
ABILL

ENTITLED

ANACT to Repeal and Replace the Road Traffic Act; to establish the Island Traffic Authority as the authority for the regulation and control of traffic on roads; to improve road safety and transport efficiency and reduce the cost of administering road transport; to create new categories of driver's licences; and for connected matters.

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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, 2018 and, subject to subsection (2), shall come into operation on a day to be appointed by the Minister by notice published in the *Gazette*.

Short title
and
commence-
ment.

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

- Interpretation. 2.—(1) In this Act, unless the context otherwise requires—
- “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 that a vehicle is in compliance with the prescribed requirements as to the fitness of the vehicle;
 - “chairman” means the chairman of the Authority;
 - “child” in relation to a child restraint system, includes any person who is under twelve 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, or another 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 established by section 3 of 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 5,000 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;

“Director-General” means the Director-General of Road Traffic appointed under paragraph 1(1) of the Seventh Schedule;

Seventh
Schedule.

“document” means, in addition to a document in writing, any thing or manner in which information of any description is recorded or stored;

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

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

“Driver’s Offences Register” means the register of offences committed by drivers under this Act, established and maintained under section 125(3);

“emergency vehicle” means—

- (a) a vehicle carrying officers or firemen or fire equipment of the Jamaica Fire Brigade or members of the 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 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 the ambulance as being in immediate need of medical attention; or
- (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;

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

“Local Authority” means, in relation to—

- (a) the parishes of Kingston and St. Andrew, the Kingston and St. Andrew Municipal Corporation;
- (b) a parish, other than Kingston and St. Andrew, the Municipal Corporation for that parish;

(c) a municipality, the City Council or Town Council for that municipality;

“major road” means a road declared by the Minister as such under section 54;

“member” means a member of the Authority;

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

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

“motor vehicle licence” means a licence granted under this Act in respect of a motor vehicle;

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

“overtaking”, in relation to a vehicle, means passing or attempting to pass any other vehicle that—

- (a) is proceeding in the same direction; or
- (b) is stationary on the same side of the road;

“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 or permits 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 section 110;

“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) a culvert over which a road passes;
- (d) any other roadway or thoroughfare declared to be a major road; and
- (e) any roadway or 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, including, as the case may be, any of the following persons—

- (a) the Chief Executive Officer of the National Works Agency;
- (b) the Chief Engineering Officer of a Local Authority; or
- (c) any other person declared to be a Road Authority under 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 80;

“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 regulations; 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, standard specification, compulsory standard specification or standard method adopted, adapted or prescribed by the Bureau of Standards established by section 3 of the *Standards Act*;

“traffic” includes bicycles, tricycles, vehicles, tramcars, processions, pedestrians, bodies of troops and all animals being ridden, driven or led while using a road;

“traffic sign” includes—

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

“trailer” means a vehicle classified as such in section 6(1)(f);

“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 Act 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, not for reward, trucks, motor cars (not being public passenger motor vehicles or commercial motor vehicles) and vehicles specially modified for persons with a prescribed physical 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.

PART II—*Island Traffic Authority*

Establishment
of Island
Traffic
Authority.

3.—(1) For the purposes of this Act, there is established a body to be called the Island Traffic Authority which shall be a body corporate to which section 28 of the *Interpretation Act* applies.

Seventh
Schedule.

(2) The Seventh Schedule shall have effect in relation to the Authority.

Functions of
Island Traffic
Authority.
Eighth
Schedule.

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

(2) The Authority may, with the written approval of the Minister and subject to the provisions of this Act, delegate to any person the performance of such of its functions (other than the power of delegation and the power to make regulations) as it may, from time to time, consider to be necessary.

(3) A delegation of any function under subsection (2) is revocable by the Authority and the delegation shall not preclude the performance of that function by the Authority.

(4) The Minister may, after consultation with the chairman of the Authority, give to the Authority directions in writing of a general character as to the policy to be followed by the Authority in the performance of its functions, as appear to the Minister to be necessary in the public interest; and the Authority shall give effect to the directions of the Minister.

5.—(1) For the due administration of the Act, there shall be members of the Authority. Members of Authority.

(2) The members of the Authority shall be responsible for the policy and strategic direction of the Authority.

(3) The Ninth Schedule shall have effect in relation to the members of the Authority. Ninth Schedule.

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 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) trailers, that is to say, unpowered vehicles pulled or towed by motor vehicles.
- (2) For the purposes of this Act, 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 sidecar is attached to a motor cycle, the sidecar shall be regarded as forming part of the motor cycle to which it is attached.

*Fitness, Registration and Licensing of
Motor Vehicles*

Restriction
on driving
motor
vehicle. *etc.*

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

- (a) there is in force in respect of the motor vehicle, a valid 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) A driver of a motor vehicle shall carry evidence of a type prescribed that—

- (a) the motor 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 motor vehicle; and
 - (c) the motor vehicle is licensed in accordance with this Act,
- and shall provide the evidence for inspection upon demand by a constable.

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

8.—(1) A person seeking to obtain a certificate of fitness in respect of a motor vehicle shall apply to the Authority in the prescribed form and 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) if the prescribed requirements as to the fitness of the motor vehicle are met.

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

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 the fitness of the motor vehicle.

Revocation of certificate of fitness.

(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 motor vehicle.

Application
for motor
vehicle
registration.

10.—(1) A person seeking to register a motor vehicle under this Act shall apply to the Authority in the prescribed form and 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 for the refusal.

National
Vehicle
Register.

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

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

(2) The Authority shall use its best efforts to enter into the National Vehicle Register prescribed information for prescribed vehicles, whether imported into or manufactured in Jamaica.

(3) Where—

- (a) a prescribed vehicle was imported into Jamaica on or before the date of commencement of this Act;
- (b) the Authority is satisfied that the prescribed vehicle was lawfully imported into Jamaica; and
- (c) the owner of the prescribed vehicle is unable to provide the information prescribed pursuant to subsection (1),

the Authority may, on an application under section 12, cause an entry containing such of the prescribed information as is available to the Authority to be entered in the National Vehicle Register.

12.—(1) A person seeking to obtain a motor vehicle licence in respect of any motor vehicle shall apply to the Authority in the prescribed form and manner.

Application
for motor
vehicle
licence.

(2) An application for a motor vehicle 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) proof of payment of the prescribed annual licence duty referred to in section 17(1).

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

Grant or
refusal of
motor
vehicle
licence.

- (a) in the prescribed form and manner, grant the licence in respect of the motor vehicle for which the application was made; or
- (b) refuse to grant the licence, stating the reasons for the refusal.

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

(3) A person commits an offence if the person uses registration plates or a licence decal issued under subsection (1)(a) for a motor vehicle, other than the motor vehicle for which the application has been made.

(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,

a person commits an offence if the person fails to operate that motor vehicle in compliance with the prescribed requirements and the

conditions under which a licence is granted in respect of the motor vehicle.

- (5) Subject to subsection (6), a person commits an offence—
- (a) if, on a road, the person uses a motor vehicle—
 - (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 motor 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 the person 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) if, 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 makes available the same to that other person.

(6) Where a motor vehicle is used in contravention of subsection (3), (4) or (5), the motor vehicle shall be liable to be seized by a constable and kept in the custody of the Constabulary Force 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 the person proves that he had no reasonable opportunity of licensing the motor vehicle and that the motor 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 a constable pursuant to subsection (6), the Constabulary Force shall have a duty of care and protection of the motor vehicle while it is in the custody of the Constabulary Force.

(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
licence and
grace period.

(2) The licence duty payable under section 17 on a 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; or
- (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 ninety 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 the 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 manner; 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

Second
Schedule.

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

Surrender of
original
motor
vehicle
licence for
alteration,
etc.

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

(2) The holder of the original motor vehicle 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 motor vehicle licence granted under this Part may be transferred in the prescribed form and manner.

17.—(1) The rate of annual licence duties payable to the Authority in respect of a 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) 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.

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

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

- (a) prescribed categories of motor 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 of the estate or farm.

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

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

- (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 21(3), 37(7) and 40.

(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, 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 into and shall accrue to the Parochial Revenue Fund established by section 6A of the *Parochial Rates and Finance Act*.

(3) An amount equivalent to 33 and $\frac{1}{3}$ per cent of licence duties on motor vehicles, shall be reserved for the maintenance of main roads.

PART IV—*Licensing of Drivers*

Restriction on Driving Without Permit or Driver's Licence

Restriction on driving without a permit or driver's licence, etc.

20.—(1) A person shall not drive a motor vehicle on a road unless the person—

- (a) is the holder of a permit or driver's licence entitling the person to drive that motor vehicle; and
- (b) has the permit or driver's licence in the motor vehicle while driving.

(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 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 holder of a permit or driver's licence driving a motor vehicle on a road who is—

- (a) accompanying another person who is learning to drive a motor vehicle on a road; or
- (b) 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 constable, produce his permit or driver's licence for examination by the constable.

(4) A 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) a driver's licence,

Application
for driver's
licence and
learner's
permit.

shall apply to the Authority in the prescribed form and manner to be issued with the permit or driver's licence.

(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; or
- (b) provide false or 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 not hold or obtain 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 driver's licence.

22.—(1) The Authority may impose conditions on an applicant for the issue of 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 has a 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 motor vehicle despite his disability, if the Authority is satisfied that the applicant is fit to drive the motor 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 25(1); however, it shall be a condition of the licence that the licensee is only permitted to drive a motor vehicle of the particular 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 prescribed disease or physical disability has become more acute or the applicant has another prescribed disease or physical disability not disclosed on the previous occasion.

(5) The Authority may revoke a permit or driver's licence in the Circumstances set out in subsection (6).

(6) The circumstances are—

- (a) where it appears to the Authority that there is reason to believe that the holder of a driver's licence has a prescribed 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

- (b) on enquiry into the matter, the Authority is satisfied that the licence holder has a prescribed disease or physical disability.

(7) Before revoking a permit or driver's licence under subsection (5), the Authority shall—

- (a) certify in the prescribed form that it is satisfied that the licence holder has a prescribed disease or physical disability; and
- (b) give notice in writing to the holder of the driver's licence of its intention to revoke the driver's licence, stating the reasons for the proposed revocation.

(8) The holder of the permit or driver's licence that is proposed to be revoked under subsection (7)(b) may, except in the case of a prescribed disease or physical disability, 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.

(9) The Authority may, after considering a request under subsection (8) and the circumstances surrounding the revocation issue a new permit or driver's licence.

(10) Where a permit or driver's licence is revoked under this section the holder shall return the permit or driver's licence forthwith to the Authority.

(11) A person who fails to return a permit or driver's licence that has been revoked under this section to the Authority commits an offence.

23.—(1) Subject to the conditions set out in section 24, 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 produced the required medical certificate from a duly qualified medical practitioner in the prescribed form; 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 upon which it was granted.

Conditions
of learner's
permit.

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 holder of the learner's permit shall not drive motor vehicle in excess of 80 km per hour; and
- (e) such other terms and conditions as may be prescribed.

(2) The holder of a learner's permit shall comply with the terms and conditions subject to which the permit is granted and such terms and conditions as may be prescribed.

(3) The holder of a driver's licence who is accompanying the holder of a learner's permit while driving, shall not have a breath alcohol concentration that exceeds 0.02 per cent.

(4) The holder of a learner's permit who contravenes subsection (2) or the holder of a driver's licence who contravenes subsection (3) commits an offence.

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 the renewal of a driver's licence under section 30, grant a driver's licence in one of the classes specified in section 2(2).

Grant or refusal and duration of driver's 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, an Officer of the Constabulary Force, a minister of religion, an attorney-at-law, a Councillor or a member of a Municipal Corporation, Town Council, City Council or a principal of a school in the area in which the applicant resides, certifying the identity and residential address of the applicant; and
- (g) during the twelve months preceding the application, has not been convicted of an offence under this Act.

(2) The applicant shall satisfy the Authority, where the applicant is applying for—

- (a) a Class A or a Class B driver's licence, that the applicant has submitted to the Authority the medical certificate required by section 23(1)(c);

- (b) a Class C driver's licence, that the applicant has been the holder of a Class B driver's licence for a minimum of three years; or
- (c) a Class C driver's licence, that the applicant has submitted to the Authority the medical certificate for that class in the prescribed form from a medical practitioner registered under the *Medical Act*.

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

- (a) exempt persons or any categories of persons from any written test prescribed under this Act; or
- (b) require persons to pass the prescribed test.

Conditions of driver's licence.

27.—(1) The holder of a driver's licence shall comply with such terms and conditions as may be prescribed.

(2) Where a driver's licence is granted under section 25, the holder shall, in addition to the terms and conditions prescribed under subsection (1), comply with the following terms and conditions during the first twelve months of the grant of the licence, namely—

- (a) the breath alcohol concentration of the holder shall not exceed 0.01% while driving;
- (b) the holder shall not drive in excess of 80 kilometres per hour on any road; and
- (c) the holder shall not drive a motor vehicle carrying either passengers or goods for reward.

