



VIRGIN ISLANDS

ROAD TRAFFIC ACT

Revised Edition
showing the law as at 30 June 2013

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act 2014.

This edition contains a consolidation of the following laws—

ROAD TRAFFIC ACT

Act 5 of 1988 .. in force 4 July 1988 (S.I. 9/1988)
Amended by Acts: 4 of 1993 .. in force 11 May 1993
4 of 1996 .. in force 13 June 1996
6 of 2000 .. in force 1 March 2003 (S.I. 1/2003)
14 of 2000 .. in force 4 November 2000
9 of 2006 .. in force 13 June 2006
16 of 2011 .. in force 3 October 2011
Amended by S.I. 10/2013 .. in force 6 May 2011

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ROAD TRAFFIC ACT

*(Acts 5 of 1988, 4 of 1993, 4 of 1996, 6 of 2000, 14 of 2000, 9 of 2006,
16 of 2011 and S.I. 10/2013)*

Commencement

[4 July 1988]

Short title

1. This Act may be cited as the Road Traffic Act.

Interpretation

2. In this Act—

“derelict”, in relation to a vehicle, means an abandoned, dilapidated or disused vehicle or otherwise a vehicle which is written off for the purposes of insurance coverage; *(Inserted by Act 4 of 1993)*

“driver” means any person engaged in the driving of the motor vehicle, and the expression “driver” shall be construed accordingly;

“Licensing Officer” means an official of the Ministry designated by the Minister to perform the duties assigned under this Act;

“major road” means a road on which a greater number of vehicles travel in relation to an intersecting road where a lesser number of vehicles travel;

“mechanical inspector” means an official of the Ministry designated by the Minister to perform the duties assigned under this Act;

“motor cycle” means a motor vehicle with less than 4 wheels not equipped with means of reversing and the weight of which unladen does not exceed 8 cwt;

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on roads;

“occupier”, in relation to land, means the person in actual possession or control thereof or, whoever is entitled to possession or control and in the case of land of which no person is currently in actual possession or control, the person in whom the fee simple thereof is vested shall be deemed to be entitled to possession or control unless he or she proves the contrary; *(Inserted by Act 4 of 1993)*

“omnibus” means a motor vehicle used for passenger transport and licensed for carrying at least 12 passengers for hire or reward;

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

“owner of a motor vehicle” means—

- (a) in the case of a motor vehicle that is registered and licensed the person in whose name the vehicle is registered and licensed;

- (b) in the case of a motor vehicle which is the subject of a hire-purchase agreement the person in possession of the vehicle under the agreement; or
- (c) the person in charge or possession of the vehicle in the Territory whenever the registered owner of a motor vehicle is absent from the Territory;

“park” or “parking” means to permit a vehicle, whether occupied or not, to stand upon a road otherwise than temporarily for the immediate purpose of and while actually engaged in loading or unloading goods, or the taking up or setting down of passengers, or, in obedience to traffic regulations or traffic signs, or the directions of a police officer;

“public place” includes an open space to which the public has access, a public way, wharf, foreshore, curtilage of a public building and any privately owned open space to which the public is granted access either generally or conditionally; (*Inserted by Act 4 of 1993*)

“regulations” means regulations made under this Act;

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

“taxi cab” means a motor vehicle used for the conveyance of passengers for hire or reward; (*Inserted by Act 4 of 1993*)

“traffic” includes bicycles, motor vehicles, vehicles of every description and pedestrians;

“traffic sign” includes all signals, warning sign posts, direction posts, signs, lines, marks or other devices for the guidance of persons using the road;

“vehicle” includes motor vehicles, motor cycles, bicycles, trucks and all other conveyances for the transportation of persons and goods.

Minister’s power to delegate

3. Where by this Act powers are conferred or duties are imposed upon the Minister, such powers or duties shall be exercised and discharged by any person authorised by him or her in writing.

Minister’s power to regulate traffic

4. It shall be the duty of the Minister to regulate and control traffic on road by—

- (a) issuing licences and certificates of registration in respect of vehicles and prescribing the payment of fees therefor;
- (b) issuing licences to drivers of motor vehicles, prescribing minimum conditions of qualification, testing applicants for driver’s licences as to their competency to drive and prescribing the payment of fees therefor;

- (c) keeping a Register of—
 - (i) motor vehicles, motor cycles and bicycles; and
 - (ii) licensed drivers of motor vehicles and motor cycles;
- (d) examining and reporting upon the condition, construction and equipment of any motor vehicle or other vehicles;
- (e) causing or permitting traffic signs to be placed on or near any road; and
- (f) performing all such other duties as are or may be imposed upon him or her by this Act.

Traffic signs

5. (1) Traffic signs may be placed or erected for any of the following purposes—

- (a) to regulate the movement of traffic;
- (b) to indicate the route to be followed by traffic;
- (c) to restrict or prohibit the use of any road or part thereof by traffic;
- (d) to prohibit the driving of any vehicle on any road otherwise than in a certain direction;
- (e) to indicate the maximum speed at which vehicles may be driven on any road or part thereof;
- (f) to restrict or prohibit the parking of vehicles on any road or part thereof.

(2) Traffic signs shall be of the kinds and of the descriptions prescribed by regulations.

(3) Every traffic sign placed on or near any road, which is of a kind and of the description prescribed, shall be deemed to have been lawfully placed by the official designated by the Minister under subsection (5).

(4) Every traffic sign erected in accordance with subsection (3) shall be clearly visible to traffic approaching the sign.

(5) The Minister shall designate an official who shall be responsible for the erection and maintenance of traffic signs.

(6) Regulations which prescribe the kinds and descriptions of traffic signs may prescribe that any sign, whether by words or symbol, shall be interpreted as giving a particular indication and may prescribe and explain the action required to comply with such indication.

(7) A person who shall injure, deface, remove or in any manner interfere with a traffic sign lawfully placed or erected on any road shall be guilty of an offence under this Act.

Registration of motor vehicles

6. (1) Save as hereinafter provided in this Act, no person shall use or drive or, being the owner, permit any other person to use or drive a motor vehicle on a

road unless the vehicle is registered and licensed under this Act and there is in force in relating to the use of the vehicle by the owner or that other person, a policy of insurance in respect of third-party risks; and has affixed thereto in the prescribed manner the identification marks on the licence plates.

(2) Notwithstanding the provisions of subsection (1) no person shall be liable to a penalty for a breach of this section if he or she adduces sufficient evidence to show that he or she has taken all reasonable steps to comply with its requirements, and that the motor vehicle was being driven on a road for the purpose of being registered and licensed.

(3) The onus of proving that a motor vehicle has been registered and licensed shall be upon the owner of such vehicle.

Licensing, etc.

7. (1) No person shall drive, or, being the owner, permit any other person to drive a motor vehicle on a road unless the vehicle is licensed under the provisions of this Act, and if after the commencement of this Act—

- (a) the owner of any motor vehicle keeps for use or allows to be kept for use such vehicle without having obtained, or otherwise fails or omits to obtain, the relevant licence prescribed in respect of that motor vehicle; or
- (b) any motor vehicle is used upon any road for a purpose which is not authorised by the licence issued in respect thereof or in contravention of any provisions of this Act,

the owner or driver or other person in charge of the motor vehicle who contravenes any of the provisions of paragraphs (a) and (b), shall on summary conviction be liable to a penalty not exceeding \$150 or to a term of imprisonment not exceeding 4 months.

(2) Where the driver of any motor vehicle is charged with an offence under subsection (1), it shall be lawful for the Magistrate to order that a summons be issued against any person alleged by the driver to be the owner of the motor vehicle, making such alleged owner, a co-defendant in the case and the Magistrate may, after hearing the evidence and witnesses of all parties, make such order in regard to the payment of any penalty and costs as the Magistrate seems just.

(3) A person shall not be convicted of an offence under this section if he or she proves that he or she has not had a reasonable opportunity of obtaining a licence for the motor vehicle and that such vehicle was being driven for the purpose of obtaining a licence.

(4) Every motor vehicle shall, in all proceedings under this Act, be deemed to be kept for use, until the contrary be proved by the owner of such vehicle.

(5) Upon any conviction for an offence under subsection (1)(a), the Magistrate, in addition to any other penalty which may be imposed, unless such licence fee has been paid subsequent to the commission of the offence, shall order the owner of the motor vehicle to pay into Court to the credit of the Accountant General the amount of the relevant licence fee which would have been payable if such licence had been taken out at the proper time, and in default

of payment of such licence fee, the owner shall be liable to imprisonment for a term not exceeding 3 months.

