

AS AMENDED IN THE HOUSE OF REPRESENTATIVES
THE MOTOR VEHICLES AND ROAD TRAFFIC BILL, 2014

EXPLANATORY NOTE

(These notes form no part of the Bill but are intended only

to indicate its general purport)

The purpose of this Bill would be to establish a Motor Vehicles Authority for the registration, licensing and regulation of motor vehicles and drivers, the regulation of road use and for matters connected thereto.

Clause 1 of the Bill would provide for the title of the Bill being “The Motor Vehicles and Road Traffic Bill, 2014”.

Clause 2 of the Bill would allow for the Act to come into operation by Proclamation.

Clause 3 of the Bill would provide for the Act to have effect even though inconsistent with sections 4 and 5 the Constitution.

Clause 4 of the Bill would provide for the definition of expressions used throughout the Bill.

Clause 5 of the Bill would provide for the Act to bind the State.

Clause 6 of the Bill would provide for the establishment of the Motor Vehicles Authority.

Clause 7 of the Bill would provide for the functions of the the Motor Vehicles Authority.

Clause 8 of the Bill would provide for the powers of the the Motor Vehicles Authority.

Clause 9 of the Bill would allow the Minister to give any special or general directions to the Authority in relation to the performance of its functions and powers.

Clause 10 of the Bill would provide for the appointment of the Board of Directors of the Motor Vehicles Authority.

Clause 11 of the Bill would require the appointment of the members of the Board of Directors to be published in the *Gazette*.

Clause 12 of the Bill would provide for the remuneration of the members of the Board of Directors.

Clause 13 of the Bill would provide for the immunity of the members of the Board of Directors in the performance of the duties under the Act.

Clause 14 of the Bill would provide for the meeting of the Board of Directors and the procedures by which these meetings are to be conducted.

Clause 15 of the Bill would allow the Board to make its own rules to govern its proceedings.

Clause 16 of the Bill would provide for the appointment of a Secretary to the Board of Directors.

Clause 17 of the Bill would allow the Board to appoint standing or special committees to assist in the performance of its functions.

Clause 18 of the Bill would require all members of the Board or members of any committee established by the Board to disclose any interest that relates to any activity or business of the Authority.

Clause 19 of the Bill would require the Authority to have a common seal that is to be affixed on all instruments made pursuant to a Resolution of the Board.

Clause 20 of the Bill would provide for the manner in which notices, orders and other documents are to be served on the Authority.

Clause 21 of the Bill would provide for the appointment of the Chief Executive Officer, the Registrar of Motor Vehicles and other members staff of the Authority.

Clause 22 of the Bill would, subject to the approval of the Authority, allow for the Chief Executive Officer to hire persons on contract to perform specific task that may be required to assist the Authority in performing its functions.

Clause 23 of the Bill would, *inter alia*, provide for the term of office of the Chief Executive Officer and the functions and duties to be delegated to him by the Authority and the manner in which the Chief Executive Officer would be required to perform his functions and duties.

Clause 24 of the Bill would, *inter alia*, provide for the term of office of the Registrar of Motor Vehicles and the functions and duties to be delegated to him by the Authority and the manner in which the Registrar of Motor Vehicles would be required to perform his functions and duties.

Clause 25 of the Bill would provide for Motor Vehicles Enforcement Officers to be precepted and assigned to different localities by the Registrar of Motor Vehicles.

Clause 26 of the Bill would, after the Act comes into operation, allow for public officers who were employed with the Transport Authority under the former Act, one of the following options:

- (a) voluntary retirement from the public service;
- (b) transferred to the Authority; or
- (c) remain in the public service providing that there is an office in the public service commensurate with the office held by the person prior to the Act coming into operation.

Clause 27 of the Bill would allow for officers in the public service to be transferred or transferred on secondment to the Authority.

Clause 28 of the Bill would deem the Registrar and Motor Vehicles Enforcement Officers to be an agent of the State to whom the State Liabilities and Proceedings Act applies in the exercise of their functions and powers under the Act.

Clause 29 of the Bill would provide for the immunities and privileges of the Registrar and Motor Vehicles Enforcement Officers in the exercise of their functions and powers under the Act.

Clause 30 of the Bill would prohibit persons from impersonating a Motor Vehicles Enforcement Officer.

Clause 31 of the Bill would, except by authorization, prohibit persons from wearing the uniform of a Motor Vehicles Enforcement Officer.

Clause 32 of the Bill would require all members of the Board and officers employed by the Authority to keep confidential any information or knowledge of matters obtained in the course of performing their duties.

Clause 33 of the Bill would provide for the immunity of members of the Board or officers employed by the Authority from personal liability in the course of performing their functions and powers under the Act.

Clause 34 of the Bill would provide for the appointment of Traffic Wardens to assist the Police in regulating the movement of motor vehicle traffic.

Clause 35 of the Bill would provide the different means by which the Authority would receive funding.

Clause 36 of the Bill would allow the Authority to borrow money and the method by which the money may be borrowed.

Clause 37 of the Bill would provide for the manner in which funds and resources of the Authority are to be utilized.

Clause 38 of the Bill would require the Authority to keep proper books of accounts and records of all sums of money received and expended.

Clause 39 of the Bill would exempt the Authority from Stamp Duty, Corporation Taxes, Custom Duties, Value Added Taxes, Motor Vehicle Taxes and all other charges, levies and imports.

Clause 40 of the Bill would declare the accounts of the Authority to be public accounts within the meaning of section 116 of the Constitution.

Clause 41 of the Bill would declare the financial year of the Authority to be a twelve-month period ending 30th September in each year.

Clause 42 of the Bill would require the Authority to prepare a report of its activities and a financial statement on its accounts within three months after the end of its financial year.

Clause 43 of the Bill would provide for the establishment of, and administration of, a pension fund plan for the employees of the Authority.

Clause 44 of the Bill would provide for the preservation and accrual of superannuation benefits for the employees of the Authority.

Clause 45 of the Bill would provide for the manner in which superannuation benefits are to be applied, i.e., in circumstances where a person after being transferred to the Authority dies, retires or his post in the Authority is abolished before the establishment of a pension fund plan under the Act.

Clause 46 of the Bill would provide for the manner in which superannuation benefits under the pension fund plan established by the Authority are to be applied to the employees of the Authority.

Clause 47 of the Bill would prohibit persons from driving or operating a motor vehicle or to hire other persons to drive or operate a motor vehicle if such persons are not holders of a valid driver's licence.

Clause 48 of the Bill would provide for the different types of driver's licence to be issued by the Authority.

Clause 49 of the Bill would provide for restrictions to be placed on the driving or operating of a motor vehicle by persons who are newly issued with a driver's licence. These restrictions would be imposed on such persons for a maximum period of two year.

Clause 50 of the Bill would provide for the different type of endorsements that can be placed on a person's driver's licence by the Authority.

Clause 51 of the Bill would exempt Military personnel from being required to have a driver's licence to drive or operate any vehicle owned or hired by the Military Authority and is being used for a military purpose.

Clause 52 of the Bill would require a person who is desirous of learning to drive or operate a motor vehicle to be first issued with a learner driver's licence.

Clause 53 of the Bill would impose an obligation on the Authority to ensure that any person who is applying for a driver's licence has good vision, hearing and bodily and mental fitness that would allow that person to drive or operate a vehicle properly.

Clause 54 of the Bill would require a person desirous of being issued with a driver's licence to undertake a driving test to determine his driving competence before being issued with a driver's licence.

Clause 55 of the Bill would require the Authority to issue a driver's licence to a person in circumstances where the Authority is satisfied that the person has met all the requirements under the Act for the issue of a driver's licence.

Clause 56 of the Bill would allow a person whose driver's licence is about to expire to apply to the Authority at least thirty days prior to the date of expiration of the licence for the renewal of the driver's licence.

Clause 57 of the Bill would specify the circumstances in which an expired driver's licence would be renewed and the appropriate fee to be paid for such renewal.

Clause 58 of the Bill would empower the Authority to refuse to issue or renew a driver's licence where the Authority is satisfied that the applicant for the licence has not satisfied the requirements of the Act.

Clause 59 of the Bill would empower the Authority to suspend or revoke a driver's licence where the Authority is satisfied that the holder of the licence has not complied with the requirements of the Act.

Clause 60 of the Bill would provide for automatic suspension of a driver's licence where the holder of the licence has accrued the maximum amount of penalty points allowed for the commission of specified traffic offences.

Clause 61 of the Bill would require the Authority to give to the holder of a driver's licence, notice of its intention to revoke or suspend his driver's licence.

Clause 62 of the Bill would allow the Authority to require a person whose driver's licence was suspended or revoked to return the driver's licence to the Authority.

Clause 63 of the Bill would allow the holder of a driver's licence to voluntarily return his driver's licence to the Authority either for cancellation or to be endorsed with another class of driver's licence.

Clause 64 of the Bill would allow the Minister to extend the validity of a driver's licence or other document lawfully issued by the Authority in circumstances where there is a natural disaster, emergency or other unforeseen occurrence.

Clause 65 of the Bill would require any person while driving or in charge of a motor vehicle or any learner driver while learning to drive or operate a motor vehicle to have on his person or in the vehicle, his driver's licence or learner driver's licence as the case may be.

Clause 66 of the Bill would prohibit persons from wilfully destroying, mutilating, defacing or altering in any way, a driver's licence issued by the Authority.

Clause 67 of the Bill would require a person whose driver's licence was lost, stolen, mutilated, destroyed or becomes illegible, to notify the Authority of the occurrence and the Authority, if satisfied, to issue a duplicate driver's licence to such a person when the necessary application is made.

Clause 68 of the Bill would require a person who is desirous of being issued with an international driver's licence to be the holder of a valid driver's licence issued by the Authority.

Clause 69 of the Bill would allow a person who holds a valid driver's licence from a country listed in the Sixth Schedule to drive or operate a motor vehicle in Trinidad and Tobago for a maximum period of ninety days without being required to have a driver's licence issued by the Authority. Additionally, this clause would also allow any person who holds a valid international driver's licence from any country that is a party to any international convention relating to the international circulation of motor vehicles and to which Trinidad and Tobago is a party, to drive or operate a vehicle in Trinidad and Tobago.

Clause 70 of the Bill would require a holder of a valid driver's licence issued in a country specified in Part A of the Sixth Schedule who is driving or operating a motor vehicle in Trinidad and Tobago to either have on his person or in the vehicle being driven or operated, his driver's licence for inspection when so required by a constable, Motor Vehicles Enforcement Officer or a Traffic Warden in uniform.

Clause 71 of the Bill would require the Authority to keep a register of all persons issued with a driver's licence.

Clause 72 of the Bill would provide for the continued validity of driving permits and provisional permits issued under the former Motor Vehicles and Road Traffic Act, Chap. 48:50, when this Act comes into operation.

Clause 73 of the Bill would allow the Board to approve form, certificate and procedure required by which vehicles are to be registered by the Authority.

Clause 74 of the Bill would prohibit persons from keeping or using any motor vehicle if the vehicle is not registered under the Act.

Clause 75 of the Bill would provide for the procedural requirements for the registration of motor vehicles.

Clause 76 of the Bill would provide for the exemption from registration of specified classes of motor vehicles. This clause would also allow the Minister to temporarily exempt from registration vehicles to be used by visiting dignitaries. Vehicles that are owned by the Government and its agencies would also be exempted from the payment of registration fees.

Clause 77 of the Bill would allow the Authority to issue a temporary permit to a person for the specific purpose of driving his vehicle to get the vehicle registered.

Clause 78 of the Bill would allow the Authority to issue an In-transit Permit to a person for the specific purpose of driving or transporting an unregistered vehicle without load for a single trip from one place to another.

Clause 79 of the Bill would require the Authority to examine and record such details as the chassis and engine numbers of all vehicles upon entry into Trinidad and Tobago. The clause would also require the Authority to place an electronic identification tag on such vehicles.

Clause 80 of the Bill would require an importer of a motor vehicle to provide the Authority with the following information:

- (a) his name and address;
- (b) the bill of lading of the vehicle; and
- (c) any other documents that the Authority may require.

Clause 81 of the Bill would impose a motor vehicle tax on the purchase of a new motor vehicle.

Clause 82 of the Bill would allow the Authority to exempt a new motor vehicle from the requirement of being inspected prior to registration.

Clause 83 of the Bill would require the holder of a Vehicle Certificate of Registration that is lost, stolen, mutilated, destroyed or illegible, to report the occurrence to the Authority.

Clause 84 of the Bill would make it an offence punishable with a fine of twenty-five thousand dollars and imprisonment for five years where a person intentionally alters or defaces any Vehicle Certificate of Registration.

Clause 85 of the Bill would provide for the registration of vehicles owned by diplomats or diplomatic organizations.

Clause 86 of the Bill would provide for the registration of vehicles owned by differently-abled persons.

Clause 87 of the Bill would provide for the registration of antique vehicles.

Clause 88 of the Bill would prohibit the registration of the following type of vehicles:

- (a) a vehicle exceeding fifteen tonnes;
- (b) a trailer exceeding eight tonnes; or
- (c) a vehicle more than nine metres in length and more than two metres in width.

Additionally, the Minister would be allowed under this clause to exempt, by Order, vehicles that are prohibited from registration.

Clause 89 of the Bill would require an owner of a motor vehicle who intends to use his vehicle for a purpose other than that for which it was registered, to have the vehicle reregistered for that new purpose.

Clause 90 of the Bill would require an insurer of a motor vehicle to report to the Authority any accident involving the motor vehicle where the accident resulted in a constructive or total loss of the vehicle.

Clause 91 of the Bill would require an owner of a motor vehicle that is destroyed, rendered unserviceable or has been removed from Trinidad and Tobago to notify the Authority of the occurrence.

Clause 92 of the Bill would require the Authority to assign letters or letters and numbers as the registered identification mark of a vehicle when a Vehicle Certificate of Registration is being issued in respect of the vehicle.

Clause 93 of the Bill would prohibit persons from driving or operating a motor vehicle on any road or highway unless licence plates have been issued by the Authority in respect of the vehicle and the licence plates are affixed on the vehicle in the prescribed manner.

Clause 94 of the Bill would require the Authority to issue a Validation Certificate in respect of any vehicle that has been registered in accordance with the requirements of the Act.

Clause 95 of the Bill would require any person who's Validation Certificate or validation sticker for his vehicle is lost, stolen, mutilated, destroyed or illegible, to report the circumstances to the Authority. Under this clause, a person so affected would also be allowed to apply to the Authority for a replacement Validation Certificate or validation sticker as the case may be.

Clause 96 of the Bill would provide the circumstances in which a Validation Certificate would be cancelled by the Authority.

Clause 97 of the Bill would require the holder of a Validation Certificate to apply to the Authority to have his Certificate renewed within thirty days prior to the expiration of the Certificate.

Clause 98 of the Bill would provide the circumstances in which a Validation Certificate would be revoked by the Authority.

Clause 99 of the Bill would provide the procedure by which transfer of ownership of a motor vehicle is to be affected.

Clause 100 of the Bill would impose a transfer tax on the transfer of ownership of a used vehicle..

Clause 101 of the Bill would require the Authority to keep and maintain a register of motor vehicles registered.

Clause 102 of the Bill would require the Authority to issue a new chassis number, Vehicle Certificate of Registration, etc., for a vehicle, in circumstances where the vehicle is repaired and the original identification marks of the vehicle were altered.

Clause 103 of the Bill would prohibit the assembly of motor vehicles in Trinidad and Tobago except where the Minister grants the necessary approval otherwise.

Clause 104 of the Bill would provide for a transitional period for persons who's vehicles were registered under the former Act, to have their vehicle registered under the new system of registration that would be implemented when the Act comes into operation.

Clause 105 of the Bill would provide for the interpretation of certain words used in Part VIII of the Act. This Part would deal with the issue of persons with disability parking permits.

Clause 106 of the Bill would require a person who is desirous of being issued with a Persons with Disability Parking Permit to make the necessary application to the Authority.

Clause 107 of the Bill would provide for the issuance of parking permits for persons with disability.

Clause 108 of the Bill would require the holder of a persons with disability parking permit to display the permit in accordance with the requirements prescribed by the Authority.

Clause 109 of the Bill would require the holder of a persons with disability parking permit and the permit that was lost, stolen, mutilated, defaced, etc., to report the occurrence to the Authority.

Clause 110 of the Bill would allow the Authority to cancel a persons with disability parking permit where the holder of the permit contravenes any provision of the Act.

Clause 111 of the Bill would prescribe offences and the penalties for contraventions in relation to differently abled parking permits.

Clause 112 of the Bill would require private motor vehicles, public service vehicles, commercial vehicles and rented vehicles to be fitted with seatbelts.

Clause 113 of the Bill would require a registered owner of a motor vehicle to equip his vehicle with seat belts.

Clause 114 of the Bill would require the driver of a motor vehicle and every passenger in the vehicle to wear seat a belt in accordance with specified requirements.

Clause 115 of the Bill would impose specific restrictions and conditions by which a driver of a motor vehicle can carry children of varying ages in his vehicle. Depending on the age of the child, the driver would be required to secure the child a child restraint.

Clause 116 of the Bill would require a person while riding a motor cycle and any person while being carried on the motor cycle to wear a safety helmet.

Clause 117 of the Bill would prohibit a person from trading in motor vehicles unless that person is issued with a Vehicle Trader Registration Certificate by the Authority.

Clause 118 of the Bill would require a person who is desirous of engaging in the business of trading in motor vehicles to apply to the Authority to be registered as a Vehicle Trader.

Clause 119 of the Bill would require the Authority to conduct an inspection on the premises to be used by a vehicle trader in the conduct of his business as a vehicle trader. This inspection would be conducted after the necessary application for registration is submitted to the Authority.

Clause 120 of the Bill would allow the Authority to issue a Vehicle Trader Registration Certificate to an applicant where the Authority is satisfied that the applicant has met all the necessary requirements.

Clause 121 of the Bill would allow the Authority to issue Vehicle Trader Registration Plates to an applicant after he is registered with the Authority as a vehicle trader. These plates would have to be fitted on any vehicle that is in the process of being registered by the vehicle trader and has to be driven on any road or highway.

Clause 122 of the Bill would restrict the validity of a Vehicle Trader Registration Certificate issued by the Authority up to a maximum period of twelve months from the date of issue.

Clause 123 of the Bill would require a vehicle trader to display his Vehicle Trader Registration Certificate in a conspicuous place at the premises at which he conducts his business.

Clause 124 of the Bill would require a vehicle trader to maintain a record of specified particulars in respect of all motor vehicles sold or exchange by him in the conduct of his business. The vehicle trader would also be required to provide the record of these particulars for inspection when required to do so by a Motor Vehicles Enforcement Officer or constable.

Clause 125 of the Bill would allow the Authority to issue a Notice of Non-Compliance to a holder of a Vehicle Trader Registration Certificate in circumstances where the holder of the Certificate failed to comply with any requirement of the Act. A Notice issued in this regard, would specify, among other things, the areas that the vehicle trader is not in compliance with any remedial work required to be done, etc.

Clause 126 of the Bill would allow the Authority to suspend a Vehicle Trader Registration Certificate in circumstances where the holder of the Certificate fails to complete any defect specified in a Notice of Non-Compliance within the period prescribed.

Clause 127 of the Bill would allow the Authority to revoke a Vehicle Trader Registration Certificate in circumstances where the holder of the Certificate failed to comply with the requirements of the Act.

Clause 128 of the Bill would require the Authority to give the holder of a Vehicle Trader Registration Certificate, notice of its intention to suspend or revoke the Certificate.

Clause 129 of the Bill would require a vehicle trader to keep all receipts or other documents of all vehicles in his possession for the purpose of trade.

Clause 130 of the Bill would require the Authority to establish and maintain a Vehicle Trader Register in which all names, business addresses and other details of a vehicle trader would be kept.

Clause 131 of the Bill would allow for a transition period for a person who is engaged in the business of trading in vehicles under the former Act to register his business under the new system of trading in vehicles that would be established when the Act comes into operation.

Clause 132 of the Bill would prohibit persons from engaging in the business of leasing vehicles unless that person is registered with the Authority as a rental agency and issued with a Vehicle Rental Agency Registration Certificate.

Clause 133 of the Bill would require any person who is desirous of engaging in the business of leasing of vehicles to submit the necessary application to the Authority to be registered as a rental agency.

Clause 134 of the Bill would require the Authority to conduct an inspection on the premises to be used by a rental agency for leasing motor vehicles. This inspection would be conducted after the necessary application for registration is submitted to the Authority. .

Clause 135 of the Bill would require the Authority to register an applicant for the issue a Vehicle Rental Agency Registration Certificate where the Authority is satisfied that the applicant has met all the requirements of the Act.

Clause 136 of the Bill would restrict the validity of a Vehicle Rental Agency Registration Certificate issued by the Authority for a period of twelve months form the date of issue.

Clause 137 of the Bill would allow the Authority to issue a Notice of Non-Compliance to a holder of a Vehicle Rental Agency Registration Certificate in circumstances where the holder of the Certificate failed to comply with any requirement of the Act. A Notice issued in this regard, would specify, among other things, the areas that the vehicle trader is not in compliance with and any remedial work required to be done, etc.

Clause 138 of the Bill would allow the Authority to suspend a Vehicle Rental Agency Registration Certificate in circumstances where the holder of the Certificate fails to complete any defect specified in a Notice of Non-Compliance within the period prescribed in the Notice.

Clause 139 of the Bill would allow the Authority to revoke a Vehicle Rental Agency Registration Certificate in circumstances where the holder of the Certificate failed to comply with the requirements of the Act.

Clause 140 of the Bill would require the Authority to give the holder of a Vehicle Rental Agency Registration Certificate, notice of its intend to suspend or revoke the Certificate.

Clause 141 of the Bill would require a rental agency to keep a record of the identification particulars of all persons to whom a vehicle was leased.

Clause 142 of the Bill would prohibit a person to whom a vehicle is leased from allowing any other person to drive or operate the vehicle without first obtaining consent from the rental agency.

Clause 143 of the Bill would provide for a transition period for a person engaged in the business of renting vehicles under the former Act to become registered under the new regulatory system that would be implemented when the Act comes into operation.

Clause 144 of the Bill would prohibit the operation of a Fleet Management Facility unless the Facility is registered with the Authority.

Clause 145 of the Bill would require a person who owns twelve or more vehicles as part of a business operation and wishes to establish a Fleet Management Facility for the purpose of facilitating inspections on those vehicles, to submit the necessary application to the Authority to be registered as a Fleet Management Facility.

Clause 146 of the Bill would allow the Authority to issue a Fleet Management Registration Certificate to an applicant where the Authority is satisfied that the applicant has met all the necessary requirements under the Act.

Clause 147 of the Bill would require the Authority to conduct an inspection on premises intended to be used as a Fleet Management Facility. This inspection would be conducted after the necessary application for registration is submitted to the Authority.

Clause 148 of the Bill would restrict the validity of a Fleet Management Registration Certificate issued by the Authority to a period of twelve months from the date of issue.

Clause 149 of the Bill would provide allow the Authority to issue a Notice of Non-Compliance to a holder of a Fleet Management Registration Certificate in circumstances where the holder failed to comply with any requirement of the Act. A Notice issued in this regard, would specify, among other things, the areas that the vehicle trader is not in compliance with and any remedial work required to be done, etc.

Clause 150 of the Bill would allow the Authority to suspend a Fleet Management Registration Certificate in circumstances where the holder of the Certificate fails to complete any defect specified in a Notice of Non-Compliance within the period prescribed in the Notice.

Clause 151 of the Bill would allow the Authority to revoke a Fleet Management Registration Certificate in circumstances where the holder of the Certificate failed to comply with the requirements of the Act.

Clause 152 of the Bill would require the Authority to give the holder of a Fleet Management Registration Certificate, notice of its intention to suspend or revoke the Certificate.

Clause 153 of the Bill would prohibit a person from engaging in the business of operating a vehicle inspection centre unless that person is registered with the Authority and issued with a Vehicle Inspection Registration Certificate by the Authority.

Clause 154 of the Bill would require a person who is desirous of engaging in the business of operating a vehicle inspection centre to submit the necessary application to the Authority.

Clause 155 of the Bill would restrict the validity of a Vehicle Inspection Registration Certificate issued by the Authority to a period of twelve months from the date of issue.

Clause 156 of the Bill would allow the Authority to issue a Notice of Non-Compliance to a holder of a Vehicle Inspection Registration Certificate in circumstances where the holder failed to comply with any requirement of the Act. A Notice issued in this regard, would specify, among other things, the areas that the vehicle trader is not in compliance with and any remedial work required to be done, etc.

Clause 157 of the Bill would allow the Authority to suspend a Vehicle Inspection Registration Certificate in circumstances where the holder of the Certificate fails to complete any defect specified in a Notice of Non-Compliance within the period prescribed in the Notice.

Clause 158 of the Bill would allow the Authority to revoke a Vehicle Inspection Registration Certificate in circumstances where the holder of the Certificate failed to comply with the requirements of the Act.

Clause 159 of the Bill would require the Authority to give the holder of a Vehicle Inspection Registration Certificate, notice of its intention to suspend or revoke the Certificate.

Clause 160 of the Bill would provide for a transition period for a person who is engaged in the business of inspecting vehicles under the former Act to become registered under the new system of regulating the business of inspection of vehicles that would be implemented when the Act comes into operation.

Clause 161 of the Bill would prohibit a person from holding a vehicle out for hire unless that person is issued with a valid driver's licence and a Hired Driver's Permit issued by the Authority.

Clause 162 of the Bill would provide for the interpretation of certain words used in Part XIV of the Act.

Clause 163 of the Bill would prohibit a person from operating a maxi-taxi without a Hired Driver's Permit issued by the Authority.

Clause 164 of the Bill would require the Authority to implement a maxi-taxi system for regulating the operation of maxi-taxis.

Clause 165 of the Bill would require the Minister to appoint an Advisory Committee that would be responsible for assisting the Authority in the performing its functions under the Act.

Clause 166 of the Bill would allow the Authority to determine the type of vehicles to be used as a maxi-taxi. The Authority, in making a determination under this section, would be required to consider, among other things, the roadworthiness of the vehicle and the convenience and comfort that would be afforded to passengers on the vehicle.

Clause 167 of the Bill would require a person who is desirous of owning a maxi-taxi to submit the necessary application to the Authority for the issue of a maxi-taxi ownership permit.

Clause 168 of the Bill would allow the Authority to issue a maxi-taxi ownership permit to an applicant where the Authority is satisfied that the applicant has met all requirements under the Act.

Clause 169 of the Bill would require a person who is desirous of operating a maxi-taxi to submit the necessary application to the Authority for the issue of a maxi-taxi operator's permit.

Clause 170 of the Bill would allow the Authority to issue a maxi-taxi operator's permit to an applicant where the Authority is satisfied that the applicant has met all the necessary requirements under the Act.

Clause 171 of the Bill would allow the Authority to suspend or revoke a maxi-taxi ownership permit where the Authority is satisfied that the holder of the permit has failed to comply with the requirements of the Act.

Clause 172 of the Bill would require the Authority to give the holder of a maxi-taxi ownership permit or the holder of a maxi-taxi operator's permit, notice of its intention to suspend or revoke the permit.

Clause 173 of the Bill would require the Authority to compile and maintain a register of the names, addresses and other pertinent information of all persons issued with a maxi-taxi ownership permit.

Clause 174 of the Bill would allow a person who is in the process of repossessing a maxi-taxi that is subject to any hire-purchase agreement or mortgage bill of sale to drive or operate the maxi-taxi for the specific purpose of repossessing the maxi-taxi.

Clause 175 of the Bill would, except where permission is otherwise granted, restrict a person who is issued with a maxi-taxi ownership permit to use the maxi-taxi for the specific transportation of transporting passengers.

Clause 176 of the Bill would prohibit a person from painting or decorating a vehicle in such a manner or in such combination of colours that is likely to cause the vehicle to be mistaken for a maxi-taxi.

Clause 177 of the Bill would restrict the use of television, videos, radios, tape, decks, etc., in a maxi-taxi.

Clause 178 of the Bill would require a person who is desirous of owning a private school bus to tender the necessary application to the Authority.

