a Constable	\$10,000.00 and in default of payment to 15 days imprisonment
13(5)	Using a motor vehicle in contravention of the terms of the licence	\$30,000.00 and in default of payment to 15 days imprisonment
13(5)	Using a motor vehicle with the registration plates or licence decal not affixed or not kept affixed to the vehicle	\$10,000.00 and in default of payment to 15 days imprisonment

Offences and Penalties

Section	Column 1	Column 2
	Offence	Penalty (Maximum)
13(5)	Using motor vehicle with the registration plates or licence decal affixed in manner so as to render them obscured or not easily distinguishable	\$10,000.00 and in default of payment to 15 days imprisonment
13(5)	Using motor vehicle with the registration plates or licence decal obscured in such a manner that the characters cannot be read	\$10,000.00 and in default of payment to 15 days imprisonment
13(5)	Using motor vehicle which is not licensed in accordance with Act	\$30,000.00 and in default of payment to 30 days imprisonment
20(4)	Driving motor vehicle without driver's licence, or learner's permit in possession	\$40,000.00 and disqualification for one year and in default of payment to 15 days imprisonment
20(4)	Driving motor vehicle without being the holder of a learner's permit or driver's licence	\$10,000.00 and in default of payment to 15 days imprisonment
20(4)	Employing or permitting a person to drive motor vehicle without appropriate driver's licence	\$40,000.00 and in default of payment to 30 days imprisonment
21(2)	Applying for or holding permit or driver's licence where applicant holds another permit or driver's licence of the same class	\$50,000.00 and in default of payment to 30 days imprisonment

Offences and Penalties

Section	Offence	Penalty (Maximum)
21(2)	Providing false or misleading information to Authority on application	\$50,000.00 and in default of payment to 30 days imprisonment
24(2)	Failing to comply with terms or conditions of learner's permit	\$15,000.00 and in default of payment to 15 days imprisonment
27(2)	Failing to comply with terms and conditions of driver's licence during first year of issue	\$15,000.00 and in default of payment to 15 days imprisonment
30(5)	Refusal to surrender permit or driver's licence when Authority declines to renew it	\$20,000.00 and in default of payment to 30 days imprisonment
32(4)	Failure to submit permit or driver's licence for suspension upon notification by Authority	\$20,000.00 and in default of payment to 30 days imprisonment
35(5)	A person who is disqualified from holding or obtaining a driver's licence—	
	(a) applies for or obtains a driver's licence while he is disqualified	\$30,000.00 and in default of payment to 30 days imprisonment
	(b) drives a motor vehicle	\$50,000.00 and in default of payment to 30 days imprisonment

Offences and Penalties

Section	Column 1 <u>Offence</u>	Column 2 <u>Penalty (Maximum)</u>
	(c) drives a motor vehicle of a particular class or description for which he is disqualified	\$50,000.00 and in default of payment to 30 days imprisonment
42(2)	Holder of document issued contrary to the Act refusing to surrender document to the Authority	\$50,000.00 and in default of payment to 30 days imprisonment
43(2)	Holder of learner's permit or driver's licence allowing the permit or licence, as the case, may be to be used by another person	\$50,000.00 and in default of payment to 30 days imprisonment
46(3)	Using or permitting the use of a vehicle in contravention of restriction or prohibition imposed by the Road Authority	\$30,000.00 and in default of payment to 30 days imprisonment
48(2)	Erecting or displaying advertising sign in contravention of the Act	\$50,000.00 and in default of payment to 30 days imprisonment
49(2)	Damaging, removing or altering road sign	\$50,000.00 and in default of payment to 30 days imprisonment
52(2)	Driver of motor vehicle failing to obey—	
	(a) red lights or stop signs;	\$24,000.00 and in default of payment to 30 days imprisonment

Offences and Penalties

Column 1	Column 2
Section	Penalty (Maximum)
Offence	
(b) other traffic signs or lights	\$16,000.00 and in default of payment to 15 days imprisonment
54(4) Turning into or crossing major road so as to obstruct traffic	\$8,000.00 and in default of payment to 15 days imprisonment
55(3) Exceeding maximum speed limit—	
(a) by 16kmh to 32kmh	\$15,000.00 and in default of payment to 15 days imprisonment
(b) by 33kmh to 49kmh	\$30,000.00 and in default of payment to 30 days imprisonment
(c) by 50kmh or more	\$45,000.00 and in default of payment to 30 days imprisonment
57(5) Driving motor vehicle in violation of the rules of the road by—	
(a) failing to—	
(i) keep the nearside of road when being approached or being overtaken by another vehicle	\$14,000.00 and in default of payment to 15 days imprisonment

Offences and Penalties

Section	Column 1	Column 2
	Offence	Penalty (Maximum)
	(ii) keep to the right or off-side of other traffic when overtaking	\$14,000.00 and in default of payment to 15 days imprisonment
	(b) failing to allow passage to other overtaking vehicles	\$10,000.00 and in default of payment to 15 days imprisonment
	(c) overtaking in a manner causing obstruction to oncoming traffic	\$20,000.00 and in default of payment to 15 days imprisonment
	(d) driving across road so as to obstruct traffic	\$8,000.00 and in default of payment to 15 days imprisonment
	(e) driving on to one road from another and causing traffic obstruction	\$8,000.00 and in default of payment to 15 days imprisonment
	(f) driving on to a road from a place not being a road causing obstruction to traffic	\$18,000.00 and in default of payment to 15 days imprisonment
	(g) driving so as to overtake other traffic without the driver having a clear and unobstructed view of the road ahead	\$20,000.00 and in default of payment to 15 days imprisonment