Cancellation and suspension of licence

8. (1) The Minister shall have power to call up for examination at any time any motor vehicle which he or she has reason to believe is not in a fit and proper state of repair or does not conform to the provisions of this Act or of any regulations as regards construction, alterations, equipment, dimensions and maintenance.

(2) If upon such examination, the Minister is satisfied that the motor vehicle is so constructed or is in such a condition as to be a source of danger to any person travelling in the motor vehicle or to other users of the road or to be injurious to the roads themselves or otherwise contravenes any provision of this Act or any regulations, the Minister may cancel or suspend any licence in respect of such vehicle.

(3) A licence suspended by virtue of this section shall, during the time of the suspension, be of no effect.

Temporary registration of motor vehicle

9. (1) Subject to subsection (2) where a motor vehicle is brought into the Territory for the purpose of being used by the owner during a visit the Licensing Officer may issue to him or her a temporary licence to use the motor vehicle for not more than 3 months on payment of the prescribed fee.

(2) Before a temporary licence is issued under subsection (1) the visitor shall satisfy the Licensing Officer that he or she holds a valid driver's licence issued in the country in which such motor vehicle was last licensed.

(3) A motor vehicle being used under the authority of a temporary licence shall be subject to such conditions as may from time to time be prescribed, and shall bear the identification marks of the country where it was last registered together with such other distinguishing marks as may be prescribed.

(4) Except with the prior approval of the Licensing Officer no motor vehicle used under the authority of a temporary licence shall be used for hire or trade purposes.

Power to fix maximum number of passengers etc. to be carried in vehicle

10. The Minister may prescribe in respect of any motor vehicle the maximum number of passengers or the maximum weight and load to be carried and if the number of passengers or weight and load carried on such vehicle is in excess of such maximum, the driver or other person in charge of the vehicle shall be guilty of an offence.

Driver's licence

11. (1) No person shall drive a motor vehicle on any road unless he or she is the holder of a driver's licence and no person shall employ any other person to drive a motor vehicle on any road unless the person so employed is the holder of a driver's licence; and if any person acts in contravention of the provisions of this section he or she shall be guilty of an offence under this Act.

(2) Notwithstanding subsection (1) and section 16, a visitor to the Territory may, if he or she is the holder of a valid driver's licence issued by the jurisdiction of his or her residence, drive a motor vehicle on any road for a period not exceeding one month from the date of his or her entry into the Territory. (*Inserted by Act 9 of 2006*)

(3) Where the offender has been previously refused a driver's licence or is disqualified for holding or obtaining such a licence, and he or she drives a motor vehicle on a road he or she may be arrested forthwith without a warrant and he or she shall on summary conviction be liable to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$1,000 or may, in addition to the imposition of either of the foregoing penalties, be disqualified for holding or obtaining a driver's licence for such period as the Court shall think fit.

(4) For the purpose of learning to drive, a person not having a driver's licence may—

- (a) use a motor cycle upon such roads and during such times as may be authorised in writing by the Licensing Officer;
- (b) drive any motor vehicle upon such roads and during such time as may be authorised in writing by the Licensing Officer if accompanied for the purpose of instruction by a person holding a driver's licence and sitting next to the driver. In such case both the learner and the person accompanying him or her shall be jointly and severally liable for any offence under this Act or of any regulations committed during the course of such instruction.

Form of driver's licence

12. A driver's licence shall be in such form as may be prescribed and shall have affixed thereto the photograph and the signature of the holder thereof.

Disqualifications for obtaining driver's licence

13. A person shall be disqualified for holding or obtaining a driver's licence—

- (a) if he or she is by a conviction under this Act or by an order of Court thereunder disqualified for holding or obtaining a licence;
- (b) in respect of a motor cycle, if he or she is under the age of 16 years;
- (c) in respect of any motor vehicle if he or she is under the age of 18 years;
- (d) upon certification by a registered medical practitioner that he or she is suffering from a physical or mental disability likely to cause the driving of a motor vehicle by him or her to be a source of danger to the public, until such time as a registered medical practitioner certifies that he or she is competent to drive a motor vehicle.

Power of Licensing Officer to refuse issue of a licence

14. It shall be lawful for the Licensing Officer to refuse to issue a driver's licence to an applicant who has within the 3 years preceding the application, been convicted of manslaughter arising out of the use of any motor vehicle, or of an offence under section 26, 27 or 30. (*Amended by Act 14 of 2000*)

Suspension of licences pending prosecution

15. (1) Where a prosecution arising out of a road traffic accident has been instituted against any person (in this section referred to as "the defendant") under section 26 or 30, or consideration is being given by the relevant authority to the instituting of such a prosecution, a police officer may make an application, supported by an affidavit sworn by the Commissioner of Police or the Commissioner of Motor Vehicles, to a Magistrate for an order referred to in subsection (2). (*Amended by S.I. 10/2013*)

(2) If, on an application made under subsection (1), a Magistrate is satisfied that the condition set out in subsection (4) is fulfilled, he or she may, subject to subsections (3) and (5), make an order that the defendant's driver's licence be suspended.

(3) For the purposes of subsection (2) the following conditions shall apply—

- (a) in the case of a prosecution that has not been instituted, the order of suspension shall last until the accused appears before a court or the expiration of a period of 3 months from the date of the accident, whichever is the earlier;
- (b) in the case of a prosecution that has been instituted, the court may extend the order of suspension from time to time, but in any case the court shall not be obliged to extend the order up to final disposal of the case if, in the opinion of the court, it would not be in the interest of justice to do so.

(4) The condition referred to in subsection (2) is that the continued holding by the defendant of his or her licence before disposal of the matter would not be in the public interest having regard to the gravity of the alleged criminal act or its consequences or both.

(5) Before making an order under this section, the Magistrate shall invite the person against whom the order is sought to make representations as to why the order should not be made against him or her.

(6) Subject to the other provisions of this section, provision may be made by rules of court for the better carrying out of the purposes of this section.

(Inserted by Act 14 of 2000)

Visitor's temporary driver's licence

16. (1) Subject to subsection (2) it shall be lawful for the Licensing Officer to grant a temporary driver's licence for any period not exceeding 3 months to any applicant, when it is shown to his or her satisfaction that the applicant is a *bona fide* visitor to the Territory.

(2) Such temporary driver's licence may be granted with or without any driving test on the part of the applicant, but shall be subject to such conditions as may be stipulated on the licence and to the payment of the prescribed fee.

(3) A temporary driver's licence shall not be granted under subsection (1) unless the applicant produces a valid driver's licence issued by the jurisdiction of his or her residence.

Production of driver's licence

17. (1) The driver of a motor vehicle shall, on being so required by any police officer, produce his or her driver's licence for examination so as to enable such police officer to ascertain the name and address of the holder of the licence and the date of issue of the same, and if he or she fails to do so he or she shall be liable on summary conviction to a penalty not exceeding \$50.

(2) Notwithstanding subsection (1), if, within 24 hours after the production of his or her licence was required, the holder produces the licence in person at such police station as may be specified to him or her at the time its production was required, he or she shall not be charged under this section.

Cancellation of driver's licence for disability

18. (1) Subject to subsection (2) if it appears to the Licensing Officer that there is reason to believe that any person being licensed to operate a motor vehicle is suffering from a physical or mental disability that may make it dangerous for such person to operate a motor vehicle safely he or she may require such person to submit himself or herself for a medical examination and where the registered medical practitioner certifies that such person is unfit to drive a motor vehicle, then the Licensing Officer may suspend or revoke the licence of such person.

(2) The driver's licence of every person who fails within a period of 2 weeks to submit himself or herself to a medical examination referred to in subsection (1) shall be suspended by the Licensing Officer after notice of his or her intention to do so has been served on such person.

(3) Where the driver whose licence has been suspended under subsection (2) submits himself or herself to a medical examination as required under subsection (1), and is certified as fit to drive a motor vehicle, the Licensing Officer shall revoke the suspension and notify the person of the revocation.

(4) Every person holding a driver's licence, upon reaching the age of 70 years shall, upon request of the Licensing Officer submit to a re-examination of his or her ability to operate a motor vehicle safely and submit a medical report from a registered medical practitioner, as to his or her fitness to drive a motor vehicle.