Clause 178A of the Bill would provide for the suspension or revocation of Private School Bus Ownership permit.

Clause 178B of the Bill would provide for notice of intention to suspend or revoke Private School Bus Ownership Permit.

Clause 179 of the Bill would prohibit a person from operating a hiring car or a private school bus unless that person complies with the requirements specified in sections 180 and 181 of the Act.

Clause 180 of the Bill would prohibit a person from operating a hiring car unless that person

—

- (a) is the holder of a valid driver's licence;
- (b) is the holder of a valid Hired Driver's Permit; and
- (c) the vehicle to be used as a hiring car or a private school bus is registered with the Authority for that purpose.

Clause 181 of the Bill would require a person who is desirous of registering a vehicle as a hiring car or a private school bus to submit the necessary application to the Authority.

Clause 182 of the Bill would provide for the Minister to make Regulations for the purposes of Part XIV of the Bill. Regulations made under this section would be subject to negative resolution of Parliament.

Clause 183 of the Bill would provide for transitional provisions relating to maxi-taxi owners' and operators' permits.

Clause 184 of the Bill would prohibit a person from carrying on a business of a driving school unless that person is registered with the Authority and has been issued with a Driving School Registration Certificate.

Clause 185 of the Bill would require a person who wishes to carry on a business to teach persons to drive or operate a vehicle to apply to the Authority in the prescribed form and pay the fee specified.

Clause 186 of the Bill would provide for the issue of a Driving School Registration Certificate where the applicant has met the requirements of this Act and has satisfied the Authority with his application under section 184.

Clause 187 of the Bill would provide for suspension of a Driving School Registration Certificate where the Authority is of the view that the holder of the said certificate has failed to comply with the requirements of the Act.

Clause 188 of the Bill would provide for the revocation of a Driving School Registration Certificate where the Authority is of the view that the holder of the certificate has failed to comply with the requirements of the Act.

Clause 189 of the Bill would require the Authority to give written notice to the holder of a Driving School Registration Certificate where the Authority intends to suspend or revoke a Driving School Registration Certificate.

Clause 190 of the Bill would provide for the issue and renewal of a Driving Instructor's Permit.

Clause 191 of the Bill would prohibit a person from teaching another person to drive or operate a vehicle unless that person is registered with the Authority and issued with a Driving Instructor's Permit.

Clause 192 of the Bill would, among other things, require the owner of a vehicle that is being used to teach persons to drive or operate a motor vehicle, to have the vehicle properly equipped for that purpose. The person instructing the learner driver to drive or operate a vehicle would also be required to have on his person a valid Driving Instructor's Permit when conducting any driving class.

Clause 193 of the Bill would provide for transitional provisions relating driving schools.

Clause 194 of the Bill would allow a constable or a Motor Vehicles Enforcement Officer to stop and inspect vehicles.

Clause 195 of the Bill would provide for the offence of causing death by dangerous driving and would also allow a constable to arrest any person who has committed this offence without warrant.

Clause 196 of the Bill would provide for the offence of dangerous driving and the disqualification of a person so convicted from holding or obtaining a driver's licence.

Clause 197 of the Bill would provide for the interpretation of certain words used in sections 195 and 196.

Clause 198 of the Bill would provide for the offence of careless driving. A person convicted of this offence would be liable to pay a fine of ten thousand dollars and to imprisonment for five years.

Clause 199 of the Bill would provide for a person to be given a warning of intended prosecution for offences committed under sections 195, 196, 198 or 202.

Clause 200 of the Bill would prohibit a person from taking a vehicle without the consent of the owner.

Clause 201 of the Bill would create an offence for a person to use a vehicle without the consent of the owner. Under this section, a constable would be allowed to arrest without a warrant any person suspected of having committed this offence.

Clause 202 of the Bill would provide for the imposition of speed limits which the Minister may, by Order, impose on any road, area or bridge over which a road passes.

Clause 203 of the Bill would prohibit a person from taking part in any race or trial of speed between vehicles on a road without written permission from the Commissioner of Police. Additionally, this section would also prohibit a person from driving or operating a vehicle in a manner that causes excessive engine, muffler or tyre noise.

Clause 204 of the Bill would provide for the Authority to cause or permit traffic signs to be placed, erected or otherwise marked on, or near any road.

Clause 205 of the Bill would provide for the use of red light camera enforcement technology which would allow for electronic detection of breaches of traffic lights.

Clause 206 of the Bill would provide for the use of speed detection devices by police officers and Special Reserve Police Officers for the purposes of measuring the speed at which a person is driving a vehicle and to provide for the admissibility of evidence in connection with the use of such devices.

Clause 207 of the Bill would prohibit the use of any device that is designed to jam, scramble neutralize, etc., a speed measuring device.

Clause 208 of the Bill would allow the Commissioner of Police where it is expedient to do so, to carry out an experimental scheme of traffic control.

Clause 209 of the Bill would allow the Commissioner of Police to temporarily prohibit or restrict the movement of traffic on any road or highway.

Clause 210 of the Bill would provide for the Minister to prohibit or regulate by Order, the parking of vehicles on any road or prohibit the driving of any vehicle on any specified road in a particular direction.

Clause 211 of the Bill would allow a constable to cause a driver or person in control of a vehicle to remove the vehicle if the driver or person in control of the vehicle has contravened any parking restriction.

Clause 212 of the Bill would provide the charges required to be paid for vehicles that are removed pursuant to section 211 of the Act.

Clause 213 of the Bill would prohibit more than one person from being carried on a bicycle that is not propelled by mechanical power unless the bicycle is constructed to carry more than one person.

Clause 214 of the Bill would restrict a person on a motor cycle or on a bicycle not propelled by mechanical power from riding abreast or holding on to another moving vehicle.

Clause 214 of the Bill would require the driver of a motor vehicle who has caused injury to a person to stop the vehicle and render assistance to the injured person. The driver under this section would also be required to report the accident to the nearest police station.

Clause 216 of the Bill would prohibit the use of a vehicle for a purpose other than that for which it registered.

Clause 217 of the Bill would allow the Authority to permit a vehicle registered as a goods vehicle to be used for the conveyance of persons.

Clause 218 of the Bill would exempt Police, Prison and Fire Service vehicles from the payment of fees specified for in sections 216 and 217.

Clause 219 of the Bill would stipulate a penalty for any person who assaults or obstructs a constable or a Motor Vehicles Enforcement Officer in the execution of his duty.

Clause 220 of the Bill would provide for the interpretation of certain words used in sections 221 to 229.

Clause 221 of the Bill would specify the penalty for persons who drive or attempt to drive a vehicle whilst under the influence of drink or drug.

Clause 222 of the Bill would prohibit a person from driving or being in charge of a vehicle while his blood alcohol levels exceed the prescribed limit.

Clause 223 of the Bill would allow a constable to require a person to provide a specimen of breath for a breath test where the constable has reason to believe that the person was driving while under the influence of alcohol.

Clause 224 of the Bill would provide for instances where a person who fails to undergo a breath test or as a consequence of having been administered a breath test, it is discovered that the concentration of alcohol in that person's breath exceeds the prescribed limit, the constable may require that person to submit to a breath analysis and failure to comply may render him liable to prosecution.

Clause 225 of the Bill would provide for instances where a constable in trying to determine whether a person has committed an offence under section 222 may require a person to provide a specimen of blood for a laboratory test if the person is unable by reason of his physical condition to provide a specimen of breath for a breath test.

Clause 226 of the Bill would provide a penalty for persons under investigation for an offence under section 222, who refuse to provide a sample of blood when requested to do so.

Clause 227 of the Bill would provide ancillary provisions as to evidence in proceedings for an offence under section 222.

Clause 228 of the Bill would provide for persons who are convicted of an offence under section 221 or 222 to be ordered by the Court to participate in an alcohol rehabilitation programme.

Clause 229 of the Bill would provide for alcohol restrictions on driving supervisors, newly licenced drivers and drivers generally.

Clause 230 of the Bill would provide for the interpretation of certain words used in sections 231 to 239.

Clause 231 of the Bill would allow a constable or a Motor Vehicles Enforcement Officer who has reason to believe an offence has been or is being committed to give to a driver or affix a notice on the vehicle that charges him with the commission of a traffic offence.

Clause 232 of the Bill would provide for the particulars of the contents of the notice given under section 231.

Clause 233 of the Bill would provide for the payment of penalties in accordance with the notice given under section 230.

Clause 234 of the Bill would provide for the amount of a fixed penalty for traffic offences to be specified by regulations made under the Act.

Clause 235 of the Bill would allow for proceedings in respect of an offence under this Act to be instituted by notice given under section 231.

Clause 236 of the Bill would provide that in any proceedings, a certificate that payment of a fixed penalty was or was not made to the Clerk by a specified date shall be sufficient proof of the facts stated.

Clause 237 of the Bill would provide that where a fixed penalty is not paid in the time specified in the notice, proceedings regarding the offence specified in the notice shall proceed in the same manner prescribed in the Summary Courts Act.

Clause 238 of the Bill would provide that a notice affixed to a vehicle under section 230(2) shall not be removed or interfered with by, or under the authority of the driver or the person liable for the offence.

Clause 239 of the Bill would allow the Minister to amend the Schedules.

Clause 240 of the Bill would provide for a jury to be granted the power to convict a person who is indicted for reckless or dangerous driving on trial for manslaughter.

Clause 241 of the Bill would provide for a Magistrate to be granted the power to proceed with a charge for careless driving on hearing of charges under section 221 or 223.

Clause 242 of the Bill would provide that the Court before which a person is convicted of any offence in connection with the driving of a vehicle may order disqualification from holding a driver's licence.

Clause 243 of the Bill would provide for a person who by virtue of a Court order under section 244 is disqualified from holding or obtaining a driver's licence to be given a right of appeal.

Clause 244 of the Bill would allow the Court to require the Authority to furnish it with an offender's record of conviction for inspection which would enable it to determine an appropriate penalty for the person convicted of a traffic offence. This order would be made in circumstances where the convicted person was previously convicted for another traffic offence.

Clause 245 of the Bill would provide that where a Court suspends or cancels a person's driver's licence or disqualifies a person from obtaining a driver's licence, the Court shall forthwith send to the Authority the said licence.

Clause 246 of the Bill would provide that a suspended driver's licence shall be of no effect during the period of suspension.

Clause 247 of the Bill would provide for the temporary suspension of a person's driver's licence pending the determination of charges.

Clause 248 of the Bill would provide for situations where a person who is disqualified from holding or obtaining a driver's licence under this part of the Act makes a fraudulent application for a driver's licence.

Clause 249 of the Bill would require the Minister to establish of an Appeals Committee that would be responsible for hearing and determining all appeals from the decisions of the Authority.

Clause 250 of the Bill would provide for the composition of the Appeals Committee established under section 249.

Clause 251 of the Bill would provide for restrictions on the composition of the Appeals Committee.

Clause 252 of the Bill would provide for the term of office of the Chairman, Deputy Chairman and other members of the Committee.

Clause 253 of the Bill would provide for the appointment of the members of the Appeals Committee to be published in the *Gazette*.

Clause 254 of the Bill would provide that the Appeals Committee shall appoint a suitably qualified person to serve as Secretary to the Appeals Committee.

Clause 255 of the Bill would provide for the powers which the Appeals Committee can exercise in making a determination of an appeal against a decision of the Authority.

Clause 256 of the Bill would provide for the effect of a decision of the Authority during an appeal.

Clause 257 of the Bill would allow the Appeals Committee to give such directions as it thinks fit for the payment of costs or expenses by any party to the appeal.

Clause 258 of the Bill would allow the Appeals Committee to regulate its own procedure as well as the procedure for conducting appeals.

Clause 259 of the Bill would create an offence for a person who is alleged to have committed an offence under this Act to refuse to give his name or address or gives a false name or address.

Clause 260 of the Bill would create an offence for a person to give any statement or information to the Authority which he know to be false or misleading.

Clause 261 of the Bill would allow a constable or a Motor Vehicles Enforcement Officer to require a vehicle that is registered according to particular maximum gross weight (MGW) to be

weighed in circumstances where the officer is of the opinion that the vehicle exceeds the weight it is permitted to carry.

Clause 262 of the Bill would prohibit the use of a radio or other electronic device in a loud manner in any vehicle that may be likely to disturb or cause a nuisance to persons in the vicinity.

Clause 263 of the Bill would prescribe penalties for offences in this Act for which no penalty is prescribed.

Clause 264 of the Bill would provide for the liability for offences committed under the Act by a person who is under the age of seventeen years.

Clause 265 of the Bill would provide for the recovery of damage to roads, bridges, traffic lights, traffic signs, etc., where same is damaged by reason of an offence under this Act. It also provides for the issue of a certificate specifying the amount of the cost of making good the damage caused under the hand of the relevant officer in the ministry with responsibility for works or any person authorized by him.

Clause 266 of the Bill would provide for a certificate issued under section 264 to be admissible as *prima facie* evidence in any action for recovery of damages.

Clause 267 of the Bill would require all fees and duties specified in the Fifth Schedule to be payable to the Authority.

Clause 268 of the Bill would require the Clerk of the Peace of any District or the Registrar of the High Court on the conviction of any person under this Act to forward such information to the Authority.

Clause 269 of the Bill would allow a driver or owner of a motor vehicle to continue to be liable under any other written law or at Common Law in addition to his liability under this Act.

Clause 270 of the Bill would provide that the Minister may make Regulations subject to negative resolution of Parliament generally for giving effect to the provisions of this Act.

Clause 271 of the Bill would allow the Minister to make Regulations that are required for giving effect to the provisions of the Act. Regulations made under this section would be subject to negative resolution of Parliament.

Clause 272 of the Bill would repeal –

- (a) the Motor Vehicles and Road Traffic Act, Chap. 48:50;
- (b) the Motor Vehicles and Road Traffic (Enforcement and Administration) Act, Chap. 48:52; and
- (c) the Maxi-Taxi Act, Chap. 48:53.

THE MOTOR VEHICLES AND ROAD TRAFFIC BILL, 2014

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SECOND SCHEDULE

THIRD SCHEDULE

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SIXTH SCHEDULE

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TENTH SCHEDULE

ELEVENTH SCHEDULE

BILL

An Act to establish a Motor Vehicles Authority for the registration, licensing and regulation of motor vehicles and drivers, the regulation of road use and for matters connected thereto

Preamble WHEREAS it is enacted *inter alia* by section 13(1) of the Constitution that an Act of Parliament to which that section applies may expressly declare that it shall have effect even though inconsistent with sections 4 and 5 of the Constitution and, if any Act does so declare, it shall have effect accordingly:

And whereas it is provided in section 13(2) of the Constitution, that an Act of Parliament to which that section applies is one the Bill for which has been passed by both Houses of Parliament and at the final vote thereon in each House has been supported by the votes of not less than three-fifths of all members of the House:

And whereas it is necessary and expedient that the provisions of this Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution:

Enactment ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I

PRELIMINARY

Short title 1. This Act may be cited as the Motor Vehicles and Road Traffic Act, 2014.

Commencement 2. This Act comes into operation on such day as may be fixed by the President by Proclamation.

Act inconsistent with Constitution 3. This Act shall have effect even though inconsistent with sections 4 and 5 of the Constitution.

Interpretation 4. In this Act—
 “agricultural tractor” means a tractor approved by the Authority exclusively for agricultural purposes;
 “agricultural trailer” means a trailer approved by the Authority exclusively for agricultural purposes;
 “ambulance” means a conveyance used to transport a patient in emergency conditions;

“antique vehicle” means a private motor vehicle or commercial vehicle, which is at least **twenty-five** years old;

“approved form” means the form approved under section 75;

“Authority” means the Motor Vehicles Authority established under section 6;

“bicycle” means -

(a) a vehicle propelled by human power which has –

(i) two tandem wheels either of which is 350 millimetres or more in diameter; or

(ii) four wheels any two of which are 350 millimetres or more in diameter,

but does not include a wheelchair; or

(b) a vehicle propelled by human and mechanical power which -

(i) is fitted with pedals that are operable at all times to propel the bicycle;

(ii) has the same wheel requirements as set out in paragraph (a); and

(iii) has an attached motor –

(A) powered by electricity of not more than 500 watts; or

(B) with a piston displacement of not more than 50 cubic centimetres,

and is incapable of exceeding a speed of thirty kilometres per hour on level ground;

“Board” means the Motor Vehicles Authority Board established under section 10;

“certificate” means a certificate approved under section 73

“Chairman” means the person appointed as Chairman under section 10(3);

“chartered vehicle” means a hired vehicle other than a hiring car, maxi-taxi or private school bus with seating accommodation for eleven or more passengers and classified as such by the Authority;

“Chief Executive Officer” means the person appointed under section 21;

“commercial vehicle” means a motor vehicle, other than an agricultural tractor or industrial tractor, so constructed or adapted for the carriage or haulage of goods, merchandise or other loads and may also include the carriage of persons and is registered for use as a commercial vehicle;

Chap. 15:01

“constable” means -

(a) a police officer as defined in the Police Service Act;

(b) an Estate Constable in the employment of a Municipal Corporation; and

Chap. 15:03

(c) a constable appointed under the Special Reserve Police Act;

“construction equipment” means any heavy duty vehicle specially designed for construction tasks;

“Deputy Chairman” means a person appointed as Deputy Chairman under section 10(3);

“driver” includes any person actually operating or driving a vehicle at any given time or any person in charge of a vehicle for the purpose of driving whenever the vehicle is stationary on any road or highway;

“driver’s licence” means a licence to drive or operate a vehicle, issued by the Authority in accordance with Part VI;

“driving instructor” means a person registered to teach a person to drive or operate a vehicle in accordance with Part XV of this Act;

“Driving School Registration Certificate” means a certificate issued under section 185 of this Act;

“fixed penalty” means the penalty for an offence as prescribed in regulations;

“Fleet Management Facility” means premises used by a person or company for the purpose of facilitating the inspection of vehicles owned by the person or company or from which the person operates his fleet of vehicles;

Chap. 48:50

“former Act” means the Motor Vehicles and Road Traffic Act repealed by this Act;

Chap. 48:53

“former Maxi-Taxi Act” means the Maxi-Taxi Act as repealed by this Act;

“freight passenger vehicle” means a motor vehicle constructed for the purpose of carrying both passengers and goods and which is approved by the Authority as suitable for that purpose;

“highway” has the meaning assigned to it by section 2 of the Highways Act;

“hiring car” means a vehicle held out for hire to carry no more than ten passengers and approved by the Authority;

“hired vehicle” means a vehicle operated for hire with a driver whether operated as part of one transaction or many transactions and includes a hiring car, maxi-taxi, private school bus or a chartered vehicle;

“indivisible load” means a load which cannot, without undue expense or risk of damage, be divided into two or more loads for the purpose of conveyance on a road or highway;

“industrial tractor” means a tractor approved by the Authority exclusively for industrial purposes;

“learner driver” means a person issued with a learner driver’s licence for the purpose of learning to drive a motor vehicle;

“learner driver’s licence” means a licence to learn to drive a vehicle issued by the Authority in accordance with Part VI, in the approved form;

“Maximum Gross Weight” or “M.G.W.” in reference to a commercial vehicle, means the tare together with the load including the weight of the driver and loaders, and in reference to a motor omnibus, means the tare together with the weight of the driver, conductor and the number of passengers for which the vehicle is registered; and for the purpose of this definition, the weight of a driver, loader, conductor or passenger shall be taken as 60 kilograms each;

“maxi-taxi” means a public service motor vehicle with seating accommodation for not less than eleven or more than thirty passengers;

“medical practitioner” means a doctor or phlebotomist qualified from an accredited university;

“Minister” means the Minister to whom responsibility for transport is assigned;

“motorcycle” means a motor vehicle designed to travel on not more than three wheels in contact with the ground having -

- (a) an unladen seat height greater than 700 millimetres above the level surface on which the motor vehicle stands;
- (b) a wheel-rim diameter greater than 250 millimetres;
- (c) a wheelbase greater than 1000 millimetres;
- (d) a capability of maintaining a speed of 70 kilometres per hour when laden; and
- (e) an engine displacement capacity in excess of 350 cubic centimetres;

“motor-driven cycle” means a motor vehicle—

- (a) having two tandem wheels each with a rim diameter greater than 500 millimetres;
- (b) having steering handlebars completely constrained from rotating in relation to the axle of one wheel in contact with the ground;
- (c) with a wheelbase greater than 1 metre;
- (d) with a seat height unladen greater than 700 millimetres above the level surface on which the vehicle stands;
- (e) having an engine not capable of maintaining more than 70 kilometres per hour as measured at the driveshaft;
- (f) incapable of maintaining a speed of 60 kilometres per hour when laden; and
- (g) having an engine displacement capacity of 350 cubic centimetres or less;

“motor omnibus” means a public service vehicle other than one registered as a “hired vehicle”, “private school bus” or “maxi-taxi” and includes -

- (a) a light motor omnibus having seating accommodation for not more than ten passengers;
- (b) an ordinary motor omnibus having seating accommodation for more than ten passengers; and
- (c) a freight passenger vehicle;

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on a road or highway and includes a trolley vehicle, but does not include a vehicle constructed exclusively for use on a rail or other specially prepared track;

“Motor Vehicles Enforcement Officer” means a person appointed under section 21;

“motor vehicle tax” means the tax payable under section 80;

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

“owner” in case of —

(a) a vehicle that is not registered, includes the person in actual lawful charge or lawful possession of the vehicle in Trinidad and Tobago; or

(b) a vehicle that is registered, means the person in whose name the vehicle is registered pursuant to section 77;

“parking” means causing or permitting a vehicle, whether occupied or not, to stand on a road or highway, except -

(a) while the vehicle is being loaded or unloaded;

(b) while passengers are entering or exiting the vehicle;

(c) in compliance with the directions of a constable or of a traffic sign or the requirements of traffic regulations;

(d) by reason of traffic conditions; or

(e) by reason of a mechanical breakdown or lack of fuel,

and “park” and other cognate expressions shall be construed accordingly;

“private motor vehicle” means a private passenger vehicle approved by the Authority for private use exclusively and includes a pick-up;

“private school bus” means a vehicle with seating accommodation for not less than nine nor more than forty-six passengers and registered by the Authority under Part XIV to be used for transporting school children;

“public service vehicle” means a motor vehicle used for carrying passengers for hire or reward, whether at separate or distinct fares for their respective places or not;

“spouse” includes a cohabitant within the meaning of the Cohabitation Relationships Act;

“Registrar” means a person appointed to serve as the Registrar of Motor Vehicles under section 21;

“Regulations” means Regulations made under this Act;

“rental agency” includes a person registered under section 135 of the Act to conduct the business of renting a vehicle;

“rented vehicle” means a vehicle which is leased by the owner to another person;

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

“Secretary” means the Secretary to the Board appointed under section 16;

- “tare” means the actual weight of a vehicle when unladen inclusive of the body, accumulators, loose tools, spare wheel and other usual equipment and a full supply of water and fuel used for the purposes of propulsion;

“Tax Authority” means the Board of Inland Revenue established under the Income Tax Act;

“tractor” means any motor vehicle constructed for the purpose of – (a) hauling equipment such as, plows and cultivators;

(b) powering stationary devices such as, saws and winches; or

(c) earth moving works;

“tonne” means 1000 kilogrammes;

“traffic” includes bicycles, tricycles, motor vehicles of every description, pedestrians and all animals being ridden, driven or led on a road or highway;

“traffic sign” includes any signal (whether an electrical automatic signal or otherwise), warning signpost, direction post, sign, line, direction arrow, word, mark or other device erected, placed or otherwise marked on, or near a road or highway for the guidance or direction of traffic;

“Traffic Warden” means a person appointed in accordance with section 35;

“trailer” means any vehicle which has no independent motor power of its own and which is attached to a tractor or any other motor vehicle, but does not include a side-car attached to a motorcycle;

“vehicle” includes any motor vehicle, trailer or construction equipment;

“vehicle trader” means a person who sells or conducts a business of buying, selling or dealing in vehicles;

“wheel tractor” means a tractor fitted with pneumatic tyres including an agricultural tractor and an industrial tractor.

Act binds the State

5. This Act binds the State.

PART II

ESTABLISHMENT, FUNCTIONS AND POWERS OF THE MOTOR VEHICLES AUTHORITY

Establishment of the Motor Vehicles Authority

6. There is hereby established a body corporate to be known as “the Motor Vehicles Authority” hereinafter referred to as “the Authority”.

Functions of the Authority

7. (1) The Authority shall be responsible for the registration, inspection, certification and classification of all vehicles and the issue of driver’s licences and for such other matters as are assigned by this Act.

(2) Without limiting the generality of subsection (1), the Authority shall -

(a) ensure the effective administration of this Act, and in so doing, shall

—

- (i) inspect and register all vehicles in Trinidad and Tobago;
- (ii) issue driver’s licences in accordance with section 48 as specified in the Fourth Schedule.
- (iii) issue licence plates and other identifying tags for vehicles;
- (iv) suspend or cancel Validation Certificates of vehicles;
- (v) register and regulate the operations of vehicle traders;
- (vi) register and monitor operators of private school buses;
- (vii) register and monitor all persons who provide the services of vehicles for hire;

- (viii) register and inspect all Fleet Management Facilities and vehicle inspection centres pursuant to Parts XII and XIII of this Act;
 - (ix) regulate and monitor the use of maxi-taxis;
 - (x) conduct driving test pursuant to section 54;
 - (xi) issue, suspend, revoke or cancel any driver's licence;
 - (xii) register and regulate driving schools;
 - (xiii) recommend the prescription for vehicles of safety equipment to be used by drivers and passengers; and
 - (xiv) ensure the development and implementation of motor vehicle policy, programme and standards for motor vehicles;
 - (xv) ensure the continuous review and modernization of the processes relating to the registration, inspection, certification and classification of vehicles, and issuance of driver's licences;
 - (xvi) the development of processes to evaluate compliance programmes with the Act;
 - (xvii) the security, integrity, and accuracy of the information contained in the database of the Authority; and
 - (xviii) exercise such other functions and duties under this Act, Regulations or any other written law;
- (b) subject to any written law, approve and ensure the implementation of policies in relation to -
- (i) the finances, property of the Authority, the securing of contracts, the procurement of goods and services and

other administrative activities and affairs of the Authority;

- (ii) human resources, including those related to recruitment, remuneration, promotion, training and development, performance assessment, conditions of work, discipline, termination of employment and superannuation benefits;
- (iii) service standards and performance targets;
- (iv) a code of conduct for the employees of the Authority;
- (v) the strategic plan, budget and annual report of the Authority;
- (vi) the mandate for collective bargaining and approving collective agreements in relation to the terms and conditions of employment of persons employed by the Authority;
- (vii) probity in the use and allocation of resources;
- (viii) the principles of good corporate governance, procedures and practice;
- (ix) the internal audit of the Authority; and
- (x) such other functions and duties as are prescribed by any other written law or Regulations made under this Act.

Powers of the Authority

8. The Authority may, in carrying out its functions—

- (a) delegate in accordance with this Act any of its functions for the efficient administration of the Act;
- (b) charge and collect such fees associated with the provision of its services, as may be prescribed;
- (c) exercise such other powers as are prescribed by any other written law; and
- (d) do such things as may be necessary or convenient for, or in connection with, the performance of its functions.

Ministerial
directions and
report

9. (1) The Authority shall exercise its functions and powers in accordance with any special or general directions as may be given to it by the Minister from time to time.

(2) The Minister may at any time require the Authority to provide him with information concerning any matter relating to the functions of the Authority and the Authority shall provide the information requested within fourteen days of such request or within such other period as may be specified by the Minister.

(3) The Authority may from time to time furnish to the Minister, a report on any matter relating to the functions of the Authority which, in its opinion, require the special attention of the Minister.

Board of
Directors

10. (1) The Authority shall be governed by a Board of Directors, who shall be responsible for performing the functions of the Authority.

(2) The Board shall consist of nine persons appointed by instrument in writing by the Minister as follows:

(a) six persons each having special qualifications or experience in one of the following areas:

- (i) finance;
- (ii) law;
- (iii) automotive engineering;
- (iv) motor insurance;
- (v) traffic engineer; and
- (vi) business representative;

(b) a representative of the Ministry responsible for transport; and

(c) a person representing the public's interest; and

(d) a representative from the Trinidad and Tobago Police Service.