Offences and Penalties

Section	Column 1	Column 2
	Offence	Penalty (Maximum)
	(h) travelling backwards for further than necessary turning or other reasonable purpose	\$18,000.00 and in default of payment to 15 days imprisonment
	(i) Riding on outside of vehicle	\$15,000.00 and in default of payment to 15 days imprisonment
58(3)	Reckless or dangerous driving	\$250,000.00 and disqualification for holding or obtaining a driver's licence and in default of payment to 12 months imprisonment
58(3)	Aiding or abetting dangerous driving	\$100,000.00 and in default of payment to 12 months imprisonment
59(1)	Careless driving where no collision occurs	\$20,000.00 and in default of payment to to 15 days imprisonment
59(1)	Careless driving where collision occurs	\$500,000.00 and in default of payment to 15 days imprisonment

Offences and Penalties

Section	Column 1 Offence	Column 2 Penalty (Maximum)
60	Causing death by reckless or dangerous driving	\$500,000.00 and imprisonment for five years and disqualification for holding or obtaining a driver's licence for 12 months from date of conviction
67(2)	Carrying more than one person in addition to the driver on a motor cycle	\$20,000.00 and in default of payment to 15 days imprisonment
67(2)	Carrying person not seated astride motor cycle and on proper seat securely fixed to the motor cycle behind driver's seat	\$10,000.00 and in default of payment to 15 days imprisonment
67(2)	Causing two-wheeled motor Cycle to be driven on one wheel only	\$10,000.00 and in default of payment to 15 days imprisonment
68(3)	Drawing more than the prescribed number of trailers	\$20,000.00 and in default of payment to 15 days imprisonment
69(2)	Failure of owner of motor vehicle to provide information as to the identity of driver	\$20,000.00 and in default of payment 30 days imprisonment

Offences and Penalties

Section	Column 1	Column 2
	Offence	Penalty (Maximum)
70(3)	Driver of motor vehicle failing to stop in the case of collision to give particulars of driver and owner of motor vehicle	\$20,000.00 and in default of payment to 15 days imprisonment
70(3)	Driver of motor vehicle failing to report collision of vehicle	\$20,000.00 and in default of payment to 15 days imprisonment
71(3)	Driving or operating motor vehicle without there being attached to the motor vehicle and in correct working order the prescribed—	
	(a) headlamps	\$10,000.00 and in default of payment to 15 days imprisonment
	(b) parking lamps	\$10,000.00 and in default of payment to 15 days imprisonment
	(c) reflectors	\$10,000.00 and in default of payment to 15 days imprisonment
	(d) rear license plate lights	\$10,000.00 and in default of payment to 15 days imprisonment

Offences and Penalties

Column 1		Column 2
Section	Offence	Penalty (Maximum)
	(e) brake lights	\$10,000.00 and in default of payment to 15 days imprisonment
	(f) warning devices	\$10,000.00 and in default of payment to 15 days imprisonment
	(g) seatbelts	\$10,000.00 and in default of payment to 15 days imprisonment
72(4)	Driving motor vehicle without wearing seatbelts	\$5,000.00 and in default of payment to 15 days imprisonment
72(4)	Person who rides in motor vehicle failing to wear seatbelts	\$5,000.00 and in default of payment to 15 days imprisonment
72(4)	Driver of motor vehicle causing passenger riding in a motor vehicle not to wear seat belt	\$5,000.00 and in default of payment to 15 days imprisonment
73(2)	Driver of motor vehicle not causing child to wear or be conveyed in child restraint system	\$20,000.00 and in default of payment to 15 days imprisonment
74(3)	Driver of motor cycle not causing pillion rider to wear prescribed protective Helmet	\$5,000.00 and in default of payment to 15

Offences and Penalties

Section	Offence	Penalty (Maximum)
		days imprisonment
75(2)	Driver of motor vehicle sounding horn or warning device or causing loud noise to emanate from vehicle which cause annoyance to persons within silent zones	\$14,000.00 and in default of payment to 15 days imprisonment
76(5)	Driver of motor vehicles failing to observe traffic signs in school safety zones	\$20,000.00 and in default of payment to 15 days imprisonment
76(5)	Exceeding speed limit within school safety zone	\$20,000.00 and in default of payment to 15 days imprisonment
77(3)	Failure to comply with traffic signs in construction zone	\$20,000.00 and in default of payment to 15 days imprisonment
77(3)	Exceeding speed limit within construction zone	\$60,000.00 and in default of payment to 15 days imprisonment
78(1)	Taking and driving away motor vehicle without consent of owner	\$100,000.00 and in default of payment to 3 months imprisonment
81(3)	Failing to comply with a sign of school crossing patrol to stop	\$30,000.00 and in default of payment to 15 days imprisonment

Offences and Penalties

Section	Column 1 Offence	Column 2 Penalty (Maximum)
81(3)	Failing to comply with a sign of crossing patrol by—	
	(a) failing to stop motor vehicle before reaching place where children are crossing	\$30,000.00 and in default of payment to 15 days imprisonment
	(b) driver of motor vehicle putting vehicle in motion while signal to stop is still exhibited	\$30,000.00 and in default of payment to 15 days imprisonment
83(3)	Driver of motor vehicle failing to yield the right of way when pedestrian in pedestrian crossing	\$20,000.00 and in default of payment to 15 days imprisonment
83(3)	Driver of motor vehicle passing vehicle stopped at pedestrian crossing	\$30,000.00 and in default of payment to 15 days imprisonment
83(3)	Failing to observe provisions concerning pedestrian crossing	\$20,000.00 and in default of payment to 15 days imprisonment
86(1)	Parking a vehicle in a zone designated for parking and failing to observe the rules pertaining to parking or failing to pay parking charge	\$5,000.00.00 and in default of payment to 15 days imprisonment
86(3)	Person with intent to defraud, interfere with or operate parking meter	\$50,000.00 and in default of payment to 30 days imprisonment