(5) The driver's licence of a person who fails to submit to a re-examination and furnish the medical report referred to in subsection (4), within a period of 2 weeks upon a request by a Licensing Officer shall be suspended by the Licensing Officer after notifying the holder of such licence.

(6) Where the driver whose licence has been suspended under subsection (5) submits himself or herself to a re-examination and furnishes a medical report from a registered medical practitioner as to his or her fitness to drive a motor

vehicle, the Licensing Officer shall revoke the suspension and notify the person of the revocation.

Fraudulent application for a driver's licence

19. If any person who under the provisions of this Act—

- (a) is disqualified from holding or obtaining a driver's licence applies for or obtains a licence while he or she is so disqualified or drives a motor vehicle or, if the disqualification, is limited to the driving of a motor vehicle of a particular class or description drives a motor vehicle of that class or description on a road;
- (b) has been refused a licence applies for or obtains a licence without disclosing such refusal,

he or she shall be guilty of an offence, and shall on summary conviction be liable to a penalty not exceeding \$500 or to imprisonment for a term not exceeding 6 months, or to both such penalty and imprisonment, and the licence obtained by any person disqualified under paragraph (a), shall be of no effect.

Application of certain provisions of this Act to pedal bicycles

20. The Minister may by order published in the *Gazette* provide that any of the provisions of this Act or any Regulations relating to motor vehicles shall apply *mutatis mutandis* to pedal bicycles and the owners or riders thereof.

Application for issue of pedal bicycle licence

21. Every application for the licensing of a pedal bicycle shall be made to the Licensing Officer in the prescribed form.

Production of pedal bicycle licence

22. Every pedal bicycle shall be licensed in the manner provided in this Act and it shall be the duty of the owner on demand by any police officer to produce a licence within a reasonable time after the demand is made.

Penalty for use of pedal bicycle without licence

23. (1) Subject to subsection (2), the owner of a pedal bicycle which is used on a road without a licence in that behalf issued under this Act shall be guilty of an offence, and shall be liable on summary conviction to a penalty not exceeding \$25.

(2) A person shall not be convicted of an offence under this section if he or she proves that he or she has not had a reasonable opportunity of obtaining a licence and that the pedal bicycle was being used on the road for the purpose of obtaining a licence.

Minister's power to declare speed limit areas

24. (1) The Minister may—

- (a) by notice published in the *Gazette* declare any road or any portion thereof to be within a speed limit area and specify the maximum

speed limit at which a motor vehicle of any class or description may be driven on any road or any portion thereof;

- (b) designate the limits of such areas by conspicuous and appropriate signs on or near the road both at the commencement and at the termination of such area.

(2) The speed limit on any road not within a speed limit area, shall be 40 miles per hour in respect of any motor vehicle of any class or description.

(3) No person shall drive a motor vehicle of any class or description at a speed greater than the speed as may be specified under subsection (1) or as specified under subsection (2).

(4) A person who contravenes the provisions of subsection (1) or subsection (3) shall be liable on summary conviction to a fine not exceeding \$500 and to be disqualified from holding or obtaining a driver's licence for such period as the Court shall think fit.

(5) A person who aids, abets, counsels or procures any person who is employed by him or her to drive a motor vehicle on a road in contravention of the provisions of subsection (3), whether as registered owner or the temporary possessor of the use of the motor vehicle under a hiring agreement, commits an offence under this section and shall be liable on summary conviction to a fine not exceeding \$150.

Certain vehicles exempt from speed limit

25. The provisions of this Act imposing a speed limit on motor vehicles shall not apply to any motor vehicle when it is being used for fire brigade, ambulance or police purposes.

Causing death, recklessly, carelessly or while impaired by alcohol or drugs

26. (1) A person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed, or in a manner which is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, shall be liable on conviction on indictment to imprisonment for a term not exceeding 5 years.

(2) If upon the trial of a person for an offence against this section the jury is not satisfied that the person's driving was the cause of the death but are satisfied that the person is guilty of driving as mentioned in subsection (1), it shall be lawful for the jury to convict the person of an offence under section 30 whether or not the requirements of section 36 have been satisfied in respect of the offence.

(3) Section 32 of the Coroners Act, shall apply to an offence against this section as it applies to manslaughter.

(4) Without prejudice to section 14, where a person is convicted of an offence under this section, the court shall, in addition to a penalty imposed on him or her, disqualify him or her from holding a driver's licence for a period of up to 5 years. (*Inserted by Act 14 of 2000*)

(5) Where a person who is disqualified from holding a driver's licence under subsection (4) is convicted on a second or subsequent offence under this section, he or she is liable to be disqualified for life from holding a driver's licence. (*Inserted by Act 14 of 2000*)

Police to produce driver before Government Medical Officer under certain circumstances

27. (1) Where a police officer in uniform has reasonable grounds to suspect that a person who—

- (a) when driving or attempting to drive a motor vehicle on a road or public place; or
- (b) being in charge of a motor vehicle as a supervisor of a learner-driver, on a road or public place,

is unfit to drive or be in charge of a motor vehicle under paragraph (b), through alcohol or drugs, the officer shall take the person before a Government Medical Officer for examination and require the person to provide a specimen of blood or urine for a laboratory test and upon request by the person at the examination a specimen of blood or urine may be furnished to him or her.

(2) A police officer shall on requiring any person under subsection (1) to provide a specimen of blood or urine for a laboratory test warn him or her that failure to provide a specimen of blood or urine may make him or her liable to imprisonment or a fine and disqualification and if the police officer fails to do so, the court before which that person is charged with an offence under this section may direct an acquittal.

(3) Any person who—

- (a) fails without reasonable excuse to provide a specimen of blood or urine under subsection (1); or
- (b) drives or attempts to drive a motor vehicle on a road or public place or be in charge of a motor vehicle under subsection (1)(b), on such road or place,

with alcohol or drugs above the prescribed limits is guilty of an offence, and is liable on summary conviction to a penalty not exceeding \$500 or to imprisonment for a term not exceeding 6 months; and in the case of a subsequent conviction either to a penalty not exceeding \$500 or to 12 months imprisonment or to both such penalty and imprisonment.

(4) A person convicted of an offence under this section shall, without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of 12 months from the date of the conviction for holding or obtaining a driver's licence, and on a second or subsequent conviction for a like offence he or she shall be liable to be disqualified for life from holding or obtaining a driver's licence.

(5) A police officer may arrest without a warrant a person committing an offence under this section.

Certificate of analyst and doctor admissible in evidence

28. (1) Subject to subsections (2) and (3), a certificate purporting to be signed by an authorised Analyst certifying that the proportion of alcohol or drugs in the specimen of blood or urine is over the prescribed limit and the certificate from the doctor who took the specimen of blood or urine from the defendant are admissible in evidence in any prosecution under this Act.

(2) No certificate shall be received in evidence unless the prosecution has served a copy thereof on the defendant not less than 14 days before the trial.

(3) In a prosecution under this Act, the defendant may, not less than 14 days before the trial, serve notice on the prosecution requiring the attendance of the Analyst or the doctor to give evidence at such trial.

Prescribed limit

29. For the purposes of this Act—

- (a) the prescribed limit is 80 mg of alcohol in 100 ml of blood which is the equivalent of 107 mg of alcohol in 100 ml of urine;
- (b) an authorised Analyst means any person qualified as an Analyst and appointed by the Minister by notice published in the *Gazette*.

Penalty for driving recklessly or dangerously

30. (1) Any person who drives a motor vehicle on a road recklessly or at a speed or in a manner that is dangerous to the public, having regard to all the circumstances of the case including the nature, condition and use of the road and the amount of traffic that at the time is, or might reasonably be expected to be, on such road, shall be liable—

- (a) on summary conviction to a penalty not exceeding \$500 or to imprisonment for a term not exceeding 6 months and in the case of a second or subsequent conviction either to a penalty not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months or to both such penalty and imprisonment;
- (b) on conviction on indictment to imprisonment for a term not exceeding 2 years, or to a fine not exceeding \$1,000 or both such imprisonment and fine.

(2) A person convicted of an offence under this section shall, without prejudice to the power of the court to order a longer period of disqualification, be disqualified from holding or obtaining a driver's licence for a period of 6 months from the date of the conviction and on a third conviction for a like offence he or she shall be disqualified for life from holding or obtaining a driver's licence.