(3) The Minister shall appoint a Chairman and Deputy Chairman of the Board from among the persons appointed under subsection (2)(a).

(4) The Chairman may at any time resign from office by notice in writing addressed to the Minister, and any other member of the Board may resign from office by notice in writing addressed to the Chairman.

(5) Subject to this section, a member of the Board, other than the representative of the Commissioner of Police shall be appointed to hold office for a period not exceeding three years and shall be eligible for reappointment.

(6) The Minister may at any time revoke the appointment of a member of the Board, other than the representative of the Commissioner of Police, where the member—

- (a) is declared bankrupt in accordance with the laws of Trinidad and Tobago or any other country;
- (b) becomes a person of unsound mind;
- (c) is, for whatever reason, incapable of performing or unable to perform the duties of a member;
- (d) is absent for three consecutive meetings without leave of the Chairman;
- (e) is convicted of an indictable offence or is sentenced to imprisonment for a term of six months or more; and
- (f) misbehaves in office or brings his office into disrepute or for any other sufficient cause.

(7) Where the Minister is satisfied that—

- (a) a member is temporarily absent or incapable of performing his duties as a member; or
- (b) the office of a member is vacant,

the Minister may appoint a person to act in the place of that member during the period of absence or incapacity or until the vacancy is filled.

(8) A person appointed to fill a vacancy shall hold office for the unexpired term of the predecessor.

Appointment of members of the Board to be published in the *Gazette*

11. The Minister shall cause to be published in the *Gazette* the names of all members of the Board, including the Chairman and Deputy Chairman, and every change in the membership of the Board and the termination of any such appointment.

Remuneration of members of the Board

12. The members of the Board shall be paid such remuneration and allowances in respect of their office as the Minister may approve.

Immunity of Board members

13. A member of the Board shall not be held to be personally liable for anything done, permitted to be done or omitted to be done in good faith in the exercise of his duties under this Act.

14. (1) The Board shall meet as often as may be necessary for the efficient performance of its functions on such day and on such other time and place as the Chairman may determine and in any event, the Board shall meet at least once in each month.

(2) Notice of a meeting of the Board shall be given to each member in a manner approved by the Board.

(3) The Chairman shall at any time convene a special meeting of the Board to be held within seven working days of the receipt of a written request for that purpose addressed to the Chairman and signed by not less than four members of the Board.

(4) The Chairman may convene a meeting of the Board by video conference, teleconference or other electronic means –

- (a) where a majority of the members of the Board agree; and
- (b) all members participating in the meeting are able to communicate with each other.

(5) A member of the Board shall be deemed to be present at a meeting of the Board convened pursuant to subsection (4) where the member participates by video conference, teleconference or other electronic means.

(6) The Chairman shall preside at meetings of the Board and in his absence, the Deputy Chairman shall preside.

(7) Where the Chairman and Deputy Chairman are absent from a meeting of the Board, the members present may appoint one of their members to preside at the meeting.

(8) The quorum for a meeting of the Board shall be seven members.

(9) The decisions of the Board shall be adopted by the votes of a majority of the members of the Board present and voting and in a case of equality of votes, the presiding member of the meeting at which the vote is taken shall have a second and casting vote.

(10) Subject to subsection (8) no act or proceedings of the Board shall be invalidated by reason of a vacancy amongst its members or of any defect in the appointment of a member.

(11) The Board may co-opt any one or more persons to attend any particular meeting of the Board for the purpose of assisting or advising the Board, but no such co-opted person shall have any right to vote.

Board to make rules to govern its own proceedings

15. The Board may by resolution, make rules to govern its own proceedings.

Secretary to the Board

16. (1) The Authority shall appoint a suitably qualified person to perform the functions of Secretary to the Board, on such terms and conditions as the Board thinks fit.

(2) The functions of the Secretary shall be to —

- (a) make preparations for, and attend meetings of the Board;
- (b) prepare and keep minutes of proceedings of the Board; and
- (c) assist the Board in all respects and in such manner as the Board may from time to time require in the discharge of its functions; and
- (d) perform such other duties as are required under this Act.

(3) Minutes of each meeting of the Board shall be kept by the Secretary and shall be confirmed by the Board as soon as practicable at a subsequent meeting.

(4) The Secretary shall provide the Minister with a copy of the confirmed minutes of every meeting of the Board within twenty-eight days after the date of confirmation.

Appointment of committees

17. (1) The Board may appoint such standing or special committees as it thinks fit to assist in the performance of its functions under this Act or any other law and may refer or assign to the committee any matter as it thinks fit.

(2) A committee appointed under this section shall consist of at least one member of the Board together with such other persons, whether members of the Board or not, whose assistance or advice the Board may desire.

(3) The Authority may delegate to a committee appointed under subsection (1) such functions and duties as the Authority considers necessary or desirable for the execution of the functions of the Authority.

(4) A delegation made under subsection (3) -

- (a) is revocable by the Authority at will, in whole or in part; and
- (b) does not derogate from the functions, duties and powers of, or the exercise thereof by the Board as it may think fit or as the occasion requires.

(5) Where the Board appoints a committee it shall appoint a member of the committee to be the Chairman of the committee.

(6) A committee appointed under this section may, subject to any specific or general direction of the Board, regulate its own procedure and business.

(7) Subject to any specific or general directions of the Board, meetings of a committee shall be held at such time and place as the Chairman of that committee may determine.

(8) Each committee shall keep minutes of its meetings and shall keep the Board informed of its activities.

Disclosure of
interest

18.(1) A member of the Board or of a committee established under section 17 who is in any way interested, whether directly or indirectly, in any—

- (a) transaction, arrangement or contract with the Authority or in which the Authority is interested; or
- (b) matter which is being dealt with by the Authority,

shall disclose the nature of his interest at the first meeting of the Board or a committee at which he is present after the relevant facts come to his knowledge.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting and after the disclosure the member making the disclosure shall not vote on the matter and, shall not be present or take part in the proceedings of any meeting at which the transaction, arrangement, contract or matter is being discussed or decided by the Board or a committee.

(3) A member of the Board shall be treated as having an indirect interest in any transaction, arrangement or contract with the Authority or in which the Authority is interested if the member is a director, shareholder, trustee, agent or employee of the company or undertaking that is a party to the transaction, arrangement or contract or proposed transaction, arrangement or contract with the Authority or where his immediate relative holds an interest in that company or undertaking.

(4) For the purpose of this section, a general notice given to the Board or a committee by a member to the effect that—

- (a) he is a member of, or is otherwise associated with, a company or undertaking and is to be regarded as interested in any transaction, arrangement or contract which may after the date of the notice be made with that company or undertaking; or
- (b) he is in any way interested in a matter which is being dealt with by the Authority,

shall be deemed to be a sufficient disclosure of interest in relation to any transaction, arrangement, contract or matter referred to in subsection (1).

(5) In this section, “immediate relative”, in relation to a member of the Board or committee member, means the spouse, parent, child, stepchild, brother or sister of

the member of the Board or committee or the parent, child, stepchild, brother or sister of the spouse of the member of the Board or committee.

Seal of the Authority

19. (1) The Authority shall have a common seal which shall be kept in the custody of the Chairman, the Deputy Chairman or the Secretary to the Board.

(2) The common seal of the Authority may be affixed to instruments pursuant to a resolution of the Board in the presence of the Secretary -

(a) the Chairman or in his absence, the Deputy Chairman; or

(b) a member of the Board authorised to act in that behalf.

(3) The common seal of the Authority shall be attested by the signature of the Secretary and the Chairman or in his absence, the Deputy Chairman or such member authorized by the Board to act in that behalf.

(4) All documents other than those required by law to be made under seal and all decisions of the Board may be signed by the hand of the Chief Executive Officer, Secretary or the Chairman or in the absence of the Chairman, shall be signed by the Deputy Chairman, or any other person authorised to act for that purpose.

Service of notice on the Authority

20. (1) The Authority shall at all times have an address in Trinidad and Tobago for the service of a notice, order or other document on the Authority.

(2) A notice, order or other document to be served on the Authority may be served by delivering it by hand or by sending it by registered post to the Chief Executive Officer at the address referred to under subsection (1).

PART III

STAFF OF THE AUTHORITY

Appointment of executive management and other staff of the Authority

21. (1) The Authority shall appoint a suitably qualified person in each case to be -

(a) the Chief Executive Officer; and

(b) the Registrar of Motor Vehicles.

(2) The Authority shall, subject to the approval of the Minister, fix the qualifications and experience and the -

(a) salaries, allowances and other terms and conditions of service of the offices specified under subsection (1)(a) and (b); and

- (b) maximum limit of remuneration, allowances and other terms and conditions for Motor Vehicles Enforcement Officers and other officers and employees of the Authority.

(3) Subject to subsections (1) and (2), the Chief Executive Officer shall with the approval of the Authority employ Motor Vehicles Enforcement Officers and such other officers and employees as may be necessary for the efficient administration, management and performance by the Authority of its functions.

Employment of persons for specific tasks

22. The Chief Executive Officer may, with the approval of the Authority engage persons on contract to perform specific tasks that the Authority considers necessary for the performance of its functions.

Chief Executive Officer

23. (1) Subject to subsections (5) and (6), the Chief Executive Officer shall hold office for a period not exceeding five years and shall be eligible for reappointment.

(2) The Authority may delegate to the Chief Executive Officer such functions and duties as the Authority considers necessary or desirable for the execution of the functions of the Authority.

(3) A delegation made under subsection (2)—

- (a) is revocable by the Authority at will, in whole or in part; and
- (b) does not derogate from the functions, duties and powers of, or the exercise thereof by the Board as it may think fit or as the occasion requires.

(4) The Chief Executive Officer shall attend meetings of the Board but shall not have a vote on decisions taken by the Board.

(5) The Chief Executive Officer may resign from office by giving one month's notice in writing, addressed to the Chairman of the Board.

(6) The Chief Executive Officer may be removed from office only for cause, including misconduct in relation to his duties or for physical or mental inability to perform the functions of his office.

Registrar of Motor Vehicles

24. (1) Subject to subsections (6) and (7), the Registrar shall be appointed to hold office for a period not exceeding five years and shall be eligible for reappointment.

(2) The Authority may delegate to the Registrar such functions and duties as the Authority considers necessary or desirable for the execution of the functions of the Authority.

(3) A delegation made under subsection (2)—

- (a) is revocable by the Authority at will, in whole or in part; and

(b) does not derogate from the functions, duties and powers of, or the exercise thereof by the Board as it may think fit or as the occasion requires.

(4) The Registrar shall be assisted in the performance of his functions by Motor Vehicles Enforcement Officers.

(5) The Registrar shall attend meetings of the Board but shall not have a vote on decisions taken by the Board.

(6) The Registrar may resign from office by giving one month's notice in writing, addressed to the Chairman of the Board.

(7) The Registrar may be removed from office only for cause, including misconduct in relation to his duties or for physical or mental inability to perform the functions of his office.

Precept on appointment of Motor Vehicles Enforcement Officers

25. (1) On the appointment of a person as a Motor Vehicles Enforcement Officer, the Registrar shall deliver or cause to be delivered to the person a precept authorizing the person to act as a Motor Vehicles Enforcement Officer, which shall be in the form as set out in the First Schedule.

First Schedule

(2) The Registrar may assign such Motor Vehicles Enforcement Officers as may be necessary to such localities and to perform such duties as he may direct for the purpose of this Act.

(3) A Motor Vehicles Enforcement Officer shall at all times be under the direction of the Registrar.

Options available to public officers

26. A person who, on commencement of this section is a public officer appointed to an office listed in Second Schedule, either by permanent or temporary appointment, in which he has served for at least two continuous years, shall within three months of the date of commencement of this section exercise one of the following options:

Second Schedule

- (a) voluntarily retire from the Public Service on terms and conditions as agreed between him or his appropriate recognised association and the Chief Personnel Officer;
- (b) transfer to the Authority with the approval of the Public Service Commission on terms and conditions no less favourable than those enjoyed by him in the Public Service; or
- (c) to remain in the Public Service provided that an office commensurate with the office held by the person in the Public Service prior to the date of the assent of this Act is available.

Secondment and transfer to the Authority

27.(1) Subject to subsection (2), and the approval of the appropriate Service Commission or Statutory Authority, and with the consent of an officer in the Public Service or a Statutory Authority, that officer may be seconded to the service of the Authority.

(2) Where a secondment under subsection (1) is effected, arrangements shall be made to preserve the rights of the officer so seconded to any pension, gratuity or other allowance for which he would have been eligible had he not been seconded to the service of the Authority.

(3) A period of secondment shall be for three years and may be extended for a further period not exceeding two years.

(4) Subject to the approval of the Authority, the appropriate Service Commission and with the consent of the officer, an officer in the Public Service or a Statutory Authority may be transferred to the service of the Authority on such terms and conditions to be determined by the Authority.

PART IV

ENFORCEMENT AND ADMINISTRATION

Application of State Liabilities and Proceedings Act, Chap. 8:02

28. Notwithstanding the State Liabilities and Proceedings Act, the Registrar and any other Motor Vehicles Enforcement Officer in exercising his powers under this Act shall be deemed to be an agent of the State to whom the State Liabilities and Proceedings Act shall apply.

Powers and duties of the Motor Vehicles Enforcement Officer

29. (1) The Registrar and any Motor Vehicles Enforcement Officer shall, in the exercise of his powers and duties conferred under this Act, have the powers, authorities and privileges and shall be entitled to all the immunities given by any written law from time to time in force to any member of the Police Service.

(2) The Registrar or a Motor Vehicles Enforcement Officer may arrest, without warrant, a person who obstructs him while in the execution of his duty, or has escaped or attempts to escape lawful custody.

(3) Where the Registrar or a Motor Vehicles Enforcement Officer makes a complaint against a person for committing an offence under this Act, any other Motor Vehicles Enforcement Officer may appear before the Magistrate who is inquiring into the matter and that officer shall have the same privileges in addressing the Magistrate and as to examining the witness adduced in the said matter as the Motor Vehicles Enforcement Officer who made the complaint.

(4) Every Motor Vehicles Enforcement Officer shall be provided with a manual that outlines his powers and duties, a badge and such uniform and other equipment as may be approved by the Minister.

(5) A badge under subsection (4) shall be evidence of the office of a Motor Vehicles Enforcement Officer and shall in all cases be displayed by every officer when exercising the duties of his office.

Prohibition on persons to impersonate Motor Vehicles Enforcement Officers

30. (1) Subject to section 31, a person other than a Motor Vehicles Enforcement Officer shall not—

- (a) put on or assume, either in whole or in part, the uniform, name, designation or description of a Motor Vehicles Enforcement Officer, or a uniform, name or designation, resembling and intended to resemble the uniform, name or designation of a Motor Vehicles Enforcement Officer; or
- (b) in any way pretend to be a Motor Vehicles Enforcement Officer for any purpose.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for three years.

Authorization to wear uniform

31. (1) No person shall without written authorization from the Authority authorise, permit or direct any person to —

- (a) put on or assume either in whole or in part, the uniform, name, designation or description of a Motor Vehicles Enforcement Officer, or a uniform, name or designation, resembling and intended to resemble the uniform, name or designation of a Motor Vehicles Enforcement Officer; or
- (b) in any way pretend to be a Motor Vehicles Enforcement Officer for any purpose which he would not by law be entitled to do of his own authority.

(2) A person who contravenes subsection (1), commits an offence and is liable on summary conviction to a fine of thirty thousand dollars and to imprisonment for three years.

Confidentiality

32. (1) Every member of the Board or officer or employee of the Authority -

- (a) shall at all times preserve and aid in preserving confidentiality with regard to all matters coming to his knowledge in the performance of his duties; and
- (b) except for the purpose of the performance of his duties or under legal obligation, shall not at any time, communicate any

confidential matter to any person nor permit, unless under legal obligation, any person to have access to any records in the possession, custody or under the control of the Authority.

(2) Every member of the Board or officer or employee of the Authority shall be required to take an oath of secrecy in the form set out in the Third Schedule and in accordance with the Oaths Act.

Third Schedule
Chap. 7:01

(3) A member of the Board, officer or employee of the Authority who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year.

Limitation of
personal liability
of the Authority
personnel

33. A member of the Board, officer or employee of the Authority shall not be held personally liable for anything done, permitted to be done or omitted in good faith in the course of performing his functions under this Act.

Traffic Wardens

34. (1) The Commissioner of Police may -

- (a) with the approval of the Minister to whom responsibility for the Police Service is assigned; and
- (b) subject to -
 - (i) such conditions as the Minister directs; and
 - (ii) criteria as may be established by Order, by the Minister, after consultation with the Authority,

appoint by instrument in writing, any member of an organization 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 in that regard.

(2) A Traffic Warden shall, while in the execution of his duty, wear such uniform as the Commissioner of Police, with the approval of the Minister to whom responsibility for the Police Service is assigned, directs.

(3) A driver who -

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

commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

PART V

FINANCIAL PROVISIONS

Funds of the Authority

35. The funds of the Authority shall consist of -

- (a) such sums as may be appropriated by Parliament for the use and operations of the Authority;
- (b) such sums which the Authority may collect as payment for services rendered, fees for licences, registration, permits or applications pursuant to this Act or any other Act being administered by the Authority;
- (c) all sums collected by virtue of donations or grants from national and international organizations; and
- (d) all other sums that may in any manner become payable to the Authority in any matter related to its functions and powers.

Borrowing powers
Chap. 69:01

36. (1) Subject to subsection (2) and sections 32 to 37 of the Exchequer and Audit Act, the Authority may borrow money required by it for the efficient exercise of its functions or for meeting its financial obligations.

(2) Borrowing may be effected only with the approval of the Minister to whom responsibility for finance is assigned as to the amount, the sources of borrowing, and the terms and conditions of the loan, and may be either general or limited to a particular transaction and may be either unconditional or subject to conditions.

(3) The Authority shall not pledge its assets as security for any loan without the written approval of the Minister to whom responsibility for finance is assigned.

Chap. 71:81

(4) The Authority is a Statutory Authority for the purposes of the Guarantee of Loans (Statutory Authorities) Act.

Use of funds and resources of the Authority

37. (1) Funds and resources of the Authority may be designated for specific projects or made subject to specific conditions, in which case such funds and resources shall be preserved and utilized solely for the designated purpose.

(2) For all other purposes other than those provided for in subsection (1), the Authority may pay for any of the following matters out of the funds and resources of the Authority:

- (a) operating expenses of the Authority, including the remuneration, fees and allowances of members of the Board and Committees, and salaries, fees, allowances, gratuities, pensions and other payments to officers, employees and other staff of the Authority;

- (b) the capital expenses, including maintenance and insurance of property under the administration and control of the Authority;
- (c) any dues or charges toward property or to further the exercise of its functions under this Act; and
- (d) any other expenses which are lawfully related to the activities of the Authority.

Accounts of the Authority

38. (1) The Authority shall keep proper books of accounts and records of all sums received and expended by the Authority and shall record the matters in respect of which such sums were received and expended.

(2) The Authority shall, not later than the deadline stipulated in each year by the Minister to whom responsibility of finance is assigned, prepare and submit to the Minister the estimates of revenue, other financial expenditures of the Authority for the next financial year, in such form as the Minister may direct.

Exemption from taxes

39. The Authority shall be exempt from Stamp Duty, Corporation Taxes, Custom Duties, Value Added Taxes, Motor Vehicle Taxes and all other taxes charges, levies and imports.

Public Accounts

40. The accounts of the Authority shall be public accounts within the meaning of section 116 of the Constitution.

Financial year

41. The financial year of the Authority shall be the twelve-month period ending 30th September in each year.

Preparation of annual reports and accounts of the Authority

42. (1) The Authority shall cause to be prepared within three months after the end of each financial year –

- (a) a report setting out the activities of the Authority of the previous financial year; and
- (b) financial statements prepared in accordance with generally accepted accounting principles and any other statement as may be required by the Minister.

(2) A copy of a report under subsection (1) shall be forwarded to the Minister and shall be laid in Parliament as soon as possible thereafter.

(3) Where the standards included in a financial statement under subsection (1)(b) are inappropriate or inadequate for any type of accounting method, the Comptroller of Accounts may provide such instructions as may be necessary.

Pension fund plan

43. (1) Subject to the approval of the Minister to whom responsibility for finance is assigned the Authority shall-

(a) establish a pension fund plan; or

(b) where the establishment of a plan under paragraph (a) is not feasible-

(i) make arrangements for membership of its employees in a pension fund plan; or

(ii) join an existing pension fund plan with another body corporate or entity.

(2) Subject to the rules of the pension fund plan referred to under-subsection (1), all employees of the Authority who are eligible shall become members of the pension fund plan established in accordance with subsection (1).

Preservation and accrual of superannuation benefits

44. Superannuation benefits which have accrued to a person transferred in accordance with section 26(b) or 27(4) shall be preserved as at the date of his employment by the Authority, and such benefits shall continue to accrue under the relevant pension law up to the date of the establishment of a pension fund plan, or from the date on which arrangements are made for membership in such a plan, or the date on which the Authority joins an existing pension plan, as the case may be, on the basis no less beneficial than that applicable at the time immediately prior to the transfer to his employment by the Authority.

Payment of superannuation benefits by the Authority prior to the establishment of the pension fund plan

45. (1) Where a person who is transferred to the Authority in accordance with section 26(b) or 27(4) dies, retires or his post in the Authority is abolished or he is retrenched by the Authority prior to the establishment or prior to the arrangements being made for membership in a pension fund plan and, if at the date that his service is terminated by any method as specified in this subsection he was in receipt of pay, pensionable emoluments or salary higher than that referred to in section 43, the superannuation benefits payable to him or to his estate, as the case may be, shall be based on the higher pay, pensionable emoluments or salary.

(2) The difference between the superannuation benefits payable on the basis of the higher pay, pensionable emoluments or salary referred to in subsection (1) and the superannuation benefits payable under the relevant pension law, on the basis of the pay, pensionable emoluments or salary, referred to in section 44, shall be paid by the Authority.

Payment of superannuation

46. (1) Where a person who is transferred in accordance with section 26(b) or 27(4) dies, retires or his post in the Authority is abolished or he is retrenched from

benefits from pension fund plan

the Authority while being a member of the pension fund plan established in accordance with section 43, that person shall be paid superannuation benefits by the pension fund plan at the amount which, when combined with superannuation benefits payable under the relevant pension law, is equivalent to the benefits based on his pensionable service in the Public Service or a Statutory Authority combined with his service in the Authority and calculated at the final salary applicable to him on the date that his service was terminated by any of the above-mentioned methods.

(2) For the purpose of subsection (1), “final salary” shall have the meaning assigned to it by the pension fund plan.

PART VI

ISSUANCE OF DRIVER’S LICENCE

Requirement to hold valid driver’s licence

47. (1) Subject to sections 49 and 51, a person shall not drive a vehicle unless the person holds a valid driver’s licence or endorsement issued by the Authority under this Part for the particular type or class of vehicle being driven.

(2) A person shall not employ another person to drive a vehicle unless the person so employed is the holder of a valid driver’s licence for the type or class of vehicle being driven.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months.

(4) Where the person who contravenes subsection (1) –

(a) was never issued with a driver’s licence;

(b) had his driver’s licence suspended;

(c) was previously denied a driver’s licence; or

(d) was disqualified from holding or obtaining a driver’s licence,

that person commits an offence and may be arrested without a warrant, and is liable on summary conviction to a fine of ten thousand dollars or imprisonment for two years.

Classes of driver’s licences issued by the Authority

48. (1) Subject to section 49, where an applicant meets the requirements for the issue of a particular class of driver’s licence under this Act and pays the fee specified in the Fourth Schedule, the Authority shall issue to the applicant one of the classes of driver’s licences specified in the Fourth Schedule.

Fourth Schedule

(2) Where a person is issued with a driver's licence as specified in the Fourth Schedule, that person shall not be issued with a driver's licence above that class unless he holds the driver's licence for at least one year.

(3) Notwithstanding subsection (2), where a person holds a Class 3 driver's licence for at least one year, that person may apply to the Authority to obtain a Class 1 driver's licence.

(4) The Minister may, by Order subject to negative resolution of Parliament, amend the Fourth Schedule.

Restrictions on newly licensed driver

49. (1) Subject to any further conditions imposed by the Authority, a newly licensed driver shall only be permitted to drive or operate a motor vehicle on a road or highway in accordance with following conditions:

- (a) every passenger in the vehicle shall be secured with a seatbelt;
- (b) the newly licensed driver shall not drive or operate the vehicle between the hours of midnight and 5 a.m. unless accompanied by a driving supervisor who must occupy the front passenger seating position of the vehicle and be the holder of a valid class 5 driver's licence for at least five years;
- (c) a newly licensed driver certificate issued by the Authority shall be displayed at the left corner of the front windshield of the vehicle while the vehicle is being driven or operated by the newly licensed driver; and
- (d) the newly licensed driver shall, within six months from the date of issue of the class 5 driver's licence, be enrolled in an approved driver education course.

(2) A driving supervisor while supervising a newly licensed driver under subsection (1)(c), shall ensure that the newly licensed driver complies with the requirements of this Act and any condition or restrictions imposed on the newly licensed driver.

(3) A newly licensed driver may, after **one year** from the date of issue of his class 5 driver's licence, apply to the authority to have the restrictions on his driver's licence lifted where he has -

- (a) successfully completed a learner driver course approved by the Authority;

(b) not been convicted for any alcohol related offence under this Act or any other written law; and

(c) complied with all the conditions or restrictions on his driver's licence.

(4) Where the Authority is satisfied that an applicant under subsection (3) meets the requirements under this section and pays the fee specified in the Fifth Schedule, the Authority shall lift the restrictions imposed on the applicant's driver's licence.

(5) For the purposes of this section –

“driving supervisor” means an experienced driver who is the holder of a valid driver's licence for a period of at least five years;

“newly licensed driver” means a person who is issued with a class 5 driver's licence under section 48.

Endorsements on
driver's licence

Fifth Schedule

50. (1) Subject to subsection (2), where a holder of a valid driver's licence is desirous of obtaining an endorsement for another class of driver's licence, he shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(2) Where a person wishes to obtain a Class 4 endorsement, he shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(3) A person applying for a Class 4 endorsement under subsection (2) shall be -

(a) twenty-one years of age or over; and

(b) the holder of a valid driver's licence for at least one year.

(4) An application under subsections (1) and (2) shall be tendered with -

(a) a certificate evidencing the completion of a defensive driving course; and

(b) a police certificate of character.

(5) Where an applicant satisfies the requirements for an endorsement on his driver's licence as required under subsections (3) and (4), the Authority shall enter the appropriate endorsement on the applicant's driver's licence.

(6) An applicant for an endorsement under subsections (1) and (2) shall be subject to such examination as may be required by the Authority.

(7) Where the application for an endorsement under subsection (2) is required for operating –

(a) a hiring car;

(b) a chartered vehicle;

(c) a private school bus with a seating capacity not exceeding twenty-five passengers;

(d) an omnibus with maximum gross weight not exceeding 15,000 kilograms; or

(e) a maxi-taxi with a tare weight of 2270 kilograms or less,

the Authority shall, upon endorsing the driver's licence, issue to the applicant a Hired Driver's Permit in the prescribed form.

(8) A Hired Driver's Permit issued under subsection (7) shall be valid for a period of three years from the date of issue or renewal.

(9) Where a holder of a Hired Driver's Permit wishes to renew his permit he shall, thirty days prior to the date of expiration apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule for the renewal of his Hired Driver's Permit.

Military
personnel exempt
from requirement
of having a
driver's licence

51. (1) Subject to subsection (2), the holder of an identification card in a form approved by the Authority and signed by the Commander of the Trinidad and Tobago Defence Force or by a military officer authorised by the Commander on his behalf, may, subject to the order of the Military Authority, drive a vehicle owned or hired by the Military Authority, while such vehicle is being used for military purposes.

(2) Subsection (1) applies only where the holder of the identification card is not disqualified from holding a driver's licence under this Act and is on duty and is driving a vehicle of the class specified in the identification card.