(3) The holder of a driver's licence who contravenes subsection (1) or (2) commits an offence.

Provision relating to the Jamaica Defence Force.

28. Where the applicant for a driver's licence is a member of the Jamaica Defence Force and the applicant is required to drive motor vehicles belonging to the Jamaica Defence Force, the certificate of

competence required pursuant to section 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—

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

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 refusal of the permit or driver's licence, and the reasons for the refusal, in writing, to the applicant forthwith.

*Renewal, Suspension and Revocation 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—

Renewal of permit or driver's licence.

- (a) an application for renewal is made in the prescribed form and manner;
- (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 any offence, committed by him; or

Second
Schedule.

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

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

(2) Every renewal of a driver's licence shall be for a duration of five years, except that 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 for the refusal 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.

Variation and
modification
of driver's
licence.

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—

- (a) has paid the prescribed fee for the variation or modification;
- (b) proves, to the satisfaction of the Authority, that the holder is capable of driving the category of motor vehicle for which the holder is now seeking a varied or modified licence;
- (c) surrenders the driver's licence which the holder 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 the holder 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 driver's licence based on demerit points.

- (a) ten or more but less than fourteen, the Authority shall suspend the driver's licence for a period of six months;
- (b) fourteen or more but less than twenty, the Authority shall suspend the driver's licence for a period of one year; or
- (c) twenty or more, the Authority shall suspend the 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 driver's licence, the Authority shall give notice of the suspension and the reasons for the suspension, in writing, to the holder of the 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 forthwith the driver's licence to the Authority within twenty-one days.

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

(4) A person who, upon receiving notice of the suspension of the person's 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 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; or
- (b) the description, design, construction, weight or any other feature of the motor vehicle,

the extent of the restriction shall be specified on the driver's licence.

Suspension
and
revocation
of permit or
driver's
licence.

34.—(1) Subject to subsection (2), the Authority may suspend a permit or driver's licence if—

- (a) the holder has failed to pay any fees or other charges required to be paid by this act or the regulations; or
- (b) the holder is in breach of—
 - (i) any provision of this Act or the regulations; or
 - (ii) any term or condition subject to which the permit or driver's licence is granted.

(2) Before suspending a permit or driver's licence under subsection (1), the Authority shall notify the holder, in writing, of the proposed suspension—

- (a) stating the reasons for the suspension;
- (b) requiring the holder, in the case of a breach, to remedy the breach within the time specified in the notice; and
- (c) of the right of appeal conferred by section 35.

(3) A holder who is served with a notice under subsection (2) shall, after remedying the breach which gave rise to the suspension, notify the Authority in writing that the breach has been remedied.

(4) The Authority shall, upon receipt of a notice referred to in subsection (3), where applicable, cause an inspection to be carried out within fifteen days of the receipt of the notice and if, upon inspection, the inspector is satisfied that the breach has been remedied, the inspector shall report in writing to the Authority and, upon the Authority ratifying the inspector's recommendation, the Authority shall withdraw the notice of suspension.

(5) 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 driver's licence has been convicted of an offence under this Act, while driving during a period in which his driver's licence is suspended; or
- (d) the holder of the driver's licence fails to submit the permit or driver's licence to the Authority within twenty-one days after the driver's licence is suspended.

(6) Before revoking a permit or driver's licence under subsection (5), the Authority shall notify the holder in writing of the proposed revocation, stating the reasons for the proposed revocation.

(7) Where a permit or driver's licence is revoked under this section—

- (a) the holder shall return the permit or driver's licence forthwith to the Authority; and
- (b) the holder of the permit or 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.

(8) Where a permit or driver's licence has been revoked, the Authority may, after considering a new application and the circumstances surrounding the revocation, issue a new permit or driver's licence.

(9) A person who fails to return to the Authority a permit or driver's licence that has been revoked under this section, commits an offence.

Disqualification and Endorsements

Disqualifica-
tion for
offences.

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

- (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 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 motor 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 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 Driver's 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 driver's licence that is obtained by a person who (while disqualified from holding or obtaining a permit or 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 driver's licence, the person—

- (a) wilfully applies for or obtains a permit or driver's licence; or
- (b) wilfully drives a motor vehicle in breach of the order for disqualification.

(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 does not exceed three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed or one year from the date of the commission of the offence, or

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
disqualifica-
tion.

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

- (a) the character of the person disqualified;

- (b) the conduct of the person disqualified 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 the 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 permit or driver's licence, previously held by the applicant and the court may, in any case, order the applicant to pay the whole or any part of the costs of the application.

Duty of court
to notify
Authority of
endorsement,
etc.

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

(2) Where an order is made requiring any permit or 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 permit or driver's licence, the holder shall, if so required by the court, produce the permit or driver's licence for the purpose of endorsement within five days or any longer time as the court may determine; and
- (b) if the convicted person is not then the holder of a permit or driver's licence, but subsequently obtains a permit or driver's licence, the person shall, within five days after so obtaining the permit or driver's licence, produce it to the court for the purpose of endorsement.

(3) A permit or 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.

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

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

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

(7) In calculating the period of three years under subsection (6), any period during which the person was by virtue of the order disqualified from holding or obtaining a permit or driver's licence shall be excluded.

38.—(1) Where a court orders particulars to be endorsed on a permit or 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 permit or driver's licence, the clerk or other officer of the court shall, within ten days—

Duty of Authority to keep permit or driver's 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 permit or driver's licence for the purpose of endorsement, retain the permit or driver's licence and forward it to the Authority,

and the Authority shall keep the permit or driver's licence until the disqualification has expired or been removed, and the person entitled to the permit or driver's 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 driver's licence on which there shall be indicated in the prescribed manner the class or description of motor vehicle which the holder of the permit or driver's licence is not authorized to drive.

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

(4) Where, on an appeal to an Appellate Court against an order, the Appellate Court allows the appeals or quashes the conviction—

- (a) the Appellate Court shall give notice thereof to the Authority; and
- (b) the Authority shall, forthwith, return the original driver's licence (where no endorsement has been made on the driver's licence) or re-issue a driver's licence free of the relevant endorsement to the appellant.

Driver's Licence Register

Driver's
Licence
Register.

39.—(1) The Authority shall keep and record in a register to be known as the "Driver's Licence Register" the prescribed particulars of every 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 Licence Register shall be entered in the Register.

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.

Substitute
permit or
driver's
licence.

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

Acceptance
of foreign
driver's
licence.

(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 of the permit or driver's licence, 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 of the licence 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 Drivers

Voiding of purported permit or driver's licence issued contrary to Act.

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.

(2) The holder of a purported permit or driver's licence who fails to comply with subsection (1) commits an offence.

(3) The Authority or any agent of the Authority who reasonably suspects a permit or driver's licence to be fraudulently obtained may keep the 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 a constable 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 or cause it to be used by any other person.

(2) A person who contravenes 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 in relation to the Tribunal.

(3) Any person who is aggrieved by a decision of the Authority, or an agent of the Authority, 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 the statement shall be accompanied by copies of any correspondence, documents or statements relevant to the appeal.

(6) The Tribunal may order that any 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; and
 - (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 of the road 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.

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 or permit traffic signs to be placed on or near any road .

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

(4) A Road Authority may, subject to such conditions as it considers necessary, authorize any person or body to display any sign, signal, marking or other device on a road.

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) A 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 traffic sign or, without proper authority to remove it, alter its position or the inscription, lettering, colour or marking on the traffic sign.

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

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

(2) If a 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 land at any reasonable time and remove the sign or object which closely resembles the traffic sign.

(4) A person authorized under this section to enter upon any land shall, if so required, produce evidence of his authority before so entering and shall not demand admission as of right to any land which is occupied, unless twenty-four hours notice of the intended entry has been given to the occupier of the land.

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

Road 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 lights and stop signs; and
- (b) other traffic signs,

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 section 47.

(2) A driver or operator of a vehicle who contravenes 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 47 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 the 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
- (b) shall drive the vehicle with due regard to the safety of other traffic and users of the road.

(6) Every emergency vehicle shall be fitted with—

- (a) a device capable of emitting an audible siren sound; and
- (b) a prescribed identification lamp,

and 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 and
cycle lanes,
etc.

53. A Road Authority shall, where the Authority deems it necessary or desirable for the safety or accommodation of pedestrians and cyclists, provide proper and sufficient sidewalks, cycle lanes and pedestrian refuges along 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 road 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 road 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 road is not controlled by traffic lights, the driver or operator of a vehicle—

- (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, shall bring the vehicle to a full stop; or

- (b) on turning into or crossing the major road shall not drive or operate the vehicle so as to obstruct any traffic on the major road.

(4) A 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—

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

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

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

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

Exceptions
to speed
limits.

(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 traffic.

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

Rules of the
road.

- (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 the other traffic;
- (c) while the vehicle is being overtaken by other traffic, he shall so drive his vehicle so as to allow the other traffic to pass;
- (d) while driving, he shall not drive or operate the 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 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 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 or operator of a vehicle to take such action as may be necessary to avoid a collision, and the breach by a driver of any vehicle of any of the provisions of this section shall not exonerate the driver of any other vehicle from the duty imposed on him by this section.

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

(4) For the purposes of this section, a vehicle obstructs traffic if it causes risk of a collision.

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

PART VI—*Reckless, Dangerous and Careless 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.

Reckless or
dangerous
driving.

(2) In considering whether subsection (1) has been contravened, the court shall have regard to all the circumstances of the case, including—

- (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) A 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 motor 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.

Careless driving.

59.—(1) Subject to subsection (2), 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.

(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.

Causing death by reckless or dangerous driving.

60. A person commits an offence, if the person 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—

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

Power to proceed on charge of reckless or dangerous driving on hearing of charge of manslaughter.

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.

(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.

Power to proceed on charge for careless driving on hearing of charge for reckless or dangerous driving.

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.

(2) The court may, at any time during the hearing or immediately after the hearing, 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.

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 from the date of the conviction, or for such longer period as the court thinks fit.

Disqualifi-
cation for
offences
causing
death.

(2) Where a person is convicted of aiding, abetting, counselling, 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 subsection (1) shall apply in relation to the offence of which he is convicted as if it were mentioned in that subsection.

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

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

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 constable may arrest, without warrant, the driver of any motor vehicle who within the view of the constable commits any offence under 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, the person shall not be convicted, unless—

Restrictions
on
prosecutions.

- (a) the person was warned after the person committed the alleged offence that the person may be prosecuted for the offence;
- (b) a summons was served on the person 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 the person or to the person registered as the owner of the motor 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 in accordance with subsection (1)(c); or
- (b) the accused, by his own conduct, contributed to the failure.

(3) The requirements 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 other Drugs*

Driving under the influence of alcohol or other drugs.

66. The provisions of the Fifth Schedule shall have effect as to driving under the influence of alcohol or other drugs.

PART VIII—*Special Provisions as to Motor Vehicles*

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 a 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; or
- (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, which may be drawn by a motor vehicle on a road shall not exceed such number if any, as may be prescribed in relation to motor vehicles of any particular class.

(2) For the purposes of this section, the word "trailers" 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 the person causes or permits a trailer to be drawn in contravention of subsection (1).

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

69.—(1) The owner of a motor vehicle shall—

- (a) keep a record of every person who the owner authorizes to drive the motor vehicle; and
- (b) satisfy himself that the person authorized to drive the motor vehicle—
 - (i) is licenced to drive a motor vehicle of the category in which the motor vehicle is registered; and
 - (ii) resides at the address specified on his licence or, if the person no longer resides at that address, his current address.

(2) Where the driver or operator of a vehicle is alleged to have committed an offence under this Act—

- (a) the owner or operator of the vehicle shall give such information as to the identity of the driver or operator—
 - (i) as is requested by any member of the Constabulary Force; or
 - (ii) in the case of an offence under section 85, as the Local Authority having power to institute proceedings for the 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 or operator as the person may be able to give.

(3) A person who contravenes—

- (a) subsection (1) commits an offence;

- (b) subsection (2)(a) 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 the identity of the driver or operator of the vehicle; or
- (c) subsection (2)(b) commits an offence.

70.—(1) Subject to subsection (2), where a collision occurs resulting in injury to any 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 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 motor 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, after a collision, the driver of the motor vehicle for any reason does not give his name and place of residence to any person as mentioned, the driver 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 of the collision.

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

(4) In this section—

- (a) “animal” includes any horse, cattle, donkey, mule, sheep, pig or goat; and
- (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.

Requirement for lights, reflectors, warning devices and seat belts to be on motor vehicle.

71.—(1) A person shall not 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) seat belts.

(2) A person who drives or operates a motor vehicle in contravention of subsection (1) commits an offence.

Wearing of seat belts.

72.—(1) Subject to subsection (2), a person shall wear a seat belt if the person—

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

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

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.