Offences and Penalties

	Column 1	Column 2
Section	Offence	Penalty (Maximum)
88(2)	Person riding on the running board, wings, fenders or on the outside of a vehicle	\$10,000.00 and in default of payment to 15 days imprisonment
89(4)	Person pouring petrol, or other fuel in motor vehicle while the engine is running or naked light is a light	\$20,000.00 and in default of payment to 15 days imprisonment
89(4)	Driver of motor vehicle leaving vehicle unattended without stopping the engine	\$20,000.00 and in default of payment to 15 days imprisonment
89(4)	Failing to place motor when not in motion at the near side of roadway	\$14,000.00 and in default of payment to 15 days imprisonment
89(4)	Failing to place motor vehicle in position so as not to obstruct traffic	\$14,000.00 and in default of payment to 15 days imprisonment
90(5)	Driver of motor vehicle failing to give prescribed hand signal as to indicate direction when turning	\$5,000.00 and in default of payment to 15 days imprisonment
90(5)	Driver of motor vehicle failing to indicate direction he wishes to proceed when a Constable at road junction	\$5,000.00 and in default of payment to 15 days imprisonment
90(5)	Failure to fit motor vehicle with mechanical or eliminated device to indicate intention of driver to turn	\$5,000.00 and in default of payment to 15 days imprisonment

Offences and Penalties

Section	Column 1 <u>Offence</u>	Column 2 <u>Penalty (Maximum)</u>
91	Driver of motor vehicle failing to obey commands of Constable to stop or keep motor vehicle stationary	\$10,000.00 and in default of payment to 15 days imprisonment
91	Disobeying directions or signal of Constable in execution of his duty	\$10,000.00 and in default of payment to 15 days imprisonment
92	Promoting or taking part in race or trial of speed between motor vehicles on road	\$100,000.00 and disqualification for holding or obtaining a driver's licence or twelve months or such longer period and in default of payment to 3 months imprisonment
92	Driver taking part in trial of speed on a road	\$70,000.00 and in default of payment to 30 days imprisonment
93(3)	Person wilfully or unnecessarily preventing hindering or interrupting free passage of vehicular or pedestrian traffic	\$20,000.00 and in default of payment to 30 days imprisonment
94(1)	Leaving or abandoning vehicle on road that may endanger or cause obstruction to other traffic on road	\$20,000.00 and in default of payment to 30 days imprisonment

Offences and Penalties

Section	Column 1 Offence	Column 2 Penalty (Maximum)
97	Causing damage to road	\$20,000.00 and in default of payment to 30 days imprisonment
102	Operating motor vehicle that exceeds the maximum laden weight for vehicles by—	
	(a) 1,001–5,000kg	\$375,000.00 and in default of payment to 12 months imprisonment
	(b) 5,001–10,000kg	\$1,000,000.00 and in default of payment to 12 months imprisonment
	(c) 10,001–15,000kg	\$1,875,000.00 and in default of payment to 3 years imprisonment
	(d) 15,001–20,000kg	\$2,800,000.00 and in default of payment to 3 years imprisonment
	(e) 20,001kg and over	\$3,000,000.00 and in default of payment to 3 years imprisonment.

Offences and Penalties

Section	Column 1 Offence	Column 2 Penalty (Maximum)
103(2)	Refusal of driver of vehicle to allow the vehicle to be weighed or tested	\$50,000.00 and in default of payment to 30 days imprisonment
104(3)	Owner or operator of vehicle failing to dispatch another vehicle for goods to be offloaded on from vehicle that is overweight	\$50,000.00 and in default of payment to 30 days imprisonment
104(3)	Driver causing vehicle to obstruct road or parked while being loaded or unloaded	\$20,000.00 and in default of payment to 30 days imprisonment
106(4)	Person having possession or control of information on record and disclosing such information on record to persons not authorized	\$100,000.00 and in default of payment to 3 months imprisonment
108(3)	Willfully destroying or defacing any record or register	\$100,000.00 and in default of payment to 3 months imprisonment
121(4)	Use of electronic communication device while driving	\$30,000.00 and in default of payment to 30 days imprisonment
121(4)	Driving instructor holding or using electronic communication device while instructing person to drive	\$30,000.00 and in default of payment to 30 days imprisonment

Offences and Penalties

Section	Column 1	Column 2
	Offence	Penalty (Maximum)
122(3)	Use of electronic video device within driver's line of sight while driving	\$30,000.00 and in default of payment to 30 days imprisonment
123	Offences relating to—	
	(a) forging, altering, using or allowing to be used by any person any licence or registration plates;	\$50,000.00 and in default of payment to 30 days imprisonment
	(b) giving or lending another person to use a licence, registration marks or plates;	\$50,000.00 and in default of payment to 30 days imprisonment
	(c) climbing or swinging upon any motor vehicle without the permission of the owner	\$10,000.00 and in default of payment to 15 days imprisonment
	(d) using or driving or permitting to be used motor vehicle in a defective condition	\$20,000.00 and in default of payment to 15 days imprisonment
	(e) knowingly making false statement for the licensing or registration of motor vehicle	\$20,000.00 and in default of payment to 15 days imprisonment
	(f) driving or attempting to drive across funeral procession	\$10,000.00 and in default of payment to 15 days imprisonment