(3) The reference in subsection (2) to "the date of the conviction" shall in a case where the operation of an order disqualifying a person from holding a driver's licence is suspended pending an appeal, be construed to mean such date as may be fixed by the court by which the appeal is determined.

Penalty for driving without due care to other users

31. Every person who drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road,

shall be guilty of an offence and liable on summary conviction to a penalty not exceeding \$250 and on a subsequent conviction shall in addition to such penalty be disqualified from holding a driver's licence for such period as the court shall think fit.

Pedestrian crosswalk

32. (1) The driver of every vehicle approaching a pedestrian cross walk shall proceed at such speed as to be able, if necessary, to stop before reaching the crosswalk.

(2) The driver of every vehicle at or approaching a pedestrian crosswalk where traffic is not for the time being controlled by light signals, shall allow free and uninterrupted passage to any pedestrian who is on the carriageway at the crosswalk and the pedestrian shall have precedence over all vehicular traffic at such crosswalk.

(3) No driver of a vehicle shall cause the vehicle or any part thereof to stop upon a pedestrian crosswalk unless either—

(a) he or she is prevented from proceeding by circumstances beyond his or her control; or

(b) it is necessary for him or her to stop, in order to avoid an accident.

(4) No person shall remain upon a pedestrian crosswalk longer than is necessary, for the purpose of passing from one side of the street to the other with reasonable despatch.

(5) The driver of every vehicle who contravenes the provisions of this section is guilty of an offence and liable on summary conviction to a fine not exceeding \$250.

(6) In this section—

“pedestrian crosswalk” means a crossing place for pedestrians demarcated on any street by means of white horizontal bars not more than 3 feet width, and not less than 2 feet width; and indicated by Traffic Signs bearing the words “STOP for Pedestrians in crosswalk” or “STOP for children in crosswalk”.

(Inserted by Act 4 of 1993)

Penalty for speed trials etc.

33. (1) A person who promotes or takes part in a race or trial of speed between motor vehicles on a road shall be liable on summary conviction to a penalty not exceeding \$1,000 or to imprisonment for a term not exceeding 12 months, or to both such penalty and imprisonment.

(2) A person convicted of an offence under this section shall, unless the Court thinks fit to order otherwise, and without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for holding a driver's licence for a period of 12 months from the date of the conviction.

Power to convict for reckless or dangerous driving

34. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him or her, it shall be lawful for the jury,

if they are satisfied that he or she is guilty of an offence under section 30 to find him or her guilty of that offence whether or not the requirements of section 36 have been satisfied as respects that offence.

Power to proceed on charge for careless driving on hearing of charge under section 30

35. (1) Where a person is charged summarily before a Magistrate with an offence under section 30 that relates to reckless or dangerous driving and the Magistrate is of the opinion that the offence is not proved, then at any time during the hearing or immediately thereafter, the Magistrate may without prejudice to any other powers possessed by him or her, direct or allow a charge for an offence under section 31 that relates to driving without due care and attention to be preferred forthwith against the defendant.

(2) The Magistrate may thereupon proceed with the charge, so however that the defendant or his or her legal practitioner shall be informed of the new charge under section 31 and be given an opportunity, whether by way of cross-examining a witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the Magistrate shall, if the Magistrate considers that the defendant is prejudiced in his or her defence by reason of the new charge being preferred, adjourn the hearing.

Warning of intended prosecution

36. (1) Subject to subsection (2), where a person is prosecuted for an offence under any of the provisions of this Act relating respectively to the maximum speed at which motor vehicles may be driven to reckless or dangerous driving or to driving without due care and attention, he or she shall not be convicted unless either—

- (a) he or she was warned at the time the offence was committed that the question of prosecuting him or her for an offence under some, one or other of the provisions of this Act mentioned above would be taken into consideration;
- (b) within 14 days of the commission of the offence a summons for the offence was served on him or her; or
- (c) within the said 14 days notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or, sent by registered post to him, her or to the person registered as the owner of the vehicle at the time of the commission of the offence.

(2) Failure to comply with the provisions of subsection (1) shall not be a bar to the conviction of the accused in any case where the court is satisfied that—

- (a) neither the name and address of the accused nor the name and address of the registered owner of the vehicle could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as foresaid; or
- (b) the accused by his or her own conduct contributed to failure.

(3) The requirement of this section shall in every case be deemed to have been complied with unless the contrary is proved.

Duty to give name and address and power of arrest in certain cases

37. (1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Act as to reckless or dangerous driving or driving without due care and attention refuses, on being required by any person having reasonable grounds for so requiring, to give his or her name and address, or gives a false name and address, he or she shall be guilty of an offence under this Act.

(2) A police officer may arrest without warrant the driver of any motor vehicle who within his or her view commits any offence under the provisions of this Act as to reckless or dangerous driving or driving without due care and attention or racing on a road, unless the driver either gives his or her name and address or produces his or her driver's licence for examination into the nearest police station within a period of 24 hours after such arrest.

(3) A person driving a motor vehicle on a road shall stop the vehicle on being so required by a police officer in uniform and if he or she fails so to do he or she shall be liable on summary conviction to a penalty not exceeding \$50.

Power to suspend driver's licence in certain circumstances

38. (1) If and when a person is charged with manslaughter arising out of the use of any motor vehicle or with contravening the provisions of sections 26, 30 and 33, it shall be lawful for the appropriate court to order the suspension of the driver's licence of the person so charged pending determination of the charge. *(Amended by Act 14 of 2000)*

(2) Any such licence so suspended shall on demand by a police officer be surrendered to the police officer who shall forthwith forward the same to the Clerk of the Court before which the person so charged is to appear.

(3) A licence suspended by virtue of this section shall during the period of suspension be of no effect.

Police may direct traffic in certain circumstances

39. (1) Notwithstanding the provisions of any other law for the time being in force in the Territory and those of section 40, a police officer or traffic warden in uniform may direct traffic at his or her absolute discretion—

- (a) to ensure orderly movement of traffic;
- (b) to prevent injury or damage to persons or property; or
- (c) to permit proper action in an emergency.

(2) A person who fails to comply with a direction or signal by a police officer or traffic warden in the execution of his or her duty under any provisions of this section is guilty of an offence and is liable on summary conviction to a fine not exceeding \$150 or to imprisonment for a term of 3 months.

(Amended by Act 4 of 1993)

Rules of the road

40. (1) No person shall drive a motor vehicle at a speed greater than the maximum speed prescribed or notified under this Act.

(2) The driver of a motor vehicle approaching an intersection that is not controlled by signs and signals shall yield the right of way to a motor vehicle that has entered the intersection from a different road and, when 2 motor vehicles enter an intersection from different roads at approximately the same time, the driver on the right shall yield the right of way to the motor vehicle on the left.

(3) Where a driver of a motor vehicle intends to turn to the left at an intersection he or she shall approach the intersection by keeping immediately to the left edge of the road and he or she shall make the left turn by keeping to the left edge of the road being entered.

(4) Where the driver of a motor vehicle intends to turn to the right at an intersection, he or she shall approach the intersection by keeping immediately to the left of the centre of the road and he or she shall make the right turn by driving round the central point of intersection of the 2 roads and shall keep as close as possible to left side of the intersecting road.

(5) The driver of a motor vehicle on a road before turning to the left or right at an intersection shall give a signal, by the use of the automatic traffic indicator signals or manual signals as prescribed in the Regulations, plainly visible to the driver of such other motor vehicle, of the intention to make such turn.

(6) Where the driver of a motor vehicle on a road is being overtaken by other traffic, the driver being overtaken shall keep to the left of the road allowing such other traffic to pass.

(7) No driver of a motor vehicle on a road shall overtake other traffic proceeding in the same direction in a manner which obstructs traffic proceeding in the opposite direction.

(8) No driver of a motor vehicle on a road shall follow another motor vehicle more closely than is reasonable and prudent, having due regard for the speed of the other motor vehicle, the amount and nature of traffic and the condition of the road.

(9) The driver of a motor vehicle on a road, before moving off, stopping or turning such vehicle from a direct line—

- (a) shall use reasonable care to ascertain that it is safe so to do; and
- (b) shall give a signal by the use of the automatic traffic indicator signals or manual signals as prescribed in the Regulations.

(10) No person shall drive a vehicle to the right of an unbroken centre line demarcated on the road except—

- (a) when the road to the left of the centre line is obstructed by a parked vehicle or other object; and
- (b) when the road to the left of the centre line is closed to traffic.