Learner driver's
licence

52. (1) A person shall not learn to drive or operate a vehicle unless he is the holder of a valid learner driver's licence for that class of vehicle.

(2) Where a person attains the age of seventeen years or over and is not the holder of -

(a) a valid driving permit or provisional permit under the former Act; or

(b) a driver's licence under this Act,

that person may apply to the Authority for the issue of a learner driver's licence for the purpose of learning to drive or operate a vehicle of a particular class.

(3) An applicant under subsection (2) shall, prior to being issued with a learner driver's licence -

(a) pay the fees for -

(i) a knowledge test on the rules of the road, road signals and road signs; and

(ii) the issue or renewal where applicable of a learner driver's licence,

as specified in the Fifth Schedule;

(b) take an appropriate vision test; and

(c) a knowledge test on the rules of the road, road signals and road signs.

(4) A person who successfully completes a knowledge test under subsection (3)(c) shall not be required to take another knowledge test unless eighteen months has elapsed from the date that knowledge test was successfully completed.

(5) An application under subsection (2) must be made on the prescribed form and accompanied by -

(a) proof of identification such as a valid passport, national identification card and a national electronic birth certificate;

(b) proof of successful completion of the knowledge test on the rules of the road, road signals and road signs; and

(c) proof of home and mailing address.

(6) Where the Authority is satisfied that an applicant satisfies the requirements under subsections (2), (3) and (4), the Authority may, subject to subsection (3) issue a learner driver's licence to the applicant for the purpose of learning to drive or operate a vehicle.

(7) Subject to such restrictions as may be imposed on a learner driver's licence other than a learner driver's licence for a motor cycle or motor driven cycle issued by the Authority, a person while having his learner driver's licence in his possession, shall be entitled to drive a vehicle of a particular class to which the

learner driver's licence relates, on a road or highway when accompanied by a person, other than a driving instructor, who -

- (a) holds a valid driver's licence for at least five years in relation to that class of vehicle; and
- (b) occupies a front seating position and there is no other person in the vehicle at the time that the vehicle is,

being driven or operated by the holder of the learner driver's licence.

(8) Notwithstanding subsection (6), a person issued with a learner driver's licence in respect of a motor cycle or motor driven cycle may ride on such roads as may be prescribed by the Authority.

(9) Where a person is issued with a learner driver's licence under subsection (6), that person shall -

- (a) not drive or operate a vehicle on any road or highway at such times as may be specified in the learner driver's licence; and
- (b) not use a hiring car or a motor omnibus carrying passengers for the purpose of learning to drive.

(10) Notwithstanding subsection (9), the Authority may, if it sees fit, impose further conditions and restrictions on a learner driver's licence.

(11) The Authority shall not issue a learner driver's licence in respect of a vehicle in Class 1, 2, 3 or 4 unless the person -

- (a) is twenty-one years of age or over; and
- (b) already holds a driver's licence in the above class for a minimum period of one year.

(12) Notwithstanding subsection (11), the Authority may issue a Class 1 learner driver's licence where the applicant holds a Class 3 driver's licence for at least one year.

(13) A learner driver's licence issued under this section shall be valid for a period of one year from the date of issue or renewal.

(14) Where a person is desirous of renewing his learner driver's licence he shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(15) Where a person satisfies the requirements under this Act for the renewal of his learner driver's licence, the Authority shall renew the applicant's learner driver's licence.

(16) A person who fails to comply with any condition or restriction specified in his learner driver's licence, commits an offence and is liable on summary conviction -

- (a) to a fine of three thousand dollars and imprisonment for six months; and
- (b) to cancellation of his learner driver's licence for a period of one year.

Physical fitness

53. (1) Notwithstanding section 55(3), the Authority shall not issue a driver's licence to any person unless the Authority is satisfied that the vision, hearing and bodily and mental fitness of the applicant are such as to warrant the issue of a driver's licence.

(2) Where the Authority refuses to grant a driver's licence to an applicant under subsection (1), the applicant may request to be subjected to a test as to his fitness or ability to drive a vehicle, or a vehicle of a particular class or description, or a vehicle of a particular form of construction, and if the applicant passes such test and is not otherwise disqualified, the Authority shall grant the driver's licence to the applicant.

(3) An applicant for the issue or renewal of a driver's licence to drive a vehicle other than a motorcycle or a private motor vehicle or an applicant for the issue or renewal of a driver's licence who has attained the age of **seventy years**, shall submit together with his application, a medical certificate that his vision, hearing and bodily and mental fitness are such as to warrant the issue of a driver's licence of the kind to which the application relates.

(4) Where the holder of a driver's licence or learner driver's licence suffers the loss of use of an eye or limb or the ability to hear, the Authority shall revoke the licence and the holder shall return the licence to the Authority within three months from the date of suffering the disability.

(5) Notwithstanding subsection (4), if a person referred to in subsection (1) wishes to drive a vehicle, that person may apply to the Authority and pay the fee prescribed in the Fifth Schedule to be subjected to a special test as to his fitness to drive a vehicle.

(6) A person who passes a test under this section shall be issued a driver's licence or learner's licence as the case may be, subject to such terms and conditions as the Authority may impose.

(7) Where -

- (a) the holder of a driver's licence or learner driver's licence is advised by a registered medical practitioner that he; or
- (b) it comes to the knowledge of the Authority that the holder of a driver's licence or learner driver's licence,

is unfit to drive a motor vehicle by reason of some physical or mental incapacity, the Authority shall revoke the licence and the revoked licence shall be returned forthwith to the Authority.

(8) Where the circumstances giving rise to the revocation of a driver's licence under subsection (7) ceases and the person who's licence was revoked wishes to resume driving or operating a motor vehicle, that person shall apply to the Authority and the Authority may, if the Authority sees fit, require the applicant to be subjected to a driving test.

(9) A person who fails to return a driver's licence under this section commits an offence and is liable on summary conviction to a fine of one thousand dollars and to a further fine of five dollars for each day the offence continues after conviction.

Driving tests

54. (1) The Authority may require an applicant for a driver's licence to produce a certificate as having passed a driving test for the class of vehicle for which the driver's licence is being sought.

(2) The Authority shall from time to time appoint Motor Vehicles Enforcement Officers to be examiners for the purpose of conducting driving tests.

(3) A driving test shall be conducted in accordance with directions given by the Authority and shall include a test of the applicant's knowledge of the rules of the road, road signals and road signs.

(4) A learner driver under section 52 shall, prior to taking a driving test for the issue of a driver's licence, pay to the Authority the fee as specified in the Fifth Schedule.

(5) Where an applicant desires permission –

- (a) to drive a wheel tractor only, the driving test shall be restricted to the driving of a wheel tractor and to questions affecting such driving and shall not include questions affecting the driving of a motor vehicle generally; or
- (b) to drive a particular class of vehicle only, or if the applicant is being tested under the provisions of section 52, the examiner shall issue a certificate on which any appropriate restrictions are clearly set forth, after satisfying himself by means of such test as he considers suitable that the applicant is qualified to drive a vehicle of the particular class for which the applicant seeks the licence.

55. (1) A person shall, prior to the issue of a driver's licence under section 48 or an endorsement under section 50 –

- (a) satisfy the requirements under sections 52 and 53; and
- (b) pass a driving test required under section 54.

(2) Where a person passes a driving test under section 54, that person shall within sixty days from the date of passing the driving test, pay the fee specified in the Fifth Schedule.

(3) Where a person satisfies the requirements under subsections (1) and (2), the Authority shall issue to the person a driver's licence in the Class for which the application was made.

(4) Where a person fails to comply with subsection (2), that person shall be required to retake a driving test.

(5) A driver's licence issued under subsection (3) shall, unless suspended, cancelled or revoked by the Authority, or surrendered by the holder, be valid for -

- (a) five years from the date of issue or renewal where, on such date the holder of the licence has not yet attained the age of **seventy years**; or
- (b) two years from the date of issue or renewal where, on such date the holder of the licence has attained the age of **seventy years** and over.

(6) An applicant referred to in subsection (5)(b) shall provide a medical certificate from a medical practitioner registered under the Medical Board Act as to his ability to drive or operate a vehicle without impediment

(7) A medical practitioner who issues a medical certificate to a person pursuant to this Act without examining that person as to his ability to operate a vehicle without impediment, commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for one year.

(8) Where the holder of a driver's licence suffers a change in medical condition that may impair his ability to drive or operate a vehicle, he shall forthwith inform the Authority of his medical condition.

(9) Notwithstanding subsection (1), a person issued with a driver's licence shall not drive a vehicle unless that person successfully undergoes a defensive driving course administered by an institution certified by the Authority.

Renewal of
driver's licence

56. (1) Subject to section 55, a holder of a driver's licence who wishes to renew his driver's licence shall apply to the Authority in the prescribed form within thirty days before the date of expiration of the driver's licence and shall pay the fee set out in the Fifth Schedule.

(2) Notwithstanding subsection (1), the Authority may receive an application for renewal of a driver's licence or a learner driver's licence within six months from the date of expiration of the licence where the applicant has proven to the satisfaction of the Authority that he would be out of the country at the time of expiration of the licence.

(3) A person on applying for a renewal of his driver's licence under subsection (1) shall submit himself for a vision examination.

Expired driver's
licence

57. (1) Subject to subsection (2) where the holder of an expired driver's licence wishes to renew his driver's licence he shall apply to the Authority in the prescribed form and shall in addition to the payment of the fee applicable for the renewal of his driver's licence, pay a fee for the late renewal of his driver's licence as follows:

- (a) where the period from the date of expiration of the driver's licence to the date of submission of the application for renewal is six months or less;
- (b) where the period from the date of expiration of the driver's licence to the date of submission of the application for renewal is more than six months but does not exceed three years; or
- (c) where the period from the date of expiration of the driver's licence to the date of submission of the application for renewal is more than three years but does not exceed five years,

the applicant shall pay to the Authority the applicable fee as specified in the Fifth Schedule.

(2) An applicant for the issue of a new driver's licence who is the holder of a licence that is expired for a period exceeding five years shall whether the period of expiration of the driver's licence was spent in or outside of Trinidad and Tobago, be required to produce a certificate as having passed an on the road driving test in accordance with section 54 and shall pay to the Authority the applicable fee as specified in the Fifth Schedule.

Grounds for
refusal to issue

58. The Authority may refuse to issue or renew a driver's licence where the applicant fails to meet the requirements of this Act.

or renew driver's licence

Suspension or revocation of driver's licence

59. (1) Subject to section 63 the Authority may suspend or revoke the driver's licence of a person where the Authority is satisfied that the holder of the driver's licence failed to comply with the requirements of this Act.

(2) Where the Authority revokes a driver's licence under subsection (1), the Authority shall inform the holder of the driver's licence in writing of its decision and the Authority shall thereafter remove the name of the holder of the driver's licence from the register for drivers' licences.

(3) Where the driver's licence of a person is suspended under subsection (1) or section 60, the Authority shall inform the holder of the driver's licence in writing of its decision to suspend the driver's licence and the Authority shall make an appropriate entry in the register for drivers' licences established under section 71.

Suspension of driver's licence by way of penalty points

60. (1) A driver's licence issued under section 49 shall be suspended for a period not exceeding six months where the record of the holder of the licence as a driver or his conduct or habits as a driver establishes that it would not be in the interest of public safety for him to hold a driver's licence or that the person is not competent to drive or operate 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 driver's licence or that such a person is not competent to drive or operate a motor vehicle, the Minister may prescribe by Regulations, a system of awarding penalty points against persons convicted of an offence under this Act including offences specified in regulations made under this Act.

(3) Regulations made under subsection (2) shall specify -

- (a) 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 that person to hold a driver's licence or that the person is not competent to drive or operate a vehicle; and
- (b) the period during which the points shall remain on a person's driving record.

(4) Where the penalty points awarded against a person by Regulations made under subsection (2) reach fifty per cent of the maximum number of penalty points that will result in the driver's licence of the holder being suspended, the Authority shall give an appropriate notice in writing to the holder of the driver's licence.

(5) Where the driver's licence of a person is suspended by Regulations made under subsection (3), the Authority shall by notice in writing inform the holder

that his driver's licence is suspended.

(6) Where a person is disqualified by an order of a Court from holding or obtaining a driver's licence any points awarded against that person shall thereupon be cancelled.

(7) Where a person commits on a single occasion, two or more offences under this Act, penalty points shall be awarded against that person only in respect of the offence for which the largest number of points may be awarded against that person.

Notice of
intention to
suspend driver's
licence

61. (1) The Authority shall, before suspending or revoking the driver's licence of a person under section 59, give that person notice in writing of its intention to suspend or revoke the licence and in doing so, shall specify a date of not less than fourteen days after the date of issue of the service, upon which such suspension shall be made and require the person to give reasons why the driver's licence should not be suspended.

(2) Where a person fails to give reasons, within the period specified under subsection (1) and the Authority, after taking into consideration any fact in mitigation, decides to suspend the driver's licence of the person, the Authority shall in writing, notify the person of the suspension.

(3) An order of suspension made under section 59 shall not take effect until the expiration of fourteen days after the Authority has informed the person against whom the order was made.

(4) A person whose driver's licence has been suspended by the Authority under this section and section 59 may, within fourteen days of the receipt of the notice referred to in subsection (2), appeal to the Appeals Committee established under section 248.

(5) Subject to a decision of the Appeals Committee, following an appeal under subsection (4), a driver's licence suspended by the Authority shall be of no effect and a person whose driver's licence is so suspended shall, during the period of such suspension, be disqualified from obtaining a driver's licence.

(6) At the expiration of the period of suspension, the Authority shall forthwith return the driver's licence to the holder thereof and the points awarded against him shall be cancelled.

Surrender and
return of driver's
licence

62. (1) The Authority shall, upon suspending or revoking a driver's licence under section 59 or where the driver's licence of a person is suspended under section 60 require the holder of the driver's licence to surrender the licence to the Authority.

(2) Where a person is required to return his driver's licence under subsection (1), he shall forthwith return the licence to the Authority.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of three thousand dollars and imprisonment

for a period of six months.

Voluntary
surrender of
driver's licence

63. A holder of a driver's licence issued under this Act, may voluntarily surrender his licence -

- (a) for cancellation; or
- (b) to be endorsed with another class of driver's licence.

Extension of
certificate,
licence or permit

64. The Minister may, by Order, extend the validity of a driver's licence or other document lawfully issued by the Authority for a period not exceeding three months in circumstances where there is a natural disaster, emergency or other unforeseen occurrence.

Production of a
driver's licence

65. (1) A person who drives or is in charge of a motor vehicle on any road or a learner driver who is in a vehicle on any road or highway receiving instruction on driving or operating a vehicle, shall have on his person or in the vehicle for production as required under subsection (2), his driver's licence or learner's licence as the case may be.

(2) A constable, a Motor Vehicles Enforcement Officer or a Traffic Warden in uniform may require any person driving or operating or learning to drive or operate a vehicle to produce for inspection -

- (a) that person's driver's licence or learner's licence as the case may be; and
- (b) the certificate of insurance of the vehicle or any other relevant document in relation to the vehicle.

(3) A person who fails to comply with a request under subsection (2) without reasonable excuse, commits an offence and is liable on summary conviction to a fine of five thousand dollars or six months imprisonment.

Driver's licence
remains property
of the Authority

66. (1) A driver's licence issued under this Act remains the property of the Authority and shall be returned to the Authority by the holder whenever so required by the Authority.

(2) A person shall not wilfully destroy, mutilate, deface or alter in any way a driver's licence issued under this Act.

(3) A person who contravenes subsection (2) shall be liable on summary conviction to a fine of ten thousand dollars and to imprisonment for one year.

Lost, stolen,
mutilated,
destroyed or
illegible driver's
licence

67. (1) Where a driver's licence issued under this Act is lost, stolen, mutilated, destroyed or becomes illegible, the person to whom the licence was issued shall notify the Authority of the occurrence.

(2) Where a driver's licence issued under this Act is lost, stolen, mutilated, destroyed or becomes illegible, the person to whom the licence was issued may, on furnishing satisfactory proof to the Authority that the licence was in fact lost, stolen, destroyed or has become illegible, apply to the Authority for a duplicate driver's licence and on making the application shall pay the fee prescribed in the Fifth Schedule.

(3) Where, on receipt of an application under subsection (1) the Authority is satisfied that a driver's licence is lost, stolen, mutilated destroyed or has become illegible and upon payment of the fee prescribed in the Fifth Schedule, the Authority may issue to the applicant a duplicate driver's licence.

(4) Where a holder of a duplicate driver's licence comes into possession of the previously lost or stolen driver's licence, that person shall within thirty days after coming into possession of the lost or stolen driver's licence return the said lost or stolen driver's licence to the Authority.

Issue of
International
driver's licence
Sixth Schedule

68. (1) A citizen of Trinidad and Tobago who desires to obtain an international driver's licence to drive or operate a motor vehicle in a country specified in of the Sixth Schedule shall be the holder of a valid driver's licence issued by the Authority.

(2) The Authority shall keep a register of all valid international driver's licence issued in Trinidad and Tobago.

Holder of licence
issued outside
Trinidad and
Tobago
Sixth Schedule

69. (1) Subject to subsections (2), (3) and (4), a person who holds -

- (a) a valid driver's licence issued by a country listed in the Sixth Schedule shall not, where the licence remains valid, be required to hold a licence to operate a vehicle for ninety days from the date of his arrival in Trinidad and Tobago; or
- (b) a valid international driver's licence issued by a country that is a party to any international convention to which Trinidad and Tobago is a party relating to the international circulation of motor vehicles, shall, while the international driver's licence remains valid, be exempted from any requirement to hold a driver's licence under this Act to drive in Trinidad and Tobago.

(2) The Minister may, by Order, amend the list of countries specified in the Sixth Schedule.

(3) The holder of a valid driver's licence issued by another country shall be entitled to drive in Trinidad and Tobago only a vehicle of the class for which he is authorised to drive under his driver's licence.

(4) The holder of a valid international driver's licence shall only be entitled to drive in Trinidad and Tobago a vehicle of the class for which he holds an authorization to drive in the country in which his international driver's licence was issued.

(5) Where a person under subsection (1)(a), desires to drive or operate a vehicle in Trinidad and Tobago for more than ninety days, that person shall apply to the Authority in the prescribed form and pay the fee applicable for a knowledge test under section 52(3).

(6) The Authority may where it sees fit, require an applicant under subsection (5) to undertake a knowledge test on the rules of the road, road signals, road signs and a road driving test in accordance with section 54(3).

(7) Where the Authority is satisfied that an applicant under subsection (5) meets the requirements under this Act, the Authority may, subject to such conditions as the Authority considers necessary, issue to the applicant a driver's licence.

(8) Subsection (7) shall not apply to a national of a CARICOM Member State.

Requirements for
visiting drivers

Sixth Schedule

70. (1) The holder of a valid driver's licence issued in a country listed in Part A of the Sixth Schedule, referred to in section 69(1)(a), who drives or is in charge of a motor vehicle on any road shall have his driver's licence on his person or in the motor vehicle being driven or operated for examination when so required under subsection (2) by a constable, a Motor Vehicle Enforcement Officer or a Traffic Warden in uniform.

(2) A constable, a Motor Vehicles Enforcement Officer or a Traffic Warden in uniform may at any time require a person referred to in subsection (1) to produce his driver's licence for examination.

(3) A person who fails to comply with this section commits an offence and is liable on summary conviction to a fine of five thousand dollars or six months imprisonment.

Driver's licence
register

71. (1) The Authority shall keep a register of all persons issued with a driver's licence under this Act.

(2) The contents of the register under subsection (1) shall for the purposes of all proceedings in a court be *prima facie* evidence of all information contained therein and extracts of the register purporting to be certified as such by the Registrar or his authorised officer, shall be admissible in evidence in court.

Transitional
provisions
relating to

72. (1) On the coming into force of this Act –

permits and
licences

- (a) all driving permits including provisional permits issued under the former Act prior to the coming into force of this Act, shall remain valid until the date of its expiration; or
- (b) a person issued with a driver's permit under the former Act at the discretion of the Authority, may be required to replace his driver's permit with a driver's licence issued in accordance with the requirements of this Act.

(2) Where, on the coming into force of this Act a driving permit, or provisional permit issued under the former Act expires and the holder wishes to be issued with a new driver's licence under this Act, the holder may apply to the Authority accordingly and shall pay the applicable fee for renewal as specified in the Fifth Schedule.

(3) Where, on the coming into force of this Act a valid driving permit, or provisional permit issued under the former Act is lost, stolen, mutilated destroyed or becomes illegible, a new driver's licence or learner driver's licence may be issued under this Act for the same class of vehicle which the holder was previously permitted to drive.

PART VII

REGISTRATION AND CERTIFICATION OF VEHICLES

Board to approve
form, certificate
and procedure

73. The Board shall approve any form, certificate and procedure required by the Authority, for the registration of a vehicle.

Requirement to
register vehicle

74. (1) A person shall not, in any place, use or keep for use or, being the owner, permit any other person to use or keep for use, any vehicle unless the vehicle is registered under this Act and in accordance with the procedures required by the Authority.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(3) A person shall not be liable for a contravention under this section if the vehicle is being driven on a road for the purpose of being registered.

(4) Where a person is driving a vehicle on a road for the purpose of registration, that person shall ensure that the vehicle has affixed on the front and rear of the said vehicle a temporary permit as required under section 77.

Registration of a
vehicle

75. (1) A person who wishes to register a vehicle shall -

- (a) apply to the Authority in the form prescribed by the Authority;
- (b) pay the fee set out in the Fifth Schedule;
- (c) provide proof of payment of motor vehicle tax required under section 81; and
- (d) ensure that there is in force in respect of the vehicle a policy of insurance as required under the Motor Vehicles Insurance (Third Party Risks) Act.

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(2) On receipt of an application for registration of a vehicle under subsection (1), a Motor Vehicles Enforcement Officer shall check where applicable for the electronic identification tag on the vehicle.

(3) Where the Authority is satisfied that -

- (a) a vehicle referred to in subsection (1) is road worthy;
- (b) where applicable, the identification tag on the vehicle is valid;
- (c) there is in force in respect of the vehicle, a policy of insurance as required under subsection (1)(d); and

(d) the vehicle satisfies all other requirements under this Act,

the Authority shall, subject to subsection (4) and section 76, register and enter the particulars of the vehicle in the register of motor vehicles established under section 100.

(4) Before registering a vehicle under this section, the Authority shall classify the vehicle in the manner specified in Appendix A of the Seventh Schedule.

(5) Before registering any commercial vehicle, freight passenger vehicle, motor omnibus or trailer, a Motor Vehicles Enforcement Officer shall ascertain the maximum gross weight or the maximum number of passengers that the vehicle may be authorized to carry, and such maximum gross weight or maximum number of passengers shall be entered in the register of motor vehicles and on the Vehicle Certificate of Registration.

(6) The Authority shall, on registering a vehicle under subsection (3) issue to the owner of the vehicle, a Vehicle Certificate of Registration and such Vehicle Certificate of Registration shall be evidence that the vehicle to which it refers has been registered.

(7) A vehicle shall not be registered in the name of a person who is under the age of seventeen years.

(8) The Minister may, by Order, amend the Seventh Schedule to add to, or remove a class of vehicles.

(9) Notwithstanding the registration of a vehicle under this section, a vehicle shall not be driven on any road or highway, unless a Vehicle Certificate of Registration has been issued pursuant to this section in respect of the vehicle.

(10) The onus of proving that a vehicle has been registered rests on the owner of the vehicle.

Exemption from requirement to register a vehicle

76. (1) Notwithstanding section 75, the following classes of vehicles shall be exempted from the requirement of registration:

- (a) new vehicles in the possession of manufacturers or vehicle traders, but subject to the provisions of Part X;
- (b) private motor vehicles and motor cycles brought into Trinidad and Tobago by visitors for their own use for a period not exceeding ninety days subject to such conditions as may be prescribed;
- (c) any vehicle that is the property of the State, and is to be used by the President; and
- (d) any vehicle that is the property of, or used by the Trinidad and Tobago Defence Force.

(2) The Minister may in special circumstances, by Order, exempt from registration under this Act, on a temporary basis, a vehicle being used by visiting dignitaries.

(3) Notwithstanding the requirements of this Act, no fee shall be charged on the registration of the following vehicles:

- (a) any motor vehicle which is the property of -
 - (i) the Government;
 - (ii) any Municipal Corporation;
 - (iii) the Judiciary; or

(iv) the Corporation established under the Public Transport Service Act; and

(b) any vehicle specially exempted by an Order of the Minister on account of the vehicle being owned by a public body or the vehicle is being used for any charitable, philanthropic or other public purpose.

(4) An exemption granted from payment of registration fee in respect of a vehicle under subsection (3)(b), shall cease whenever the condition justifying such exemption ceases to apply to that vehicle.

(5) Notwithstanding the requirements of this Act or any other written law, the Minister may by Order prescribe the identification mark to be carried on any vehicle or trailer owned or used by the State.

Temporary permits

77. (1) Where a person wishes to drive a vehicle for the purpose of getting the vehicle registered, that person may apply to the Authority for a temporary permit in the prescribed form, for the purpose of registering the vehicle.

(2) The Authority may issue a temporary permit under subsection (1) where an appropriate application is made and is accompanied by the fee specified in the Fifth Schedule.

(3) A temporary permit issued under this section, shall authorize the owner of the vehicle in respect of which the permit was issued, to drive or operate the vehicle on a road or highway without load and in accordance with the conditions specified in the temporary permit.

(4) A person issued with a temporary permit shall affix the permit in the lower corner of the windshield of the vehicle opposite the driver.

(5) A permit issued under this section shall be valid for thirty days and shall only be issued in respect of a vehicle that has a valid inspection certificate and insurance.

(6) A person who contravenes subsections (1) and (4) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

In-transit permit

78. (1) Where a person wishes to operate or move a vehicle that is not registered or for which no permit has been issued on a road or highway without load for a single trip from one place to another, that person shall apply to the Authority in the prescribed form for an In-transit Permit and shall upon application pay the fee prescribed in the Fifth Schedule.

(2) Where the Authority receives an application under subsection (1) and the Authority is satisfied that the vehicle meets the requirements under the Act the Authority shall issue an In-transit Permit to the owner of the vehicle.

(3) An in-transit permit under this section authorizes the owner of a vehicle for which the permit was issued to operate or move the vehicle from one place to another in accordance with the conditions specified in the permit.

(4) A person to whom an in-transit permit is issued shall affix the permit in the lower corner of the windshield of the vehicle opposite the driver and shall remove the permit and destroy it immediately after the vehicle has completed the trip for which the permit was issued.

(5) Where an in-transit permit has been issued to a trailer, the permit shall be displayed in the towing vehicle.

(6) A person who fails to observe or comply with this section or condition specified in an in-transit permit, commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Tagging of vehicles

79. (1) Where a vehicle enters Trinidad and Tobago as part of a shipment, the Authority shall -

- (a) examine the vehicle at the point of entry to determine the purpose of the vehicle;
- (b) record -
 - (i) the chassis and engine numbers where applicable, of the vehicle; and
 - (ii) all other details necessary for the registration of the vehicle; and
- (c) place an electronic identification tag on the vehicle and record the information obtained pursuant to this section.

(2) The placement of an electronic identification tag on a vehicle shall not be taken as meeting the requirement for the registration of a vehicle under this Act.

(3) Where, after examination of a vehicle under subsection (1), the Authority is unable to determine the use of the vehicle, the Authority shall not place an electronic identification tag on the vehicle until the purpose of the vehicle is determined.

Authority to be given information on vehicles imported into Trinidad and Tobago

80. Where a vehicle is imported into Trinidad and Tobago as part of a shipment, the importer of the vehicle shall, prior to the arrival of the vehicle, provide the Authority with the following information:

- (a) the name and address of the importer or dealer;
- (b) the bill of lading in respect of the vehicle; and

(c) any other documents that the Authority may require.

Motor vehicle
tax
Seventh
Schedule

81. (1) There shall be payable to the relevant Tax Authority in respect of the classes of vehicles specified in the Seventh Schedule, a motor vehicle tax computed in accordance with the provisions of that Schedule for all vehicles entering Trinidad and Tobago.

