

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 38,
No. 229, 15th December, 1999*

No. 50 of 1999

Fifth Session Fifth Parliament Republic of Trinidad
and Tobago

SENATE

BILL

AN ACT to amend the Motor Vehicles and Road
Traffic (Enforcement and Administration) Act,
Chap. 48:52.

THE MOTOR VEHICLES AND ROAD TRAFFIC (ENFORCEMENT
AND ADMINISTRATION) (AMENDMENT) BILL, 1999

Explanatory Note

(These notes form no part of the Bill but are intended only
to indicate its general purport)

This Bill seeks to amend the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52 (hereinafter referred to as “the Act”) in order to strengthen the system of fixed penalties for certain traffic offences. The Bill would also seek to introduce a system by which penalty points would be awarded to motorists for traffic offences and their driving permits suspended when a specific number of penalty points have been accumulated by those drivers.

Clasues 1 and 2 are self-explanatory.

Clause 3 would expand the definitions of “notice” and “owner”, introduce a definition for “traffic warden” and re-define “constable” to include a traffic warden.

Clause 4 would amend section 3 of the Act in four respects. First, it would eliminate the need for a complaint to be made after the issuance of a notice of contravention of the Act. Secondly, it would deem a notice for the payment of a fixed penalty to be a complaint under section 33 of the Summary Courts Act, Chap. 4:20. Thirdly, it would deem a notice, upon the expiration of the time specified therein for paying the fixed penalty, to be a summons duly issued and properly served under the Summary Courts Act. Fourthly, it would provide for refund of a fixed penalty to the person who pays the penalty within the prescribed time and successfully appeal against the related charge.

Clause 5 seeks to alleviate certain difficulties encountered in the administration of the “ticket system”. It would require the payment of a fixed penalty at the office of the Clerk in the district in which the offence is alleged to have been committed.

Clause 6 seeks to ensure that in the instance when an offender is not present at the time of issuance of his ticket, that in the event that the related matter reaches the Court, sufficient information for his proper prosecution is available to the Court.

Clause 7 would empower the President to amend the Schedule to allow for the operation of the penalty point system.

Clause 8 would amend the Schedule to the Motor Vehicles and Road Traffic (Enforcement and Administration) Act by repealing and replacing the Schedule to increase the amounts of the fixed penalties for certain offences and assign the number of penalty points to be associated with those offences.

BILL

AN ACT to amend the Motor Vehicles and Road
Traffic (Enforcement and Administration) Act,
Chap. 48:52.

[, 1999]

ENACTED by the Parliament of Trinidad and Tobago as ^{Enactment}
follows:—

1. This Act may be cited as the Motor Vehicles and ^{Short title}
Road Traffic (Enforcement and Administration)
(Amendment) Act, 1999.

Interpretation
Chap. 48:52

2. In this Act, the Motor Vehicles and Road Traffic (Enforcement and Administration) Act is referred to as “the Act”.

Section 2 amended

3. Section 2 of the Act is amended—

(a) by deleting the definitions of “notice” and “registered owner” and substituting, respectively, the following definitions:

“notice” means a notice issued under section 3 and includes duplicate of such notice;

“owner” has the meaning assigned to that expression by section 2 of the Motor Vehicles and Road Traffic Act”;

Chap. 48:50

(b) by inserting in the appropriate alphabetical positions, the following definitions:

“driving permit” has the meaning assigned to it under the Motor Vehicles and Road Traffic Act;

“The Licensing Authority” has the meaning assigned to it by section 2 of the Motor Vehicles and Road Traffic Act;

“traffic” has the meaning assigned to it by section 2 of the Motor Vehicles and Road Traffic Act;

“traffic warden” has the meaning assigned to it by section 2 of the Motor Vehicles and Road Traffic Act;

(c) in the definition of “constable”—

(i) by deleting the full-stop in paragraph (iii) and substituting the following words: “; and ”; and

(ii) by inserting after paragraph (iii) the following paragraph:

“(iv) a traffic warden.”.

4. Section 3 of the Act is amended—

Section 3
amended*(a)* in subsection (1)—

(i) by deleting the words “and notifying him that a complaint will be made against him in respect thereof”;

(ii) by deleting the word “complaint” and substituting the words “offence charged”;

(b) in subsection (2) *(a)* by deleting the words “registered owner” and substituting the word “owner”;*(c)* in subsection (2) *(b)*—

(i) by deleting the words, “and notify him that a complaint will be made against him in respect thereof”;

(ii) by deleting the word “complaint” and substituting the words “offence charged”;

(d) in subsection (3) by deleting the words “registered owner” and substituting the word “owner”;*(e)* in subsection (4) by deleting the words “, which duplicate shall be deemed to be a complaint laid before the magistrate”;*(f)* by repealing subsection (5) and substituting the following subsections:

“ (5) The notice given or affixed or sent under this section deemed to be a complaint within the meaning of section 33 of the Summary Courts Act. Chap. 4:20

(6) Notwithstanding any written law to the contrary, the notice referred to in subsection (5) is, from the expiration of the time thereon specified for the payment of in the fixed penalty,

deemed to be a summons issued in accordance with section 42 and served in accordance with section 43, respectively, of the Summary Courts Act.