(11) No person shall drive a motor vehicle—

- (a) in contravention of the direction of traffic prescribed for a one-way road; or
- (b) contrary to the directional flow of traffic for any excessive distance on any road.

(12) The driver of a motor vehicle about to enter or cross a major road from a minor road shall yield the right of way to all motor vehicles approaching on the major road.

(13) No person operating a motor vehicle on a road shall stop alongside another motor vehicle and remain stopped in that position.

(14) No person shall park a motor vehicle on a road—

- (a) within a distance of 20 feet from an intersection;
- (b) unless he or she has taken such action as may be reasonably necessary in the circumstances to prevent the motor vehicle from moving or being set in motion;
- (c) in such a manner as to interfere with the movement of other traffic on the road.

(15) No person shall park or drive a motor vehicle on or over a sidewalk or pavement, without reasonable consideration for the use of such sidewalk or pavement by a pedestrian.

(16) No person shall park a motor vehicle—

- (a) in a no parking zone;
- (b) in a restricted zone;
- (c) within a section of a road where there is a road marking prohibiting the stopping or standing of a motor vehicle. (*Inserted by Act 4 of 1993*)

(17) No person, other than a person designated by a traffic sign or a road marking bearing the words “Reserved Parking”, shall park a motor vehicle in a section of the road where such sign or road marking has been exhibited.

(18) The driver of a motor vehicle, upon the approach of an ambulance, fire-service or police department vehicle, from which a siren is sounding, shall immediately bring the vehicle to a stop as near as is practicable to the left hand edge of the road and parallel therewith and clear of any intersection.

(19) Every driver of a motor vehicle who contravenes any of the provisions of this section is guilty of an offence and on summary conviction is liable to a fine not exceeding \$150.

Motor cycles

41. (1) It shall not be lawful for more than one person in addition to the driver to be carried on any 2-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the motor cycle and on a proper seat securely fixed to the motor cycle behind the driver’s seat.

(2) It shall not be lawful for any person while riding a motor cycle on a road—

- (a) to hold on to another moving vehicle; or
- (b) to ride the motor cycle without at least one hand being on the handlebar of the motorcycle.

(3) If any person contravenes the provisions of this section he or she shall be liable on summary conviction to a penalty not exceeding \$50 in the case of a first conviction and to a penalty not exceeding \$100 in the case of subsequent conviction.

Duty to stop in case of accident

42. (1) Where in an accident due to the use of a motor vehicle on a road, damage or injury is caused to any person, animal or property, the driver of the motor vehicle shall—

- (a) immediately stop the vehicle;
- (b) upon request, give in writing to any person having reasonable grounds for so requesting or to any police officer or to any witness, his or her name and address, the registration marks of the vehicle and, if he or she is not the owner of the vehicle, the name and address of the registered owner of the vehicle and the company with which it is insured;
- (c) if in the case of such an accident, the driver of the motor vehicle for any reason does not give his or her name and address to a person mentioned in subsection (1)(b), report the accident at a police station or to a police officer as soon as reasonably practicable, and in any case within 24 hours of the occurrence thereof.

In this section the expression “animal” means any horse, cattle, ass, mule, sheep, pig, goat or dog.

(2) Every person who fails to comply with the provisions of subsection (1) shall be guilty of an offence.

Stopping or parking of a motor vehicle on a road

43. (1) An owner of a motor vehicle or any other person in charge of it who permits that motor vehicle or a trailer drawn thereby—

- (a) to remain stationary on a road in such a position, or other circumstances as is, or are likely to cause danger or obstruction to other traffic using the road; or
- (b) to wait in any place in contravention of a sign that indicates that stopping or, as the case may be, parking is prohibited,

is guilty of an offence.

(2) A police officer may require an owner or a person in charge of a motor vehicle or trailer referred to in subsection (1) to remove the motor vehicle or trailer, as the case may be, or to cause it to be removed, including a

requirement that the vehicle or trailer shall not be removed to a particular road or to any particular position on a road.

(3) The Commissioner of Police may order the removal of a motor vehicle or trailer if the owner or person in charge of it—

(a) fails to remove it after being required to do so under subsection (2); or

(b) cannot be found after reasonable steps have been made to ascertain his or her whereabouts and the removal of the motor vehicle or trailer is necessary.

(4) The owner or person in charge of a motor vehicle or trailer that has been removed shall pay to the Commissioner of Police the cost incurred in the removal and custody of the motor vehicle or trailer and subject to subsection (7), such cost incurred in the keeping thereof as the Cabinet may, by order, prescribe.

(5) A person removing a motor vehicle or trailer under subsection (3) may do so by towing it, or driving it or by such means as he or she considers necessary, and, for the purpose of so doing, he or she may take such measures in relation to the motor vehicle or trailer as may be necessary to enable him or her to remove it.

(6) The Commissioner of Police shall make reasonable arrangements for the safe removal and custody of any motor vehicle or trailer that he or she orders to be removed under subsection (3); but no liability attaches to him or her or to the Government for loss or damage to the vehicle or trailer during the time that it is being removed or kept.

(7) Where a person claims a motor vehicle or trailer that has been removed under subsection (3) and, through no fault of his or her own, fails to secure delivery thereof, he or she is not to be held liable for any cost incurred for the custody thereof after the time of his or her claim.

(8) Where a motor vehicle or trailer has been removed under subsection (3) and is unclaimed after the expiration of a period of 3 months, the Commissioner of Police may cause it to be sold and after deduction from the selling price of—

(a) the cost of removal and custody; and

(b) the expenses of the sale,

pay the remainder, if any, into the Consolidated Fund.

Miscellaneous offences

44. (1) Every person who—

(a) defaces or alters a licence plate;

(b) uses or permits the use of a motor vehicle on a road to which is affixed a defaced or altered licence plate;

(c) without the authority of the owner removes a licence plate from a motor vehicle;

(d) uses or permits the use of a licence plate upon a motor vehicle to which the licence plate has not been assigned;

- (e) throws any object out of a motor vehicle while being operated on the road whereby injury or damage may be caused to the users of the road;
- (f) attaches himself or herself to the outside of a motor vehicle on a road being drawn along such road;
- (g) being in a motor vehicle on a road in any way interferes with the safe control of the motor vehicle;
- (h) drives or permits to be driven a motor vehicle on a road in a defective condition as regards its mechanical fittings as to endanger its occupants or other persons using the road;
- (i) fails to display a licence sticker on the front window screen of a motor vehicle;
- (j) being the driver of a motor vehicle on a road fails to stop at a “stop sign”;
- (k) uses a motor vehicle that causes a loud noise or evicts sparks or excessive smoke that would cause annoyance to the public;
- (l) transports improperly secured loose material;
- (m) parks a motor vehicle in a no parking zone or in a reserved parking area or in a restricted zone; (*Amended by Act 4 of 1993*)
- (n) leaves a motor vehicle when it is parked on a road without stopping the engine and applying the hand brakes; or (*Amended by Act 4 of 1993*)
- (o) leaves a motor vehicle within a section of a road where there is a road marking prohibiting the stopping or standing of a motor vehicle, (*Inserted by Act 4 of 1993*)

is guilty of an offence.

(2) The owner of a motor vehicle who, upon the request of a police officer investigating the commission of an offence under this Act or a breach of the Regulations refuses to give—

- (a) the name and address of the driver thereof, the driver having been authorised by the owner to drive the said motor vehicle; or
- (b) all such information in his or her possession as would assist in the discovery of the identity of the driver,

is guilty of an offence.

(3) Every person who contravenes any provision of this section shall on summary conviction be liable to a fine not exceeding \$100 or to imprisonment for a period not exceeding 6 months, or to both such fine and imprisonment.

Prohibitions as to the visible light transmission ratings

45. (1) Subject to subsection (2)—

- (a) no person shall drive a motor vehicle where—
 - (i) the whole or part of the glass of the windscreen is obscured by the application of any film, tint or other obscuring device;

- (ii) by the application of a film, tint or other obscuring device, the whole or part of the front side windows has a visible light transmission rating of less than 35%;
 - (iii) by the application of a film, tint or other obscuring device, the whole or part of any other window or glass of the vehicle has a visible light transmission rating of less than 20%; and
- (b) the Commissioner of Motor Vehicles shall not register or licence or renew the registration or licence of a motor vehicle where—
- (i) the whole or part of the glass of the windscreen is obscured by the application of a film, tint or other obscuring device;
 - (ii) by the application of a film, tint or other obscuring device, the whole or part of the front side windows has a visible light transmission rating of less than 35%;
 - (iii) by the application of a film, tint or other obscuring device, the whole or part of any other window or glass of the vehicle has a visible light transmission rating of less than 20%.