(2) The motor vehicle tax referred to in subsection (1) shall be payable to the Tax Authority before the vehicle is registered.

(3) Where a vehicle in respect of which motor vehicle tax is payable is registered without the motor vehicle tax having been paid pursuant to this section, the registration of that vehicle shall be void.

(4) The Minister to whom the responsibility for finance is assigned may, by Order, amend the Seventh Schedule.

(5) An Order made by the Minister under subsection (4) shall be published in the *Gazette* and shall, after four days and within twenty-one days from the date of such publication, be submitted to Parliament, and Parliament may by resolution, amend or revoke that Order.

(6) Where an Order is not submitted to Parliament within the period of twenty-one days as mentioned in subsection (5), that Order shall, on the termination of that period expire and be of no further force or effect.

(7) A person who has paid motor vehicle tax pursuant to an Order made under this section shall be repaid the amount that is in excess of the tax payable immediately after the Order has been dealt with by Parliament under subsection (5) or has expired under subsection (6).

Inspection of
vehicle by
Authority prior
to registration

82. (1) The Registrar shall, prior to the registration of a vehicle, require the vehicle to be inspected by a Motor Vehicles Enforcement Officer.

(2) Where a Motor Vehicles Enforcement Officer inspects a vehicle under subsection (1) and is satisfied that –

(a) the vehicle meets the requirements of this Act in relation to the purpose for which the vehicle is sought to be registered; and

(b) all the required fees and taxes have been paid,

he shall cause the vehicle to be registered and the owner to be issued with a Vehicle Certificate of Registration.

(3) Where the owner of a vehicle is aggrieved by the findings of any inspection under subsection (1), the owner may appeal to the Appeals Committee for a review thereof.

(4) Notwithstanding subsection (1), the Registrar may exempt new motor vehicles from the requirement of inspection.

Lost, stolen, mutilated, destroyed or illegible Vehicle Certificate of Registration

83. (1) Where a Vehicle Certificate of Registration is lost, stolen, mutilated, destroyed or illegible, the holder shall report the lost, stolen, mutilated, destroyed or illegible Vehicle Certificate of Registration to the Authority in the prescribed form and apply for a replacement Vehicle Certificate of Registration and pay the fee specified in the Fifth Schedule.

(2) On receipt of an application under subsection (1), the Authority may, on being satisfied that the Vehicle Certificate of Registration was lost, stolen, mutilated, destroyed or has become illegible, issue a replacement Vehicle Certificate of Registration to the holder.

(3) Where an application is made under subsection (1) for the replacement of such Vehicle Certificate of Registration, the holder shall return the mutilated or illegible Vehicle Certificate of Registration upon making the application.

(4) Where after the issue of a replacement Vehicle Certificate of Registration under subsection (2), the holder comes into possession of the previously lost or stolen Vehicle Certificate of Registration, the holder of the certificate shall return the previously lost, stolen mutilated or destroyed or illegible Vehicle Certificate of Registration to the Authority.

(5) A person who fails to return a previously lost or stolen Vehicle Certificate of Registration as required under subsection (4), commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Offence to alter or deface Vehicle Certificate of Registration

84. A person who intentionally alters or defaces any Vehicle Certificate of Registration issued by the Authority commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and imprisonment for five years.

Registration of vehicles owned by a diplomat or diplomatic organization

85. (1) Subject to sections 75 and 92, the Authority shall-

(a) on the application by a diplomat or diplomatic organization for the registration of a motor vehicle in his or its name; and

(b) upon being satisfied that the provisions of this Act and the Motor Vehicles Insurance (Third-Party Risks) Act and Regulations made thereunder, have been complied with,

register the motor vehicle as a diplomatic vehicle and forthwith enter particulars of the vehicle in the register and shall assign to the vehicle special identification marks to be carried on the registration plates of the vehicle.

(2) Where the registration of a motor vehicle is cancelled under section 94(2), the Authority may register that motor vehicle under section 75.

(3) In this section –

“diplomat” means a diplomatic agent, consular officer or an official of an international organization or agency who is certified in writing by the Minister with responsibility for foreign affairs as being entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act;

“diplomatic organization” means a diplomatic mission, consular post or a regional or international organization or agency that is certified in writing by the Minister with responsibility for foreign affairs as being entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act.

Registration of
vehicles for
differently abled
persons

86. (1) Subject to section 75, a person who is permanently **disabled** may apply to the Authority to have a vehicle registered and issued with special licence plates.

(2) Where an application is made under subsection (1) and the applicable fee for registration of a vehicle under section 75 has been paid, the Authority may register the vehicle and issue special licence plates in respect of that vehicle where the applicant provides a certificate from a registered medical practitioner certifying that the applicant’s disability or immobility is permanent.

(3) Notwithstanding any other provision of this Act, where special licence plates are issued to a **person with a disability** and affixed to a vehicle, the special licence plates shall be deemed to be a **person with disability** parking permit to the extent that -

- (a) the **person with a disability** to whom the special licence plates are issued, may stop, leave standing or park the vehicle in the parking zone designated for a **person with a disability**; and

- (b) any person, other than a **person with a disability**, may stop, leave standing or park the vehicle in the parking zone designated for a **person with a disability**, where the person stops, leaves standing or parks the vehicle for the purpose of transporting a **person with a disability**.

Registration of antique vehicle

87. Subject to section 75, the Authority may register a vehicle as an antique vehicle where -

- (a) the vehicle has been tested for originality and safety and certified by the Authority as an antique vehicle;
- (b) there is in force in respect of the vehicle a policy of insurance in respect of third-party risks as complies with the requirements of the Motor Vehicles Insurance (Third-Party Risks) Act; and
- (c) the applicable fee for registration of a vehicle under section 75 is paid.

Restriction on registration of certain vehicles

88. (1) The Authority shall not register –

- (a) a vehicle exceeding fifteen tonnes;
- (b) a trailer exceeding eight tonnes; or
- (c) a vehicle more than nine metres in length and more than two metres in width,

for use on a road in Trinidad and Tobago.

(2) Except as otherwise provided in this section, the following vehicles shall not be used on any road or highway:

- (a) a motor vehicle exceeding the maximum gross weight of fifteen tonnes;
- (b) a trailer exceeding the maximum gross weight of eight tonnes;
- (c) a vehicle or trailer not fitted with pneumatic tyres; or
- (d) a vehicle, the windscreen or any other window of which is fitted with glass so tinted as to exceed the limit prescribed by regulations.

(3) The Minister may, by Order, exempt vehicles from the requirements under subsection (1).

(4) The Authority may cancel the registration of a vehicle or trailer which does not comply with the requirements of subsection (1).

(5) Notwithstanding subsection (4), a person who contravenes subsection (2)(d), commits an offence and is liable on summary conviction to a fine of three thousand dollars.

(6) Notwithstanding subsection (1), the Authority may, on the application of a person seeking to register a vehicle referred to in subsection (1), determine the conditions in respect of the use of that vehicle on the road and register the vehicle subject to those conditions.

(7) Notwithstanding subsection (1), the Authority may, where it sees fit grant a special permit to the owner of any machine used for industrial or construction purposes to enable the machine to be moved from one place to another, subject to such conditions as may be specified in the permit, and on payment of the fee specified in the Fifth Schedule.

(8) A person who fails to observe any of the conditions specified in a permit issued under this section commits an offence and is liable on summary conviction to a fine of twenty-five thousand dollars and shall be liable for any damages occasioned by his neglect or failure to comply with any of the conditions.

Registration of
change of use

89. (1) Where the owner of a vehicle which is registered for use for a particular purpose intends to use that vehicle for some other purpose he shall, before using the vehicle for that other purpose, apply to the Authority for registration of the vehicle to be used for that other purpose and the application shall, subject to subsection (2), be dealt with as if the vehicle had not previously been registered.

(2) The fee payable for the registration of a vehicle under subsection (1), shall be as prescribed in the Fifth Schedule.

(3) Where the motor vehicle tax paid in respect of the current registration of a vehicle –

(a) is more than that payable for the class of vehicle in respect of which the new registration will apply, no tax shall be payable for the new registration; or

(b) is less than that payable for the class of vehicle in respect of which the new registration will apply, the owner of the vehicle shall pay the difference in the tax payable for the new registration.

(4) A person who contravenes this section is liable on summary conviction to a fine of three thousand dollars.

Requirement to notify Authority where a vehicle is involved in accident

90. (1) Where a vehicle is involved in an accident and is damaged and -

(a) there is a constructive loss; or

(b) there is total loss,

the insurer of the vehicle shall notify the Authority in accordance with the Motor Vehicles Insurance (Third-Party Risks) Act.

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(2) The Authority shall on receipt of notification under subsection (1), record the details of the damage to the vehicle involved in the accident.

(3) An insurer who fails to comply with subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Requirement to notify Authority on destruction of a vehicle or where a vehicle is rendered unserviceable

91. (1) The owner of a vehicle that is destroyed, rendered unserviceable or has been removed from Trinidad and Tobago shall notify the Authority in writing, within one month from the occurrence of such event.

(2) An owner of a vehicle who fails to notify the Authority pursuant to subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(3) An offence under subsection (1) may be instituted at any time within two years of the commission of the offence.

Assignment of letters or numbers to vehicle

92. Where the Authority issues a Vehicle Certificate of Registration the Authority shall assign to the vehicle letters or letters and numbers, which shall become one of the registered identification marks of the vehicle and shall be affixed on licence plates issued in accordance with this Act.

Licence plates

93. (1) Subject to sections 77, 78 and subsection (6), a person shall not drive or operate a vehicle on any road or highway unless licence plates have been issued by the Authority in accordance with this Act and affixed to the vehicle in the prescribed manner.

(2) Where a vehicle has been registered and a Validation Certificate has been issued under this Act, the Authority shall once the applicable fee for licence plates as specified in the Fifth Schedule is paid, issue to the owner of the vehicle, a front and rear licence plate in respect of the vehicle.

(3) Where licence plates have been issued under this section or section 85, the licence plates shall remain on the vehicle until such time as any of the following circumstances occur:

(a) the transfer of the vehicle to another person by the owner of the vehicle;

(b) the destruction of the vehicle;

- (c) the owner of a motor vehicle registered under section 85 is no longer entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act;
- (d) an application is made to transfer a motor vehicle registered under section 85 to a person who is not entitled to enjoy privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act; or
- (e) an application for the removal of the licence plates for reasons other than those specified under paragraphs (a) and (b).

(4) Where the registration of a motor vehicle is cancelled pursuant to paragraph (d) or (e), the Authority may register that motor vehicle under section 75.

(5) A person who contravenes subsections (1) and (3) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for two years.

(6) Where licence plates issued under this section are lost, stolen, mutilated, destroyed or have become illegible, the person who is entitled to the licence plates shall apply to the Authority for replacement licence plates and shall, in making the application provide the Authority with satisfactory information surrounding the lost, stolen, mutilated, destroyed or illegible licence plates and pay the fee specified in the Fifth Schedule.

(7) Subsection (1) shall not apply where a licence plate has been lost, mutilated, damaged, stolen or has become illegible and the owner of the vehicle is on route to apply for a replacement licence plate.

(8) The licence plates issued under this Act are the property of the Authority and shall be returned to the Authority by the registered owner of the vehicle when so required by the Authority.

Validation
Certificate for
vehicles

94. (1) Where a vehicle has been registered under this Act, the vehicle shall be issued with a Validation Certificate upon payment of the fee specified in the Fifth Schedule, and be valid for a period not exceeding -

- (a) twenty-four months from the date of registration of the vehicle for private motor vehicles; or
- (b) twelve months from the date of registration in respect of a commercial vehicle, agricultural or industrial tractor.

(2) A Validation Certificate issued under this section shall be accompanied by a validation sticker which shall be affixed on the appropriate licence plate of the vehicle.

(3) Thirty days prior to the expiration of a Validation Certificate under subsection (1) the owner of the vehicle to which the Validation Certificate relates may -

- (a) in the case of a commercial vehicle or a private motor vehicle with a Tare weight in excess of 2500 kilogrammes or agricultural or industrial tractor, produce the vehicle to the Authority for inspection and shall pay the fee specified in the Fifth Schedule; or
- (b) in the case of a private motor vehicle with a Tare weight of 2500 kilogrammes or less, produce the vehicle to any vehicle inspection centre for inspection and shall pay the fee specified in the Fifth Schedule.

(4) Where a vehicle is inspected under subsection (3) and the Authority or the vehicle inspection centre is satisfied that the vehicle is roadworthy, the Authority or the vehicle inspection centre as the case may be, shall issue an inspection certificate in relation to the vehicle.

(5) An application for a Validation Certificate under this section shall –

- (a) in the case of a private motor vehicle or motor cycles five years or more from the date of manufacture, be accompanied by an inspection certificate issued under subsection (4); or
- (b) in the case of a commercial vehicle, agricultural or industrial tractor, be accompanied by an inspection certificate issued by the Authority for the specified class of vehicle,

and proof of a valid insurance policy for the vehicle as required under the Motor Vehicles Insurance (Third-Party Risks) Act.

(6) Where the Authority receives an application under subsection (5) and the Authority is satisfied that the vehicle meets the requirements under this Act, the Authority shall issue a Validation Certificate for the vehicle.

(7) A Motor Vehicles Enforcement Officer shall not issue a inspection certificate under subsection (4) if the commercial vehicle, agricultural or industrial tractor is defective or does not meet the requirements of the Act.

(8) A Motor Vehicles Enforcement Officer who contravenes subregulation (7) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(9) A person shall not drive or operate a motor vehicle on any road or highway unless there is, in relation to that vehicle a valid Validation Certificate issued by the Authority in accordance with this Act.

(10) A person who contravenes this section shall be liable on summary conviction to a fine of five thousand dollars.

Replacement of
lost, stolen,
mutilated,
destroyed or
illegible Validation
Certificate or
validation sticker

95.(1) Where a Validation Certificate or validation sticker is lost, stolen, mutilated, destroyed or illegible, the holder shall report the lost, stolen, mutilated, destroyed or becomes illegible Validation Certificate or validation sticker to the Authority in the prescribed form and apply for a replacement Validation Certificate or validation sticker and pay the fee specified in the Fifth Schedule.

(2) On receipt of an application under subsection (1), the Authority may, on being satisfied that the Validation Certificate or validation sticker was lost, stolen, mutilated, destroyed or has become illegible, issue a replacement Validation Certificate or validation sticker to the holder.

(3) Where an application is made under subsection (1) for the replacement of such Validation Certificate or validation sticker, the holder shall return the mutilated or illegible Validation Certificate or validation sticker upon making the application.

(4) Where after the issue of a replacement Validation Certificate or validation sticker under subsection (2), the holder comes into possession of the previously lost or stolen Validation Certificate, the holder of the certificate shall return the previously lost, stolen, mutilated or destroyed or has become illegible Validation Certificate or validation sticker to the Authority.

(5) A person who fails to return a previously lost or stolen Validation Certificate or validation sticker as required under subsection (4) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Cancellation of
Validation
Certificate

96. (1) The Validation Certificate of a motor vehicle or trailer shall only be cancelled where the Authority is satisfied that-

- (a) the motor vehicle or trailer has been destroyed;
- (b) the motor vehicle or trailer has been rendered permanently unserviceable;
- (c) the motor vehicle or trailer has been permanently removed

from Trinidad and Tobago;

- (d) a transaction in respect of the motor vehicle or trailer was effected under a misrepresentation of the information required for the purposes of the transaction;
- (e) the owner of a motor vehicle or trailer registered under section 85 of the Act is no longer entitled to enjoy the privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act; or
- (f) an application is made to transfer a motor vehicle or trailer registered under section 86 of the Act to a person who is not entitled to enjoy the privileges and immunities under the Privileges and Immunities (Diplomatic, Consular and International Organization) Act.

(2) Notwithstanding subsection (1), where a Motor Vehicles Enforcement Officer certifies in writing that a vehicle or trailer is so constructed or is in such a condition as to constitute a health, safety or environmental hazard to any person traveling in the vehicle or to other members of the public or is injurious to the roads or contravenes the Act, the Authority may cancel the Validation Certificate of that vehicle or trailer.

(3) Where the Authority cancels a Validation Certificate under subsection (1) or (2), the Authority shall notify the owner of the motor vehicle or trailer in writing.

(4) An owner of a vehicle or trailer in respect of which the Validation Certificate is cancelled may within fourteen days from the date that the Validation Certificate was cancelled, appeal to the Committee.

Renewal of
Validation
Certificate

97. (1) If the owner of a vehicle wishes to renew his Validation Certificate, he shall apply to the Authority within thirty days prior to the expiration of same and pay the fee specified in the Fifth Schedule.

(2) Where the Authority receives an application under subsection (1) and the Authority is satisfied that the vehicle meets the requirements under this Act, the Authority shall renew the Validation Certificate.

(3) An application for the renewal of a Validation Certificate under this section shall –

- (a) in the case of a private motor vehicle or motor cycles five years or more from the date of manufacture, be accompanied by the prescribed inspector's test certificate; or

(b) in the case of a public service vehicle, leased vehicle, goods vehicle, omnibus, tractor or trailer, be accompanied by an inspection certificate issued by the Authority for the specified class of vehicle,

and proof of a valid insurance policy for the vehicle as required under the Motor Vehicles Insurance (Third-Party Risks) Act.

Revocation of
Validation
Certificate

98. (1) Where a Motor Vehicles Enforcement Officer is of the opinion that a vehicle does not meet the requirements of this Act, the Officer may recommend to the Authority the revocation of the Validation Certificate for the vehicle.

(2) Where a Motor Vehicles Enforcement Officer recommends the revocation of a Validation Certificate under subsection (1), the Authority may revoke the Validation Certificate and shall inform the registered owner of the vehicle of its decision.

(3) The Authority shall prior to revoking a Validation Certificate, give the holder of the Validation Certificate written notice of its intention to revoke the Certificate and shall in giving the holder of the Certificate notice, specifying a date of not less than fourteen days after the date of service of the Notice, upon which such revocation shall take effect and shall require the person to give reasons why the Validation Certificate should not be revoked as the case may be.

(4) Where, under subsection (3) a person fails to give reasons or where the reasons given were not satisfactory and the Authority after taking into consideration any fact in mitigation, decides to revoke the Validation Certificate the Authority shall, in writing, notify the person of the revocation.

(5) The revocation of a Validation Certificate under this section shall not take effect until the expiration of fourteen days after the Authority has informed the holder of the Validation Certificate.

(6) A person whose Validation Certificate has been revoked by the Authority under this section may, within fourteen days of the receipt of the notice referred to in subsection (5), appeal to the Appeals Committee.

Transfer of
ownership of a
vehicle

99. (1) Where a person wishes to transfer ownership of his vehicle to another person, he shall apply to the Authority in the prescribed form and shall pay the fee specified in the Fifth Schedule.

(2) Where ownership of a vehicle is to be transferred, both parties to the transaction shall be present unless the Authority directs that one party can process the transaction.

Fifth Schedule

(3) An application under subsection (1) shall be made in the prescribed form and be accompanied by the valid Vehicle Certificate of Registration of the vehicle, and the fee specified in the Fifth Schedule.

(4) Upon the death of the registered owner of a vehicle, the legal personal representative of the deceased, if appointed, shall be deemed to be the owner of the vehicle to be held by him, in trust for the estate of the deceased, and in the absence of a legal personal representative, the person who has lawful possession of the vehicle shall not be entitled to pass title thereto to anyone until either probate has been granted or letters of administration have been obtained. Until such grant of probate or of letters of administration the vehicle shall be deemed to be held by the Administrator General in trust for the next of kin.

(5) The next of kin or the person having lawful possession of a vehicle referred to in subsection (4) shall notify the Authority of the death of the registered owner within one month of the death of the registered owner.

(6) The Authority may, where it sees fit, issue a new Certificate of Registration in respect of a vehicle under subsection (4).

(7) Where the Authority is satisfied that there has been a change of possession of a vehicle but that the registered owner has failed to transfer the vehicle under subsection (1) or has failed to surrender the Validation Certificate, the Authority may, without prejudice to any legal proceedings which may be taken against the registered owner for such failure, transfer the registration of the vehicle in the same manner as if the provisions of subsection (3) had been complied with.

(8) Subject to subsection (7) where a vehicle is sold, the registered owner and the purchaser of the vehicle shall apply to have the vehicle transferred within thirty days from the date that the vehicle was sold.

(9) A registered owner or purchaser of a vehicle who fails to apply for the transfer of a vehicle as required under subsection (8) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(10) Notwithstanding subsection (8), it shall be a defence for the registered owner or the purchaser of a vehicle, who attempted without success to prove that he attempted without success to have the ownership of the vehicle transferred.

(11) Where the ownership of a vehicle is transferred, the Authority shall make an appropriate entry in the register and issue a new Certificate of Registration.

Transfer tax

100. (1) Subject to subsection (8), there shall be charged, levied and collected in respect of the transfer of ownership of a used vehicle, a transfer tax as specified in the Eighth Schedule.

Eighth Schedule

(2) The Board of Inland Revenue shall in respect of the transfer tax have

all the powers it has in relation to income tax under the Income Tax Act.

Chap. 75:01

(3) The transfer tax shall be paid to the Board of Inland Revenue by the person seeking a registration as the registered owner at the time of the application for transfer of ownership of the vehicle under section 99.

(4) A vehicle shall not be transferred unless the requisite transfer tax is paid.

Chap.75:06

(5) Subject to subsection (6), the transfer tax shall not be payable by a vehicle trader registered under the Value Added Tax Act.

(6) A vehicle trader exempted from the payment of transfer tax under subsection (5) shall register with the Authority and in so doing shall -

- (a) provide a Value Added Tax Certificate to the Authority; and
- (b) satisfy the Authority that he is a *bona fide* vehicle trader.

(7) For the purposes of this section, a person shall only be considered a *bona fide* vehicle trader where that person is engaged in the business of buying vehicles for resale.

(8) Where a person purchases a vehicle from a vehicle trader registered under the Value Added Tax Act, that person shall be exempt from the payment of the transfer tax where he provides the Authority with a tax invoice from the vehicle trader in respect of the purchase.

(9) For the purposes of the transfer tax, the age of the vehicle shall be determined from the date that the vehicle is first registered in Trinidad and Tobago.

(10) The Minister to whom responsibility for finance is assigned may remit or refund in whole or in part any transfer tax where he considers it expedient to do so.

(11) An unconditional gift of a vehicle to an organization approved by the President under section 6(1)(g) of the Corporation Tax Act is exempt from the transfer tax.

Chap. 75:02

Register of
vehicles

101.(1) The Authority shall cause to be kept, a register of -

- (a) vehicles registered under this Act; and
- (b) vehicles in respect of which Validation Certificates have been issued.

(2) The owner of a vehicle registered under this Act shall, within thirty days, notify the Authority of all circumstances or events which affect the accuracy of the entries in the register in respect of his vehicle.

(3) The Authority may call upon the owner of a vehicle at any time to furnish information for the verification of the entries in the register relating to the vehicle.

(4) Where a person contravenes this section he shall be liable on summary conviction to a fine of five thousand dollars.

Repaired
vehicles

102. (1) Where a vehicle was previously –

(a) registered with reference to a particular chassis number and that vehicle now displays a chassis number which varies from the chassis number as specified in the Vehicle Certificate of Registration, the Authority may –

(i) issue a new chassis number;

(ii) place an electronic identification tag on the vehicle; and

(iii) issue a new Vehicle Certificate of Registration and a new Validation Certificate in respect of that vehicle; and

(b) registered and tagged with reference to a particular chassis number and that vehicle is repaired and now displays a chassis number which varies from the chassis number specified in the

-

(i) Vehicle Certificate of Registration;

(ii) Validation Certificate; and

(iii) electronic identification tag,

the Authority may issue a new chassis number to the vehicle and record that new number on the Vehicle Certificate of Registration, a Validation Certificate and electronic an identification tag.

(2) Notwithstanding subsection (1), the Authority may issue a chassis number to a trailer which was built by a local manufacturer.

Vehicle
assembled in
Trinidad and
Tobago

103. (1) A person shall not assemble any motor vehicle in Trinidad and Tobago using –

(a) new foreign parts;

(b) used foreign parts; or

(c) a combination of new and used foreign parts.

(2) Notwithstanding subsection (1), the Minister may grant approval for the assembly of trailers in Trinidad and Tobago.

Transitional provision

104. (1) On the coming into force of this Act, the registration of a vehicle registered under the former Act shall remain valid until the vehicle is registered in accordance with the requirements under this Act.

(2) On the coming into force of this Act, an owner of a motor vehicle registered under the former Act shall, at the discretion of the Authority, be required to apply for the registration of his vehicle in accordance with the requirements of this Act.

(3) The Authority may, where it is satisfied with the validity of an application and documentation provided under this section, register the vehicle.

PART VIII

PERSONS WITH DISABILITY PARKING PERMITS

Interpretation of certain words used in Part VIII

105. For the purposes of this Part -

“applicant” means a person who applies for a **persons with disability parking permit** under section 106;

“**person with disabilities**” means a person whose mobility is limited as a result of severe physical disability however caused including paralysis, lower limb amputation, heart or lung disease, or other debilitating impairment to the extent that -

- (a) the person is unable to propel himself without the aid of a wheelchair or walker, or a combination of both or a crutch, cane, leg brace or leg prosthesis;
- (b) the person –
 - (i) requires the daily use of a device to assist with breathing;
 - (ii) has a significant cardio-pulmonary condition, which results in severe shortness of breath with minimum physical activity; or

- (iii) has a severe neuro-muscular or skeletal condition, and because of any of the conditions described in paragraph (i) or (ii) is limited in mobility to 50 metres or less in outdoor weather conditions; or

(c) the person is visually impaired;

“**person with disability parking permit**” means a permit issued under section 106 to allow access to parking spaces designated for the exclusive use of a **person with disabilities**;

“International Symbol of Access” means the symbol which is used to indicate the features and facilities in buildings that can be used by a **person with disabilities**.

Application for
**person with
disability
parking permit**

106. A person who wishes to be issued with **person with disability parking permit** shall apply to the Authority in the prescribed form and pay the fees specified in the Fifth Schedule.

**Person with
disability
parking permit**
for vehicles
transporting
**person with
disabilities**

107. (1) The Authority may issue a **person with disability parking permit** to a **person with disabilities** where a qualified medical practitioner certifies on the prescribed form that the applicant is a **person with disabilities** and specifies the anticipated length of time that the immobility is expected to continue, if known.

(2) The Authority may issue a **person with disability parking permit** to a visitor in Trinidad and Tobago, if the visitor establishes to the satisfaction of the Authority that the visitor is the holder of a valid form of identification, permit or number plates, bearing the International Symbol of Access, and issued by the home territory, State or country of the visitor.

(3) The Authority may issue a **person with disability parking permit** to any entity, organization or corporation, in respect of a number of vehicles that are owned or leased by, or operated on behalf of the entity, organization, or corporation primarily to provide transportation services to **person with disabilities**.

(4) A **person with disability parking permit** issued under this section shall bear the International Symbol of Access.

(5) A **person with disability parking permit** issued under this section shall be valid -

- (a) for a period of three years, where a medical practitioner certifies the immobility;

- (b) for a period not exceeding six months, where the immobility is temporary;
- (c) for a period not exceeding ninety days, where the applicant is a visitor to Trinidad and Tobago; or
- (d) for a period not exceeding three years, if issued to a corporation pursuant to subsection (3).

(6) Notwithstanding subsection (5)(b), the Authority may extend the period of a **person with disability parking permit** under this subsection for a further term not exceeding six months where a medical practitioner further certifies that the person has not recovered within the anticipated length of time.

Display of **person with disability parking permit**

108. A person issued with a **person with disability parking permit** shall display the **person with disability parking permit** in, or on a vehicle in such place and in such manner as the Authority may direct.

Lost or stolen **person with disability parking permit**

109. (1) Where a **person with disability parking permit** is -

- (a) lost or stolen; or
- (b) mutilated, defaced, altered or has become illegible,

the person to whom the **person with disability parking permit** has been issued shall as soon as is practicable notify the Authority of the occurrence.