Child in motor vehicles to wear child restraint system.

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

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

Protective helmets.

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

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 the notice, no loud noise emanating from a motor vehicle that is reasonably capable of causing annoyance to persons, and 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 the notice commits an offence.

Silence zones.

(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) Subsection (1) shall not apply to an emergency vehicle.

School safety zone.

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.

(2) The Road Authority shall cause traffic signs notifying road users of the designation of a road, or part of a road as a school safety zone pursuant to subsection (1) to be erected on the road, or part of the road, in the 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;
- (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; and
- (c) where the school safety zone begins and ends.

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

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

Construction zone.

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.

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

(3) A person who—

- (a) fails to comply with a traffic sign erected under subsection (2); or
- (b) exceeds the speed limit in effect,

commits an offence.

Unlawful Use of Motor Vehicles

Unlawful use of motor vehicle.

78.—(1) Subject to subsection (2), a person who takes and drives away a motor vehicle without having the consent of the owner or other lawful authority commits an offence triable summarily or on indictment in a Parish Court or an indictment in the Supreme 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 to consent, 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, the accused shall be liable to be punished accordingly.

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

79.—(1) Subject to subsection (2), a Local Authority may appoint persons (to be known as “traffic wardens”) to—

Appointment
and duties
of traffic
wardens.

- (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 105, 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; and
- (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 Constabulary Force before undertaking their duties.

(5) A traffic warden—

- (a) shall wear the uniform prescribed by the Local Authority; and
- (b) shall only act as a traffic warden when wearing the prescribed uniform.

Arrangements
for patrol-
ling school
crossings.

80.—(1) The appropriate authority may make arrangements for the patrolling of roads where children cross 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.

(2) The functions of the appropriate authority for the purpose of arrangements under subsection (1) shall include the duty to—

- (a) satisfy himself of the adequate qualifications of persons appointed to patrol; and
- (b) provide the 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 an Assistant Superintendent of Police posted to the parish or district and any sub-officer of the Constabulary Force temporarily in charge of the parish or district.

Power of
school
crossing
warden to
stop traffic.

81.—(1) Where, between the hours of six in the morning and six in the evening, a 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 subsection (4)), by exhibiting a prescribed sign, require the person driving or operating the vehicle to stop.

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

- (a) the person shall cause the vehicle to stop before reaching the place where children are crossing or seeking to cross so as not to prevent or impede their crossing; and
- (b) the 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) A person who contravenes subsection (2) commits an offence.

(4) On or after a date to be fixed by the Minister responsible for national security by order published in the *Gazette*, 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 responsible for national security;

“prescribed sign” means a sign of a size, colour and type prescribed by the regulations.

(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 or remove a pedestrian crossing on a road for the use of pedestrians in accordance with the prescribed procedures.

Pedestrian crossings.

(2) The Road Authority shall execute any works (including the placement, 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.

Pedestrian's
right of way
in pedestrian
crossing.

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

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

(3) A driver or operator who contravenes subsection (1) or (2) commits an offence.

Duties of
pedestrians.

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

(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 or operator to yield.

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

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

(5) A pedestrian shall not cross a road without satisfying himself that the road 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) A pedestrian on a road shall not act in a manner that constitutes, or is likely to constitute, a source of danger to himself or to other traffic which is or may be on the road.

85.—(1) A Local Authority may, at the request of the Authority, Parking of vehicles. make rules prohibiting, restricting or regulating the parking of vehicles on any road, street, or public place and, without prejudice to the generality of the foregoing, the 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 road, street or public place; and
- (b) the method of collection of such charges, 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; and
- (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—

- (a) being the driver or operator of a vehicle;
 - (i) leaves the vehicle in a parking place designated by the rules under section 85(1), otherwise than as prescribed under the rules; or

Offences relating to parking places.

- (ii) fails to pay any charge payable pursuant to the rules or contravenes or fails to comply with any provision of the 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; or
- (b) whether being the driver or operator of a vehicle or not, otherwise contravenes or fails to comply with the provisions of the rules.

(2) In relation to an offence under subsection (1)(a), the reference 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 commits an offence.

(4) Where, in any proceedings under this Act for an offence 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 paid, the court shall order the payment of the sum not paid and, in default of payment, the person charged shall be liable to imprisonment for a term not exceeding ten days.

(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, 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

87.—(1) The Authority shall prepare, in accordance with this Act and the regulations, a code 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”).

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

(2) The Authority shall review the Road Code at least once every five years.

(3) The Authority shall cause the Road Code, and every review 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.

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

Riding on outside of motor vehicles.

(2) A person who contravenes 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 a safe position;
- (iii) as may be indicated by a 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) A person who contravenes subsection (1), (2) or (3) commits an offence.

Signals by
drivers.

90.—(1) The driver of a motor vehicle shall—

- (a) before turning to, or changing direction towards the left or right; or
- (b) before bringing the motor vehicle to a stop and keeping it stationary,

give the prescribed signal so as to indicate that direction or the intention to stop the motor vehicle and keep it stationary, as the case may be.

(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; and all or any of the signals prescribed may be given by any hand signal or mechanical or illuminated device of a type prescribed by the Authority.

(4) The owner of a motor vehicle shall ensure that the motor vehicle is fitted with a mechanical or illuminated device prescribed by the Authority.

(5) The mechanical or illuminated device—

- (a) 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 motor vehicle and to keep it stationary; and

- (b) may be employed to signal to the driver of an overtaking motor vehicle to pass, or not to pass, as the case may be.

(6) A person who contravenes subsection (1), (2) or (4), commits an offence.

91.—(1) The driver or operator of a vehicle shall obey all directions given by a constable in the execution of his duty, to— Signals by police to be obeyed.

- (a) stop the vehicle;
- (b) keep the vehicle stationary;
- (c) make the vehicle slow down;
- (d) pass on any indicated side of the constable;
- (e) keep to any indicated line of traffic; or
- (f) comply with any other direction given.

(2) A driver or operator of a vehicle who contravenes subsection (1) commits an offence.

92.—(1) A person commits an offence if the person promotes, organizes or takes part in any race, sporting event or trial of speed on a road, without the prior written consent of the Road Authority; 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 the Local Authority shall also be obtained. Racing, sports and trial of speed on roads.

(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 the regulations, impose such further conditions as it deems expedient;
- (b) exempt any person concerned with the race, sporting event or trial of speed, for the duration of the race, event or trial, 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 the regulations; 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) If the staging or continuation of a race, sporting event or trial of speed is causing or will cause any danger or undue obstruction for other road users or any of the participants in the event, a member of the Constabulary Force at or above the rank of Inspector who is responsible for the safety of the public in the area where the race, sporting event or trial of speed is staged, or a member of the Road Authority or the Local Authority so authorized, may act in accordance with subsection (5).

(5) The member referred to in subsection (4) may immediately withdraw the permit for the event or amend the terms and conditions of the permit to ensure the safety of road users.

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

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

Obstructing
traffic on
road.

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

(2) Subject to this Act, the regulations and 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 vehicles on the road.

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

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

Vehicle left
or abandoned
on road.

(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 the persons.

(3) The constable may, in removing the vehicle, use a device as may be necessary, having 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), a vehicle that is—

- (a) parked in a place where—
 - (i) the stopping of a vehicle is prohibited; or
 - (ii) vehicles of a class to which the 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 appropriate authority.

(6) Prior to acting under subsection (5), the appropriate authority, 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 appropriate authority for the expenses incurred in—

- (a) the removal of the vehicle;
- (b) keeping the vehicle in storage for a period not exceeding four months; and
- (c) connection with the effort to identify the owner,

and the appropriate authority may, subject to subsection (4), retain possession of the vehicle until such expenses have been paid.

(7) Where the appropriate 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 appropriate authority may make an application under section 95.

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

- (a) where the removal is under subsection (1), the Constabulary Force; and
- (b) where the removal is under subsection (5), the Local Authority having jurisdiction over the place or road.

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

Forfeiture of
seized and
abandoned
vehicle.

95.—(1) On the application of any person empowered by this Act to remove a vehicle where a vehicle is seized pursuant to section 13(6) or removed under section 94(1) or (5), the person may apply to the Parish Court having jurisdiction and the Parish Court Judge may order forfeiture of the vehicle if the court is satisfied on a balance of probability that the vehicle has been abandoned.

(2) Where a person proposes to apply for the forfeiture of any 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 vehicle and of the person's intention, after the expiration of thirty days from the date of the notice, to apply for forfeiture of the vehicle and of the grounds for forfeiture.

(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 circulated in Jamaica.

(4) Any person having a claim to any 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 vehicle has been involved in the commission of an offence, the cost and expenses incurred in the removal and storage of the vehicle may be recovered by the Government as a civil debt in a Parish Court, and an order for payment may be made by the court in the same proceeding where a person is convicted under section 13 (3), (4) or (5) or section 94(1).

(7) Any person prejudiced by an order made by the court under subsection (1), may make an application to the court for the revocation of the order, and, if the court is satisfied that it is just to revoke the order, the court—

- (a) may revoke the order upon such terms and conditions as it deems appropriate; and

- (b) shall require the applicant to pay in respect of storage, maintenance, administrative expenses, security and insurance of the vehicle such costs as shall be incurred by the person who exercised the powers of removal or seizure, subject to the 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 sale of the vehicle in or towards satisfaction of any costs incurred by the Local Authority in connection with the storage and disposal of the vehicle or any charge to payment of which they are entitled 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 paragraphs (a) and (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 (8) 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.

96.—(1) Where a person is charged with an offence against this Act and a 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 vehicle on the provision of security in accordance with this section.

Security for
release of
vehicle.

(2) On hearing the application, the court may order the release of the 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 vehicle whichever is greater; and
- (b) a reasonable estimate of the likely 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 security 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 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, if the person or persons prove the due performance of the condition for which the security was made.

Damage to
roads.

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

- (a) use any vehicle or object or move any vehicle or object on the road, in a manner causing or likely to cause damage to the road;
- (b) cause to be spilled on the road surface any debris, concrete mix, garbage, oil or similar material; or
- (c) cause debris or any matter to be burnt or used in such a manner as to cause damage to the road.

(2) The Road 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 a civil debt in the Parish Court for the parish in which the damage was done.

PART X—*Demerit Points*

Demerit
points on
conviction
for certain
offences.
Sixth
Schedule.

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—

- (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 32.

(2) Subsection (1) shall not apply if the penalty imposed by the court on the person convicted of the offence includes a period of suspension of the driver's licence 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; and
- (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.

99. Where demerit points have been recorded against a person's driver's licence under section 98, and the driver's licence of the person—

- (a) has been suspended under section 32, the Authority shall cause the demerit points that have been recorded against that driver's licence to be expunged, in the prescribed manner, after the period of suspension has ended; or
- (b) has not been suspended, demerit points that have been recorded against the person's driver's licence shall expire in accordance with the prescribed procedure.

Expiration and expungement of demerit points.

Changes in the demerit point system by the Minister.

Sixth Schedule.

100. Where the Minister amends the Sixth Schedule pursuant to section 127, the order 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*.

PART XI—*Weighing of Vehicles*

Calculation of unladen weight.

101. For the purposes of this Act—

- (a) the unladen weight of any 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; and
 - (ii) exclusive of the weight of loose tools and loose equipment;
- (b) the laden weight of any vehicle shall be the unladen weight of a vehicle or combination of vehicles plus the weight of any load carried on the vehicle or combination of vehicles thereon; and
- (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 the wheels shall constitute an axle load.

Operating vehicle in excess of prescribed maximum laden weight.

102.—(1) A person who owns or operates a vehicle, or any part of a 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.

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

- (a) is responsible for supervising the loading of the vehicle; or
- (b) is the holder of a special permit referred to in this Act or the regulations.

103.—(1) Subject to the regulations, a constable or a 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—

Weighing of vehicles.

- (a) vehicle 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 fails to comply with the requirements of subsection (1) commits an offence.

(3) A constable or person authorized by or on behalf of the Authority under subsection (1) shall not require the person in charge of the 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.

Further provisions re weighing of vehicles.

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—

- (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 103 is found to be above the prescribed maximum laden weight or maximum axle load, and goods are accordingly required to be removed from the vehicle, 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; 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*

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

Punishment without prosecution for certain offences.

- (a) committed in respect of a 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), the constable 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 (1) 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 a 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 in the notice.

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

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

- (a) subsection (1) (a), to the relevant Local Authority or to such other payee on its behalf as may be prescribed by the Minister responsible for local government; and
- (b) the First Schedule or the regulations referred to in subsection (1)(c), to any Collector of Taxes at its offices, or on the website of Tax Administration Jamaica, at any time before the final adjudication of the case.

First
Schedule.