Offences and Penalties

Column 1	Column 2
Section	Penalty (Maximum)
(g)	throws object at vehicle or places object in road to damage vehicle
(h)	using spotlight except when effecting repairs to motor vehicle
(i)	owner neglecting to ascertain driver's name, address
(j)	owner refusing to give Constable name, address, other information on driver
(k)	holds on to moving vehicle being towed (or holding onto moving vehicle for purpose of being towed)
(l)	deliberately obstructing a Constable or authorized person from executing their duties
(m)	smoking ganja, while driving or while in charge of a motor vehicle on a road

\$50,000.00 and
in default of
payment to 15
days imprisonment

\$20,000.00 and
in default of
payment to 30
days imprisonment

\$20,000.00 and
in default of
payment to 30
days imprisonment

\$30,000.00 and
in default of
payment to 30
days imprisonment

\$10,000.00 and
in default of
payment to 15
days imprisonment

\$10,000.00 and
in default of
payment to 15
days imprisonment

\$10,000.00 and
in default of
payment to 15
days imprisonment

Offences and Penalties

<u>Column 1</u>		<u>Column 2</u>
<u>Section</u>	<u>Offence</u>	<u>Penalty (Maximum)</u>
123(3)	Offences for which no penalty provided in the Act	\$1,000,000.00 and in default of payment to 12 months imprisonment
Fifth Schedule		
Paragraph 2	Driving or being in charge of a motor vehicle while breath or breath alcohol level exceeds prescribed limit	\$50,000.00 and in default of payment to 30 days imprisonment
Paragraph 3	Failing to provide specimen of breath—first conviction	\$50,000.00 and in default of payment to 30 days imprisonment
Paragraph 3	Failing to provide specimen of breath—second conviction	\$100,000.00 and in default of payment to 3 months imprisonment
Paragraph 3	Failing to provide specimen of breath for breath analysis	\$70,000.00 and in default of payment to 3 months imprisonment
Paragraph 4	Wilfully do anything to alter the concentration of alcohol in his breath or blood	\$40,000.00 and in default of payment to 30 days imprisonment

Offences and Penalties

Section	Column 1	Column 2
	Offence	Penalty (Maximum)
Paragraph 5	Driving or attempting to drive motor vehicle under the influence of drink or drug	\$50,000.00 and in default of payment to 30 days imprisonment

THIRD SCHEDULE (Sections 17(1), 18(1) and
110(1))

Licence Duties on Vehicles

1. Motor car not deriving motive power from an internal combustion engine worked by cylinder or cylinders.	\$7,700.00
2. Motor car	
Where the cylinder capacity of the engine—	
(a) does not exceed 1,199 cubic centimeters	\$7,700.00
(b) exceeds 1,199 cubic centimetres but does not exceed 2,999 cubic centimetres	\$10,500.00
(c) exceeds 2,999 cubic centimetres but does not exceed 3,999 cubic centimetres	\$25,600.00
(d) exceeds 3,999 cubic centimetres	\$38,800.00
3. Motor cycle	
Where the cylinder capacity of the engine—	
(a) does not exceed 125 cubic centimetres	\$2,050.00
(b) exceeds 125 cubic centimetres but does not exceed 500 cubic centimetres	\$3,100.00
(c) exceeds 500 cubic centimetres	\$4,750.00
4. Motor truck or motor tractor of unladen weight—	
(a) not exceeding 3,048.138 kgs	\$7,000.00
(b) exceeding 3,048.138 kgs but not exceeding 6,109.09 kgs	\$6,000.00
(c) exceeding 6,100.00 kgs	\$6,000.00 plus \$100.00 for each 51.00kgs over 6,109.09kgs

Licence Duties on Vehicles, contd.

5. Motor truck or motor tractor that does not use gasoline as fuel, of unladen weight—

- | | |
|--|---|
| (a) not exceeding 3,048.138kgs (60cwt) | \$10,125.00 |
| (b) exceeding 3048.138kgs (60cwt)
but not exceeding 6109.09 kgs | \$12,656.00 |
| (c) exceeding 6109.09 kgs | \$6,000.00
plus
\$100.00 for
each
50.91kgs
over
6,109.09kgs |

6. Trailers (per cwt/50.91kg)	\$168.80 per kg
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*Constitution and Procedure of Road
Traffic Appeal Tribunal*

FOURTH SCHEDULE (Sections 44(1))

*Constitution and Procedure of Road
Traffic Appeal Tribunal*

Appointment of
members.

1.—(1) The Road Traffic Appeal Tribunal shall consist of a chairman and two deputy chairmen and not less than three nor more than four other members appointed by the Minister by instrument in writing from among persons appearing to the Minister to be knowledgeable and experienced in matters relating to road safety or traffic management.

(2) A person shall be eligible for appointment as chairman or a deputy chairman only if he is an attorney-at-law of not less than five years' standing or a person who has held judicial office.

(3) Every member of the Appeal Tribunal shall, before entering on the duties of his office, take an oath that he will duly and faithfully, and to the best of his skill and knowledge, execute the powers and trusts reposed in him as a member of the Tribunal.

(4) The oath referred to in subparagraph (3) shall be administered to the Chairman of the Tribunal before the Chief Justice, and to the other members by the Chairman, or in his absence or incapacity, by any other member.

(5) The Chairman has supervision over and direction of the work of the Tribunal including, without restricting the generality of the foregoing, the allocation of the work of the members thereof.

Temporary
appointment.

2. If the chairman or other members of the Appeal Tribunal is absent or unable to act, the Minister may appoint another person to act temporarily as chairman or such other member.