(2) Where a **person with disability parking permit** is lost or stolen, mutilated, defaced, altered or has become illegible, the Authority may, where an application is made and the applicable fee specified in the Fifth Schedule is paid, issue a duplicate permit to the applicant.

Cancellation of a **person with disability parking permit**

110. (1) The Authority may cancel a **person with disability parking permit** if the Authority is satisfied that -

- (a) the holder of the permit has contravened any provision of the Act; or
- (b) the holder of the permit has made a false statement in his application for the permit.

(2) The Authority shall prior to cancelling a **person with disability parking permit** under subsection (1), give the holder of the permit written notice

of its intention to cancel his permit after two weeks from the date that the notice was served.

(3) Where the Authority cancels a **person with disability parking permit** under subsection (1), the Authority shall inform in writing the holder of the permit of its decision.

Offences in relation to a **person with disability parking permit**

111. (1) A person who has not been issued with a **person with disability parking permit** under the Act shall not –

- (a) stop, leave, stand or park a vehicle in a parking zone designated for a **person with disabilities**, unless that person stops, leaves, stands or parks the vehicle for the purpose of transporting a **person with disabilities**; or
- (b) display, cause or permit to be displayed a **person with disability parking permit** knowing that the permit has been cancelled.

(2) A person shall not destroy, mutilate, deface or alter in any way a **person with disability parking permit** issued under this Act.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for nine months.

PART IX

SAFETY AND OTHER REQUIREMENTS OF A MOTOR VEHICLE

Private motor vehicle and certain other vehicles to be fitted with seat belts

112. (1) All motor vehicles shall, be fitted with a seatbelt for the driver and every passenger in the vehicle before the vehicle is registered.

(2) Notwithstanding subsection (1), the Authority may exempt certain classes of motor vehicles from the requirement of being fitted with seatbelts.

(3) A seatbelt under subsection (1) shall be designed as to provide restraint for both upper and lower parts of the trunk of the person wearing the seatbelt and shall be of the type prescribed by reference to –

- (a) design, construction or other quality; and
- (b) different classes of vehicles, different descriptions of persons and different circumstances, except where a vehicle is authorized to carry two passengers in the front, the seat belt

affixed to the middle front seat need not provide restraint for the upper part of the trunk of the person wearing the seatbelt.

(4) The Authority shall, before the registration of any vehicle referred to in subsection (1), be satisfied that the requirements of that subsection or any Regulation made under subsection (5) have been complied with and may refuse to register any vehicle which in its opinion fails to satisfy all or any of those requirements.

(5) The Minister may make Regulations for the purposes of subsection (3).

Certain vehicles to be equipped with seat belts

113. (1) A person who is the registered owner of a vehicle referred to in section 112(1) shall have such vehicle fitted with seat belts of the type referred to in section 112(2).

(2) The registered owner of a vehicle who contravenes subsection (1) commits an offence and is liable on summary conviction for a first offence to a fine of four thousand dollars and on any subsequent conviction to a fine of eight thousand dollars.

Wearing of seat belts

114. (1) The driver and every passenger referred to in section 112(1), shall wear a seat belt while the vehicle is in motion.

(2) The driver of a vehicle referred to in section 112(1) shall not without reasonable excuse drive a vehicle while there is in the front seat of the vehicle a person not wearing a seat belt.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(4) A person shall not be convicted under this section if he proves that at the material time he or the passenger, as the case may be, held a valid medical certificate signed by a registered medical practitioner to the effect that it is inadvisable on medical grounds for him or the passenger to wear a seat belt and the certificate shall be valid for a period of not more than two years from the date of issue.

(5) The Minister may make Regulations exempting persons from the requirements of subsection (1).

Driving while a child is in the vehicle

115. (1) The driver of a vehicle referred to in section 112(1) shall -

(a) not, without reasonable excuse, drive his vehicle while there is

in the front seat of the vehicle a child of five years of age and under; and

- (b) ensure that a child -
 - (i) under six months of age, is restrained in a properly fastened and adjusted, rear-ward facing child restraint;
 - (ii) over six months and under four years of age, is restrained in a properly fastened and adjusted, rear-ward facing child restraint or a forward facing child restraint that has an in-built harness;
 - (iii) over four years and under five years of age, is restrained in a properly fastened and adjusted, forward facing child restraint that has an in-built harness or an approved booster seat that is properly positioned and fastened; and
 - (iv) five to seven years of age is not without reasonable excuse seated in the front seat of the vehicle.

(2) The Minister may by Order prescribe the type of child restraint and booster seat referred to in subsection (1).

(3) Subsection (1)(b) shall not apply to the driver of a public service vehicle.

(4) The driver of a vehicle who contravenes this section commits an offence and is liable on summary conviction to a fine of two thousand dollars.

(5) The driver of a vehicle does not commit an offence under this section

-

(a) if he proves that the child held a valid certificate signed by a medical practitioner to the effect that it is inadvisable on medical grounds for the child to be placed in a child restraint or booster seat and the certificate shall be valid for a period of not more than two years from the date of issue; or

(b) where there is only one row of seats in the vehicle and complies with the requirements under subsection (1)(b).

Motorcycles and
safety helmets

116. (1) A person shall not ride or carry a person on a motorcycle on any road, unless –

(a) that person wears a safety helmet; or

(b) in the case of a person being carried on the motorcycle, that person being carried also wears a safety helmet,

that is capable of providing protection from injury to the head.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for six months.

(3) The Minister may from time to time by Order approve the types of helmet that are capable of affording the head of the wearer protection from injury.

PART X

REGISTRATION OF PERSONS TRADING IN VEHICLES

Prohibition on trading in vehicles

117. (1) Subject to section 131 a person shall not trade in vehicles unless that person is registered with the Authority as a vehicle trader in accordance with this Part and is issued with a Vehicle Trader Registration Certificate.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Application for registration as a vehicle trader Fifth Schedule

118. (1) A person who wishes to engage in the business of trading in vehicles shall apply to the Authority to be registered as a vehicle trader in the prescribed form and pay the fee specified in the Fifth Schedule.

(2) An applicant under subsection (1) shall meet the requirements under this Act, **regulations made thereunder or any other written law.**

Inspection of premises of vehicle trader

119. (1) The Authority shall, on receipt of an application under section 118 cause the premises of the applicant to be inspected to ensure that the premises meet the requirements of this Act **or any other written law.**

(2) Where the premises of the applicant under subsection (1) does not meet the requirements of this Act, the Authority may, if it sees fit, give the applicant sufficient time to meet the requirements of this Act before issuing a Vehicle Trader Registration Certificate.

Issue and
renewal of
Vehicle Trader
Registration
Certificate

120.(1) Where the Authority is satisfied that an applicant for a Vehicle Trader Registration Certificate under section 118 meets the requirements of this Act, the Authority shall issue a Vehicle Trader Registration Certificate to the applicant and enter the name of the vehicle trader in the Vehicle Trader Register.

(2) A Vehicle Trader Registration Certificate issued under subsection (1) shall authorize the holder of the Certificate to use a motor vehicle or trailer that is the property of the holder for –

- (a) the purpose of conducting a test on the motor vehicle or trailer; or
- (b) test driving the motor vehicle or trailer to effect a sale of the vehicle.

(3) A Vehicle Trader Registration Certificate issued under subsection (1) shall contain such terms and conditions by which a vehicle trader shall be required to comply with, in conducting his business of trading in vehicles.

(4) A vehicle trader who contravenes any term or condition as provided for under subsection (3) shall be liable to have his Vehicle Trader Registration Certificate suspended or revoked by the Authority.

Issue of Vehicle
Trader
Registration
Plates

121. (1) Subject to section 120 and subsection (2) a person shall not engage in the business of trading in vehicles unless that person is issued by the Authority with Vehicle Trader Registration Plates.

(2) Where an applicant is issued with a Vehicle Trader Registration Certificate under section 120 he shall apply to the Authority and pay the fee specified in the Fifth Schedule to be issued with Vehicle Trader Registration Plates.

(3) Vehicle Trader Registration Plates issued to a vehicle trader under subsection (1) shall be used in the conduct of his business in the following circumstances:

- (a) operating or moving vehicles from one place to another;
- (b) delivering vehicles that have been sold; or
- (c) demonstrating a vehicle or any other purpose as prescribed by the Authority.

(4) A Vehicle Trader Registration Plates issued under subsection (1) shall be affixed at the front and rear of the vehicle and shall be valid for a period of one year from the date of issue.

(5) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Validity of
Vehicle Trader
Registration
Certificate

122. (1) Subject to subsection (4), a Vehicle Trader Registration Certificate issued under section 120 shall be valid for a period of five years from the date of issue or renewal.

(2) The holder of a Vehicle Trader Registration Certificate who wishes to renew his Vehicle Trader Registration Certificate shall within thirty days prior to the date of expiration of the Vehicle Trader Registration Certificate apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(3) On receipt of an application under subsection (2), the Authority shall cause the premises of the vehicle trader to be inspected to determine whether the premises meet the requirements of this Act.

(4) Where the Authority is satisfied that a vehicle trader in respect of whom an application for renewal is made under subsection (2) has met the requirements of this Act, the Authority shall renew the Vehicle Trader Registration Certificate of the applicant.

Requirement to
display Vehicle
Trader
Registration
Certificate

123. (1) A vehicle trader shall display his Vehicle Trader Registration Certificate in a conspicuous place at the premises from which he conducts his business.

(2) A vehicle trader who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three thousand dollars and a further three hundred dollars for each day the offence is continued.

Vehicle trader to
keep records

124. (1) A vehicle trader shall maintain a record in the prescribed form of every vehicle sold or exchanged by him or received or accepted by him for sale or exchange.

(2) A record referred to under subsection (1) shall be kept for a period of six years and shall contain -

(a) a description of every vehicle in the possession of a vehicle trader, including-

(i) the name of the manufacturer;

(ii) chassis and serial number;

(iii) engine number; and

(iv) other distinguishing marks, whether any numbers thereon have been defaced, destroyed or changed;

- (b) the name and address of the person from whom the vehicle was purchased or received and when sold or otherwise disposed of by the vehicle trader; and
- (c) the name and address of the person to whom the vehicle was sold or delivered.

(3) A vehicle trader shall provide the record of any vehicle as required under subsection (1) that was sold or exchanged by him or received or accepted by him for sale or exchange for inspection when so requested by a Motor Vehicles Enforcement Officer or constable.

(4) A person who contravenes this section is liable on summary conviction to a fine of fifty thousand dollars and a term of three years imprisonment.

Remedial work
of a vehicle
trader

125. (1) Where the Authority is of the view that the holder of a Vehicle Trader Registration Certificate has failed to comply with any requirement of this Act, the Authority may, if it sees fit, issue to the vehicle trader a Notice of Non-Compliance in accordance with this section.

(2) A Notice of Non-Compliance issued under subsection (1), shall specify -

- (a) the areas that the vehicle trader is not in compliance with in relation to the Act;
- (b) the remedial work required to be done in order for the vehicle trader to be in compliance with the Act;
- (c) the time period within which the remedial works specified in the notice of compliance should be completed;
- (d) a statement indicating that failure to complete the remedial work within the period specified may result in the suspension or revocation of the Vehicle Trader Registration Certificate; and
- (e) any other requirements that the Authority thinks fit.

(3) Where a vehicle trader is issued with a Notice of Non-Compliance under subsection (2), the vehicle trader shall take all necessary steps to remedy the defects within the period specified in the Notice of Non-Compliance.

(4) Where the holder of a Vehicle Trader Registration Certificate is of the view that he will be unable to rectify any or all of the defects within the period specified, he may, before the expiration of the period specified in the notice request an extension of time for a further period not exceeding that which was previously granted.

126. (1) Subject to section 128, where the holder of a Vehicle Trader Registration Certificate fails to complete any of the defects specified in a Notice of Non-Compliance within the period specified in the Notice of Non-Compliance, or within any period of extension granted under section 125(4), the Authority may, if it sees fit, suspend the Vehicle Trader Registration Certificate.

(2) Where the Authority suspends a Vehicle Trader Registration Certificate, the Authority shall notify the holder of the Certificate of such suspension in writing and shall provide reasons for its suspension.

(3) Where a Vehicle Trader Registration Certificate has been suspended under this section, the holder of the certificate shall cease to provide any service which he was entitled to provide under the Certificate for such time as the suspension remains in force.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to a further fine of one thousand dollars for every day on which the offence is continued.

(5) Where the circumstances which gave rise to the suspension of a Vehicle Trader Registration Certificate no longer exist, and the holder of the suspended Vehicle Trader Registration Certificate wishes to resume operations, he may -

(a) apply to the Authority for the lifting of the suspension of the Vehicle Trader Registration Certificate; or

(b) if the certificate is expired at the time of the application for the lifting of the suspension, apply to the Authority for the renewal of the Vehicle Trader Registration Certificate,

in the prescribed form and pay the fee specified in the Fifth Schedule.

(6) The Authority, upon receipt of an application under subsection (5) and upon being satisfied that the circumstances which gave rise to the suspension of a Vehicle Trader Registration Certificate no longer exist, and that the holder of the suspended Vehicle Trader Registration Certificate is in compliance with this Act, shall-

(a) lift the suspension on the Vehicle Trader Registration Certificate or where applicable, renew the Certificate; and

(b) notify the holder of the certificate in writing of the lifting of the suspension.

(7) A Vehicle Trader Registration Certificate reinstated under subsection (6) shall be valid for the remainder of the period of validity of the suspended Vehicle Trader Registration Certificate.

Revocation of
Vehicle Trader
Registration
Certificate

127. (1) Subject to section 128 where the Authority is of the view that a Vehicle Trader Registration Certificate issued under this Part should be revoked as a result of the failure of the holder to comply with this Act, the Authority shall, revoke the Vehicle Trader Registration Certificate.

(2) Where a Vehicle Trader Registration Certificate, has been revoked under this section the holder shall cease to provide any service which he had been entitled to provide under the Vehicle Trader Registration Certificate.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars.

Notice of
intention to
suspend or
revoke a Vehicle
Trader
Registration
Certificate

128. (1) The Authority shall, prior to suspending or revoking a Vehicle Trader Registration Certificate, give the holder of the Vehicle Trader Registration Certificate written notice of its intention to suspend or revoke the Certificate and shall in giving the holder of the Certificate notice, specify a date of not less than fourteen days after the date of service of the Notice upon which such suspension or revocation shall take effect and shall require the person to give reasons why the Vehicle Trader Registration Certificate should not be suspended or revoked.

(2) Where a person fails to give reasons under subsection (1) or where the reasons given are unsatisfactory and the Authority, after taking into consideration any fact in mitigation, decides to suspend or revoke the Vehicle Trader Registration Certificate of the person pursuant to section 126 or 127, the Authority shall forthwith, notify the person in writing of the suspension or revocation.

(3) An order of suspension or revocation made under section 126 or 127 shall not take effect until the expiration of fourteen days after the Authority has served the Notice upon the person against whom the suspension or revocation was made under subsection (2).

(4) A person whose Vehicle Trader Registration Certificate has been suspended or revoked by the Authority under section 126 or 127 may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal to the Appeals Committee.

Vehicle trader to
keep record of
acquisition of
vehicles

129. (1) A vehicle trader shall keep all receipts or other documents evidencing his interest in every vehicle in his possession for the purpose of trade.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Vehicle Trader
Register

130. (1) The Authority shall establish and maintain a register to be known as “the Vehicle Trader Register” in which all names, business addresses and contact details of all vehicle traders shall be kept.

(2) Where a Vehicle Trader Registration Certificate has been revoked under section 127 the Authority shall remove his name from the Vehicle Trader Register.

Transitional provisions relating to dealer plates and vehicle trader plates

131. (1) A dealer trading in vehicles under the former Act shall within six months of the coming into force of the Act apply to the Authority under section 120 to register as a vehicle trader and no offence shall be committed within that period in respect of registration as a vehicle trader.

(2) Where a person is registered as a vehicle trader as provided under subsection (1), the Authority shall issue to the vehicle trader, new vehicle trader plates which shall replace all dealer plates issued to the dealer under the former Act.

(3) A dealer, on applying to be registered under subsection (2) shall return all dealer plates issued under the former Act.

(4) A dealer who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a period of one year.

(5) Subject to subsection (1), on the coming into force of this Act, dealer plates issued under the former Act shall remain valid until the dealer is registered by the Authority under the Act.

PART XI

REGISTRATION OF VEHICLE RENTAL AGENCY

Prohibition on rental of vehicles

132. (1) Subject to section 143, a person shall not engage in the business of leasing vehicles unless that person is registered with the Authority as a rental agency and issued with a Vehicle Rental Agency Registration Certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Application for registration of rental agency

133. (1) A person who wishes to engage in the business of leasing vehicles shall apply to the Authority to be registered as a rental agency.

(2) An application under subsection (1) shall be made in the prescribed form and tendered -

(a) with the fee specified in the Fifth Schedule; and

- (b) with a list of vehicles and their registration numbers which the applicant intends to use in the business, where the vehicles are owned by the applicant prior to the date of the application.

Inspection of premises of an applicant

134. (1) The Authority shall on receipt of an application under section 133, cause the premises that the applicant intends to use for a rental agency to be inspected to ensure that the premises meet the requirements of this Act.

(2) Where the premises of the applicant under subsection (1) do not meet the requirements of this Act, the Authority may, if it sees fit, give the applicant sufficient time to meet the requirements of this Act, before issuing a Vehicle Rental Agency Registration Certificate.

Issue of Vehicle Rental Agency Registration Certificate

135. Where the Authority is satisfied that an applicant for a Vehicle Rental Agency Registration Certificate or the premises of a rental agency meet the requirements of this Act, the Authority shall register the applicant and issue him with a Vehicle Rental Agency Registration Certificate.

Validity of Vehicle Rental Agency Registration Certificate

136.(1) A Vehicle Rental Agency Registration Certificate issued under section 135, shall be valid for a period of five years from the date of its issue or renewal.

(2) The owner of a rental agency who wishes to renew his Vehicle Rental Agency Registration Certificate shall within thirty days prior to the date of expiration of the Certificate, apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(3) On receipt of an application under subsection (2), the Authority shall cause the premises of the rental agency to be inspected to determine whether the premises meet the requirements of this Act.

(4) Where the Authority is satisfied that a rental agency in respect of which an application for renewal is made under subsection (2) has met the requirements of this Act, the Authority shall renew the Vehicle Rental Agency Registration Certificate of the applicant.

Remedial work of a vehicle rental agency

137. (1) Where the Authority is of the view that the holder of a Vehicle Rental Agency Registration Certificate has failed to comply with any requirement of this Act, the Authority may, if it sees fit, issue to the rental agency a Notice of Non-Compliance in accordance with this section.

(2) A Notice of Non-Compliance issued under subsection (1) shall specify

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- (a) the area with which the rental agency is not in compliance under this Act;

- (b) the remedial work to be done in order for the rental agency to be in compliance with this Act;
- (c) the period within which the remedial work should be completed;
- (d) a statement that failure to complete the remedial work within the period specified in the Notice may result in the suspension or revocation of the Vehicle Rental Agency Registration Certificate; and
- (e) any other requirement that the Authority thinks fit.

(3) Where a rental agency receives a Notice of Non-Compliance under this section, the rental agency shall take all necessary steps to remedy the defects as specified in the Notice of Non-Compliance within the period specified in the Notice of Non-Compliance.

(4) Where the holder of a Vehicle Rental Agency Registration Certificate is of the view that he would not be able to rectify any or all of the defects within the period specified he may, before the expiration of the period specified in the Notice of Non-Compliance, request an extension of time and the Authority may, if it sees fit, extend the period specified in the Notice of Non-Compliance for a further period not exceeding that which was previously granted.

Suspension of
Vehicle Rental
Agency
Registration
Certificate

138. (1) Subject to section 140, where the holder of a Vehicle Rental Agency Registration Certificate fails to complete any of the defects specified in a Notice of Non-Compliance to the satisfaction of the Authority within the period specified in the Notice of Non-Compliance, or within any period of extension granted under section 137(4), the Authority may, if it sees fit, suspend the Vehicle Rental Agency Registration Certificate.

(2) Where the Authority suspends a Vehicle Rental Agency Registration Certificate, the Authority shall notify the holder of the certificate of such suspension in writing and shall provide reasons for its suspension.

(3) Where a Vehicle Rental Agency Registration Certificate has been suspended under this section, the holder of the certificate shall cease providing all services which he was entitled to provide under the certificate for such time as the suspension remains in force.

(4) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to a further fine of one thousand dollars for every day on which the offence is continued.

(5) Where the circumstances which gave rise to the suspension of a Vehicle Rental Agency Registration Certificate no longer exist, and the holder of the

suspended Vehicle Rental Agency Registration Certificate wishes to resume operations, he may -

- (a) apply to the Authority for the lifting of the suspension of the Vehicle Rental Agency Registration Certificate; or
- (b) if the certificate is expired at the time of the making of the application for the lifting of the suspension, apply to the Authority for a renewal of the Vehicle Rental Agency Registration Certificate,

in the prescribed form and pay the fee specified in the Fifth Schedule.

(6) The Authority upon receipt of an application under subsection (5) and upon being satisfied that the circumstances which gave rise to the suspension of a Vehicle Rental Agency Registration Certificate no longer exist, and that the holder of the suspended Vehicle Rental Agency Registration Certificate is in compliance with this Act, shall-

- (a) lift the suspension on the Vehicle Rental Agency Registration Certificate or where applicable, renew the Certificate; and
- (b) notify the holder of the certificate in writing of the lifting of the suspension.

(7) A Vehicle Rental Agency Registration Certificate reinstated under subsection (5) shall be valid for the remainder of the period of validity of the suspended Vehicle Rental Agency Registration Certificate.

Revocation of
Vehicle Rental
Agency
Registration
Certificate

139. (1) Subject to section 140, where the Authority is of the view that a Vehicle Rental Agency Registration Certificate issued under this Part should be revoked as a result of the failure of the holder to comply with this Act, the Authority shall revoke the Vehicle Rental Agency Registration Certificate.

(2) Where a Vehicle Rental Agency Registration Certificate has been revoked under this section the holder shall cease to conduct operations under the Vehicle Rental Agency Registration Certificate.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars.

Notice of
intention to
suspend or
revoke Vehicle
Rental Agency
Registration
Certificate

140. (1) The Authority shall, prior to suspending or revoking a Vehicle Rental Agency Registration Certificate, give the holder of the Vehicle Rental Agency Registration Certificate written notice of its intention to suspend or revoke the Certificate and shall in giving the holder of the Certificate notice, specify a date of not less than fourteen days after the date of issue of the Notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the Vehicle Rental Agency Registration Certificate should not be suspended or revoked as the case may be.

(2) Where under subsection (1) a person fails to give reasons or where the reasons given were not satisfactory, the Authority after taking into consideration any fact in mitigation, decides to suspend or revoke the Vehicle Rental Agency Registration Certificate of the person pursuant to section 138 or 139, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) An order of suspension or revocation made under section 138 or 139 shall not take effect until the expiration of fourteen days after the Authority has informed the person against whom the order was made under subsection (2).

(4) A person whose Vehicle Rental Agency Registration Certificate has been suspended or revoked by the Authority under section 138 or 139 may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal to the Appeal Committee.

Requirement to keep records of rentals

141. (1) A person engaged in the business of leasing vehicles shall make and keep a record of the identification particulars of all persons to whom vehicles are leased and the precise period when each vehicle has been leased or in the possession of any person who leased the vehicle.

(2) A record made under subsection (1) shall be open to inspection by a Motor Vehicles Enforcement Officer or in pursuance of a legal investigation.

(3) A person who fails to keep a record under subsection (1) commits an offence and is liable on summary conviction to a fine of seven thousand dollars.

Restriction on use of a rented vehicle

142.(1) A person to whom a vehicle is leased shall not without the consent of the rental agency, permit another person to drive or operate the vehicle.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months.

Transitional provisions relating to rental of vehicles

143. (1) No person who is immediately before the coming into force of this Act engaged in the business of leasing vehicles shall continue to engage in that or any similar business after the expiration of six months of the coming into force of this Act, unless he is registered with the Authority as a rental agency and is issued with a Vehicle Rental Agency Registration Certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

(3) Section 124 shall not apply to a person referred to in subsection (1) during that period.

PART XII

CERTIFICATION AND OPERATION OF FLEET MANAGEMENT FACILITIES

Prohibition on registration of Fleet Management Facility

144. (1) A person shall not operate a Fleet Management Facility unless the Facility is registered with the Authority in accordance with this Act.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Application for registration of Fleet Management Facility

145. (1) A person who owns twelve or more vehicles as part of his business operations and wishes to establish a Fleet Management Facility for the purpose of facilitating inspections on such vehicles by the Authority shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(2) The Authority shall, on receipt of an application under subsection (1) cause the proposed Fleet Management Facility to be inspected to determine whether the Facility meets the requirements of this Act.

(3) Where a proposed Fleet Management Facility under subsection (1) does not meet the requirements of this Act, the Authority may, if it sees fit, instead of rejecting the application give the applicant sufficient time to meet the requirements of this Act, before issuing a Fleet Management Facility Registration Certificate.

Issue of Fleet Management Facility Registration Certificate

146. Where the Authority is satisfied that an applicant for a Fleet Management Facility Registration Certificate under section 145 meets the requirements of this Act, the Authority shall register the Facility as an approved Fleet Management Facility and issue to the applicant a Fleet Management Facility Registration Certificate.

Inspection of vehicles of a Fleet Management Facility

147. The Authority shall conduct any periodic inspection as it may decide of any vehicle owned and used at the Fleet Management Facility referred to in a Fleet Management Facility Registration Certificate.

Validity of Fleet Management Facility Registration Certificate

148. (1) A Fleet Management Facility Registration Certificate issued under section 145 shall be valid for a period of five years from the date of its issue or renewal.

(2) A person who wishes to renew his Fleet Management Facility Registration Certificate shall, within thirty days prior to the date of expiration of the Certificate apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(3) Where the Authority is satisfied that a Fleet Management Facility in respect of which an application for renewal is made under subsection (2), has met the requirements of this Act, the Authority shall renew the Fleet Management Facility Registration Certificate of the applicant.

Remedial work
for Fleet
Management
Facility

149. (1) Where the Authority is of the view that the holder of a Fleet Management Facility Registration Certificate has failed to comply with any requirement of this Act, the Authority may, if it sees fit, issue to the holder of the Fleet Management Facility Registration Certificate a Notice of Non-Compliance in accordance with this section.

(2) A Notice of Non-Compliance under subsection (1) shall specify -

- (a) the area in which the Fleet Management Facility is not in compliance with this Act;
- (b) the remedial work to be done in order for the Fleet Management Facility to be in compliance with this Act;
- (c) the period in which the remedial work should be completed;
- (d) that failure to complete the remedial work within the period specified in the Notice may result in the suspension or revocation of the Fleet Management Facility Registration Certificate; and
- (e) any other requirement that the Authority may think fit.

(3) Where the holder of a Fleet Management Facility receives a Notice of Non-Compliance under this section, he shall take all necessary steps to remedy the defects as specified in the Notice of Non-Compliance within the specified period.

(4) Where the holder of a Fleet Management Facility Registration Certificate is of the view that he will be unable to rectify any or all of the defects specified in a Notice of Non-Compliance within the specified period, he may, before the expiration of that period, request an extension of time and the Authority may, if it sees fit, extend the period specified in the Notice of Non-Compliance for a further period not exceeding that which was previously granted.

Suspension of
Fleet
Management
Facility
Registration
Certificate

150.(1) Subject to section 152 where the holder of a Fleet Management Facility Registration Certificate fails to complete any of the defects specified in a Notice of Non-Compliance within the specified period or within any period of extension granted under section 149(4) the Authority may, if it sees fit, suspend the Fleet Management Facility Registration Certificate.

(2) Where the Authority suspends a Fleet Management Facility Registration Certificate under subsection (1), the Authority shall in writing notify the holder of the Certificate of the suspension and shall provide reasons for the suspension.