(7) In any proceedings in respect of a fixed penalty under this section—

- (a) a certificate that the 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, on or by a date specified in the certificate, if the certificate purports to be signed by the secretary of the Local Authority or such other person referred to in subsection (6)(a) or the Collector of Taxes; or
- (b) an electronically-generated receipt purportedly issued by the website of Tax Administration Jamaica (in the case of a payment made on its website),

shall be sufficient evidence of the facts stated in the certificate or receipt, unless the contrary is proved.

(8) Without prejudice to section 115, a notice under subsection (2) shall be in such form as the Minister may, by order, prescribe.

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

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

- (c) state the period during which, by virtue of subsection (4), proceedings will not be taken for the offence; and
- (d) state the amount of the fixed penalty and that the fixed penalty shall be paid to—
 - (i) the relevant Local Authority;
 - (ii) any Collector of Taxes at its offices or, on the website of Tax Administration Jamaica,

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

- (e) require the person, in the event that the fixed penalty is not paid within the period specified in the notice under subsection (4), to attend before the Traffic Court, or as the case may be, the Parish 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 (4).

(10) 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.

(11) A notice affixed to a vehicle under subsection (10) 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.

(12) Subject to subsections (13) and (14), the fixed penalty for an offence specified in the First Schedule, shall be the amount so specified in relation to the offence.

First
Schedule.

First
Schedule.

(13) Where the amount of the fixed penalty for an offence specified in the First Schedule (in this subsection referred to as the “prompt payment amount”) is not paid within the period referred to in subsection (4), the amount of fixed penalty shall be increased by a prescribed late payment amount which shall accrue on the first day of each successive calendar month after the expiration of the period referred to in subsection (4) until the liability in respect of the fixed penalty (being the aggregate of the prompt payment amount and the accrued late payment amounts) is settled by payment in accordance with subsection (6).

(14) Nothing in subsection (13) shall restrict the power of the court to make such order as it thinks fit on the final adjudication of the case if it goes to trial.

(15) 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 the payment or non-payment.

Documents

Copy of
entry in any
document, to
be *prima*
facie
evidence.

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

(2) The information contained in a document referred in subsection (1) kept for the purposes of this Act shall be provided to—

- (a) a constable who requires it for the carrying out of his 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 Risks) Act*, on payment of the prescribed fee;
- (c) any person authorized thereto by the Minister to demand the information; or
- (d) any person accused of an offence under this Act or the regulations, or any person authorized by him in that behalf on payment of the prescribed fee.

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

(4) A person referred to in subsection (2) or (3) having possession of, or control over any document referred in subsection (1) who at any time communicates or attempts to communicate information or anything contained in the document to any person, otherwise than for the purposes of this Act, or the regulations—

- (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 document 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 document, if that person, on reasonable grounds, requires confirmation of the information.

Cognizance may be taken of information contained in document.

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

Defacing or destroying documents.

108.—(1) A person shall not wilfully deface or destroy any document, or part of the document, kept by the Authority.

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

PART XIII—*General*

Authority may make governance regulations.

109. The Authority may, with the approval of the Minister, make regulations for the governance and administration of the Authority.

General power of making regulations.

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—

- (a) the use of vehicles on roads;
- (b) the construction and equipment of vehicles;
- (c) the requirements for the fitness of vehicles in general, and specific classes of 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 the loads which may be carried by vehicles, the overhang of the bodies of vehicles over their chassis, the diameter of wheels and the width, type and condition of the tyres of vehicles;

- (h) the emission of gases (including green house gases), vapour, particulate matter, smoke, sparks, ashes, grit, oily substances or any other related substances by vehicles;
- (i) environmental risk assessments and traffic injury reduction;
- (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 the vehicle in contact with the road and the conditions under which 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 which may vary according to the season of the year or with reference to wet or dry periods or road conditions;
- (l) the calculation of 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, a road, or a part of a road, by the Road Authority dealing with the type of tyre to be used on the road, or a part of the road, or the total weight and dimensions (measured overall with the load) of the vehicle using the road, or part of the road, or preventing, or restricting or, permanently or temporarily, any particular class or kind of vehicle from using or proceeding along the road, or part of the road;
- (n) the particulars to be marked on vehicles;
- (o) the towing or drawing of a vehicle by another vehicle;
- (p) the efficiency of brakes and the securing of brakes, silencers, mufflers, steering gears and drive trains of vehicles;
- (q) the forms to be used and the particulars to be furnished for the purposes of this Act;

Third
Schedule.

- (r) the licensing or registration of vehicles;
- (s) 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 the dealers;
- (t) 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;
- (u) prohibiting the driving of vehicles, or of vehicles of a specified class or description, on any specified road, otherwise than in a specified direction;
- (v) the prior right of passage along all roads of vehicles used—
 - (i) as emergency vehicles;
 - (ii) for the purpose of collecting or transporting a person in immediate need of medical attention; or
 - (iii) in such other circumstances as the Minister may prescribe;
- (w) the safety of traffic on a road, including the restriction of the use of any road or part of the road by the traffic and the duties of the users of any such road;
- (x) 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;
- (y) the designation of lanes and zones on a road or part thereof for the use by vehicles carrying passengers;
- (z) 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;

- (aa) the transportation, by road, of dangerous goods;
- (ab) the electronic monitoring and surveillance of vehicles;
- (ac) the testing, sealing, maintenance and use of traffic offence detection devices, including the approval by the Authority of persons to test, seal, maintain or use traffic offence detection devices;
- (ad) the issue, expiration and expungement of demerit points;
- (ae) procedure for the establishment and removal of pedestrian crossings;
- (af) the movement of traffic;
- (ag) the installation in, and use of seat belts in motor vehicles;
- (ah) the licensing and regulation of driving instructors and driving schools;
- (ai) the improper use of warning devices;
- (aj) noise limit values for vehicles;
- (ak) test methods for measuring noise emissions'
- (al) the regulation of motor vehicle sound systems, defective noise control equipment and exhaust systems;
- (am) the establishment of procedures and the development, implementation and monitoring of strategic noise maps and plans and programmes for the reduction of noise on roads; and
- (an) the issue of and penalties attached to prescribed Notices issued under section 105(2).

(2) 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 or within a prescribed area.

(3) The Minister may make regulations providing for the following matters in relation to the tests to be taken for driver's 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.

(4) Regulations made under subsection (3) and any regulations made under this Act which provides for a custodial sentence shall be subject to affirmative resolution.

Incorporation of standards by reference.

111.—(1) The Minister may incorporate in the regulations any standard, (without stating the text of the standard) 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 in the regulations, amended, revoked or replaced, the notice incorporating that standard in the regulations shall, unless otherwise stated in the notice, be deemed to refer to that standard as so amended or replaced, as the case may be.

Special permit.

112. The Minister may subject to such conditions and upon the payment of the prescribed fees or charges grant a special permit, either generally or specifically authorizing the—

- (a) operation on a road of a vehicle not in compliance with this Act; or
- (b) the conveyance of passengers or any load on a road.

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

113.—(1) The Authority, in the presence of a constable or authorized by a warrant, may carry out any inspection it considers necessary in order to ensure compliance with the provisions of this Act.

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

114. A person who is unable to sign his name shall, whenever his signature is required upon any document under 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 the next business day after the document is sent to the addressee at an electronic address previously given by the addressee.

(4) A certificate by the person who issued the notice referred to in subsection (1), or by a person authorized on his behalf to do so, stating the time, place and manner of issuing the notice, shall be *prima facie* evidence that the notice was duly served.

116.—(1) 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.

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

(2) 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 Constabulary Force.

Exemption
from certain
restrictions.

117. Subject to the provisions of sections 52 and 56, any other provisions that apply to emergency vehicles and this Act and of any enactment which—

- (a) require any motor vehicle to slow down or stop at the intersection of any two or more streets or roads; or
- (b) prohibit or restrict the parking of any motor vehicle on any street or road;

shall not apply to the driver of an emergency vehicle while the 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 of the certificate 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 the regulations, sections 52, 57, 58(1), 59, 61, 65, 66, 70, 75, 76, 77, 81, 85, 89, 90, 91 and 92 shall apply to animal drawn vehicles and bicycles and the drivers or riders of the animal drawn vehicles and bicycles, subject to the modifications; and references in the 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 by the appropriate authority as a civil debt in a Parish Court.

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

121.—(1) Subject to subsection (3), a person shall not drive or operate a 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—

Use of electronic communication devices while driving.

- (a) is attached to the motor vehicle, or is part of a fixture in the vehicle, and remains affixed while being used or operated; or

- (b) is specially adapted or designed to be affixed to the person of the driver or operator as a hands-free device and is used, to enable the driver or operator to use or operate the electronic communication device without so holding it.

(2) A person who is in or on a 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 or accompanying 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; or
- (b) operating a motor vehicle that is lawfully parked and is not impeding traffic.

(4) A person who contravenes subsection (1) or (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 communication device;

“use”, in relation to an electronic communication 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 a prescribed action in relation to an electronic communication 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) 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) A person who contravenes subsection (1) commits an offence.

(4) In subsection (1) —“electronic visual device” means a device that produces images on a screen.

123. A person commits an offence if the person—

Other
offences.

- (a) without the permission of the owner or person in charge of a vehicle—
 - (i) climbs upon or into or swings upon any vehicle, whether the vehicle is in motion or stationary;
 - (ii) sounds any horn or other signalling device of a vehicle;
 - (iii) attempts to manipulate any of the levers, the starter, the brakes or the machinery of a vehicle;
 - (iv) in any manner damages, interferes or tampers with a vehicle; or
 - (v) puts in motion the engine of the vehicle, while the 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 vehicle or injury to any person is caused;
- (c) uses any spotlight on a 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 vehicle on a road in a defective condition as regards its mechanical fittings or otherwise, so as to be a source of danger to its occupants or the public;
- (e) neglects, when employing or permitting any person to drive a 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) holds on to the exterior of the vehicle when the vehicle is being driven;
- (g) makes or submits false or inaccurate statements or documents in any declaration required to be made under this Act;
- (h) drives or attempts to drive a motor vehicle across a funeral procession;
- (i) deliberately obstructs or hinders a constable or an officer, employee or agent authorized by the Authority during the course of his duties under this Act; or
- (j) smokes ganja, as defined by the *Dangerous Drug Act*, while driving or attempting to drive, or while in charge of a vehicle on a road.

124. Where on the summary trial for an offence under this Act—

- (a) it is proved to the satisfaction of the court that a requirement under subsection (1) of section 69 to give information as to

Proof, in summary proceedings, of identity of the driver of a vehicle.

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.

125.—(1) On every conviction for an offence under this Act, the information mentioned in subsection (5) shall be furnished to the Authority by the person referred to in subsection (2).

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

(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 establish and maintain in such manner as it may determine, a register of offences made by drivers under this Act which shall be known as the Driver's Offences Register.

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

(5) The information referred to in subsection (1) is—

- (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.

(6) A person may inspect and, upon payment of such fee as may be prescribed, take an extract from the register established under subsection (3).

(7) An extract taken under subsection (6), if certified by the Authority to be a true copy, shall be admissible as evidence in any legal proceedings.

Penalties.

126. Where a person is convicted under provisions specified in Column 1 of the Second Schedule of an offence described in Column 2 of that schedule, the person shall be liable to the penalty set out in Column 3 of that schedule.

Breach of offence for which no penalty is provided.

127. If any person commits an offence against this Act or the regulations (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 Parish Court to a fine not exceeding one million dollars and, in default of payment, to imprisonment for a term not exceeding three months.

Minister may amend fines and penalties by order.

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

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

Power to do things electronically.

129. 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.

Act binds Crown.

130. This Act binds the Crown.

Amendments, Repeal, Savings and Transitional Provisions

- 131.** Section 2(2) of the *Justices of the Peace Jurisdiction Act* is amended by deleting the numerals “116” and substituting therefor the numerals “105”. Amendment of the *Justice of the Peace Jurisdiction Act*.
- 132.** Section 4(2) of the *Motor Vehicles Insurance (Third Party Risks) Act* is amended by deleting the word “two” and substituting therefor the word “forty five”. Amendment of the *Motor Vehicles Insurance (Third Party Risks) Act*.
- 133.** Subject to section 134, the *Road Traffic Act* (hereinafter called the “repealed Act”) is repealed. Repeal of *Road Traffic Act*.
- 134.** 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.
- 135.**—(1) Any provision of the repealed Act, shall, notwithstanding the provisions of section 134, 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.