Tenure of
office.

3.—(1) Subject to the provisions of this Schedule, an appointed member shall hold office for such period, not exceeding three years, as may be specified in the instrument of appointment.

(2) Every appointed member shall be eligible for reappointment.

(3) If any vacancy occurs in the appointed members, the vacancy shall be filled by the making of another such appointment, however, the member so appointed shall, subject to the provisions of this Schedule, hold office for the remainder of the period for which the previous appointed member was appointed.

*Constitution and Procedure of Road
Traffic Appeal Tribunal*

(4) The Minister may, at any time, revoke the appointment of any appointed member.

Resignation 4.—(1) Any member of the Tribunal other than the chairman may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of the instrument the member shall cease to be a member of the Appeal Tribunal.

(2) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date or the receipt of such instrument by the Minister.

Publication of membership 5. The names of the members of the Tribunal as first constituted and every change in membership thereof shall be published in the *Gazette*.

Authentication of documents. 6. All documents made by, and all decisions of the Appeal Tribunal may be signed under the hand of the chairman or any member of the Appeal Tribunal authorized to act in that behalf.

Procedure. 7.—(1) The Tribunal shall sit in such number of divisions as may, from time to time, be necessary.

(2) A division of the Tribunal shall consist of—

- (a) a chairman, who shall be either the chairman or a deputy chairman of the Tribunal; and
- (b) two or more ordinary members.

(3) Where in any proceedings the members are not unanimous, the decision of the Tribunal shall be by a majority of the votes of the members, and in the event of an equality of votes, the chairman shall be entitled to a second or casting vote.

(4) Where part of any proceedings before the Tribunal has been heard and one or more members of the Appeal Tribunal are unable to continue, the Tribunal shall remain duly constituted for the purpose of those proceedings so long as the number of members is not reduced to less than three.

*Constitution and Procedure of Road
Traffic Appeal Tribunal*

(5) If the chairman of a division of the Appeal Tribunal is unable to continue he shall appoint—

- (a) one of the remaining members to act as chairman; and
- (b) a suitably qualified person to attend the proceedings and advise the members of any question arising.

(6) The decision of the Tribunal or a division thereof may be signified under the hand of the chairman.

(7) The Tribunal shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Appeal Tribunal may determine.

(8) The chairman or any other person appointed to act temporarily as chairman shall preside at meetings of the Tribunal.

(9) Subject to paragraph 1(2) the decisions of the Tribunal shall be by a majority of votes of the members and in addition to an original vote, the presiding member shall have a casting vote in any case in which the voting is equal.

(10) The Tribunal, with the approval of the Minister, may make rules to regulate its proceedings.

(11) Proper records of all proceedings of the Appeal Tribunal shall be kept.

Remuneration of members 8. There shall be paid to the chairman, other members, officers and employees of the Appeal Tribunal such remuneration, if any, and such allowances as the Minister with responsibility for public service may determine.

Protection of members 9. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Appeal Tribunal in respect of an act done *bona fide* in pursuance or execution or intended execution of this Act.

Disclosure of interest 10. Any member of the Appeal Tribunal who has any interest, directly or indirectly, in any matter brought before the Appeal Tribunal shall—

- (a) as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Authority; and

*Constitution and Procedure of Road
Traffic Appeal Tribunal*

- (b) not be present during the deliberations of the Authority on the matter or take part in the decision of the Authority with respect thereto.

Power to
award costs.

11. The Tribunal may order that the costs or expenses of any proceedings before it incurred by any party shall be paid by any other party, and may tax or settle the amount of any costs or expenses to be paid under any such order or direct in what manner they are to be taxed.

Chairman or
member not a
public office.

12. The office of the chairman or member of the Appeal Tribunal shall not be a public office for the purposes of Chapter V of the Constitution of Jamaica.

Driving under the Influence of Alcohol or other drug

FIFTH SCHEDULE

(Section (66))

Driving under the Influence of Alcohol or other drug

Driving motor
vehicle under
influence of
alcohol or
drug.

1.—(1) Every person who, when driving or attempting to drive or when in charge of a motor vehicle on a road or other public place is under the influence of alcohol or a drug to such extent as to be incapable of having proper control of the vehicle, commits an offence.

(2) A person convicted of an offence under sub-paragraph (1) shall be disqualified, for a period of twelve months from the date of the conviction, from holding or obtaining a driver's licence 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.

(3) A Constable may arrest, without warrant, a person whom he reasonably suspects has committed an offence under this paragraph.

Driving or
being
in charge of
vehicle while
breath or blood
alcohol levels
exceed
prescribed
limit.

2.—(1) A person shall not drive or have charge or control of a motor vehicle, whether or not it is in motion, if the concentration of alcohol in his breath or blood is greater than the prescribed limit.

(2) Every person who contravenes sub-paragraph (1) commits an offence.

(3) A person shall not be convicted under this paragraph of being in charge of a motor vehicle as mentioned in sub-paragraph (1), if he proves that at the material time the circumstances were such that there was no likelihood of his driving the motor vehicle whilst there was any probability of his having alcohol in his breath or blood in a proportion exceeding the prescribed limit.

Breath test.

3.—(1) A Constable in uniform or a Constable out of uniform who has shown his authority as a member of a Constabulary Force may subject to sub-paragraph (4), require a person to provide a

Driving under the Influence of Alcohol or other drug

specimen of breath for a breath test where he has reasonable cause to suspect that the person—

- (a) while driving or attempting to drive or being in charge of a motor vehicle on a road or other public place has an alcohol level in his breath exceeding the prescribed limit or is in breach of paragraph 1;
- (b) has been driving or attempting to drive or been in charge of a motor vehicle on a road or other public place with an alcohol level in his breath exceeding the prescribed limit and still has alcohol in his breath; or
- (c) has been driving, attempting to drive or been in charge of a motor vehicle on a road or other public place and has committed an offence against this Act.

