

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

No. 51 of 1999

**Fifth Session Fifth Parliament Republic of Trinidad
and Tobago**

SENATE

BILL

**AN ACT to amend the Motor Vehicles and Road Traffic
Act, Chap. 48:50**

THE MOTOR VEHICLES AND ROAD TRAFFIC
(AMENDMENT) (NO. 3) BILL, 1999

Explanatory Note

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

This Bill would amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 (hereinafter referred to as "the Act") to insert new sections 10A, 86A, 86B and 86c.

The proposed section 10A would establish a system of traffic wardens for the purpose of assisting the police in connection with the control and regulation of road traffic and the enforcement of law.

The purpose of sections 86A, 86B and 86c, together, would establish a penalty point system for driving offences. Proposed section 86A would empower the Licensing Authority to suspend a person's driving permit where the person's record as a driver or his conduct or habits as such, establishes that it would not be in the interest of public safety for him to hold a valid driving permit or to drive a motor vehicle.

The purpose of sections 86B and 86c, would empower the Licensing Authority to suspend the driving permits of persons with poor records or conduct, under certain circumstances and to demand the surrender of the drivers permits of such persons.

BILL

AN ACT to amend the Motor Vehicles and Road Traffic
Act, Chap. 48:50

[, 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 (Amendment) Act, 1999.

Interpretation
Chap. 48:50

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

The Motor Vehicles
and Road Traffic Act
amended

3. The Motor Vehicles and Road Traffic Act is amended—

(a) by inserting after the definition of “traffic sign”, the following definition:

“Traffic Warden” means a person appointed in accordance with the provisions of section 10A;”;

(b) by inserting after section 10, the following section:

“Appointment and functions of a Traffic Warden 10A. (1) The Police Commissioner may—

(a) with the approval of the Minister responsible for the Police; and

(b) subject to—

(i) such conditions as the Minister directs; and

(ii) criteria as may be established by order by the Minister responsible for transport after consultation with the Transport Commissioner,

appoint by instrument in writing, any member of an organisation or any person as a Traffic Warden for the purpose of assisting the Police in connection with the control and regulation of road traffic and with the enforcement of the law.

(2) A Traffic Warden shall, while in the execution of his duty, wear such uniform as the Police Commissioner, with the approval of the Minister responsible for the Police, directs.

(3) Any driver who—

(a) fails to comply with the directions given by a Traffic Warden while on duty;

(b) obstructs a Traffic Warden in the execution of his duty, or aids or incites any other person not to comply with the directions of a Traffic Warden or to obstruct a Traffic Warden in the execution of his duty,

is guilty of an offence and is liable on summary conviction to a fine of three hundred dollars or to imprisonment for six months.”;

(c) by inserting after section 86, the following sections:

“Licensing
Authority
may suspend
driving
permit

86A. (1) Notwithstanding any written law, the Licensing Authority may suspend every driving permit for a period not exceeding six months if the person’s record as a driver of

motor vehicles or his conduct or habits as a driver establishes that it would not be in the interest of the public safety for him to hold a valid driving permit or that person is not competent to drive a motor vehicle.

(2) For the purpose of establishing that it would not be in the interest of public safety for a person to hold a valid driving permit or that such a person is not competent to drive a motor vehicle, the President may make Regulations establishing a system of awarding penalty points against a person for the commission of an offence under this Act or the Motor Vehicles and Road Traffic (Enforcement and Administration) Act or the Regulations made under this or that Act.

(3) The Regulations made under subsection (2) shall specify the maximum number of points to be awarded against a person before it may be established that it would not be in the interest of public safety for him to hold a valid driving permit or that the person is not competent to drive a motor vehicle.

(4) The Licensing Authority may exercise the power conferred upon him by this section to suspend the driving permit of a person, at such time after the

maximum number of points, referred to in subsection (3), has been awarded against the person as the Authority thinks fit.

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

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

(7) Where a holder of a valid driving permit commits on a single occasion, two or more offences under this Act or the Motor Vehicles and Road Traffic (Enforcement and Administration) Act or the Regulations made under this or that Act, penalty points shall be awarded against him only for the offence committed by him and in respect of which the largest number of points may be awarded against a person.

(8) For the purposes of this section, a person shall be deemed to have committed an offence under the Motor Vehicles and Road Traffic (Enforcement and Administration) Act or the Regulations made under subsection (2) if he pays the prescribed penalty under section 5 of that Act.

Permit holder
may show
cause why
driving
permit should
not be
suspended

86B. (1) The Licensing Authority shall, before suspending under section 86A the driving permit of a person, give that person notice in writing of his intention to do so, specifying a date not less than fourteen days after the date of the notice, upon which such suspension shall be made and calling upon the person to show cause to the Authority why the driving permit should not be suspended.

(2) Upon the person failing to show cause within the period referred to in subsection (1) and if the Licensing Authority after taking into consideration any facts in mitigation, decides to suspend the driving permit of the person pursuant to section 86A, the authority shall forthwith, in writing, notify the person of the suspension.

(3) An order of suspension made under section 86A shall not take effect until the expiration of

fourteen days after the Licensing Authority has informed the person concerned of the order.

(4) A person whose driving licence has been suspended by the Licensing Authority under this section may, within fourteen days of the receipt of the notice referred to in subsection (2), appeal to a court of competent jurisdiction against that decision and the decision of that court shall be final.

Surrender
and return of
driving
permit

86C. (1) The Licensing Authority shall, upon suspending a driving permit under section 86A require the driving permit to be surrendered to and retained by him.

(2) Any person whose driving permit has been suspended under section 86A shall forthwith surrender the driving permit to the Licensing Authority.

(3) At the end of a period of suspension, a driving permit shall be returned to the holder thereof and the points awarded against him shall be cancelled.

(4) Any person whose driving permit has been suspended under section 86A shall not, during the period of suspension, drive a motor vehicle on a road under any other driving permit issued by any authority or otherwise.”.

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.

Speaker

No. 51 of 1999

FIFTH SESSION

FIFTH PARLIAMENT

REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Motor Vehicles and
Road Traffic Act, Chap. 48:50

Received and read the

First time.....

Second time.....

Third time.....