FIRST SCHEDULE (Sections 15, 30 and 105)

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

Column 1 Section	Column 2 Nature of Offence	Column 3 Penalty
7(3)	Driving a motor vehicle or causing motor vehicle to be driven on a road without there being in force a valid certificate of fitness in respect of the motor vehicle	\$10,000.00
7(3)	Driving a motor vehicle or causing motor vehicle to be driven on a 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 a road without required motor vehicle insurance coverage	\$20,000.00
7(3)	Driving motor vehicle without prescribed evidence of insurance or a valid certificate of fitness	\$5,000.00
7(3)	Driving motor vehicle without evidence of a type prescribed that the motor vehicle is licensed	\$5,000.00
13(3)	Failure to provide the evidence of valid insurance, certificate of fitness, or that motor vehicle is	\$5,000.00

Column 1	Column 2	Column 3
Section	Nature of Offence	Penalty
	licensed for inspection upon demand	
13(4)	Using registration plates or licence decal issued in respect of a motor vehicle for any other motor vehicle	\$10,000.00
13(5)	Failure to operate motor vehicle in compliance with the prescribed requirements and conditions	\$10,000.00
13(5)	Using a motor vehicle in contravention of the terms of the licence	\$10,000.00
13(5)	Driving a motor vehicle with the registration plates or licence decal not affixed or not kept affixed to the motor vehicle or trailer	\$5,000.00
13(5)	Using a motor vehicle with the registration plates or licence decal affixed in a manner so as to render them obscured or not easily distinguishable	\$5,000.00
13(5)	Using a motor vehicle with the registration plates or licence decal obscured in a manner that the characters cannot be read	\$5,000.00
13(5)	Driving motor vehicle which is not licensed	\$10,000.00
20(4)	Driving a motor vehicle on a road without being the holder of a permit or driver's licence	\$40,000.00
20(4)	Driving a motor vehicle on a road without being the holder of a permit or driver's licence entitling	\$30,000.00

Column 1	Column 2	Column 3
Section	Nature of Offence	Penalty
	the person to drive that motor vehicle	
20(4)	Being the holder of a permit or driver's licence entitling the person to drive a motor vehicle, driving the motor vehicle on a road without having in the motor vehicle, the permit or driver's licence	\$2,000.00
20(4)	Employing or permitting another person to drive a motor vehicle on a road, without the person being the holder of a driver's licence entitling the person to drive that motor vehicle, or as the case may be, a motor vehicle of that category	\$15,000.00
24(4)	Being the holder of a permit or driver's licence driving a motor vehicle on a road and failing while— <ul style="list-style-type: none"> (a) accompanying another person who is learning to drive a motor vehicle on a road; (b) learning to drive a motor vehicle on a road, to produce permit or driver's licence for examination by the constable.	\$10,000.00
24(4)	Failing to comply with the terms and conditions of learner's permit	\$6,000.00
24(4)	Accompanying person having breath alcohol concentration in excess of 0.02%	\$12,000.00

Column 1	Column 2	Column 3
Section	Nature of Offence	Penalty
27(3)	Failing to comply with the terms and conditions of driver's licence during the first twelve months of issue	\$6,000.00
27(3)	Failing to comply with the terms and conditions of driver's licence	\$6,000.00
52(2)	Driver of motor vehicle failing to obey traffic light or stop sign	\$10,000.00
52(2)	Driver of motor vehicle failing to obey other traffic signs	\$6,000.00
54(4)	Where the roadway or thoroughfare is not controlled by traffic lights, failure—	\$10,000.00
	(a) before turning into or crossing a major road—	
	(i) to comply with any traffic signs posted or any directions of a constable; or	
	(ii) where no traffic signs are posted or constable assigned, to bring motor vehicle to a full stop; or	
	(b) on turning into or crossing the major road to drive or operate vehicle so as not to obstruct any traffic on the major roads	

Column 1	Column 2	Column 3
Section	Nature of Offence	Penalty
55(3)	Driving vehicle on road exceeding maximum speed limit by—	
	(a) 16 km/h to 32 km/h	\$6,000.00
	(b) 33 km/h to 49 km/h	\$10,000.00
	(c) 50 km/h or more	\$15,000.00
57(5)	Driving vehicle in violation of the rules of the road by—	
	(a) failing to—	
	(i) keep to the left or 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) (while proceeding from a road to a place which is not a road) driving so	\$4,000.00

Column 1	Column 2	Column 3
Section	Nature of Offence	Penalty
	as to obstruct any traffic on the road	
	(f) driving on to a road from a place not being a road, causing obstruction to traffic	\$9,000.00
	(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 further than two vehicle lengths for turning or other reasonable purpose	\$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
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(2)	Driving or operating motor vehicle without there being	

Column 1	Column 2	Column 3
Section	Nature of Offence	Penalty
	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) seat belts	\$5,000.00
72(4)	Driving vehicle without wearing seat belt	\$2,000.00
72(4)	Driver of motor vehicle not causing passenger riding in motor vehicle to wear a seat belt	\$2,000.00
73(2)	Driver of motor vehicle not causing child to wear or be conveyed in a child restraint system	\$5,000.00
74(3)	Failure to wear protective helmet in the prescribed manner of the prescribed shape, quality, construction or standard	\$8,000.00
74(3)	Failure to 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	\$8,000.00
75(1)	Driver of vehicle sounding horn or warning device or causing loud noise to emanate from motor vehicle which cause	\$5,000.00

Column 1	Column 2	Column 3
Section	Nature of Offence	Penalty
	annoyance to persons within silent zones	
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)	Failure to comply with traffic signs	\$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 crossing patrol by—	
	(a) failing to stop motor vehicle before reaching place where children are crossing	\$12,000.00
	(b) driver of motor vehicle putting vehicle in motion while signal to stop is still exhibited	\$12,000.00
83(3)	Driver of vehicle failing to yield the right of way when pedestrian is at or in pedestrian crossing	\$7,000.00
83(3)	Driver of vehicle passing or overtaking vehicle stopped at pedestrian crossing	\$10,000.00
83(3)	Failing to observe provisions concerning pedestrian crossing	\$10,000.00

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Section</u>	<u>Nature of Offence</u>	<u>Penalty</u>
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 or other fuel into motor vehicle while engine is running or naked lights, other than electric light, are alight	\$4,000.00
89(4)	Driver of motor vehicle leaving vehicle unattended without stopping the engine and taking due precautions	\$3,000.00
89(4)	Failing to place motor vehicle, when not in motion, at the near side of road	\$5,000.00
89(4)	Failing to place motor vehicle in position so as not to obstruct or be likely to obstruct traffic	\$5,000.00
90(6)	Failure to give the prescribed signal before turning to, or changing direction towards, the left or right	\$2,500.00
90(6)	Failure to give the prescribed signal before bringing the motor vehicle to a stop and keeping it stationary	\$2,500.00
90(6)	Failure, when approaching a constable on duty at a road junction, to give the appropriate signal so as to indicate the direction in which the person wishes to proceed and so as to be visible to the constable	\$2,500.00
90(6)	Failure to ensure that motor vehicle is fitted with a mechanical or illuminated device prescribed by the Authority.	\$2,500.00

Column 1	Column 2	Column 3
Section	Nature of Offence	Penalty
91	Disobeying directions or signal of constable in execution of his duty	\$5,000.00
93(3)	Person wilfully or unnecessarily hindering, interrupting or otherwise obstructing the free passage of traffic	\$5,000.00
94(1)	Leaving or abandoning a vehicle on a 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
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 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

Column 1	Column 2	Column 3
Section	Nature of Offence	Penalty
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 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 attempting to drive while in charge of, a vehicle on a road	\$10,000.00

SECOND SCHEDULE (Sections 15, 30 and 126)

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
7(3)	Driving a motor vehicle or causing motor vehicle to be driven on a road without there being in force a valid certificate of fitness in respect of the motor vehicle	\$10,000.00 and, in default of payment to community service
7(3)	Driving a motor vehicle or causing motor vehicle to be driven on a road without it being registered in the prescribed manner	\$20,000.00 and in default of payment to 7 days imprisonment
7(3)	Driving or causing motor vehicle to be driven on a road without it being licensed in the prescribed manner	\$30,000.00 and in default of payment to 10 days imprisonment
7(3)	Driving or causing motor vehicle, to be driven on a road without required motor vehicle insurance coverage	\$45,000.00 and in default of payment to 14 days imprisonment
7(3)	Driving motor vehicle without prescribed evidence of insurance or a valid certificate of fitness	\$10,000.00 and, in default of payment, to community service
7(3)	Driving motor vehicle without evidence of a type prescribed that the motor vehicle is licensed in accordance with Act	\$10,000.00 and, in default of payment, to community service

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
13(3)	Failure to provide the evidence of valid insurance, certificate of fitness, or that motor vehicle is licensed for inspection upon demand	\$10,000.00 and, in default of payment, to community service
13(4)	Using registration plates or licence decal issued in respect of a motor vehicle for any other vehicle	\$10,000.00 and, in default of payment, to community service
13(5)	Failure to operate motor vehicle in compliance with the prescribed requirements and conditions	\$20,000.00 and, in default of payment, to 7 days imprisonment
13(5)	Using a motor vehicle in contravention of the terms of the licence	\$20,000.00 and, in default of payment, to 7 days imprisonment
13(5)	Driving a motor vehicle with the registration plates or licence decal not affixed or not kept affixed to the motor vehicle	\$30,000.00 and, in default of payment, to 7 days imprisonment
13(5)	Using motor vehicle with the registration plates or licence decal affixed in such a manner so as to render them obscured or not easily distinguishable	\$10,000.00 and, in default of payment, to community service
13(5)	Using motor vehicle with the registration plates or licence decal obscured in such a manner	\$10,000.00 and, in default of payment, to

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
	that the characters cannot be read	community service
20(4)	Using motor vehicle which is not licensed in accordance with Act	\$30,000.00 and, in default of payment, to 10 days imprisonment
20(4)	Driving a motor vehicle on a road without being the holder of a permit or driver's licence	\$80,000.00 and, in default of payment, to 10 days imprisonment
20(4)	Driving a motor vehicle on a road without being the holder of a permit or driver's licence entitling the person to drive that motor vehicle	\$60,000.00 and, in default of payment, to 10 days imprisonment
20(4)	Being the holder of a permit or driver's licence entitling the person to drive a motor vehicle, driving the motor vehicle on a road without having in the motor vehicle, the permit or driver's licence	\$10,000.00
20(4)	Employing or permitting another person to drive a motor vehicle on a road, without the person being the holder of a driver's licence entitling the person to drive that motor vehicle, or as the case may be, a motor vehicle of that category	\$30,000.00 and, in default of payment, to 10 days imprisonment
21(2)	Being the holder of a permit or driver's licence driving a motor	\$40,000.00 and, in default of

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
	vehicle on a road and failing while—	payment, to 14 days imprisonment
	(a) accompanying another person who is learning to drive a motor vehicle on a road;	
	(b) learning to drive a motor vehicle on a road,	
	to produce permit or driver's licence for examination by the constable.	
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 14 days imprisonment
22(11)	Providing false or misleading information to Authority on application	\$50,000.00 and in default of payment to 14 days imprisonment
24(4)	Failure to return permit or driver's licence that has been revoked to the Authority	\$20,000.00 and in default of payment to 7 days imprisonment
24(4)	Failing to comply with terms or conditions of learner's permit	\$15,000.00 and in default of payment to 3 days imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
27(3)	Failing to comply with the breath alcohol concentration limit	\$30,000.00 and in default of payment to 10 days imprisonment
27(3)	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 7 days imprisonment
30(5)	Failing to comply with terms and conditions of driver's licence	\$15,000.00 and in default of payment to 7 days imprisonment
32(4)	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
34(9)	Failure to submit permit or driver's licence for suspension upon notification by Authority	\$20,000.00 and in default of payment to 7 days imprisonment
35(5)	Failure to return a permit or driver's licence that has been revoked to the Authority	\$500,000 and, in default of payment, to 6 months imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
37(5)	A person who is disqualified from holding or obtaining a driver's licence—	
	(a) wilfully applies for or obtains a driver's licence while he is disqualified	\$30,000.00 and in default of payment to 14 days imprisonment
	(b) wilfully drives a motor vehicle in breach of the order for disqualification	\$50,000.00 and in default of payment to 14 days imprisonment
42(2)	Applying for or obtaining permit or driver's licence without giving, particulars of order for endorsement	\$50,000.00 and in default of payment to 14 days imprisonment
43(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 14 days imprisonment
46(3)	Holder of learner's permit or driver's licence allowing or causing the permit or licence, as the case, may be to be used by another person	\$50,000.00 and in default of payment to 14 days imprisonment
48(2)	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 10 days imprisonment
49(2)	Erecting or displaying advertising sign in contravention of the Act	\$50,000.00 and in default of payment to 30 days imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
52(2)	Damaging, removing or altering road sign	\$50,000.00 and in default of payment to 14 days imprisonment
54(4)	Driver of motor vehicle failing to obey—	
	(a) traffic lights or stop signs;	\$24,000.00 and in default of payment to 10 days imprisonment
	(b) other traffic signs	\$16,000.00 and in default of payment to 7 days imprisonment
54(4)	Where a roadway or thoroughfare is not controlled by traffic lights, failure—	\$20,000.00 and, in default of payment, to 7 days imprisonment
	(a) before turning into or crossing a major road—	
	(i) to comply with any traffic signs posted or any directions of a constable; or	