(2) No requirement to provide a specimen of breath for a breath test may be made by virtue of sub-paragraph (1)(b) or (c), unless it is made as soon as is reasonably practicable after the Constable suspects the offence was committed.

(3) If a collision occurs due to the presence of a motor vehicle on a road, a Constable in uniform or a Constable out of uniform who has shown his authority as a member of a Constabulary Force may, subject to sub-paragraph (4), require any person whom he has reasonable cause to believe was driving or attempting to drive (hereinafter in this paragraph referred to as the “driver”) the motor vehicle at the time of the collision to provide a specimen of breath for a breath test, either at or near the place where the requirement is made or, if the Constable thinks fit, at a police station specified by the Constable being a police station in reasonable proximity to that place.

(4) Subject to sub-paragraph (5), a constable may require a driver who is at a hospital as a patient to give a specimen of breath at the hospital.

(5) The requirement under sub-paragraph (4) may not be imposed unless the medical practitioner in charge of the driver’s case—

- (a) is given prior notice of the proposal to make the requirement; and

Driving under the Influence of Alcohol or other drug

- (b) has advised that the provision of a specimen or the requirement to provide it would not be prejudicial to the proper care, treatment or health of the driver.

(6) Every driver who, without reasonable excuse, fails to provide a specimen of breath under sub-paragraph (1), (3) or (4) commits an offence.

(7) 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 in bed at a hospital as a patient.

(8) If a person required by a Constable under sub-paragraph (1) or (3) 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 paragraph 1(3), arrest the person without warrant.

(9) A person arrested under this paragraph or under paragraph 1(3) shall, while at a police station, be given an opportunity to provide a specimen of breath for a breath test.

Breath
analysis,

4.—(1) Subject to sub-paragraphs (2) and (3), where—

- (a) any person required by a Constable under paragraph 3 to undergo a breath test fails to undergo that test; or
- (b) in consequence of a breath test carried out under paragraph 3 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 to a breath analysis.

(2) The breath analysis referred to in sub-paragraph (1) shall be carried out at a police station by a member of a Constabulary Force authorized in that behalf by the Minister.

Driving under the Influence of Alcohol or other drug

(3) A member of a Constabulary Force shall not require any person to undergo a breath test or to submit to a breath analysis—

- (a) if that person has been admitted to hospital for medical treatment and the medical practitioner in immediate charge of his treatment, when notified of the intention to make the requisition, objects on the ground that compliance therewith would be prejudicial to the proper care or treatment of that person;
- (b) if it appears to that member that it would, by reason of the injuries sustained by the person, be dangerous to that person's medical condition to undergo a breath test or to submit to a breath analysis; or
- (c) subject to sub-paragraph (4), at that person's usual place of residence.

(4) Subject to sub-paragraph (3)(b), a person may be required to submit to a breath test at that person's usual place of residence—

- (a) if the member of a Constabulary Force has reasonable cause to believe that—
 - (i) within the preceding two hours the person was involved in a collision on a road or other public place resulting in death or serious injury to another person; and
 - (ii) at the time when the collision occurred, the person had an alcohol level in his breath exceeding the prescribed limit; and
- (b) it was not feasible for a Constable to require the person to submit to a breath test at the scene of the collision or at the nearest police station.

(5) A person commits an offence who—

- (a) upon being required by a Constable in accordance with sub-paragraph (1), to submit to a breath analysis, fails to do so; or

Driving under the Influence of Alcohol or other drug

- (b) wilfully does anything to alter the concentration of alcohol in his breath or blood—
 - (i) between the time of the event referred to in paragraph 3 (in respect of which he has been required to undergo a breath test) and the time when he undergoes that test; or
 - (ii) if he is required to submit to a breath analysis, at the time when he submits to that analysis.

(6) It shall be a defence to a prosecution for an offence under sub-paragraph (5)(a) if the accused person 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.

(7) As soon as practicable after a person has submitted to a breath analysis, the member of the Constabulary Force operating the breath analyzing instrument shall deliver to that person a statement in writing signed by that member specifying the—

- (a) concentration of alcohol determined by the analysis to be present in that person's breath and expressed in microgrammes of alcohol in 100 millilitres of breath; and
- (b) time of day and the day on which the breath analysis was completed.

(8) In proceedings for an offence under paragraph 2, 3 or 4—

- (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 member of a Constabulary Force authorized in that behalf under sub-paragraph (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 paragraph 2(1)(a) unless the accused proves that the concentration of alcohol in

Driving under the Influence of Alcohol or other drug

his breath at that time did not exceed the prescribed limit.

(9) In proceedings for an offence under paragraph 3, a certificate purporting to be signed by a member of a Constabulary Force certifying that—

- (a) he is authorized by the Minister with responsibility for national security 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 an approved breath analyzing instrument;
- (d) the breath analysis was made on the day and completed at the time stated in the certificate;
- (e) a concentration of alcohol determined by that breath analyzing instrument and expressed in microgrammes of alcohol in 100 millilitres of breath was present in the breath of that person on the day and at the time stated in the certificate; and
- (f) a statement in writing required by sub-paragraph (7) was delivered in accordance with that sub-paragraph,

shall be *prima facie* evidence of the particulars certified in and by the certificate.