(3) Where a Fleet Management Facility Registration Certificate has been suspended under this section –

(a) the holder of the Certificate shall cease providing all services which he was entitled to provide under the certificate for such time as the suspension remains in force; and

(b) no officer of the Authority shall inspect any vehicle at the facility as specified in the Fleet Management Facility Registration Certificate during the period that the suspension remains in force.

(4) Where the circumstances which gave rise to the suspension of a Fleet Management Facility Registration Certificate no longer exist and the holder of the suspended Fleet Management Facility Registration Certificate wishes to resume the inspection of vehicles at the facility as specified in the Fleet Management Facility Registration Certificate, he may—

(a) apply to the Authority for the lifting of the suspension of the Fleet Management Facility Registration Certificate; or

(b) if the Certificate is expired at the time of the application for the lifting of the suspension, apply to the Authority for a renewal of the Fleet Management Facility Registration Certificate,

in the prescribed form and pay the fee specified in the Fifth Schedule.

(5) The Authority, on receiving an application under subsection (4) and on being satisfied that the circumstances which gave rise to the suspension of a Fleet Management Facility Registration Certificate no longer exist and that the holder of the suspended Fleet Management Facility Registration Certificate is in compliance with this Act, shall -

(a) lift the suspension on the Fleet Management Facility Registration Certificate or where applicable, renew the Certificate; and

(b) notify the holder of the Certificate in writing of the lifting of the suspension.

(6) A Fleet Management Facility Registration Certificate reinstated under subsection (5)(a) shall be valid for the remainder of the period of validity of the suspended Certificate.

(7) A person who contravenes subsection (3) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Revocation of
Fleet
Management
Facility
Registration
Certificate

151. Subject to section 152 where the Authority is satisfied that a Fleet Management Facility Registration Certificate should be revoked on the grounds that the holder of the Certificate -

(a) has committed a criminal offence;

(b) is adjudged bankrupt; or

(c) has contravened the requirements of this Act or any condition of his Certificate,

the Authority may, where it sees fit, revoke the Fleet Management Facility Registration Certificate and shall inform the holder in writing of the reasons for the revocation.

Notice of intention to suspend or revoke Fleet Management Facility Registration Certificate

152. (1) The Authority shall, prior to suspending or revoking a Fleet Management Facility Registration Certificate, give the holder of the Fleet Management Facility Registration Certificate written notice to be served upon the holder of its intention to suspend or revoke the Certificate and shall, in giving the holder of the Certificate notice, specify a date of not less than fourteen days after the date of service of the Notice, upon which such suspension or revocation shall take effect and shall require the person to give, by timely return, reasons why the Fleet Management Facility Registration Certificate should not be suspended or revoked as the case may be

(2) Where under subsection (1) a person fails to give reasons or where the reasons given were not satisfactory, the Authority after taking into consideration any fact in mitigation, decides to suspend or revoke the Fleet Management Facility Registration Certificate of the person pursuant to sections 150 or 151, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) A person whose Fleet Management Facility Registration Certificate has been suspended or revoked by the Authority under section 150 or 151 may, within fourteen days of the receipt of the Notice referred to in subsection (3), appeal to the Appeals Committee.

PART XIII

CERTIFICATION AND OPERATION OF VEHICLE INSPECTION CENTRES

Prohibition on the operation of vehicle inspection centres

153. (1) Subject to section 160, a person shall not engage in the business of operating a vehicle inspection centre unless that person is registered with the Authority to operate a vehicle inspection centre and issued with a Vehicle Inspection Centre Registration Certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Application for registration of vehicle inspection centres

154. (1) A person who wishes to engage in the business of operating a vehicle inspection centre shall apply to the Authority for a Vehicle Inspection Centre Registration Certificate.

(2) An application under subsection (1) shall be made in the prescribed form and be accompanied by –

- (a) the fee specified in the Fifth Schedule;
- (b) planning approval or permission for the operation of such a business;
- (c) a list of mechanics to be employed at the vehicle inspection centre and the qualifications and experience of the mechanics; and
- (d) a copy of the plan of the premises and a photograph of the premises

(3) On receipt of an application under subsection (1), the Authority shall cause the proposed vehicle inspection centre to be inspected to determine whether the Centre meets the requirements of the Act.

(4) Where the proposed vehicle inspection centre of an applicant under this section does not meet the requirement of this Act, the Authority may, if it sees fit, give the applicant sufficient time to meet the requirements of this Act before issuing a Vehicle Inspection Centre Registration Certificate.

(5) Where the Authority is satisfied that a vehicle inspection centre under subsection (3), meets the requirements of this Act, the Authority shall register the Centre as an approved vehicle inspection centre and issue to the applicant, a Vehicle Inspection Centre Registration Certificate.

(6) A Vehicle Inspection Centre Registration Certificate issued under subsection (5) shall -

- (a) authorise a vehicle inspection centre to conduct inspections on motor vehicles and issue approved certificates of road worthiness in respect of any vehicle inspected by the vehicle inspection centre; and
- (b) be subject to such conditions as may be determined by the Authority.

(7) The Authority shall review and publish annually a current list of approved vehicle inspection centres in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago.

Validity of
Vehicle
Inspection
Centre
Registration
Certificate

155. (1) A Vehicle Inspection Centre Registration Certificate issued under section 154(5) shall remain valid for a period of five years from the date of issue or renewal.

(2) Where the holder of a Vehicle Inspection Centre Registration Certificate wishes to renew his Vehicle Inspection Centre Registration Certificate he shall within thirty days prior to the date of expiration of the Certificate, apply to the Authority and pay the fee specified in the Fifth Schedule.

(3) On receipt of an application under subsection (2), the Authority shall cause the vehicle inspection centre to be inspected to determine whether the Centre meets the requirements of this Act.

(4) Where the Authority is satisfied that a vehicle inspection centre in respect of which an application for renewal is made under subsection (2) meets the requirements of this Act, the Authority shall renew the Vehicle Inspection Centre Registration Certificate.

Remedial work
for vehicle
inspection
centres

156. (1) Where the Authority is of the view that the holder of a Vehicle Inspection Centre Registration Certificate has failed to comply with any requirement of the Act, the Authority may, if it sees fit, issue to the vehicle inspection centre a Notice of Non-Compliance in accordance with this section.

(2) A Notice of Non-Compliance under subsection (1) shall specify -

- (a) the area that the vehicle inspection centre is not in compliance with under the Act;
- (b) the remedial work required to be done for the vehicle inspection centre to be in compliance with the Act;
- (c) such reasonable period of time within which the remedial work should be completed; and
- (d) a statement that failure to complete the remedial work within the period specified in the Notice may result in the suspension or revocation of the Vehicle Inspection Centre Registration Certificate.

(3) Where the holder of a Vehicle Inspection Centre Registration Certificate receives a Notice of Non-Compliance under this section, the holder of the Certificate shall take all necessary steps to remedy the defects within the period of time specified in the Notice of Non-Compliance.

(4) Where the holder of a Vehicle Inspection Centre Registration Certificate is of the view that he would not be able to complete any or all of the defects within the period specified he may, before the expiration of the period specified in the Notice of Non-Compliance, inform the Authority of the circumstances and the Authority may, if it sees fit, extend the period specified in the Notice of Non-Compliance for a period not exceeding that which was previously granted.

Suspension of
Vehicle
Inspection
Centre
Registration
Certificate

157. (1) Subject to section 159 where the holder of a Vehicle Inspection Centre Registration Certificate fails to complete any of the remedial works specified in a Notice of Non-Compliance or within any period of extension granted under section 156(4) to the satisfaction of the Authority, the Authority may, if it sees fit, suspend the Vehicle Inspection Centre Certificate of Registration.

(2) Where a Vehicle Inspection Centre Certificate of Registration has been suspended under this section, the holder of the Certificate shall cease conducting all operations under the Vehicle Inspection Centre Registration Certificate for such time as the suspension remains in force and the Authority shall notify the holder of the Certificate in writing of the reasons for the suspension.

(3) Where the circumstances which gave rise to the suspension of a Vehicle Inspection Centre Registration Certificate no longer exist and the holder of the suspended Vehicle Inspection Centre Registration Certificate wishes to resume operations, he shall-

- (a) apply to the Authority for the lifting of the suspension on the Vehicle Inspection Centre Registration Certificate; or
- (b) if the Certificate is expired at the time of the application for the lifting of the suspension, apply to the Authority for a renewal of the Vehicle Inspection Centre Registration Certificate,

in the prescribed form and pay the fee specified in the Fifth Schedule.

(4) The Authority shall, on receiving an application under subsection (3) and on being satisfied that the circumstances which gave rise to the suspension of the Vehicle Inspection Centre Registration Certificate no longer exist and that the holder of the suspended Vehicle Inspection Centre Registration Certificate is in compliance with this Act -

- (a) lift the suspension on the Vehicle Inspection Centre Registration Certificate or where applicable, issue a new Certificate; and
- (b) notify the holder of the Vehicle Inspection Centre Registration Certificate in writing of the lifting of the suspension.

(5) A Vehicle Inspection Centre Registration Certificate reinstated under subsection (5) shall be valid for the remainder of the period of validity of the suspended Vehicle Inspection Centre Registration Certificate.

(6) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Revocation of
Vehicle
Inspection
Centre
Registration
Certificate

158. (1) Subject to section 159, the Authority may revoke a Vehicle Inspection Centre Registration Certificate issued under this Part when the holder does not comply with the requirements of this Act.

(2) Where a Vehicle Inspection Centre Registration Certificate has been revoked under subsection (1), the holder shall cease to conduct operations under the Vehicle Inspection Centre Registration Certificate.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Notice of
intention to
suspend or
revoke Vehicle
Inspection
Centre
Registration
Certificate

159. (1) The Authority shall, prior to suspending or revoking a Vehicle Inspection Centre Registration Certificate, give the holder of the Vehicle Inspection Centre Registration Certificate written notice of its intention to suspend or revoke the Certificate and shall in giving the holder of the Certificate notice, specify a date of not less than fourteen days after the date of issue of the Notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the Vehicle Inspection Centre Registration Certificate should not be suspended or revoked.

(2) Where under subsection (1) a person fails to give reasons or where the reasons given were not satisfactory and the Authority, after taking into consideration any fact in mitigation, decides to suspend or revoke the Vehicle Inspection Centre Registration Certificate of the person pursuant to section 157 or 158, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) A person whose Vehicle Inspection Centre Registration Certificate has been suspended or revoked by the Authority under sections 157 and 158 may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal to the Appeals Committee.

Transitional
provisions
relating to
premises
designated for
inspection of
vehicles

160. (1) On the coming into force of this Act all certificates issued under the former Act to premises designated for the inspection and examination of vehicles, shall remain valid until the date of expiration of those certificates.

(2) A holder of a certificate under subsection (1) shall apply to the Authority in accordance with section 154 for registration as a vehicle inspection centre within thirty days from the date of expiration of his certificate and no offence shall be committed within that period in respect of the application for registration as a vehicle inspection centre.

(3) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a period of one year.

PART XIV

REQUIREMENTS TO OPERATE HIRED VEHICLES

Prohibition on hiring vehicles

161. (1) A person shall not hold a vehicle out for hire unless that person has a valid driver's licence for the class of vehicle being used for hire and issued with a Hired Driver's Permit under section 50.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Application and interpretation of certain words used in this Part

162. (1) For the purposes of this Part -

“Advisory Committee” means the Maxi-Taxi Advisory Committee appointed by the Minister under section 165;

“maxi-taxi ownership permit” means a permit issued under section 168 to own a maxi-taxi;

“maxi-taxi operator's permit” means a permit issued pursuant to section 170 to operate a maxi-taxi;

“private school bus ownership permit” means a private school bus ownership permit issued under section 178;

“system” means the maxi-taxi system.

(2) Notwithstanding any law to the contrary, an operator of a maxi-taxi in the course of his duty as such maxi-taxi operator is deemed for all purposes including that of the Motor Vehicles Insurance (Third-Party Risks) Act, to be the servant or agent of the owner of the maxi-taxi.

Prohibition on operation of maxi-taxi without Hired Driver's Permit

163. (1) Subject to any regulation made under section 182, a person shall not operate a maxi-taxi unless -

(a) he is the holder of a valid -

(i) Class 3 or Class 4 driver's licence issued under section 48;

- (ii) Hired Driver's Permit issued under section 50; or
- (iii) Maxi-Taxi Permit issued under this Part; and

(b) the vehicle is registered as a hired vehicle under section 75.

(2) An owner of a maxi-taxi permit shall not employ or allow a person to operate his maxi-taxi unless that person is the holder of a –

- (a) Class 4 driver's licence;
- (b) Hired Driver's Permit; and
- (c) Maxi-Taxi Permit.

(3) Notwithstanding subsections (1) and (2), a mechanic who is the holder of the appropriate class of driver's licence may drive a maxi-taxi on a road for the purpose of conducting a mechanical, electrical or roadworthiness test on the maxi-taxi.

(4) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a period of one year.

Authority to
implement maxi-
taxi system

164.(1) The Authority shall be charged with the responsibility for implementing and regulating the system.

(2) In the exercise of its functions under subsection (1), the Authority shall consult with-

- (a) the Advisory Committee constituted under section 166;
- (b) the Trinidad and Tobago Police Service;
- (c) the Appeals Committee constituted under section 246;
- (d) the Highways Division;
- (e) the Public Transport Service Corporation; and
- (f) the Ministry of Legal Affairs.

Minister to
appoint Advisory
Committee

165. (1) The Minister shall appoint an Advisory Committee for the purpose of assisting the Authority in the exercise of its functions under this Act.

(2) The Committee shall consist of not less than three nor more than seven persons who by their qualifications or experience, or both, are competent to assist the Authority in carrying out its functions.

(3) The Committee shall be paid such remuneration and allowances as may be determined by the Minister.

Authority to determine types of vehicles to be used as a maxi-taxi

166. (1) The Authority shall determine the type of vehicles suitable for use as a maxi-taxi and in so doing, the Authority shall take into account -

- (a) the safety of the vehicle as a public service vehicle;
- (b) the convenience and comfort afforded to the passengers;
- (c) the availability of the vehicle as well as the availability of spare parts for the vehicle in Trinidad and Tobago; and
- (d) such other specifications of the vehicle as may be prescribed by regulations.

(2) The Authority may from time to time, by Notice publish in the *Gazette* and in a daily newspaper circulating in Trinidad and Tobago, the type of vehicles selected for use as a maxi-taxi.

Application for a maxi-taxi ownership permit

167.(1) A person who is desirous of owning a maxi-taxi shall apply to the Authority to be issued with a maxi-taxi ownership permit.

(2) An application under subsection (1) shall be in the prescribed form and be accompanied by the fee specified in the Fifth Schedule.

Issue of maxi-taxi ownership permit

168. (1) Where an application for a maxi-taxi ownership permit is made under section 167 and the Authority is satisfied that the system can accommodate an additional maxi-taxi, the Authority shall grant a maxi-taxi ownership permit to the applicant.

(2) A maxi-taxi ownership permit issued under subsection (1) shall be subject to such conditions as may be prescribed and breach of any such conditions may result in the revocation of the permit.

(3) For the purpose of regulating the number of maxi-taxis operating on a route, the Authority may, with the approval of the Minister, suspend in respect of that route the registration of additional maxi-taxis for such period as the Authority considers necessary and shall cause notice of the suspension to be published in the *Gazette* and in a daily newspaper circulating in Trinidad and Tobago.

Application for a Maxi-Taxi Operator's Permit

169. (1) Subject to section 183, a person who is desirous of operating a maxi-taxi may apply to the Authority for the issue of a maxi-taxi operator's permit.

(2) An application under subsection (1) shall be –

- (a) made in the prescribed form; and

(b) accompanied by the fee specified in the Fifth Schedule and a police certificate of character.

Issue of Maxi-Taxi Operator's Permit

170. (1) Where an application for a maxi-taxi operator's permit is made under section 169 and the Authority is satisfied that the applicant meets the requirements of this Act, the Authority shall issue to the applicant a maxi-taxi operator's permit.

(2) A maxi-taxi operator's permit issued under subsection (1) shall be subject to such conditions as may be prescribed and breach of any such conditions may result in the suspension or revocation of the permit.

Revocation or suspension of maxi-taxi ownership permit.

171. (1) Subject to section 172, where the Authority is of the view that a maxi-taxi ownership permit should be suspended or revoked as a result of the failure of the holder to comply with this Act or has been convicted for an offence under any other law the Authority may where it sees fit, revoke the maxi-taxi ownership permit.

(2) Where the maxi-taxi ownership permit is revoked under this section the holder of the permit shall cease to operate the maxi-taxi, or cease to cause the maxi-taxi to be operated, as a hired vehicle.

(3) Subject to section 172 where the Authority is of the view that a maxi-taxi operator's permit should be suspended or revoked as a result of the failure of the holder to comply with this Act, or has been convicted for an offence under any other law that is punishable with a term of imprisonment of two years and over, the Authority may, where it sees fit, suspend or revoke, as the case may be, the maxi-taxi operator's permit.

(4) Where a maxi-taxi operator's permit is suspended or revoked under this section the holder of the permit shall cease to operate any maxi taxi, as a hired vehicle.

(5) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for one year.

Notice of intention to suspend or revoke a maxi-taxi ownership permit or a maxi-taxi operator's permit

172. (1) The Authority shall, prior to suspending or revoking a maxi-taxi ownership permit or maxi-taxi operator's permit under section 170, give the holder of the permit written notice of its intention to suspend or revoke the permit and shall in giving the holder of the permit notice, specify a date of not less than fourteen days after the date of service of the notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the permit should not be suspended or revoked.

(2) Where a person fails to give reasons under subsection (1) or where the reasons given were not satisfactory, and the Authority, after taking into consideration any fact in mitigation, suspends or revokes the permit of the person pursuant to

section 171, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) An order of suspension or revocation made under section 171 shall not take effect until the expiration of fourteen days after the Authority has informed the person against whom the order was made under subsection (2).

(4) A person whose maxi-taxi ownership permit or maxi-taxi operator's permit has been suspended or revoked by the Authority under section 171 may, within fourteen days of the receipt of the notice referred to in subsection (2), appeal to the Appeals Committee.

Maxi-taxi
owners register

173. The Authority shall compile and maintain a register of the names, addresses and other pertinent information of all persons issued with a maxi-taxi ownership permit.

Repossession of
a maxi-taxi

174. (1) Where, in exercise of powers contained in any hire-purchase agreement or mortgage bill of sale or other similar form of agreement or instrument, a maxi-taxi is repossessed, the reposessor shall not be in breach of any of the provisions of the Act by reason only that the reposessor is not the holder of a permit to own and operate a maxi-taxi.

(2) A reposessor of a maxi-taxi shall not use a maxi-taxi which has been repossessed as a maxi-taxi unless the reposessor obtains the prior approval in writing, of the Authority to operate the vehicle on its usual route or a new route.

(3) A reposessor of a maxi-taxi who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to a further fine of one thousand dollars for each day during which the offence continues after conviction.

Use of a maxi-
taxi

175. (1) A person issued with a maxi-taxi ownership permit shall not, without the prior approval in writing of the Authority, use the maxi-taxi for any commercial purpose, other than the transportation of passengers.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of -

(a) five thousand dollars and forfeiture of the maxi-taxi ownership permit, where the contravention takes place within four years of the vehicle first being registered as a maxi-taxi; or

(b) two thousand, five hundred dollars, where the contravention takes place after the period specified in paragraph (a).

(3) In addition to the penalty imposed under subsection (2)(a), a person who is convicted under that paragraph shall be liable -

(a) to have his maxi-taxi ownership permit revoked; and

(b) for the repayment of an amount equivalent to the customs duty and the motor vehicle tax which would have been ordinarily payable.

(4) Any sum payable under subsection (3) shall be recoverable summarily as a civil debt.

Paint restriction
on vehicles

176.(1) A person shall not paint or decorate a vehicle in such a manner or in such a combination of colours that is likely to cause the vehicle to be mistaken for a maxi-taxi.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three thousand dollars and to a further fine of two hundred dollars for each day during which the offence continues after conviction.

Restrictions on
use of certain
equipment on
maxi-taxi

177. (1) Subject to subsection (2) the use of televisions, videos, radios, tape decks, compact disc players, amplifiers, equalisers, speakers or other electrical or electronic equipment for the purpose of playing music or other electrically or electronically transmitted sounds in a maxi-taxi is prohibited.

(2) Subject to such conditions and technical specifications as the Administering Authority may by Order prescribe, the use of a digital versatile disc player, radio, tape deck, compact disc player or speaker is permitted in a maxi-taxi.

(3) A person who contravenes subsection (1) or any of the conditions in subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Application for
private school
bus ownership
permit

178. (1) A person who is desirous of owning a private school bus may apply to the Authority to be issued with a private school bus ownership permit.

(2) An application under subsection (1) shall be in the prescribed form and tendered with the fee specified in the Fifth Schedule.

(3) Where an application for a private school bus ownership permit is made under subsection (1) and the Authority is satisfied that the applicant has complied with the requirements of this Act, the Authority shall issue a private school bus ownership permit to the applicant.

(4) A private school bus ownership permit issued under subsection (3) shall be subject to such conditions as may be prescribed and breach of any such conditions may result in the revocation of the permit.

(5) The Authority shall refuse to issue a private school bus ownership permit to an applicant under subsection (1) who was within three years preceding the date of application convicted of –

- (a) manslaughter arising out of the use of any motor vehicle;
- (b) causing death by dangerous driving;
- (c) an offence under sections 196, 198, 203, 219, 221, 223 or 226 of this Act; or
- (d) any offence under the Sexual Offences Act.

(6) A private school bus ownership permit shall be subject to such conditions as the Authority considers necessary.

(7) A person who contravenes this section or any condition of a private school bus ownership permit commits an offence and shall be liable on summary conviction to a fine of ten thousand dollars or imprisonment for a period of one year.

Suspension or revocation of Private School Bus Ownership Permit

178A. (1) Subject to section 178B where the Authority is of the view that a Private School Bus Ownership Permit, issued under section 178(3) should be suspended or revoked as a result of the failure of the holder to comply with this Act, the Authority shall, suspend or revoke as it sees fit the Private School Bus Ownership Permit.

(2) Where a Private School Bus Ownership Permit has been suspended or revoked under this section the holder shall cease to operate his Private School Bus.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars.

Notice of intention to suspend or revoke Private School Bus Ownership Permit

178B.(1) The Authority shall prior to suspending or revoking a Private School Bus Ownership Permit, give the holder of the Private School Bus Ownership Permit written notice of its intention to suspend or revoke the Private School Bus Ownership Permit and shall in giving the holder of the Permit notice, specify a date of not less than fourteen days after the date of issue of the Notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the Private School Bus Ownership Permit should not be suspended or revoked as the case may be.

(2) Where under subsection (1) a person fails to give reasons or where the reasons given were not satisfactory, the Authority after taking into consideration any fact in mitigation, decides to suspend or revoke the Private School Bus Ownership Permit of the person pursuant to section 178A, the

Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) An order of suspension or revocation made under section 178A shall not take effect until the expiration of fourteen days after the Authority has informed the person against whom the order was made under subsection (2).

(4) A person whose Private School Bus Ownership Permit has been suspended or revoked by the Authority under section 178A may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal to the Appeal Committee.

Requirements to operate a hiring car or a private school bus

179. (1) A person who wishes to operate a hiring car or a private school bus must satisfy the requirements of sections 180 to 181 and the vehicle must be registered under section 75 as a hired vehicle.

(2) The Minister may by Order –

- (a) prohibit or restrict; or
- (b) impose such conditions as he sees fit on,

the registration of a vehicle intended to be used as a hiring car or private school bus.

Prohibition on the use of a hiring car and private school bus

180. (1) Subject to section 183 a person shall not operate a hiring car or as a private school bus driver unless that person -

- (a) is the holder of a valid driver's licence for the class of vehicle to be driven or operated; and
- (b) is the holder of a valid Hired Driver's Permit; and
- (c) the vehicle to be used as a hiring car or a private school bus is registered by the Authority for this purpose.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Registration of hiring car and private school bus

181. (1) A person who is desirous of registering a vehicle as a hiring car or a private school bus shall apply in the prescribed form and pay the fee specified in the Fifth Schedule and shall tender with his application -

- (a) a valid inspection certificate for the vehicle; and
- (b) a valid certificate of insurance for the vehicle as required under the Motor Vehicles Insurance (Third-Party Risks) Act.

(2) The Authority shall on receipt of an application under subsection (1), cause the vehicle to be used as a hiring car or a private school bus, as the case may be, to be inspected to determine the suitability of the vehicle to be used as a hiring car or a private school bus.

(3) Where the Authority is satisfied that an applicant under sub-section (1) meets the requirements under this Act, the Authority shall register the vehicle as a hiring car or a private school bus, as the case may be.

(4) A vehicle registered under subsection (3) shall be subject to such conditions including the number of persons to be transported in the vehicle as the Authority determines.

(5) A person who contravenes this section commits an offence and shall be liable on summary conviction to a fine of ten thousand dollars.

Regulations

182. (1) Subject to negative resolution of Parliament, the Minister may make Regulations for the purposes of this Part in respect of the following matters:

- (a) the criteria by which a permit to own and operate a maxi-taxi shall be issued;
- (b) the route areas in which maxi-taxis, hiring cars and private school buses are to be operated;
- (c) the operation of maxi-taxis, hiring cars and private school buses on route areas;
- (d) the allocation of maxi-taxis and private school buses to specific route areas;
- (e) the fees required to be paid under this Part or regulations made pursuant to this subsection;
- (f) the number of maxi-taxis, hiring cars or private school buses to be allocated to a successful applicant; and
- (g) the colour in which a maxi-taxi, hiring car or private school bus may be painted.

(2) Regulations made under subsection (1) may provide for a penalty of five thousand dollars for any breach thereof.

Transitional provisions relating to maxi-taxi owners' and operators' permits

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183. (1) On the coming into force of this Act, a valid taxi driver's badge issued under the former Act shall remain valid until its expiration and the holder thereof shall, where he wishes to continue to provide such service, apply under section 50 to obtain a Hired Driver's Permit.

(2) Within twelve months after the coming into force of this Act, the holder of a maxi-taxi operator's permit issued under the former Maxi-Taxi Act, shall apply under this Part for a Hired Driver's Permit to operate a maxi-taxi and no offence shall be deemed to have been committed within that period.

(3) A person, who immediately before the coming into force of this Act, is the holder of a valid permit to own a maxi-taxi issued under the former Maxi-Taxi Act, is deemed to be the holder of a valid maxi-taxi ownership permit and is entitled without application to be registered under this Part.

(4) A person who immediately before the coming into force of this Act, is the holder of a valid permit to operate a maxi-taxi issued under the former Maxi-Taxi Act, is deemed to be the holder of a valid maxi-taxi operator's permit and is entitled without application to be registered under this Part.

PART XV

REGISTRATION OF DRIVING SCHOOLS AND TESTING OF DRIVERS

Prohibition on carrying on the business of a driving school

184. (1) Subject to section 193(1), a person shall not carry on a business to teach persons to drive or operate a vehicle unless that person is registered with the Authority and issued with a Driving School Registration Certificate.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Application for registration of driving school

185. A person who wishes to carry on a business to teach a person to drive or operate a vehicle shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

Issue of a Driving School Registration Certificate

186. (1) Where the Authority is satisfied that an applicant under section 185 meets the requirements of this Act for the operation of a driving school, the Authority shall issue to the applicant a Driving School Registration Certificate.

(2) A Driving School Registration Certificate issued under this section shall be valid for five years from the date of issue and may be renewed on the application of the holder of the Certificate.

(3) An application for renewal of a Driving School Registration Certificate under subsection (2) shall be made in the prescribed form, within thirty days prior to the date of expiration of the Driving School Registration Certificate, and the application shall be tendered with the fee prescribed in the Fifth Schedule.

(4) The Authority shall, on receipt of an application for renewal of a Driving School Registration Certificate under subsection (2), cause the premises being used by the driving school to conduct its operations to be inspected, to determine whether the premises meets the requirements of the Act.

(5) Where the Authority is satisfied that the premises of a driving school in respect of which an application for renewal is made has met the requirements of the Act, the Authority shall renew the Driving School Registration Certificate.