Offences and Penalties

Column 1 Section	Column 2 Offence	Column 3 Penalty (Maximum)
	(ii) where no traffic signs are posted or constable assigned, to bring motor vehicle to a full stop; or	
	(b) on turning into or crossing the major road to drive motor vehicle so as not obstruct any traffic on the major road	
55(3)	Turning into or crossing major road so as to obstruct traffic	\$8,000.00 and in default of payment to community service
57(5)	Exceeding maximum speed limit—	
	(a) by 16kmh to 32kmh	\$15,000.00 and in default of payment to 3 days imprisonment
	(b) by 33kmh to 49kmh	\$30,000.00 and in default of payment to 10 days imprisonment
	(c) by 50kmh or more	\$45,000.00 and in default of payment to 30 days imprisonment

Offences and Penalties

Column 1 —	Column 2 —	Column 3 —
Section	Offence	Penalty (Maximum)
—	—	—
58(3)	Driving 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
	(ii) keep to the right or off-side of other traffic when overtaking	\$14,000.00 and in default of payment to 5 days imprisonment
	(b) failing to allow passage to other overtaking vehicles	\$10,000.00 and in default of payment to community service
	(c) overtaking in a manner causing obstruction to oncoming traffic	\$20,000.00 and in default of payment to 7 days imprisonment
	(d) driving across road so as to obstruct traffic	\$8,000.00 and in default of payment to community service
	(e) (while proceeding from a road on to a	\$8,000.00 and, in default of

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
	place which is not a road) driving so as to obstruct any traffic on the road	payment, to community service
	(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 5 days imprisonment
	(g) driving so as to overtake other traffic and without the driver having a clear and unobstructed view of the road ahead	\$20,000.00 and in default of payment to 7 days imprisonment
	(h) travelling backwards further than two vehicle lengths turning or other reasonable purpose	\$18,000.00 and in default of payment to 5 days imprisonment
59(1)	Reckless or dangerous driving or without due regard for the safety of other persons or property	\$250,000.00 and in default of payment to 3 months imprisonment
59(1)	Careless driving where collision occurs	\$20,000.00 and in default of payment to 7 days imprisonment
60	Careless driving where collision occurs	\$500,000.00 and in default of payment to 6 months imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
64(1)	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 6 months from date of conviction
67(2)	Failure to give specified particulars or giving false particulars when required to produce driver's licence	\$50,000.00 in default of payment to 14 days imprisonment
67(2)	Carrying more than one person in addition to the driver on a two-wheeled motor cycle	\$20,000.00 and in default of payment to 7 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 community service
68(2)	Causing two-wheeled motor cycle to be driven on one wheel only	\$10,000.00 and in default of payment to community service
69(3)	Drawing more than the prescribed number of trailers	\$20,000.00 and in default of payment to 7 days imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
70(3)	Failure of owner of motor vehicle to provide information as to the identity of driver	\$20,000.00 and in default of payment 7 days imprisonment
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 7 days imprisonment
71(2)	Driver of motor vehicle failing to report collision of motor vehicle	\$20,000.00 and in default of payment to 7 days imprisonment
72(4)	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 community service
	(b) parking lamps	\$10,000.00 and in default of payment to community service
	(c) reflectors	\$10,000.00 and in default of payment to

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
		community service
	(d) rear registration plate lights	\$10,000.00 and in default of payment to to community service
	(e) brake lights	\$10,000.00 and in default of payment to to community service
	(f) warning devices	\$10,000.00 and in default of payment to to community service
	(g) seat belts	\$10,000.00 and in default of payment to to community service
72(4)	Driving motor vehicle without wearing seat belts	\$5,000.00 and in default of payment, to community service
72(4)	Driving of motor vehicle not causing passenger riding in a motor vehicle to wear seat belt	\$5,000.00 and in default of payment to 15 days imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
74(3)	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 7 days imprisonment
74(3)	Failure to wear protective helmet in the prescribed manner of the prescribed shape, quality, construction or standard	\$5,000.00 and in default of payment to community service
75(1)	Failure to 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	\$5,000 and in default of payment, to community service
76(5)	Driver of vehicle sounding horn or warning device or causing loud noise to emanate from motor vehicle which cause annoyance to persons within silence zones	\$14,000.00 and in default of payment to 3 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 7 days imprisonment
77(3)	Exceeding speed limit within school safety zone	\$20,000.00 and in default of payment to 7 days imprisonment
77(3)	Failure to comply with traffic signs in construction zone	\$20,000.00 and in default of payment to 7 days imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
78(1)	Exceeding speed limit within construction zone	\$60,000.00 and in default of payment to 14 days imprisonment
81(3)	Taking and driving away motor vehicle without consent of owner	1. Summarily or on indictment in the Parish Court \$100,000.00 and, in default of payment to 2 months imprisonment 2. On indictment in the Supreme Court, to a fine or imprisonment
83(3)	Failing to comply with a sign of school 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 10 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 vehicle failing to yield the right of way when pedestrian is at or in pedestrian crossing	\$20,000.00 and in default of payment to 7 days imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
86(1)	Driver of vehicle passing vehicle stopped at pedestrian crossing	\$30,000.00 and in default of payment to 10 days imprisonment
86(3)	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 and in default of payment to community service
88(2)	Person with intent to defraud, interfere with or operate or attempt parking meter	\$50,000.00 and in default of payment to 14 days imprisonment
89(4)	Person riding on the running board, wings, fenders or on the outside of a vehicle	\$10,000.00 and in default of payment to community service
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 7 days imprisonment
89(4)	Driver of motor vehicle leaving vehicle unattended without stopping the engine	\$20,000.00 and in default of payment to 7 days imprisonment
89(4)	Failing to place motor when not in motion at the near side of road	\$14,000.00 and in default of payment to 4 days imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
90(6)	Failing to place motor vehicle in position so as not to obstruct traffic or be likely to obstruct traffic	\$14,000.00 and in default of payment to 3 days imprisonment
90(6)	Failure to give prescribed signal before turning to, or changing direction towards, the left or right	\$5,000.00 and in default of payment to community service
90(6)	Failure to give prescribed signal before bringing the motor vehicle to a stop and keep it stationary	\$5,000.00 and in default of payment to community service
90(6)	Failure, when approaching a constable on duty at a road junction, to give the appropriate signal so as to indicate the direction in which the person wishes to proceed and so as to be visible to the constable	\$5,000.00 and in default of payment, to community service
91(2)	Failure to fit motor vehicle with mechanical or illuminated device to indicate intention of driver to turn or change direction or stop vehicle and keep it stationary	\$5,000.00 and in default of payment, to community service
92(1)	Disobeying directions or signal of constable in execution of his duty	\$10,000.00 and in default of payment to 3 days imprisonment
93(3)	Promoting, organizing or taking part in any race, sporting event	\$100,000.00 and in default of

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
	or trial of sped on a road without written consent of the Road Authority or Local Authority	payment, to 1 month imprisonment and disqualification from holding or obtaining a driver's licence for 12 months or such longer period
94(1)	Person wilfully or unnecessarily hindering, interrupting or otherwise obstructing free passage of traffic	\$20,000.00 and in default of payment to 7 days imprisonment
97	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 7 days imprisonment
102(1)	Damaging road	\$300,000.00 and, in default of payment, to 3 months imprisonment
103(2)	Operating motor vehicle that exceeds the maximum laden weight for vehicles by—	
	(a) 500–1,000kg	\$75,000.00 and in default of payment to 1 month imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
	(b) 1,001kg–5,000kg	\$375,000.00 and in default of payment to 3 months imprisonment
	(c) 5,00 lkg–10,000kg	\$1,000,000.00 and in default of payment to 12 months imprisonment
	(d) 10,001 kg–15,000kg	\$1,875,000.00 and, in default of payment to 18 months imprisonment
	(e) 15,001kg–20,000kg	\$2,800,000.00 and, in default of payment to 2 years imprisonment
	(f) over 20,000kg	\$3,000,000.00 and in default of payment to 3 years imprisonment
104(3)	Refusal of driver of vehicle to allow the vehicle to be weighed or tested	\$50,000.00 and in default of payment to 14 days imprisonment
104(3)	Owner or operator of vehicle failing to dispatch another	\$50,000.00 and in default of

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
	vehicle for excess goods to be offloaded from vehicle that is overweight	payment to 14 days imprisonment
105(11)	Driver causing vehicle to obstruct road while being loaded or unloaded	\$20,000.00 and, in default of payment, to 7 days imprisonment
106(4)	Removing notice affixed to motor vehicle without authority	\$100,000.00 and in default of payment to 1 month imprisonment
108(2)	Person having possession or control of information on record and disclosing such information in a document to persons not authorized	\$100,000.00 and in default of payment to 1 month imprisonment
121(4)	Wilfully destroying or defacing any record or register	\$100,000.00 and in default of payment to 1 month imprisonment
121(4)	Use of electronic communication device while driving	\$30,000.00 and in default of payment to 10 days imprisonment
122(3)	Driving instructor holding or using electronic device while instructing person to drive	\$30,000.00 and in default of payment to 10 days imprisonment

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
123	Use of electronic video device within driver's line of sight while driving	\$30,000.00 and in default of payment to 10 days imprisonment
	(a) without the permission of the owner or person in charge of a vehicle—	\$10,000.00 and in default of payment to community service
	(i) climbs upon or into or swings upon any vehicle, whether the vehicle is in motion or stationary;	
	(ii) sounds any horn or other signalling device of a vehicle;	
	(iii) attempts to manipulate any of the levers, the starter, the brakes or the machinery of a vehicle;	
	(iv) in any manner damages, interferes or tampers with a vehicle; or	
	(v) puts in motion the engine of the vehicle, while the vehicle is left parked;	

Offences and Penalties

Column 1	Column 2	Column 3
Section	Offence	Penalty (Maximum)
	(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 vehicle or injury to any person is caused;	\$20,000.00 and in default of payment to 7 days imprisonment
	(c) uses any spotlight on a vehicle on a road or public place or when another approaching vehicle is in sight, except for providing light for effecting repairs;	\$20,000.00 and in default of payment to 7 days imprisonment
	(d) uses or drives or permits to be used or driven any vehicle on a road in a defective condition as regards its mechanical fittings or otherwise, so as to be a source of danger to its occupants or the public;	\$10,000.00 and in default of payment to community service
	(e) neglects when employing or permitting any person to drive a vehicle to ascertain the correct name and place of residence of such person, at	\$50,000.00 and in default of payment, to 14 days imprisonment.

Type of Vehicle	Licence Duty Payable
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) holds on to the exterior of the vehicle when the is being drive;	\$20,000.00 and, in default of payment, to 7 days imprisonment
(g) makes or submits false or inaccurate statements or documents in any declaration required to be made under this Act;	\$20,000.00 and, in default of payment to 7 days imprisonment
(h) drives or attempts to drive a motor vehicle across a funeral procession;	\$30,000.00 and, in default of payment, to 10 days imprisonment
(i) deliberately obstructing Constable or authorized person from executing their duties;	\$10,000.00 and, in default of payment to community service
(j) smokes ganja, as defined by the Dangerous Drug Act, while driving or attempting to drive, or while in charge of a vehicle on a road.	\$10,000.00 and, in default of payment, to community service
127 Offences for which no penalty provided under the Act	\$1,000,000.00 and in default of payment to 12 months imprisonment

	<u>Type of Vehicle</u>	<u>Licence Duty Payable</u>
Fifth Schedule		
Paragraph 1	Driving or attempting to drive motor vehicle under the influence of alcohol or other drugs so as to be incapable of having proper control of vehicle	\$50,000.00 and, in default of payment, to 14 days imprisonment
Paragraph 2	Driving or being in charge or control of a motor vehicle while alcohol or other drugs in blood is greater than prescribed limit	\$50,000.00 and in default of payment to 14 days imprisonment
Paragraph 3	Failing to provide specimen of breath for breath test, first conviction	\$50,000.00 and, in default of payment, to 14 days imprisonment
Paragraph 3	Failing to provide specimen of breath for breath test—second conviction or more	\$100,000.00 and, in default of payment to 1 month imprisonment
Paragraph 4	Failing to provide specimen of breath for breath analysis	\$70,000.00 and, in default of payment to 1 month 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 14 days imprisonment”.