(10) In any proceedings for an offence under this paragraph, 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.

Laboratory tests.

1.—(1) Subject to sub-paragraphs (2) and (3), in the course of an investigation as to whether a person has committed an offence under paragraph 2 or 3, a Constable may require a person under investigation to provide a sample of blood for a laboratory test if the person is unable, by reason of his physical condition, to provide a sample of breath for a breath test.

Driving under the Influence of Alcohol or other drug

(2) A person shall not be required to provide a specimen of blood for a laboratory test under sub-paragraph (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 health or 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 if a breath analysis was carried out in respect of that person and the result is available.

(4) Nothing in this paragraph shall affect the provisions of paragraph 8.

(5) For the purposes of this paragraph and paragraphs 3, 6 and 7, 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 a laboratory technologist registered under the *Professions Supplementary to Medicine Act*.

Refusal to consent to the taking of or providing of specimen.

6.—(1) Where any person who is under investigation in relation to an offence under paragraph 2 refuses to provide a sample of blood for a blood test when required to do so under paragraph 5(1), his refusal may, unless reasonable cause therefor is shown, be treated as supporting any evidence given on behalf of the prosecution, or as rebutting any evidence given on behalf of the defence, with respect to his condition at the time when the offence was committed.

(2) For the purposes of sub-paragraph (1), a person shall not be treated as failing to provide a specimen unless he was requested to provide a specimen but refused to do so.

Driving under the Influence of Alcohol or other drug

Ancillary provisions as to evidence in proceedings for an offence under paragraphs 2 and 3.

7. —(1) For the purposes of any proceedings for an offence under paragraph 3, a certificate signed by an authorized analyst, certifying the proportion of alcohol found in a specimen identified by the certificate shall, subject to sub-paragraph (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 paragraph 2, 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 sub-paragraph (3), be evidence of the matters so certified and of the qualifications of the medical practitioner.

(3) Sub-paragraphs (1) and (2) shall not apply to a certificate tendered on behalf of the prosecution—

- (a) unless a copy has been served on the accused personally or his counsel 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 been served notice by 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 paragraph 3 the accused, at the time a specimen of blood was taken from or provided by him, 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.

Driving under the Influence of Alcohol or other drug

Interpretation
of paragraph 2
to 7

8.—(1) References to providing a specimen of breath pursuant to paragraph 2 shall be construed as references to providing a specimen thereof in sufficient quantity to enable a breath test to be carried out.

(2) In paragraphs 2 to 7, except where the context otherwise requires, in relation to any device means a device approved by the Minister with responsibility for national security by order published in the *Gazette*—

“approved” in relation to any device, means approved by the Minister responsible for national security by order published in the *Gazette*;

authorized analyst” means a person designated as such by the Minister responsible for health by order published in the *Gazette*;

“breath analysis” means the quantitative measuring of the proportion of alcohol in a person’s breath, carried out by means of a device of a type approved for the purpose by the Minister;”

“breath test” means a test carried out by a Constable for the purpose of obtaining an indication of the proportion of alcohol in a person’s breath carried out on a specimen of breath provided by such person by means of a device of a type approved for the purpose of such a test by the Minister;

“fail”, in relation to providing a specimen, includes refusal to provide such specimen;

“hospital” means an institution which provides medical or surgical treatment for in-patients or out-patients and includes any place recognized by the Minister responsible for health as a place where laboratory tests are carried out;

“laboratory test” means the analysis of a specimen provided for the purpose;

“prescribed limit” means, in respect of—

- (a) breath alcohol concentration, 35 microgrammes of alcohol in 100 millilitres of breath;

Driving under the Influence of Alcohol or other drug

- (b) blood alcohol concentration, 80 milligrammes of alcohol in 100 millilitres of blood,

or such other concentration as may be prescribed.

SIXTH SCHEDULE (Sections 98 and 100(1))

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
7(3)	Driving motor vehicle with no valid Certificate of Fitness	2
7(3)	Driving motor vehicle without it being registered	4
7(3)	Driving motor vehicle without it being licensed in the prescribed manner	4
7(3)	Driving motor vehicle without evidence of insurance or failing to surrender evidence of insurance	4
7(3)	Failing to provide evidence of insurance coverage for inspection upon demand by a Constable	4
13(7)	Driving motor vehicle in contravention of the terms of the licence	6
20(4)	Driving motor vehicle without being the holder of a learner's permit or driver's licence	14
24(2)	Failing to comply with terms or conditions of learner's permit	2
27(2)	Failing to comply with terms and conditions of driver's licence during first year of	2
35(5)	A person who is disqualified from holding or obtaining a driver's licence— (a) drives a motor vehicle	10

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
	(b) drives a motor vehicle of a particular class or description for which he is disqualified	
52(2)	Driver of motor vehicle failing to obey—	
	(a) red lights or stop signs;	6
	(b) other traffic signs or lights	2
54(4)	Turning into or crossing major roads so as to obstruct traffic	3
55(3)	Exceeding the speed limit—	
	(a) by 16 to 32kmh	2
	(b) by 33 to 49kmh	4
	(c) by 50kmh or more	6
57(5)	Driving motor vehicle in violation of the rules of the road by—	
	(a) failing to—	
	(i) keep the nearside of road when being approached or being overtaken by another vehicle	3
	(ii) keep to the right or off-side of other traffic when overtaking	3