(Substituted by Act 9 of 2006 and amended by S.I. 10/2013)

(2) Where for reasons of security or other good reason, it becomes necessary for the glass of the windscreen or any window of a motor vehicle of a class specified in subsection (3), to have, by the application of a film, tint or other obscuring device, a light visible transmission rating contrary to the provisions of subsection (1), the Commissioner of Motor Vehicles shall, with the approval of the Minister, issue a permit to allow the application of such film, tint or other obscuring device. *(Substituted by Act 9 of 2006 and amended by S.I. 10/2013)*

(3) The class of motor vehicles referred to in subsection (2) are—

- (a) ambulances;
- (b) hearses used by a licensed funeral home;
- (c) official motor vehicles assigned by the Government to—
 - (i) the Governor;
 - (ii) the members of the House of Assembly;
 - (iii) the Judges of the Court of Appeal and the High Court;
 - (iv) the Magistrate; and
 - (v) the Police Force; and
- (d) any vehicle owned by the Government used to transport—
 - (i) currency; or
 - (ii) any person requiring protection.

(Inserted by Act 14 of 2000 and amended by Act 9 of 2006)

(4) Where any of the persons referred to in subsection (3)(c)(i) to (iv) is not assigned an official motor vehicle by the Government, a private motor vehicle owned by any such person in respect of which a motor vehicle allowance is paid by the Government shall be exempted from the provisions of subsection

(1) as if it were an official motor vehicle assigned to that person by the Government. *(Inserted by Act 14 of 2000)*

(5) The provisions of subsections (3) and (4) apply only so long as the person exempted thereunder continues to hold within the Territory the office concerned and, where he or she vacates office, that person shall, within 30 days of ceasing to hold the office, remove any film, tint or other obscuring device that may have been applied on the windscreen or window of the motor vehicle or reduce it to a level that complies with subsection (1). *(Inserted by Act 14 of 2000)*

Glass of the windscreen or window of a motor vehicle in a manufactured state

46. (1) In this section and section 49 the glass of the windscreen or window of a motor vehicle is deemed to be in a manufactured state if the tint on the glass is the product of a process other than the application of a film, tint or other obscuring device. *(Inserted by Act 14 of 2000)*

(2) The owner of a motor vehicle, or a person who, on the coming into force of this Act, has an existing order for the importation of a motor vehicle where the whole or part of the glass of the windscreen or window of the motor vehicle is in a manufactured state and the tint has a visible light transmission rating contrary to the provisions of section 45, shall, within 30 days of the coming into force of this Act, apply in writing to the Commissioner of Motor Vehicles for a permit to be allowed to drive the vehicle. *(Substituted by Act 9 of 2006 and amended by S.I. 10/2013)*

(3) Before granting a permit under subsection (1) the Commissioner of Motor Vehicles, or other person designated by the Commissioner of Motor Vehicles, shall satisfy himself or herself—

- (a) that the glass of the windscreen or window of the motor vehicle for which the application is made is in a manufactured state;
- (b) in the case of an application where the motor vehicle is being imported by virtue of an existing order, that—
 - (i) the relevant documents relating to the purchase of the motor vehicle are produced in support of the application; and
 - (ii) the date the motor vehicle was ordered is a date before the coming into force of this Act. *(Inserted by Act 14 of 2000 and amended by S.I. 10/2013)*

(4) Where a permit is granted under subsection (1), the owner of the motor vehicle shall display the permit on the front windscreen of the motor vehicle. *(Inserted by Act 14 of 2000 and amended by S.I. 10/2013)*

(5) Where, after a permit is granted under this section, evidence becomes available to the Commissioner of Motor Vehicles that the information provided by an applicant for the purposes of subsection (3) is false in a material particular, the Commissioner of Motor Vehicles may cancel the permit. *(Inserted by Act 14 of 2000 and amended by S.I. 10/2013)*

(6) The provisions of sections 45, 48, 49, 50 and this section shall not apply to an owner of a motor vehicle where the upper part of the windscreen of the motor vehicle is in a manufactured state and the tint, extending downwards no more than 6 inches from the top of the windscreen, has a visible light

transmission rating contrary to the provisions of section 45. (*Inserted by Act 9 of 2006*)

Form of permit

47. The form of a permit granted under sections 45 and 46 shall be determined by the Commissioner of Motor Vehicles. (*Inserted by Act 14 of 2000*)

Penalty

48. A person who contravenes any provision under section 45 or 46 commits an offence and is liable on conviction—

- (a) to a fine not exceeding \$750; and (*Amended by Act 9 of 2006*)
- (b) on a second or subsequent offence to a one year suspension of his or her driver's licence in addition to the penalty prescribed under paragraph (a).

(Inserted by Act 14 of 2000)

Prohibition of importation of motor vehicle with tinted windscreen or window

49. (1) Subject to section 46, no person shall import a motor vehicle where the whole or part of the glass of the windscreen or windows of the motor vehicle is—

- (a) obscured by the application of a film, tint or other obscuring device contrary to the provisions of section 45;
- (b) in a manufactured state, if the tint has a visible light transmission rating contrary to the provisions of section 45.

(2) A person who contravenes subsection (1) commits an offence and is liable on conviction to a fine not exceeding \$1,000 for every vehicle so imported and in addition the court shall order the owner of the vehicle to remove it from the Territory within 21 days of that order, failing which the vehicle shall be forfeited to the Crown. (*Inserted by Act 14 of 2000*)

(3) Where a vehicle is forfeited to the Crown under subsection (2), the Minister may dispose of the vehicle in such manner as he or she considers necessary to ensure compliance with this Act. (*Inserted by Act 14 of 2000*)

(4) This provision does not apply to motor vehicles imported into the Territory prior to the coming into force of the provisions of sections 45, 46, 48 and 50. (*Inserted by Act 9 of 2006*)

Transitional period for compliance

50. A person commits an offence and is liable on conviction to the penalties under section 48 only if, after 30 days of the coming into force of this Act, he or she drives a motor vehicle where the whole or part of the glass of the windscreen or window of the motor vehicle is obscured by the application of a film, tint or other device contrary to the provisions of section 45. (*Inserted by Act 14 of 2000 and amended by Act 9 of 2006*)

Prohibition of use of certain equipment

51. (1) Subject to subsection (3), no television screen or other device of a similar nature shall be used, by any person, in any position or location in a motor vehicle where it may be visible to the driver or where it may in any other manner interfere with the safe operation and control of the motor vehicle.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine not exceeding \$750.

(3) Subsection (1) does not apply to a video display unit used for instrumentation purposes or a closed video monitor for reversing where such monitor screen is disabled whenever the transmission of the motor vehicle so equipped is shifted out of reverse.

(Inserted by Act 9 of 2006)

Taking vehicle without consent of owner

52. (1) Subject to subsection (2), if a person uses a motor vehicle without the consent of the owner or other lawful authority, he or she shall be guilty of an offence under this Act.

(2) A person shall not be convicted under this section if he or she proves either—

- (a) that he or she had good reason to believe, and did in fact believe that the owner of the vehicle would, had he or she been present, have consented to the vehicle being used in the manner in which it was used; or
- (b) that he or she had reasonable cause to believe and did in fact believe that he or she had lawful authority to use the vehicle.

(3) If a person is convicted under this section, the Magistrate may, if he or she thinks fit, either in addition to or without inflicting any punishment, order that the person convicted pay to the owner of the vehicle either or both of the following sums, namely—

- (a) such sums as, in the opinion of the Magistrate, would have been charged if the vehicle had been hired by the person convicted;
- (b) such sum as, in the opinion of the Magistrate, represents fair compensation for any damage done to the vehicle,

payment of such sum shall be enforced in the manner provided by the Magistrate's Code of Procedure Act for the enforcing of the payment of a fine or order made on complaint.

(4) If on the trial of an indictment for stealing a motor vehicle, the jury is of the opinion that the defendant was not guilty of an offence under this section, the jury may find him or her guilty of an offence under this section and thereupon he or she shall be liable to be punished accordingly.