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

Licence Duties on Vehicles

Type of Vehicle	Licence Duty Payable
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	\$24,000.00
(d) exceeds 3,999 cubic centimetres	\$36,375.00
3. Motor cycle	
Where the cylinder capacity of the engine—	
(a) does not exceed 125 cubic centimetres	\$3,075.00
(b) exceeds 125 cubic centimetres but does not exceed 500 cubic centimetres	\$4,650.00
(c) exceeds 500 cubic centimetres	\$7,125.00
4. Motor truck or motor tractor of unladen weight—	
(a) not exceeding 3,048.138 kg	\$10,500.00
(b) exceeding 3,048.138 kg but not exceeding 6,109.09 kg	\$18,000.00
(c) exceeding 6,100.00 kg	\$18,000.00 plus \$100.00 for each 51.00kg over 6,109.09kg

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

- | | |
|--|---|
| (a) not exceeding 3,048.138kg | \$10,125.00 |
| (b) exceeding 3048.138kg
but not exceeding 6109.09 kg | \$12,656.00 |
| (c) exceeding 6109.09 kg | \$6,000.00
plus
\$100.00 for
each
50.91kg
over
6,109.09kg |
| 6. Trailers | \$3.32 per
kg |

FOURTH SCHEDULE

(Section 44(2))

*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 (hereinafter referred to as “the appointed members”).

(2) A person shall be eligible for appointment as the chairman or a deputy chairman only if the person 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 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 sub-paragraph (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, the allocation of the work of the members of the Tribunal.

Temporary
appointment.

2. If the chairman or other members of the 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 of the Tribunal shall be eligible for reappointment.

(3) If any vacancy occurs in the appointed membership of the Tribunal, 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.

(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 Tribunal.

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

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

Authentication of documents. 6. All documents made by, and all decisions of the Tribunal shall be signed under the hand of the chairman or any member of the 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 presiding chairman, who shall be either the chairman or a deputy chairman of the Tribunal; and
- (b) two or more ordinary members.

(3) Where part of any proceedings before the Tribunal has been heard and one or more members of the 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.

(4) If the chairman of a division of the 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.

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

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

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

(8) Subject to sub-paragraph (1), 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.

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

(10) 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 Tribunal remuneration, if any, and allowances as the Minister with responsibility for the 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
- (b) not be present during the deliberations of the Authority on the matter or take part in the decision of the Authority with respect to the matter

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.

FIFTH SCHEDULE

(Section 66)

*Driving under the Influence of Alcohol or
other Drugs*

Driving a
vehicle under
the influence of
alcohol or
drug.

1.—(1) Every person who, when driving or attempting to drive or when in charge of a vehicle on a road or in a public place is under the influence of alcohol or other drugs 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 vehicle, whether or not it is in motion, if the concentration of alcohol or other drugs 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 while 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 the Constabulary Force may subject to sub-paragraph (4), require a person to provide a 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 vehicle on a road or in a 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 vehicle on a road or in a 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 vehicle on a road or in a 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 vehicle on a road, a constable in uniform or a constable out of uniform who has shown his authority as a member of the 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 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 request 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 request; and
- (b) has advised that the provision of a specimen or the request 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 the Constabulary Force authorized in that behalf by the Minister.

(3) A member of the 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 request, objects on the ground that compliance therewith would be prejudicial to the proper care, treatment, or health 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)(c), a person may be required to submit to a breath test at that person's usual place of residence—
- (a) if the member of the 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
 - (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 the 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 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 the 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 in the certificate 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 the person named in the certificate 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.

5.—(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. Laboratory tests.

(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 request or objects to the provision of a specimen on the ground that the request to provide such specimen could be prejudicial to the health, 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 6 and 7, where any person is required to provide a specimen of breath, 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.

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 this schedule the accused, at the time a specimen of breath 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.

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, unless the context otherwise requires—

“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 responsible for national security;

“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 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;
- (b) blood alcohol concentration, 80 milligrammes of alcohol in 100 millilitres of blood,

or such other concentration as may be prescribed.

SIXTH SCHEDULE

(Section 98)

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
20(4)	Driving a motor vehicle on a road without being the holder of a permit or driver's licence	14
20(4)	Driving a motor vehicle on a road without being the holder of a permit or driver's licence entitling the person to drive that motor vehicle	14
24(2)	Failing to comply with terms or conditions of learner's permit	2
27(3)	Failing to comply with terms and conditions of driver's licence during first year	2
27(3)	Failing to comply with terms and conditions of driver's licence	2
35(5)	A person disqualified from holding or obtaining a driver's licence—	10
	(a) wilfully drives a motor vehicle;	
	(b) drives a motor vehicle of a particular class or description for which he is disqualified.	
52(2)	Failure to obey traffic light or stop signs lawfully placed, erected or exhibited on or near a road	6
52(2)	Failure to obey other traffic sign lawfully placed, erected or exhibited on or near a road or visible from a road	3

The Demerit Point System

Column 1	Column 2	Column 3.
Relevant Section	Description of Offence	Demerit Point
54(4)	Turning into or crossing major roads so as to obstruct traffic	3
55(3)	Exceeding the speed limit—	
	(a) by 16 to 32km/h	2
	(b) by 33 to 49km/h	4
	(c) by 50km/h or more	6
57(5)	Driving vehicle in violation of the rules of the road by—	
	(a) failing to—	
	(i) keep the left or 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
	(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

The Demerit Point System

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Relevant Section</u>	<u>Description of Offence</u>	<u>Demerit Point</u>
	(e) (while proceeding from a road on to a place which is not a road) driving so as to obstruct any traffic on the road	3
	(f) driving on 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	3
	(h) travelling backwards further than two vehicle lengths for turning or other reasonable purpose	4
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
60	Causing death by reckless or dangerous 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

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
68(3)	Drawing more than the prescribed number of trailers	4
71(2)	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) seat belts	2
72(4)	Driving motor vehicle without wearing seat belt	2
72(4)	Driver of motor vehicle not causing passenger riding in a motor vehicle 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)	Failure to wear protective helmet in the prescribed manner of the prescribed shape, quality, construction or standard	2
74(3)	Failure to cause every person who is riding as a pillion to wear a protective helmet in the prescribed mannger at all times while riding on the motor cycle	2

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
75(1)	Driver of vehicle sounding horn or warning device or causing loud noise to emanate from vehicle which cause annoyance to persons within silence zones	2
76(5)	Driver of motor vehicle 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	6
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
	(b) by 33 to 49 km/h	4
	(c) by 50km/h or more	6
81(3)	Failing to comply with a sign of crossing patrol by—	6
	(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

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
83(3)	Driver of motor vehicle failing to yield the right of way when pedestrian is at or in pedestrian crossing	4
83(3)	Driver of motor vehicle passing vehicle stopped at pedestrian crossing	4
83(3)	Failing to observe provisions concerning pedestrian crossing	4
90(6)	Failure to give the prescribed signal before turning to, or changing direction towards, the left or right	2
90(6)	Failure to give the prescribed signal before bringing the motor vehicle to a stop and keeping it stationary	2
90(6)	Failure, when approaching a constable on duty at a road junction, to give the appropriate signal so as to indicate the direction in which the person wishes to proceed and so as to be visible to the constable	2
90(6)	Failure to fit motor vehicle with mechanical or illuminated device to indicate intention of driver to turn or change direction or stop vehicle and keep it stationary	2
91	Disobeying direction or signal of constable in execution of his duty	1
92	Promoting, organizing or taking part in any race, sporting event or trial of speed on a road without written	14

The Demerit Point System

Column 1	Column 2	Column 3
Relevant Section	Description of Offence	Demerit Point
	consent of the Road Authority or Local Authority	
121(4)	Use of electronic communication device while driving	4
121(4)	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	Driving or attempting to drive a motor vehicle across a funeral procession	2
123	Using, driving or permitting to be used motor vehicle in a defective condition	2
123	Smoking ganja, as defined by the Dangerous Drug Act, while driving or attempting to drive, or while in charge of a vehicle on a road	2
Fifth 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
Paragraph 3	Failing to provide specimen of breath—first conviction	14

The Demerit Point System

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
<u>Relevant Section</u>	<u>Description of Offence</u>	<u>Demerit Point</u>
Paragraph 3	Failing to provide specimen of breath—second conviction	20
Paragraph 4	Failing to submit to breath analysis or wilfully doing anything to alter alcohol concentration in blood	14

SEVENTH SCHEDULE (Sections 2(1), 3(2))

The Island Traffic Authority

Administration

Appointment
of Director-
General, other
officers and
employees.

1.—(1) Subject to subsection (3), the Authority may appoint and employ a chief executive officer of the Authority who shall be known as the Director-General of Road Traffic.

(2) The Director-General shall hold office on and subject to such terms and conditions (other than terms and conditions relating to remuneration and superannuation) as may be determined by the Authority, with the approval of the Minister in consultation with the Minister responsible for the public service.

(3) An individual who would not be eligible to be an appointed member of the Authority by virtue of paragraph 2 of the Ninth Schedule is not eligible to be appointed as Director-General.

(4) For the proper carrying out of the provisions of this Act, the Director-General may appoint and employ to any office within the Authority, officers and employees, at such remuneration and on such terms and conditions as the Director-General thinks fit.

(5) For the purposes of subsections (1) and (4) and except with the prior approval of the Minister responsible for the public service—

- (a) no salary in excess of the prescribed rate shall be assigned to any office; and
- (b) no appointment shall be made to any office to which a salary in excess of the prescribed rate is assigned.

(6) For the purposes of subsection (5), the “prescribed rate” shall be such rate as the Minister responsible for the public service may prescribe by order subject to affirmative resolution.

(7) The Governor-General may, subject to such conditions as he may impose, approve the appointment of any officer in the service of the Government to any office with the Authority and any officer so appointed or while so employed, shall in relation to other rights as a public officer be treated as continuing in the service of Government.

(8) The Director-General shall consult with the Authority in establishing the qualification for the various offices within the

Authority and shall advise the Authority on all appointments to fill such offices.

(9) The Director-General shall not hold any other office or position without the consent of the Authority.

Pensions,
gratuities and
other retiring
benefits.

2. The Authority may, with the approval of the Minister responsible for the public service—

- (a) enter into arrangements respecting schemes, whether by way of insurance policies or otherwise; and
- (b) make regulations,

for medical benefits, pensions, gratuities and other retiring benefits or disability or death benefits, relating to officers and employees of the Authority and such arrangements or regulations may include provisions for the grant of benefits to the dependants and the legal personal representatives of such officers and employees.

Functions of
Director-
General.

3.—(1) The Director General shall be responsible for the day-to-day administration and management of the Authority, including—

- (a) the implementation of the policies of the Authority;
- (b) providing the members of the Authority with all information, including financial information, in relation to the performance of his functions as the Authority may, from time to time, require;
- (c) the preparation and submission of the strategic, corporate and other plans for the approval of the Authority;
- (d) ensuring administrative support for the Authority and any committee of the Authority established under the Ninth Schedule, as is required;
- (e) ensuring that the members of the Authority are kept abreast of matters relevant to the administration and management of the Authority; and
- (f) the performance of such other functions as are conferred upon the Director-General by or under this Act or any other enactment.

Ninth
Schedule.

(2) The Director-General shall have regard to the advice and recommendations given to the Director-General by the members of the Authority.

(3) Such of the functions of the Director-General as from time to time may be specified by him may, with the consent of the Authority, be performed by such member of the staff of the Authority as may be authorized by the Director-General.

(4) The functions of the Director-General may be performed in his absence or when the position of Director-General is vacant by such member of the staff of the Authority as may from time to time be designated for that purpose by the Authority.

Financial Provisions, Accounts and Reports

Delegation by
Director-
General.

4.—(1) Subject to subsections (2) and (3), the Director-General may delegate any of the functions conferred upon him by paragraph 3 to any other officer, or employee or agent of the Authority.

(2) The Director-General shall not delegate any of the functions under subsection (1) to an agent without the approval of the Authority.

(3) Every delegation under subsection (1) is revocable by the Authority and the delegation of a function shall not preclude the performance of that function by the Director-General.

Funds and
resources of
Authority.

5.—(1) The funds and resources of the Authority shall consist of—

(a) such sums as may, from time to time, be placed at the disposal of the Authority by Parliament; and

(b) all other sums and other property which may, in any manner, become payable to or vested in the Authority in respect of any matter relating or incidental to its functions.

(2) The expenses of the Authority, including the remuneration of officers and employees, shall be paid out of the funds of the Authority.

Power to invest
monies, etc.

6. All moneys of the Authority not immediately required to be expended for the purpose of meeting any of the obligations or discharging any of the functions of the Authority may be invested in such securities or other investment as may be approved, either specifically or generally, by the Minister responsible for finance and the Authority may sell any or all of the securities or other investment.

Accounts and
audit.

7.—(1) The Authority shall keep proper accounts and other records in relation to its business and shall prepare annually a

statement of accounts in a form satisfactory to the Minister being a form which conforms with established accounting principles.

(2) The accounts of the Authority shall be audited annually by an auditor appointed by the Authority with the approval of the Minister.

(3) An auditor so appointed shall be a registered public accountant within the meaning of section 2 of the *Public Accountancy Act*.

(4) The members, officers and employees of the Authority shall—

- (a) grant to the auditor appointed under paragraph (2), access to all books or other documents, cash and securities of the Authority; and
- (b) give to the auditor, upon request, all such information as may be within their knowledge in relation to the business of the Authority.