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
	(b) failing to allow passage to other overtaking vehicles	2
	(c) overtaking in a manner causing obstruction to oncoming traffic	6
	(d) driving across road so as to obstruct traffic	3
	(e) driving on to one road from another and causing traffic obstruction	3
	(f) driving on to a road from a place not being a road causing obstruction to traffic	3
	(g) driving so as to overtake other traffic without the driver having a clear and unobstructed view of the road ahead	4
	(h) travelling backwards for further than necessary turning or other reasonable purpose	3
58(3)	Reckless or dangerous driving	14
58(3)	Reckless or dangerous driving—second or subsequent conviction	20
59(1)	Careless driving where no collision occurs	4
59(1)	Careless driving where collision occurs	10

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
60	Causing death by reckless or dangerous driving	20
63(3)	Turning into or crossing principal road so as to obstruct traffic	3
64(1)	Causing death by dangerous, reckless or careless driving	20
67(2)	Carrying more than one person in addition to driver on motor cycle	3
67(2)	Causing two-wheeled motor cycle to be driven on one wheel only	3
68(3)	Drawing more than the prescribed number of trailers	4
70(3)	Driver of motor vehicle failing to report a collision where damage or injury is cause	14
71(3)	Driving or operating motor vehicle without there being attached to the motor vehicle and in correct working order the prescribed—	
	(a) headlamps	4
	(b) parking lamps	2
	(c) reflectors	2
	(d) rear registration plate lights	2
	(e) brake lights	2
	(f) warning devices	2
	(g) seatbelts	2
72(4)	Driving motor vehicle without wearing seat belt	2

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
72(4)	Person riding in motor vehicle failing to wear seatbelts	2
72(4)	Driver of motor vehicle causing passenger riding in a motor vehicle not to wear seat belt	2
73(2)	Driver of motor vehicle not causing child to wear or be conveyed in child restraint system	4
74(3)	Driver of or pillion on motor cycle failing to wearing prescribed protective helmet	2
75(2)	Driver of motor vehicle sounding horn or warning device or causing loud noise to emanate from vehicle which cause annoyance to persons within silent zones	2
76(5)	Driver of motor vehicles failing to observe traffic signs in school safety zones	2
76(5)	Exceeding speed limit within school safety zone	
	(a) by 16 to 32km/h	2
	(b) by 33 to 49 km/h	4
	(c) by 50km/h or more	
77(3)	Failure to comply with traffic signs in construction zone	2
77(3)	Exceeding speed limit within construction work zone	
	(a) by 16 to 32km/h	2

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
	(b) by 33 to 49 km/h	4
	(c) by 50km/h or more	6
81(3)	Failing to comply with a sign of school crossing patrol to stop	6
81(3)	Driver of motor vehicle putting vehicle in motion while signal to stop is still exhibited	6
81(3)	Failing to comply with a sign of crossing patrol by—	
	(a) failing to stop motor vehicle before reaching place where children are crossing	6
	(b) driver of motor vehicle putting vehicle in motion while signal to stop is still exhibited	6
83(3)	Driver of motor vehicle failing to yield the right of way when pedestrian in pedestrian crossing	4
83(3)	Driver of motor vehicle passing vehicle stopped in pedestrian crossing	4
83(3)	Failing to observe provisions concerning pedestrian crossing	4
83(3)	Driver of motor vehicle passing vehicle stopped at pedestrian crossing	4
90(5)	Driver of motor vehicle failing to give prescribed hand signal to indicate direction when turning	2

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
91	Driver of motor vehicle failing to obey commands of Constable to stop or keep motor vehicle stationary	1
91	Disobeying direction or signal constable in execution of his duty	1
92	Promoting or taking part in race or trial of speed between motor vehicles on road	14
121(4)	Use of electronic communication device while driving	4
123(3)	Use of electronic video device within driver's line of sight while driving	6
121(4)	Driving Instructor holding or using electronic communication device while instructing persons to drive	6
123(1)	Driving or attempting to drive a motor vehicle across a funeral procession	2
123(1)	Using, driving or permitting to be used motor vehicle in a defective condition	2
Third Schedule		
Paragraph 1	Driving motor vehicle while under the influence of alcohol or drugs	14
Paragraph 2	Driving or being in charge of a motor vehicle while breath or blood-alcohol level exceeds prescribed limit	14

Offences and Penalties

Column 1	Column 2
<u>Section</u>	<u>Penalty (Maximum)</u>
Paragraph 2	14
Paragraph 2	20
Paragraph 2	14

Passed in the House of Representatives this 10th day of November, 2015
with two amendments.

MICHAEL A. PEART
Speaker.

MEMORANDUM OF OBJECTS AND REASONS

The Government has decided to repeal the existing Road Traffic Act and replace it with a new Act that is in keeping with international best practices for road safety adopted for local conditions. Since the Act was promulgated in 1938, there has been phenomenal development in the design of motor vehicles and roads, thus rendering various descriptions and requirements in the Act obsolete.

The Act is, therefore, being modernized and being brought up-to-date.

The Bill makes provision for *inter alia*—

- (a) the Island Traffic Authority to be the Licensing Authority;
- (b) the Island Traffic Authority to delegate its functions;
- (c) the broadening of the role of the Road Traffic Appeal Tribunal;
- (d) the re-classification of motor vehicle and other forms of vehicles;
- (e) new classes of driver's licence;
- (f) attaching conditions to the grant of driver's licences; and
- (g) transportation of dangerous and hazardous substances.

OMAR DAVIES

Minister of Transport, Works and Housing

A BILL

ENTITLED

AN ACT to repeal and replace the Road Traffic Act; to establish the Island Traffic Authority as the licensing authority for the regulation and control of traffic on roads; to create new categories of drivers' licences; and for connected matters.

As passed in the Honourable House of Representatives.