(5) A police officer may arrest without warrant a person reasonably suspected by him or her of having committed an offence under this section.

Clerk of Court to furnish certain particulars to Ministry

53. The Clerk or other officer of the Court in which a conviction for an offence under this Act or the Regulations is recorded shall forthwith certify the conviction to the Ministry setting out the name of the offender, the number of the driver's licence, the licence number of the motor vehicle involved and the provisions of the Act or Regulations contravened.

Presumptive evidence of registers

54. The contents of the Register of Motor Vehicles, the Register of Licensed Motor Vehicle Drivers, and the Record of Driver's Offences maintained by the Ministry shall respectively be admissible as *prima facie* evidence of the facts contained therein in all proceedings under this Act.

Substitute licences

55. (1) Where a licence issued under the provisions of this Act or Regulations is lost, defaced or mutilated, the Licensing Officer shall upon application of, and payment by, the licensee, of the prescribed fee, issue a substitute licence to the licensee, but in the case of a licence which is defaced or mutilated, the licence shall be surrendered to the Licensing Officer, with the application, for cancellation.

(2) Where a licence which has been lost is subsequently found, the holder of the licence shall forthwith deliver up the licence to the Licensing Officer for cancellation.

Power to detain vehicle

56. (1) It shall be lawful for a police officer in uniform to stop a motor vehicle on a road with a view to ascertaining whether such vehicle is being used in contravention of this Act or any regulations, and in the event that the vehicle is being so used, the police officer may take the vehicle or cause it to be taken to a police station there to be further examined.

(2) A person failing to comply with a request to stop under subsection (1) shall be guilty of an offence under the Act.

(3) A person authorised in writing by the Minister may, at all reasonable times, enter any premises for the purpose of inspecting a motor vehicle on such premises.

Who may drive taxi cabs

57. No person shall operate a taxi cab unless he or she is licensed and registered under regulations made in that behalf under this Act. (*Inserted by Act 4 of 1993*)

Permit required to operate passenger transport service

58. No person shall operate an omnibus for public passenger transport service hereinafter referred to as a "transport service" on any road except under the authority of a permit granted by the Minister, upon an application made in that behalf.

Application to operate a transport service

59. Every application under section 58, for a permit to operate a transport service shall be made to the Minister in such form as he or she may provide for the purpose, containing—

- (a) particulars of the type or types of the vehicles proposed to be used under the permit;
- (b) particulars of the size and colour of the label “Bus” to be put on the vehicles to be used under the permit; (*Inserted by Act 9 of 2006*)
- (c) the route or routes with a time table in which the transport service shall be operated together with the proposed stops on the route or routes; (*Amended by Act 9 of 2006*)
- (d) the fares to be charged for each passenger in respect of the use of such service on such route or routes; and
- (e) such other particulars as the Minister may require.

Grant or refusal of permit

60. (1) Subject to subsection (2), on receipt of an application for a permit in terms of section 59, the Minister may, having regard to—

- (a) the financial and economic viability of the transport service proposed by the applicant;
- (b) the existing transport services on such route or routes in respect of which the application is made;
- (c) the fares to be charged and the regularity of such services that would be maintained as set out in the time table; and
- (d) the demand for additional transport services on such route or routes,

issue a permit, on such terms and conditions as he or she may think fit for securing the safety and convenience of the public.

(2) No permit shall be issued under subsection (1) unless—

- (a) the driver of a vehicle operating such service subjects himself or herself to periodic medical examination as may be specified;
- (b) the fares to be charged on any route or routes of the proposed service shall be such as may be specified in the permit;
- (c) the service shall be operated in accordance with a time table specified in the permit;
- (d) the vehicle to be operated under a transport permit is labelled “Bus”; (*Inserted by Act 9 of 2006*)
- (e) there is in force a certificate of fitness in respect of the omnibus used on the service.

(3) The permit issued in terms of subsection (1) shall—

- (a) be in the prescribed form;

- (b) be valid for a period of 12 months from the date of issue; and
- (c) upon application accompanied by the appropriate fee as may be prescribed be renewable for further periods of 12 months.

(4) Where the Minister disapproves an application he or she shall notify the applicant setting out the reasons for such disapproval.

Determination by the Minister final and conclusive

61. The determination by the Minister upon an application or in respect of any matter for which provision is made under section 60, shall be final and conclusive.

Revocation or suspension of permit

62. (1) The Minister may revoke or suspend a permit issued in terms of section 60 for a specified period on the grounds that any of the conditions attached to the permit have not been complied with.

(2) No permit shall be revoked or suspended under subsection (1), unless the holder of the permit has been given an opportunity of making written representations to the Minister against such revocation or suspension.

Transferability of permit

63. The holder of a permit issued in terms of section 60 shall not transfer or assign the permit to any other person.

Fixed penalties

64. (1) This section applies to offences that relate to—

- (a) using a motor vehicle without having affixed thereto in the prescribed manner the identification marks on the licence plates;
- (b) using a vehicle the licence plates of which are defaced or altered;
- (c) leaving a motor vehicle halted or parked on a road without stopping the engine and applying the hand brakes;
- (d) stopping a motor vehicle within a distance of 20 feet from an intersection;
- (e) stopping alongside another motor vehicle;
- (f) failing to display a licence sticker on the front windscreen of a motor vehicle;
- (g) parking a motor vehicle in a no parking, permissive parking, reserved parking or restricted area; (*Substituted by Act 9 of 2006*)
- (h) contravening any regulation relating to parking meters; (*Inserted by Act 9 of 2006*)
- (i) failing to stop at “Stop Signs”;
- (j) using a motor vehicle that causes a loud noise or emits sparks or excessive smoke;
- (k) transporting improperly secured loose material;

- (l) driving a motor vehicle at a speed greater than the maximum speed prescribed, or notified under this Act;
- (m) parking or driving on or over a sidewalk or pavement; (*Amended by Act 14 of 2000*)
- (n) making a “U” turn on a public roadway where it is not permitted; (*Substituted by Act 9 of 2006*)
- (o) driving a vehicle on a public roadway without 2 illuminated headlamps between dusk and dawn; (*Substituted by Act 9 of 2006*)
- (p) driving a vehicle on a public roadway where the light emitted from the headlamp is coloured; (*Substituted by Act 9 of 2006*)
- (q) riding a motorcycle without a helmet; (*Inserted by Act 9 of 2006*)
- (r) throwing an object from a moving vehicle; (*Inserted by Act 9 of 2006*)
- (s) driving a vehicle without illuminating the rear identification plate; (*Inserted by Act 9 of 2006*)
- (t) driving a vehicle on a public roadway without a red light being illuminated in the rear of the vehicle when the brake pedal is depressed; (*Inserted by Act 9 of 2006*)
- (u) driving a vehicle on a public roadway with a missing or broken taillight lens or an extinguished tail light; (*Inserted by Act 9 of 2006*)
- (v) driving a vehicle on a public roadway without a red light illuminated at the rear of the vehicle between dusk and dawn; (*Inserted by Act 9 of 2006*)
- (w) failing to comply with no entry sign; (*Inserted by Act 9 of 2006*)
- (x) driving without a front or rear identification plate; (*Inserted by Act 9 of 2006*)
- (y) parking less than 25 feet from a corner; (*Inserted by Act 9 of 2006*)
- (z) making a prohibited left or right turn; (*Inserted by Act 9 of 2006*)
- (aa) use of video television screens or video display instrument in contravention of the Act; (*Inserted by Act 9 of 2006*)
- (ab) failing to pull to the left of a roadway and bringing the vehicle to stop (as far as practically possible) on the approach of an ambulance, fire engine or police vehicle on the sounding of a siren; (*Inserted by Act 9 of 2006*)
- (ac) failing to stop at a traffic light signal when the light is illuminated red; (*Inserted by Act 9 of 2006*)
- (ad) driving a motor vehicle on a public roadway when not the holder of a valid driver’s licence; (*Inserted by Act 9 of 2006*)
- (ae) covering, altering or defacing of licence plates; (*Inserted by Act 9 of 2006*)

- (af) failing to comply with a provision of the Road Traffic (Seat Belt and Cellular Telephone) Regulations; (*Inserted by Act 9 of 2006*)
- (ag) driving a motor vehicle bearing licence plates issued for a motor vehicle that is pending licensing and registration and is to be used by a car dealer. (*Inserted by Act 9 of 2006*)

(2) A police officer or a traffic warden may serve on a person who commits an offence under this section a notice in such form as the Minister approves offering such person an opportunity of discharging any liability that would arise out of a conviction for that section; and the person upon payment of the fixed penalty—

- (a) before the expiration of a period of 14 days from the date of the notice or such longer period as is specified therein; or
- (b) before the date on which proceedings are begun,

is exempted from prosecution for that offence.