(5) The auditor's fee and any expenses of the audit shall be paid by the Authority.

(6) The Auditor-General shall be entitled at all reasonable times to examine the accounts and other records of the Authority in relation to the business of the Authority.

Operating
plan.

8. The Authority shall, not later than the 30th day of November in each year, submit to the Minister responsible for finance and the Minister, for his approval a corporate plan, an operating plan, and estimates of revenue and expenditure, for the ensuing financial year.

Returns, etc.

9. The Authority shall furnish the Minister with such returns, accounts and other information as he may require with respect to the activities of the Authority and afford him facilities for verifying the information in such manner and at such time as he may reasonably require.

Annual report.

10.—(1) The Authority shall prepare in the prescribed form and submit to the Minister responsible for finance and the Minister a quarterly, half-yearly and annual reports in accordance with the *Public Bodies Management and Accountability Act*.

(2) The Minister shall cause copies of the report together with the auditor's report to be laid on the table of the House of Representatives and the Senate.

EIGHTH SCHEDULE (Section 4(1))

Functions of Authority

1. The functions of the Authority shall include—
 - (a) traffic flow management, by—
 - (i) analyzing 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 improvement of road safety, the promotion of transport efficiency and the reduction of the costs of administering road transport;
 - (e) the monitoring and inspection of vehicles, such as electronic monitoring and surveillance;
 - (f) the testing of applicants for—
 - (i) learner's permits; or
 - (ii) driver's licences;
 - (g) the granting of certificates of competence and the issuing of—
 - (i) learner's permits; and
 - (ii) driver's licences;
 - (h) the licensing and registration of motor vehicles to be used on roads;

- (i) the inspection of motor vehicles and the granting of certificates of fitness pursuant to section 8;
- (j) the granting of special permits to import for use or to use or operate on any road, motor vehicles—
 - (i) the dimensions of which exceed the prescribed dimensions; or
 - (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 relating to the location, frequency and causes of collisions on roads;
- (m) 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;
- (n) the licensing and regulation of driving instructors and driving schools and the setting of minimum standards for the operation of driving instructors and driving schools;
- (o) the licensing of agents and persons;
- (p) preparing the Road Code and such other publications for ensuring the safe use of roads, as the Authority deems necessary;
- (q) advising the Minister on matters of general policy relating to the safe use of roads;
- (r) monitoring and issuing notices under the traffic ticketing system; and
- (s) performing any other functions pertaining to the safe use of roads as may be assigned to the Authority by the Minister or under this Act or any other enactment.

2. In performing the functions specified in paragraph 1, the Authority may—

- (a) in the presence of a constable, stop, test and inspect vehicles on any road as to their mechanical fitness or fitness to be driven on a road;
- (b) carry out or support, by financial means or otherwise, research which, in its opinion, is relevant to any of those functions;
- (c) conduct seminars and provide appropriate training programmes and consulting services and gather and disseminate information relating to the safe use of roads;
- (d) subject to this Act, impose fees payable in respect of any licence or for any service provided by the Authority; or
- (e) 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 a consultation may relate to matters concerning—
 - (i) the use and erection of traffic signs;
 - (ii) pedestrian crossings; and
 - (iii) the management of traffic on roads; 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. Road Authority which seeks to implement traffic control measures shall obtain the prior approval of the Authority.

5. In this Schedule—

“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; and
- (c) altering driver behaviour and improving conditions for pedestrians and pedal cyclists;

“traffic flow management” means—

- (a) the analysis and assessment of traffic on roads;
- (b) the determination of appropriate traffic control measures to achieve—
 - (i) reduction of congestion and collisions;
 - (ii) traffic calming; and
 - (iii) effective detection of traffic offences; and
- (c) the regulation of parking, road access and interruptions of traffic flow along roads.

NINTH SCHEDULE (Section 5(2))

Members of the Island Traffic Authority

Membership of Authority. 1.—(1) The Island Traffic Authority (hereinafter referred to as “the Authority”) shall consist of thirteen members of whom—

- (a) seven shall be *ex officio* members as provided in sub-paragraph (2);
- (b) subject to sub-paragraph (3), six members shall be appointed by the Minister (hereinafter referred to as “the appointed members”).

(2) The *ex officio* members of the Authority are—

- (a) a representative from the Ministry responsible for transport;
- (b) the Commissioner of Police or his nominee;
- (c) the Managing Director of the Transport Authority or his nominee;
- (d) the Chief Executive Officer of the National Works Agency or his nominee;
- (e) the Financial Secretary or his nominee;
- (f) the Permanent Secretary in the Ministry responsible for local government or his nominee; and
- (g) the Trade Administrator or his nominee.

(3) The appointed members shall be—

- (a) a person who appears to the Minister to be a representative of the general insurance industry; and
- (b) five persons appearing to the Minister to be competent in matters relating to road traffic management, road safety or transport.

(4) The Director-General shall not be a member of the Authority, however, the Director-General has the right to attend meetings of the members of the Authority and to address the members of the Authority on matters relating to the Authority.

Ineligibility for appointment. 2.—(1) The following individuals shall not be eligible to be appointed members of the Authority, that is to say—

- (a) members of the House of Representatives or the Senate;

- (b) members of the Council of a Municipal Corporation, City Council or Town Council;
- (c) an individual who is not a fit and proper person within the meaning of paragraph 3.

(2) An individual shall not be appointed as a member of the Authority unless the individual has forwarded to the Minister a voluntary declaration declaring that he is not ineligible for appointment under paragraph 2 (1).

(3) An appointment made in contravention of this paragraph shall be void.

Meaning of fit and proper person.

3. For the purposes of paragraph 2, an individual, whether in Jamaica or elsewhere, is a fit and proper person if—

- (a) the individual—
 - (i) has not been convicted of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction;
 - (ii) is not an undischarged bankrupt; and
- (b) the individual's employment record or any other information does not give the Minister reasonable cause to believe that the individual carried out any act involving dishonesty or any act involving impropriety that will interfere with his ability to fulfill his functions; and
- (c) the individual is, in the opinion of the Minister—
 - (i) an individual of sound probity, and is able to exercise competence, diligence and sound judgment in fulfilling his functions;
 - (ii) an individual who possesses the knowledge skills and experience which are necessary for the intended functions to be carried out by that individual; and
 - (iii) an individual whose appointment will not raise an issue of conflict of interest or undue influence.

4. The Minister may appoint any individual to act temporarily in the place of any appointed member of the Authority in the case of the absence or inability to act of such member in keeping with the composition of the Authority.

Temporary
Appointment.

5.—(1) The Minister shall appoint a chairman and a deputy chairman from among the appointed members.

Chairman and
deputy
chairman.

(2) In the case of the chairman being absent from or unable to act at any meeting, the deputy chairman shall exercise the functions of the chairman, if the deputy chairman is present at the meeting and is able to so act.

(3) In the case of the chairman and the deputy chairman being absent from or unable to act at any meeting, members of the Authority present at the meeting shall elect one of their number to act as chairman at that meeting.

6.—(1) On the application of any member, the Minister may grant leave of absence to the member.

Leave of
absence.

(2) The Minister may direct a member to proceed on leave of absence if the member has been charged of an offence involving fraud, dishonesty or moral turpitude or of an offence listed in the Second Schedule to the *Proceeds of Crime Act* or an offence that is similar to any such offence in another jurisdiction.

7.—(1) Subject to this Schedule, the appointment of every appointed member of the Authority shall be evidenced by an instrument in writing.

Tenure of
office.

(2) The instrument shall specify the period of office of the member, which shall not exceed three years.

(3) Every appointed member of the Authority shall be eligible for re-appointment.

8.—(1) The chairman may, at any time, resign his office by instrument in writing addressed to the Minister.

Resignation.

(2) The resignation shall take effect as from the date of receipt by the Minister of the instrument.

(3) An appointed member other than the chairman may, at any time, resign his office by instrument in writing addressed to the Minister and transmitted through the chairman.

(4) From the date of the receipt by the Minister of the instrument, the member shall cease to be a member of the Authority.

Revocation of appointment.

9. The Minister may revoke the appointment of any member if the member —

- (a) is unable to discharge the functions of his office (whether arising from infirmity of body or mind or any other cause);
- (b) is convicted and sentenced to a term of imprisonment or to death;
- (c) becomes bankrupt or compounds with, or suspends payment to, his creditors;
- (d) becomes disqualified for appointment by virtue of paragraph 2;
- (e) fails to discharge the functions of his office in a competent manner;
- (f) fails to attend three consecutive meetings of the Authority, or any of its committees, without reasonable excuse or explanation; or
- (g) engages in such activities as are reasonably considered prejudicial to the interest of the Authority.

Publication of membership.

10. The names of the members of the Authority as first constituted and every change in the membership shall be published in the *Gazette*.

Procedure and meetings.

11.—(1) The Authority 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 Authority may determine.

(2) The chairman may, at any time, call a special meeting of the Authority and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any two members of the Authority.

(3) The chairman or, in the case of his absence or inability to act, the deputy chairman or the individual elected in accordance with paragraph 5(3), as the case may be, shall preside at meetings of the Authority.

(4) Subject to subparagraph (5), decisions of the Authority shall be by a majority of the members present and voting, however, in addition to an original vote the chairman, deputy chairman or other member presiding at a meeting shall have an original and a casting vote in any case in which the voting is equal.

(5) The quorum for meetings of the Authority shall be seven including two appointed members.

(6) The minutes of each meeting of the Authority shall be kept in proper form and shall be confirmed by the chairman as soon as practicable at a subsequent meeting.

(7) The validity of any proceedings of the Authority shall not be affected by any vacancy among the members or by any defect in the appointment of a member.

12. There shall be paid to the chairman, deputy chairman and other members of the Authority such remuneration (whether by way of honorarium, salaries or fees) and such allowances, as the Minister responsible for the public service may determine. Remuneration.

13.—(1) A member who is, in any way, directly or indirectly interested in a contract made or proposed to be made by the Authority, or in any other matter which falls to be considered by the Authority, shall disclose or cause to be disclosed the nature of his interest at a meeting of the Authority and the disclosure shall be recorded in the minutes of the meeting and the member shall not— Disclosure of interest.

- (a) in the case of a contract, take part in any deliberation or decision of the Authority with respect to the contract; and
- (b) in the case of any other matter, take part in any deliberation or decision of the Authority with respect to the matter if the Authority decides that the interest in question might prejudicially affect the member's consideration of the matter,

and shall further excuse himself from the meeting while the matter is under discussion.

(2) A notice given by a member at a meeting of the Authority to the effect that he is a member of a specific company, firm or other body and is to be regarded as interested in any contract which is made after the date of the notice with the

company, firm or body shall, for the purposes of subparagraph (1), be a sufficient disclosure of his interest in relation to any contract so made.

(3) A member need not attend in person a meeting of the Authority in order to make a disclosure which he is required to make under this paragraph, if he takes reasonable steps to ensure that the disclosure is made by notice which is taken into consideration and read at such a meeting.

Service of documents.

14. Any summons, notice or other document required or authorized to be served upon the Authority under this Act or any other enactment may, unless there is express provision to the contrary, be served by delivering same to the chairman or secretary of the Authority, or by sending it by registered post addressed to the secretary of the Authority at the principal office of the Authority.

Appointments of committee.

15.—(1) The Authority may appoint committees for special purposes connected with the functions of the Authority and which, in the opinion of the Authority, would be better regulated and managed by means of committees.

(2) The number of members of a committee appointed under subparagraph (1), the terms of appointment of such members, the quorum of the committee and the areas within which the committees are to exercise authority shall be determined by the Authority.

(3) Committees of the Authority shall make recommendations to the full Authority for its ratification and decision.

Office of chairman or member not a public office.

16. The office of chairman, deputy chairman, or member of the Authority or any of its committees shall not be a public office for the purpose of Part V of the *Constitution of Jamaica*.”

Passed in the House of Representatives this 6th day of February, 2018
with one hundred and thirty-one (131) amendments.

PEARNEL CHARLES, CD, MP, JP

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.

The Bill makes provision for *inter alia*—

- (a) the Island Traffic Authority for the regulation and control of traffic on roads;
- (b) the Island Traffic Authority to delegate its functions;
- (c) the broadening of the role of the Road Traffic Appeal Tribunal;
- (d) the reclassification of motor vehicle and other forms of vehicles;
- (e) new classes of driver's licence;
- (f) attaching conditions to the grant of permits and driver's licences; and
- (g) the transportation of dangerous and hazardous substances.

L. MICHAEL HENRY, CD, MP
Minister of Transport and Mining

A BILL

ENTITLED

AN ACT to repeal and replace the Road Traffic Act; to establish the Island Traffic Authority for the regulation and control of traffic on roads; to improve road safety and transport efficiency and reduce the cost of administering road transport; to create new categories of drivers' licences; and for connected matters.

As passed in the Honourable House of Representatives.