(7) Notwithstanding any provisions of this Act or any written law to the contrary, a person who pays a fixed penalty before the expiration of the time specified for the payment thereof, may in the prescribed form, appeal to the Magistrate in the district in which he paid the fixed penalty in respect of the offence for which he was charged.

(8) Where in an action referred to in subsection (7) the Court decides in favour of the appellant, the amount representing the fixed penalty paid by the appellant shall be refunded to him.”.

Section 5 repealed
and a section
substituted

5. Section 5 of the Act is repealed and the following section is substituted:

“Payment of
fixed
penalties

5. (1) Where a notice has been given under section 3, the driver or the owner of the vehicle, as the case may be, may, subject to subsection (2), pay the fixed penalty in accordance with the notice.

(2) Payment of the fixed penalty shall be made to the Clerk having jurisdiction in the district in which the offence is alleged to have been committed.

(3) The time within which the fixed penalty is payable shall be fourteen days from the date of the notice, and where payment reaches the Clerk after that time, it shall not be receivable and shall be returned to the payer.

(4) Payment of the fixed penalty shall be accompanied by the notice completed by the driver or the owner as the case may be, in the manner prescribed.

(5) Where the fixed penalty is duly paid in accordance with the notice, no person shall then be liable to be convicted of the offence in respect of which the notice was given.

(6) A fixed penalty paid under this Act shall be dealt with in the same manner as payment of a fine imposed for an offence under the Summary Courts Act.”.

6. Section 7 of the Act is repealed and the following Section 7 repealed and a section substituted section is substituted:

“Non-listing of proceedings

7. Proceedings in respect of an offence deemed to be instituted by a notice under this Act shall not be listed for hearing in Court unless—

- (a) a period of two months has elapsed from the last day on which the penalty is payable and the Clerk has no record that the fixed penalty was paid in accordance with section 5(3); and
- (b) in respect of a notice issued under section 3(2)(a), the Clerk has been furnished by the constable, or the Transport Commissioner with such information on the owner of the vehicle as would have been furnished to the Clerk had the notice been issued under section 3(1).”.

Section 11 amended **7.** Section 11 of the Act is amended by inserting after subsection (2), the following subsection:

“ (3) In relation to the system of awarding points referred to in section 86A(2) of the Motor Vehicles and Road Traffic Act, the President may add to or remove from the First Schedule any information with respect to penalty points as he thinks fit.”.

First Schedule repealed and a Schedule substituted **8.** The Act is amended by repealing the First Schedule and substituting the following Schedule:

“FIRST SCHEDULE

(Sections 6 and 11)

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
1. Defaced or defected identification plate	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 7	60.00	3
2. Using vehicle for a purpose other than that for which it is registered	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 8	150.00	20
3. No identification plate fixed to the front or back of vehicle	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 9	150.00	20
4. No identification lights on vehicles at night	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 10	60.00	3

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
5. Number of passengers to be carried not printed on right front door of taxi	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 17(a)	60.00	3
6. Vehicle with defective brakes	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(f)(v)	150.00	20
7. No Tare and M.G.W. painted on vehicles	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(h)	600.00	30
8. Vehicle with defective fittings	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(i)	90.00	5
9. Vehicle without Silencers or fitted with cut-outs	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(j)	60.00	3
10. Unauthorised lights to front or rear of vehicle	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(k)	150.00	20
11. Unauthorised letters and figures on vehicle	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(l)	150.00	20

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
12. Vehicle without two head lamps	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(m)(i)	200.00	30
13. Vehicle without park lights	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(m)(ii)	200.00	30
14. Vehicle without tail lights	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(m)(iii)	200.00	30
15. Vehicle with unauthorised spot or swivel lights	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 28(m)(iv)	200.00	30
16. No "left hand drive" notice affixed to appropriate vehicle	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 31(2)	60.00	3
17. Reversing on roads for an unreasonable distance	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 1	150.00	20

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
18. Reversing at the junction of roads or around corner in the City of Port-of-Spain or San Fernando	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 1	200.00	30
19. Quitting vehicle before applying brakes and switching off engine	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 3	200.00	30
20. Failing to keep vehicle to left on road	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 5(1)	150.00	20
21. Improper overtaking on the left side of road	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 5(3)	200.00	30
22. Obstructing overtaking traffic	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 5(4)	200.00	30
23. Improper overtaking on the right cutting in	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 5(5)	200.00	30

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
24. Overtaking traffic at a place dangerous to do so	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 5(6)	200.00	30
25. Parking within nine metres of a corner	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 5(10)	60.00	3
26. Drawing up alongside another vehicle; backing motor vehicle to kerb or roadside	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 5(11)	60.00	3
27. Parking within three metres of a fire hydrant	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 5(12)	60.00	3
28. Parking within three metres of the frontage of a fire station	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 5(13)	200.00	30
29. Negligently or wilfully interrupting the free passage or causing an unnecessary obstruction	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 6	120.00	10