(3) Where a person is served with a notice under subsection (2), no proceedings shall be taken against him or her in respect of the offence to which the notice relates until after the expiration of a period of 21 days from the date of the notice or such longer period as may be specified in the notice.

(4) Payment of a fixed penalty under this section shall be made to the Clerk of the Magistrate's Court as stated in the notice served under subsection (2); and an amount paid by way of a fixed penalty in respect of an offence is to be treated for the purpose of this section as if it were a fine imposed on summary conviction for that offence; and, in any proceedings, a certificate that payment of a fixed penalty was or was not made to the Clerk of the Magistrate's Court by the date specified in the certificate is, if the certificate purports to be signed by the Clerk, *prima facie* evidence of the facts stated therein.

(5) A notice referred to in subsection (2) may be served personally on the person in charge of the motor vehicle if he or she is present or, if he or she is not present, by affixing it to the vehicle in a conspicuous place and the notice must—

- (a) contain such particulars of the offence as are necessary for giving reasonable information of the allegation;
- (b) specify the period during which by virtue of subsection (2), proceedings must be taken in respect of the offence;
- (c) contain the amount of the fixed penalty; and
- (d) specify the Magistrate's Court to the Clerk of which the fixed penalty is to be paid.

(6) A notice affixed to a vehicle shall not be removed or interfered with except by, or with the authority of—

- (a) the driver or a person in charge of that vehicle; or
- (b) the person liable for the offence.

(7) A person who, in contravention of subsection (6) removes a notice from a vehicle is guilty of an offence and is liable on summary conviction to a fine of \$100 or to imprisonment for a term of one month.

(8) The authority granted to a traffic warden under subsection (2) does not alter or limit the responsibility and duties of the police in the enforcement of the offence specified in section 60.

(9) The fixed penalty referred to in this section is as follows—

- (a) \$200 in respect of an offence referred to in paragraph (ac); (*Substituted by Act 9 of 2006*)
- (b) \$100, in respect of an offence referred to in paragraphs (e), (l), (m), (n), (w), (z), (aa), (af) and (ag) of subsection (1); (*Substituted by Act 9 of 2006*)
- (c) \$75, in respect of an offence referred to in paragraphs (c), (i), (k),(o), (n), (t) and (v) of subsection (1); and (*Substituted by Act 9 of 2006*)
- (d) \$50, in respect of an offence referred to in any paragraph of subsection (1) other than those mentioned in paragraphs (a) and (b) of this subsection. (*Substituted by Act 9 of 2006*)

(10) In proceedings for an offence to which subsection (1) applies, no reference may be made before or after the conviction of the accused to the service or affixing of a notice under this section or to the payment or non-payment of a fixed penalty thereunder unless, in the course of the proceedings or in some document that is before the Court in connection with the proceedings, reference has been made by, or on behalf of the accused to the service or affixing of such notice or to such payment or non-payment.

(11) The Minister may, by Order published in the *Gazette*, vary the penalties specified in subsection (9). (*Inserted by Act 9 of 2006*)

(12) An Order made under subsection (11) shall be subject to a negative resolution of the House of Assembly. (*Inserted by Act 9 of 2006*)

Warning notices

65. A police officer may issue, in such form as the Minister may approve, a warning notice in the first instance in respect of offences committed under section 64, but no such warning notice shall be issued for the offence specified in subsection (1)(m) of that section. (*Amended by Act 14 of 2000*)

Regulations

66. (1) The Minister may make regulations for any of the purposes or with reference to any of the matters following, that is to say—

- (a) the registration of motor or other vehicles and the particulars to be supplied upon application for registration, and the manner of verification thereof, the fees payable on such registration and the classes of motor vehicles which may be exempted from the payment of such fees;
- (b) licences to owners in respect of motor or other vehicles registered and the issue, renewal, transfer, and period of validity of the licences;

- (c) the fees to be paid upon the issue, renewal or transfer of a licence in respect of motor or other vehicles and the remission of any such fees;
- (d) the examining and testing of motor vehicles and the issuing of certificates of fitness before registration or the issue or renewal of licences, or for the purposes of ensuring in any case that the motor vehicle is of such construction and in such condition as may be necessary to comply with any regulations for the time being in force in respect of the class of vehicle to which it belongs;
- (e) licences to drivers of motor or other vehicles and the issue and renewal of validity of the licences and the fees to be paid upon any such issue or renewal or upon any examination therefor;
- (f) the forms to be used in connection with all such licensing and registration;
- (g) the character and nature of horns or other instruments capable of giving audible and sufficient warning of motor or other vehicles, and regulating and controlling their use;
- (h) the number, position and kind of lights and reflectors to be carried on motor vehicles and the times during which they are to be exhibited;
- (i) the inspection of motor vehicles and the times, places and manner of such inspection;
- (j) the form of registration marks to be fixed on motor or other vehicles in respect of registration and licensing and the sizes and colour of the letters of and the manner of displaying such marks;
- (k) passenger's fares and tolls;
- (l) providing for a demerit point system for drivers of motor vehicles and under such system providing for the suspension of driver's licences and requiring the attendance of a driver before an official of the Ministry to show cause why his or her driver's licence should not be suspended;
- (m) the kinds and descriptions of traffic signs;
- (n) to licence and regulate driving instructors who teach persons to operate motor vehicles and receive compensation therefor;
- (o) prohibiting, restricting or controlling the use of any class or description of motor vehicles on any road in any specified area or on any specified road or part thereof so far as such prohibition, for the safety or convenience of the public;
- (p) to licence and regulate the operation of taxi cabs and the fees to be charged for the issue or renewal of licences and to prescribe the fares to be charged; (*Inserted by Act 4 of 1993*)
- (q) providing for the establishment of a taxi commission, its constitution functions and procedures; (*Inserted by Act 4 of 1996*)

(r) prescribing anything that is by this Act authorised or required to be prescribed; and (*Amended by Act 4 of 1993*)

(s) generally, for the better carrying out of the provisions of this Act, and in particular for the safety, control and regulation of traffic and the use of motor vehicles on any road and the conditions under which they may be used. (*Amended by Act 4 of 1993*)

(2) There may be attached to any breach of any regulation made under subsection (1) a penalty not exceeding \$5,000 or a term of imprisonment not exceeding one year or both. (*Substituted by Act 16 of 2011*)

General penalty

67. Any person guilty of an offence under this Act for which no penalty is expressly provided shall be liable on summary conviction to a penalty not exceeding \$250 or imprisonment for any term not exceeding 6 months.

Liability of owner or driver of motor vehicle

68. Nothing in this Act shall affect any liability of the driver or the owner of a motor vehicle under another Act or at common law.

This Act to prevail over other Acts

69. Whenever the provisions of this Act are in conflict with the provisions of another Act, the provisions of this Act shall prevail.

Fees

70. (1) All fees and dues received by the Ministry in the exercise of its functions under this Act, shall be paid into the Consolidated Fund.

(2) All fees and dues, imposed by this Act shall not take effect until they have been approved by the House of Assembly.

Transfer of traffic wardens

71. (1) Traffic wardens appointed under this Act and who were holding office on the 1st day of May, 1998 shall from that date be deemed to have been transferred to the Territory Auxiliary Police Force (in this section referred to as “the Force”) and shall for that purpose be deemed to have been appointed pursuant to Part XI of the Police Act.

(2) For the avoidance of doubt and without prejudice to subsection (1), it is declared that persons transferred thereunder shall be subject to all privileges, obligations and disciplinary rules and procedures of the Force to the extent that such privileges, obligations and disciplinary rules and procedures are compatible with their status as members of the Auxiliary Force.

(Substituted by Act 14 of 2000)

Savings

72. Any regulation made under the Vehicles and Road Traffic Act, 1954, and in force immediately before the commencement of this Act, shall so far as it is not inconsistent with the provisions of this Act, be deemed to be a regulation

made under the Act, and may be amended, replaced or revoked by any regulation made under this Act.