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
30. Failing to draw up as close as possible to the side of the road	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 11	60.00	3
31. Vehicle without horn	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 12(1)	60.00	3
32. Permitting excess sparks, smoke or visible vapour to come from vehicle	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 13	200.00	30
33. Vehicle carrying excessive projection	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 15	150.00	20
34. Overcrowded vehicle	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 16	150.00	20
35. Carrying persons in a dangerous manner	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 17	150.00	20

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
36. Leaving broken-down vehicle on road unattended	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 18	200.00	30
37. Failing to draw up vehicle for passage of fire engine	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 19	200.00	30
38. Towing other than a motor vehicle without written permission of the Licensing Authority	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 20	120.00	10
39. Length of tow rope exceeding five metres	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 38, Rule 21	90.00	5
40. Vehicle without reflecting mirror	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 40	150.00	20
41. Vehicle carrying unsecured load	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 42	150.00	20

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
42. Use of noisy vehicle	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 43	60.00	3
43. Use of vehicles with defective tyres	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 44(1)	200.00	30
44. Use of vehicle with no windshield wiper or defective wiper	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 46	60.00	3
45. Playing a musical or noisy instrument in a vehicle without permission of the Licensing Authority	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 49	200.00	30
46. Driving vehicle on footpath or pavement	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 57	200.00	30
47. Public Service vehicle without spare tyre	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 76(j)	150.00	20

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
48. Public Service vehicle-importuning of passenger	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 78	150.00	20
49. Taxi Driver unsuitable attired	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 79	150.00	20
50. Placing advertisement on side window of taxi	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 80	60.00	3
51. Taxi unattended at head of taxi stand	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 81(2)	120.00	10
52. Statement of fares undisplayed in taxi	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 83(1)	60.00	3
53. Failing to occupy vacant space in taxi stand	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 94(2)	150.00	20
54. Parking in a public stand appointed for taxi	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 95	150.00	20

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
55. Failing to display taxi driver's badge	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 111(4)	90.00	5
56. Failing to preserve taxi driver's badge against loss, destruction or defacement	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 115	60.00	3
57. Failing to produce taxi driver's badge and licence on demand	Motor Vehicles and Road Traffic Regulations, Chap. 48:50, Regulation 115	90.00	5
58. Using a motor vehicle or trailer for a purpose not authorised by the registration	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 21(1)(b)	90.00	5
59. Public service vehicle carrying excess passengers	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 21(1)(c)	150.00	20
60. Goods vehicle carrying excess weight	Motor Vehicles and Road Traffic Act, Chap. 48:50 section 21(1)(c)	150.00	20
61. Use of motor vehicle under dealer's licence by a person other than the dealer	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 39	200.00	30
62. Riding Motor Cycle without safety helmet	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 43(1)	90.00	5

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
63. Exceeding the specified speed limit	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 62(1)	200.00	30
64. Breach of Traffic Order made by the Transport Board	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 65(1)	60.00	3
65. Failing to comply with directive of a police constable	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 66(a)	200.00	30
66. Failing to comply with a traffic sign (excluding an electric automatic signal) or notice authorised by the Licensing Authority or Commissioner of Police respectively	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 66(b)	200.00	30
67. Failing to comply with an electric automatic signal (traffic light)	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 66(b)	200.00	30
68. Contravention of Traffic Order made by the Commissioner of Police	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 68(7)	150.00	20
69. Breach of Knox Street parking restriction	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 69(1)(a)	200.00	30

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
70. Breach of parking restriction made by the Minister	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 69(1)(b)	150.00	20
71. Cyclist holding on to another moving vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 77(2)(a)	150.00	20
72. Cyclist riding with no hands on the handle bar	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 77(2)(b)	150.00	20
73. Throwing or distributing advertisements or handbills from a vehicle	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 78(1)	60.00	3
74. Standing for hire at a place not appointed for the purpose	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 91(3)	150.00	20
75. Unauthorised parking in grounds of public building	Motor Vehicles and Road Traffic Act, Chap. 48:50, section 107(1)	150.00	20
76. Use of Priority Bus Route by unauthorised vehicle	Motor Vehicles and Road Traffic Act, Experimental Traffic (Priority Bus Route) Regulations, Chap. 48:50, Regulation 3	200.00	30

FIRST SCHEDULE—*Continued*

<i>Offence</i>	<i>Enactment</i>	<i>Fixed Penalty \$</i>	<i>Penalty Points to be Awarded</i>
77. Unauthorised driving or parking within Queen's Park Savannah	Queen's Park Act, Chap. 41:04, Regulation 1A	200.00	30
78. Operation of maxi-taxis outside specified route	Maxi-taxi Act, 1992, Act No. 6 of 1992, Regulation 7(1)	200.00	30
79. Vehicle painted in such a manner as to be mistaken for a maxi-taxi	Maxi-taxi Act, 1992, Act No. 6 of 1992, section 12(1)	200.00	30."

Passed in the Senate this day of ,
1999.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 1999.

Clerk of the House

I confirm the above.

No. 50 of 1999

FIFTH SESSION

FIFTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Motor Vehicles
and Road Traffic (Enforcement and
Administration) Act, Chap. 48:52.

Received and read the

First time.....

Second time.....

Third time.....