Suspension of
Driving School
Registration
Certificate

187. (1) Where the Authority is of the view that a Driving School Registration Certificate should be suspended because of the failure of the holder to comply with the requirements of the Act, the Authority shall suspend the Driving School Registration Certificate and notify the holder of the suspension.

(2) Where a Driving School Registration Certificate has been suspended under subsection (1), the holder shall cease conducting all operations under the Driving School Registration Certificate for such time as the suspension remains in force.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for a period of one year.

(4) Where the circumstances which gave rise to the suspension of a Driving School Registration Certificate no longer exist and the holder of the suspended certificate wishes to resume operations, he may apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule to lift the suspension on his Driving School Registration Certificate.

(5) The Authority shall, on receipt of an application under subsection (4) and on being satisfied that the circumstances which gave rise to the suspension of a Driving School Registration Certificate no longer exist and that the holder of the suspended Driving School Registration Certificate has met the requirements under the Act, lift the suspension on the Driving School Registration Certificate and issue a new Driving School Registration Certificate.

(6) A Driving School Registration Certificate issued under subsection (5) shall be valid for the remainder of the period of validity of the previously suspended Driving School Registration Certificate.

Revocation of
Driving School
Registration
Certificate

188. (1) Where the Authority is of the view that a Driving School Registration Certificate should be revoked because of the failure of the holder of the certificate to comply with the requirements of the Act, the Authority shall revoke the Driving School Registration Certificate.

(2) Where a Driving School Registration Certificate has been revoked under this section, the holder of the certificate shall cease conducting operations under the Driving School Registration Certificate.

(3) A person who contravenes subsection (2) commits an offence and is liable on summary conviction to a fine of fifteen thousand dollars and imprisonment for a period of one year.

Notice of
intention to
suspend or
revoke a Driving
School
Registration
Certificate

189. (1) The Authority shall, prior to suspending or revoking a Driving School Registration Certificate under section 187 or 188, give the holder of the Driving School Registration Certificate written notice of its intention to suspend or revoke the certificate and shall, in giving the holder of the certificate notice, specify a date of not less than fourteen days after the date of issue of the notice, upon which such suspension or revocation shall take effect and shall require the person to give reasons why the certificate should not be suspended or revoked.

(2) Where a person fails to give reasons under subsection (1) or where the reasons given were not satisfactory, and the Authority, after taking into consideration any fact in mitigation decides to suspend or revoke the Certificate of the person pursuant to sections 187 or 188, the Authority shall forthwith, in writing, notify the person of the suspension or revocation.

(3) An order of suspension or revocation made under section 187 or 188 shall not take effect until the expiration of fourteen days after the Authority has informed the person against whom the order was made under subsection (2).

(4) A person whose Driving School Registration Certificate has been suspended or revoked by the Authority may, within fourteen days of the receipt of the notice referred to in subsection (3), appeal to the Appeals Committee.

Issue and
renewal of
Driving
Instructor's
Permit.

190. (1) A person who wishes to teach other persons to drive or operate a motor vehicle shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

(2) Subject to section 192 and any other condition as may be required by the Authority an application under subsection (1) shall be made in the prescribed form and tendered with –

(a) the fee specified in the Fifth Schedule; and

(b) a certificate from an institution approved by the Authority as being certified to train persons in driving or operating a motor vehicle.

(3) Where the Authority is satisfied that an applicant under subsection (1) satisfies the requirements of this Act, the Authority shall register the applicant and issue him with a Driving Instructors Permit.

(4) A Driving Instructor's Permit issued under subsection (2) shall be valid for a period of one year from the date of issue or renewal.

(5) Where a driving instructor wishes to renew his Driving Instructor's Permit, he shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule.

Prohibition on teaching persons to drive a vehicle

191. (1) Subject to sections 52(7) and 193(2), a person shall not teach another person to drive or operate a vehicle unless that person is registered by the Authority and issued with a Driving Instructor's Permit.

(2) A person shall not employ or cause another person to teach persons to drive or operate a vehicle unless that other person is the holder of a valid Driving Instructor's Permit.

(3) Subject to section 52(7), a person who instructs a learner driver to drive or operate a vehicle in Classes 4 and 5 shall be the holder of a valid Driver's Licence for that class of vehicle for a period not less than five years.

(4) Subject to section 52(7), a person who instructs a learner driver to drive or operate a vehicle in Classes 1, 2 and 3 and any vehicle for which an endorsement is required shall be the holder of a valid driver's licence for that class of vehicle for a period not less than five years.

(5) A person who instructs a learner driver to drive or operate a vehicle shall have in his possession a valid driver's licence in respect of the class of vehicle in which he is instructing the learner driver.

(6) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Responsibility of owner of a vehicle being used by a person to learn to drive the motor vehicle

192. (1) The owner of a vehicle that is being used to instruct a learner driver to drive or operate a vehicle shall ensure that -

- (a) the vehicle being used is equipped with dual pedal controls;
- (b) the person instructing the learner driver is the holder of a valid Driving Instructor's Permit; and
- (c) not more than two persons, being another learner driver or two learner drivers and another driving instructor occupy the back seat of the vehicle being used.

(2) No person may instruct a learner driver to drive or operate a vehicle without first ensuring that the student is the holder of and in possession of a valid learner driver's licence for the class of vehicle being used to teach the student.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of ten thousand dollars.

Transitional provisions relating to driving schools

193. (1) A person who, immediately before the coming into force of this Act operate a driving school and wishes to continue to operate a driving school shall, within twelve months of the coming into force of this Act, apply to the Authority for a Driving School Registration Certificate and no offence under section 184 shall be deemed to have been committed for operating without a Driving School Registration Certificate by that person during this period except where an application by the person for a Driving School Registration Certificate was previously denied.

(2) A person who, immediately before the coming into force of this Act, is engaged in teaching other persons to drive or operate a motor vehicle shall, within twelve months of the coming into force of this Act, apply to the Authority under section 190 to be registered as a driving instructor and issued with a Driving Instructor's Permit and no offence under section 191(1) and (6) shall be deemed to have been committed by that person during this period except where an application by the person for a Driving Instructor's Permit was previously denied.

PART XVI

DRIVING AND OTHER OFFENCES

Power to stop and inspect vehicles

194. (1) A driver shall, on the request of a constable or a Motor Vehicles Enforcement Officer, if the constable or the Motor Vehicles Enforcement Officer as the case may be, signals for that purpose, cause the vehicle to stop and remain stationary as long as may be reasonably necessary for the constable or the Motor Vehicles Enforcement Officer to satisfy himself of the roadworthiness of the vehicle and the driver's general compliance with the Act.

(2) A driver who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of three thousand dollars.

Offence of causing death by dangerous driving and arrest

195. (1) A person who causes the death of another person by driving a motor vehicle dangerously on a road, commits an offence and is liable on conviction on indictment to imprisonment for fifteen years.

(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 for a period of fifteen years from the date of the conviction from holding or obtaining a driver's licence, and on a second conviction for a like offence, he shall be permanently disqualified from holding or obtaining a driver's licence.

(3) A constable may arrest without warrant the driver of any vehicle who commits an offence under this section within his view, if he refuses to give his name

and address, or if the constable has reason to believe that the name or address so given is false, or if the vehicle does not bear licence plates.

Dangerous driving

196. (1) A person who drives a motor vehicle dangerously on a road, highway or public place commits an offence and is liable on summary conviction to a fine of ten thousand dollars and to imprisonment for five years.

(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 for a period of twelve months from the date of the conviction from holding or obtaining a driver's licence, and on a third conviction for a like offence he shall be permanently disqualified from holding or obtaining a driver's licence.

(3) Section 197(3) shall apply where an offence is committed under this section.

Interpretation of certain words used in sections 195 and 196

197. (1) For the purposes of sections 195 and 196, a person is to be regarded as driving dangerously if -

- (a) the manner in which he drives falls below what would be expected of a competent and careful driver; and
- (b) it would be obvious to a competent and careful driver that driving in that manner would be dangerous.

(2) A person is also to be regarded as driving dangerously for the purposes of sections 195 and 196, if it would be obvious to a competent and careful driver that driving the vehicle in its current state would be dangerous. In determining the state of a vehicle, regard may be had to anything attached to, or carried on, or in the vehicle and the manner in which it is attached or carried.

(3) In subsections (1) and (2), "dangerous" refers to danger either of injury to any person or of serious damage to property and in determining for the purposes of those subsections what would be expected of, or obvious to, a competent and careful driver in a particular case, regard shall be had not only to the circumstances of which he would be expected to be aware but also to any circumstances shown to have been within the knowledge of the driver.

Careless driving

198. Any person who drives a motor vehicle on a road, highway or other public place without due care and attention or without reasonable consideration for other persons using the road, is liable on summary conviction to a fine of one thousand dollars and to be disqualified from holding or obtaining a driver's licence for such period as the Court thinks fit and on a second or subsequent conviction for a like offence, the period of disqualification shall not be less than one month.

Warning to be given of intended prosecution

199. (1) Subject to subsections (2) and (3), where a person is prosecuted for an offence under sections 195, 196, 198 or 202 relating respectively, to causing death by dangerous driving, dangerous driving, careless driving or the maximum speed at which vehicles may be driven, he shall not be convicted unless -

- (a) he was warned on the day the offence was committed that the question of prosecuting him for an offence under section 195, 196, 198 or 202 as the case may be, would be taken into consideration;
- (b) within thirty days of the commission of the offence, a summons for the offence was served on him; or
- (c) within fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on, or sent by registered post to him or 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 requirement 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 aforesaid; or
- (b) the accused by his own conduct contributed to the failure.

(3) The requirement of subsection (1) shall in every case be deemed to have been complied with unless and until the contrary is proved.

Taking vehicle without consent of owner

200. (1) A person who uses a vehicle without the consent of the owner or other lawful authority, commits an offence.

(2) A person shall not be convicted under this section if he proves that he had -

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

(3) If any person is convicted under this section, the Magistrate may, if he 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 sum as, in the opinion of the Magistrate, would have been charged if the vehicle had been hired by the person convicted; or
- (b) such sum as, in the opinion of the Magistrate, represents fair compensation for any damage done to and for the use of the vehicle.

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

(5) A constable may arrest without a warrant any person suspected by him of having committed an offence under this section.

Interfering with a vehicle

201. A person who, without the knowledge or permission of the owner, gets onto, or attempts to manipulate any of the levers, the starter, brakes or machinery of a vehicle, or in any way interferes with, or damages a vehicle while the vehicle is on a road or parking place, commits an offence; but a person shall not be convicted under this section when the vehicle is obstructing his own or another vehicle.

Speed limit

202. (1) A person shall not drive a vehicle of any class or description on any road-

Ninth Schedule

- (a) outside a built-up area, at a speed greater than the speed specified in the Ninth Schedule as the maximum speed in relation to a vehicle of that class or description;
- (b) within a built-up area, at a speed greater than the speed specified in the Ninth Schedule as the maximum speed in relation to a vehicle of that class or description; or
- (c) whether outside or within a built-up area, at a speed exceeding the special speed limit imposed under subsection (2) or (3) in relation to a vehicle of that class or description.

(2) Subject to subsection (3), the Minister may by Order, impose a special speed limit with respect to any road, highway or other public place whether outside or within a built-up area, or any part of such road, in relation to vehicles generally or in relation to any class or description of vehicle.

(3) The Minister with responsibility for works may by Order, impose a special speed limit with respect to any bridge over which a road passes, whether outside or within a built-up area, in relation to vehicles generally or in relation to any class or description of vehicle.

(4) The Authority shall-

- (a) erect or cause to be erected and maintain or cause to be maintained traffic signs, in such locations as may be appropriate for the purpose of demarcating any portion of a road in respect of which a special speed limit is imposed and as to the special speed limit so imposed; and
- (b) alter or remove traffic signs as may be necessary in pursuance of any Order made under subsection (2) or (3).

(5) A person who drives a vehicle on any road in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine of **six thousand** dollars and to be disqualified from holding or obtaining a driver's licence for such period as the court thinks fit.

(6) It shall be a defence for any person charged with having contravened subsection (1)(c) to prove that at the time of the alleged contravention there was a failure by the Authority to comply with subsection (4) by reason of which he did not have sufficient notice that the portion of road over which the contravention is alleged to have taken place was a portion of road, highway or other public place in respect of which the special speed limit had been imposed, and that he did not otherwise know of the imposition of the special speed limit in respect of such of portion of road, highway or other public place as the case may be.

(7) The Minister may by Order, amend the Ninth Schedule.

(8) In this section-

“built-up area” means any City or Borough established or continued under the Municipal Corporations Act, or any other area or road or portion thereof declared by the Minister by Order, to be a built-up area for the purposes of this section;

“special speed limit” means, in relation to the driving of any vehicle or vehicle of any specified class or description on a road, a speed limit specifying a maximum speed less than the maximum speed which would be applicable in respect of that road and that class or description of vehicle under subsection (1)(a) or (b), as the case may be, and which is imposed under subsection (2) or (3).

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Motor racing and speed trials

203. (1) A person shall not, without the written permission of the Commissioner of Police, promote or take part in any race or trial of speed between vehicles on a road, highway or other public place.

(2) A person shall not drive or operate a vehicle in a manner that causes excessive engine, muffler or tyre noise, or any combination of engine, muffler or tyre noise that unreasonably disturbs any person residing or in the vicinity of the vehicle.

(3) A person who contravenes subsections (1) or (2) commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for a period of six months.

(4) A person convicted of an offence under subsections (1) or (2) shall, unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction from holding or obtaining a driver's licence.

Traffic signs

204. (1) In this section -

“owner” in relation to any land, includes any person in lawful occupation of such land; and

“private road” means any privately owned street, road or open space to which the public is granted access conditionally.

(2) The Authority may cause or permit traffic signs to be placed, erected or otherwise marked on or near any road, highway or other public place and may authorize any traffic signs so placed, erected or otherwise marked before the date of commencement of this Act to be retained.

(3) The size, colour and type of any traffic sign may be prescribed by Regulations, and in such event, the traffic sign shall be of the prescribed type and substantially of the prescribed size and colour, and where the size, colour and type of a traffic sign are not prescribed, the size, colour and type shall be of a character authorized by the Authority.

(4) Every traffic sign erected, placed, marked or retained on or near any road shall, unless the contrary is proved, be deemed—

(a) to have been lawfully so erected, placed, marked or retained; and

(b) to be of the prescribed type and substantially of the prescribed size and colour, where the size, colour and type of the traffic sign have been prescribed, and in other cases to be of a character authorized by the Authority under this section.

(5) Notwithstanding anything contained in subsection (2), no person other than the Authority or any person acting under its directions shall, except with the general or special permission in writing of the Authority -

(a) erect, place or mark any traffic sign on or near any road; or

(b) retain any traffic sign erected, placed or marked, or caused to be erected, placed or marked, on or near any road.

(6) Without prejudice to the operation of subsection (5), nothing in this subsection shall apply to any traffic sign—

- (a) which the owner of any land erects, places, marks or retains, or causes to be erected, placed, marked or retained, on or near any private road which is situated on such land; or
- (b) which any person erects, places, marks or retains, or causes to be erected, placed, marked or retained, on or near any road in pursuance of any authority conferred upon him by, or under any written law other than this Act.

(7) The Authority may, by notice in writing, require the owner or occupier of any land on which there is a traffic sign, or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign, to remove it; and if any such person fails to comply with such a notice, the Authority may effect or authorize the removal, doing as little damage as may be, and may, except where such sign was erected, placed, marked or retained by the Authority, recover in a Court of competent jurisdiction as a civil debt, from the person so in fault, the expense incurred by the Authority in removing the sign or object.

(8) The Authority or any person authorized by the Authority in that behalf may, on any land near to, or adjoining a road, cut branches of trees, or other vegetation, or remove any other thing which obscures or is likely to cause damage to a traffic sign.

(9) The Authority or any person authorized by the Authority shall not exercise any power under this section until after the expiration of three days from the date that a notice of its intention to exercise the relevant power under this section was –

- (a) served on the owner nor occupier of the land; or
- (b) if neither the owner or occupier of the land can be found, posted in a conspicuous manner on the land.

(10) The Authority or any person authorized by the Authority under subsection (9), may enter any land near to, or adjoining any road -

- (a) for the purpose of exercising any power conferred upon the Authority under this section; or
- (b) for the purpose of replacing or maintaining traffic signs,

and shall in doing so, do as little damage as possible in executing any work authorized by this section.

(11) In any case where a constable or a Motor Vehicles Enforcement Officer in uniform is engaged in regulating traffic on a road, or a traffic sign of the prescribed size, colour, type or of another character authorized by the Authority under subsection (4) or any notice is issued by the Commissioner of Police under section 209, being a traffic sign or notice for regulating the movement of traffic or indicating

the route to be followed by traffic, has been lawfully placed, erected, marked or retained on, or near any road, any person driving or propelling any vehicle, or any person riding or driving any animal -

- (a) who neglects or refuses to stop the vehicle or animal or to make the vehicle or animal proceed or keep to a particular line of traffic when directed or signalled to do so by the constable or the Motor Vehicles Enforcement Officer as the case may be, in the execution of his duty; or
- (b) who fails to comply with the indication given by the traffic sign or notice,

commits an offence and is liable on summary conviction to a fine of five thousand dollars or to imprisonment for six months.

(12) Any person who -

- (a) unlawfully places, erects, marks or retains, or causes to be placed, erected, marked or retained, any traffic sign on, or near any road; or
- (b) removes, defaces, damages, alters or obscures, or in any way interferes with any traffic sign lawfully placed, erected, marked or retained on, or near any road,

commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for nine months.

(13) Where a person who owns or has an interest in any property, suffers pecuniary loss by reason of any damage to such property resulting from the exercise by the Authority of the powers conferred on it under subsection (2), to cause traffic signs to be placed, erected or otherwise marked on, or near any road, compensation shall be payable to such person in respect of such loss.

(14) Where differences arise between a person claiming compensation under subsection (13) and the Authority as to whether the person is entitled to compensation or as to the amount of such compensation, such difference shall, on the written application of such person or of the Attorney General, be determined -

- (a) if the amount of the compensation claimed does not exceed fifteen thousand dollars, by a Magistrate; and
- (b) if the amount of the compensation exceeds fifteen thousand dollars, by a Judge of the Supreme Court,

in like manner, as if such Magistrate or Judge were a single arbitrator appointed pursuant to the provisions of the Arbitration Act, and the provisions of the said Act shall apply accordingly.

(15) Compensation payable under this section shall be defrayed out of monies provided for that purpose by Parliament.

205. (1) For the purposes of this section –

“emergency vehicle” means –

- (a) a vehicle being used by a constable in the lawful performance of his duties and for which a siren is continuously sounding and intermittent flashes of blue light are visible in all directions;
- (b) a vehicle being used by a prison officer in the lawful performance of his duties and for which a siren is continuously sounding and intermittent flashes of green light are visible in all directions;
- (c) a vehicle being used by a fire officer in the lawful performance of his duties and for which a siren is continuously sounding and intermittent flashes of red light are visible in all directions;
- (d) a vehicle being used by a member of the Trinidad and Tobago Defence Force in the lawful performance of his duties; or
- (e) an ambulance being driven or operated by a person in an emergency health-related situation and from which a siren is continuously sounding and intermittent flashes of light are visible in all directions,

“inspection officer” means a person certified by the Commissioner of Police as being trained to operate and evaluate a red-light camera system and to certify any photographic image obtained through the use of a red-light camera system;

“red-light camera system” means an electronic network system through which electronic devices are used to capture photographic images of a vehicle being driven by a driver who fails to comply with the indication given by a traffic sign;

(2) The Authority may cause or permit electronic devices to be installed on, or near any traffic signal as part of a red-light camera system.

(3) Where a driver fails to comply with the indication given by a traffic sign under subsection 204(11)(b), and a photographic image of the vehicle is obtained

through the use of a red-light camera system, the photographic image shall be proof that the –

- (a) information shown or superimposed is a true and accurate photographic record of the vehicle driven by the driver at the time of his failure to comply with the indication given by the traffic light; and
- (b) the driver did not stop the vehicle as required by the traffic signal and that he proceeded before a green light indication was shown.

(4) In proceedings for an offence under section 204(11)(b) in which evidence is given of a photographic image obtained by the use of an electronic device that forms part of a red-light camera system, a certificate purporting to be signed by an inspection officer certifying that –

- (a) he is certified by the Commissioner of Police as being trained to operate and evaluate a red-light camera system;
- (b) the electronic device that forms part of the red-light camera system and used to obtain the photographic image of the vehicle was approved by the Minister under subsection (8);
- (c) the photographic image obtained through the red-light camera system was obtained on the date and time stated in the certificate; and
- (d) the electronic device used to obtain the photographic image and the red-light camera system were found to be operating accurately at the time that the photographic image was taken,

is admissible and is *prima facie* evidence of the particulars certified in and by the certificate.

(5) In proceedings for an offence under section 204(11)(b) and for which a photographic image under subsection (3) is given, a certificate purporting to be signed by the Commissioner of Police that an inspection officer named therein is qualified to operate and evaluate a red-light camera system is admissible and is *prima facie* evidence of the particulars certified in and by the certificate.

(6) This section and section 204(11)(b) shall not apply to an emergency vehicle.

(7) The Minister shall, by Order, approve the type of electronic devices to be used for the purposes of a red-light camera system.

206.(1) A constable may use a speed measuring device for the purpose of measuring the speed at which a person is driving a motor vehicle.

(2) For the purpose of this section, “speed measuring device” means a device designed to measure the speed at which a person is driving a motor vehicle.

(3) Before using a speed measuring device on any day, a constable shall satisfy himself that the device is –

(a) in a satisfactory condition; and

(b) properly calibrated so that it indicates speed readings within a limit of error not greater or less than two kilometres per hour of the true speeds,

after which the constable shall enter into the device his name, regimental number and the speed limit of the area where the speed check is to be conducted.

(4) A constable shall, after complying with subsection (3), record in a log book for that purpose, an entry stating that he has complied with subsection (3).

(5) A constable who determines with the use of a speed measuring device that a motor vehicle has exceeded the speed limit, shall cause the motor vehicle to be stopped.

(6) Where a motor vehicle is stopped pursuant to subsection (5), a constable shall –

(a) inform the driver of the motor vehicle that he has –

(i) exceeded the speed limit as determined with the use of a speed measuring device; and

(ii) committed an offence under subsection (5); and

(b) deliver to the driver of the motor vehicle a printout from the speed measuring device which -

(i) purports to be evidence of the speed at which the driver was driving the motor vehicle;

(ii) includes a photograph of the vehicle identifying the registration plate;

(iii) bears an endorsement by the constable who operated the device, stating the date and time of the offence, the place

where the offence occurred and that the constable is qualified to operate the device; and

(iv) bears the signature of the constable who operated the device.

(7) In proceedings for an offence under section 202(5) in which evidence is given of a measurement of speed obtained by the use of a speed measuring device, a certificate purporting to be signed by a constable certifying that –

- (a) he is certified by the Commissioner of Police as being qualified to operate a speed measuring device;
- (b) the speed measuring device used by him to measure the speed at which the accused was driving the motor vehicle was approved by the Minister under subsection (12);
- (c) the measurement was made on the date and completed at the time stated in the certificate;
- (d) the speed measured by the device and expressed in kilometres per hour was the speed at which the accused was driving the motor vehicle on the date and time stated in the certificate; and
- (e) the constable satisfied himself before using the device, that the device was in a satisfactory condition and properly calibrated in accordance with subsection (3),

is admissible and is *prima facie* evidence of the particulars certified in and by the certificate.

(8) In proceedings for an offence under section 202(5) –

- (a) evidence may be given of the speed at which the accused was driving the motor vehicle as determined with the use of a speed measuring device operated by a constable who is certified by the Commissioner of Police as being qualified to operate the device; and
- (b) the speed so determined shall be deemed to be the speed at which the accused was driving the motor vehicle, unless the accused proves otherwise.

(9) In proceedings for an offence under section 202(5), a certificate purporting to be signed by the Commissioner of Police that a constable named therein is qualified to operate a speed measuring device is admissible and is *prima facie* evidence of the particulars certified in and by the certificate.

(10) In proceedings for an offence under section 202(5), evidence of the condition of a speed measuring device or the manner in which it was operated shall not be required unless evidence that the instrument was not in a satisfactory condition or was not properly operated has been adduced.

(11) In proceedings for an offence under section 202(5), a document purporting to be evidence of the speed at which a person was driving a motor vehicle shall not be admissible as evidence, unless a copy of it has been delivered to the accused.”; and

(12) The Minister shall, by Order, approve the speed measuring devices which may be used for the purposes of subsection (1).

Prohibition on devices designed to detect speed measuring devices

207. (1) A person shall not –

(a) equip a motor vehicle with; or

(b) use, buy, possess, manufacture, sell, or otherwise distribute,

any device that is designed for jamming, scrambling, neutralizing, disabling, or otherwise interfering with a speed measuring device used by a constable to measure the speed at which a person is driving a motor vehicle.

(2) A person who contravenes subsection (1) commits an offence and is liable on summary conviction to a fine of ten thousand dollars and imprisonment for six months.

Experimental traffic schemes

208. (1) Where it appears to the Commissioner of Police expedient to carry out an experimental scheme of traffic control, the Commissioner of Police may, with the consent of the Minister, and after giving such notice as the Minister may direct, make Regulations for regulating vehicular traffic in any manner specified in the Tenth Schedule.

Tenth Schedule

(2) Any provision contained in Regulations under this section may be made so as to apply at all times on specified days or during specified periods, and either throughout the day or during any specified part of the day, and to vehicular traffic generally or to such traffic or any class or description specified in the Regulations, and may make different provisions for different classes or descriptions of traffic.

(3) Any person who contravenes any Regulation made under this section commits an offence and is liable on summary conviction to a fine of three thousand dollars or to imprisonment for three months.

(4) Where there is any conflict or variance between Regulations made under this section and Regulations made by the Minister, the Regulations made by

the Minister shall be read with such modifications as are necessary to bring them into conformity with those of the Commissioner under this section.

(5) Regulations under this section shall not continue in force for a period longer than three months after the making thereof, together with such further period (if any), not exceeding six months as the Minister may at any time before the expiration of the Regulations direct.

(6) Regulations made under this section shall be published in the *Gazette* and in at least one daily newspaper circulating in Trinidad and Tobago.

Temporary
prohibition or
restriction of
traffic on roads

209. (1) Subject to this section in any case where a road or highway is liable to be thronged or obstructed, the Commissioner of Police may by Order restrict or prohibit the use of that road or highway or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions, as the Commissioner may consider necessary.

(2) The Commissioner of Police may at any time, by notice, restrict or prohibit temporarily the use of a road or highway or any part of a road or highway by vehicles or by vehicles of any particular class or description, for the purpose of—

- (a) avoiding danger or obstruction to persons or other traffic using the road or highway or any other road or highway;
- (b) preventing damage to the road or to any building on, or near the road or highway; or
- (c) facilitating the passage of vehicular traffic on the road or highway or any other road or highway or from any premises.

(3) The provisions which may be made by a traffic regulation, Order or notice shall be any provision prohibiting, restricting or regulating the use of a road or highway or any part of the width thereof by vehicular traffic or by such traffic of any class or description specified in the traffic regulation, Order or notice, either generally or subject to exceptions so specified, and either at all times or at times and on days or during periods so specified and, without prejudice to the generality of this subsection, any provision—

- (a) requiring such traffic to proceed in a specified direction or prohibiting the traffic from so proceeding;
- (b) specifying the part of the road or highway to be used by such traffic proceeding in a specified direction;
- (c) prohibiting or restricting the parking, stopping or waiting of vehicles or the loading and unloading of vehicles;
- (d) prohibiting the use of roads or highways by through traffic;
- (e) prohibiting or restricting overtaking; or
- (f) regulating the speed of vehicles.

(4) An Order made or notice issued under this section may suspend any statutory provision of a description which could have been contained in the Order or notice or, in the case of an Order under subsection (1), any statutory provision prohibiting the use of roads or highway by through traffic, and any such provision other than one contained in the Order or notice shall have effect subject to the Order or notice.

(5) An Order under subsection (1) shall not, without the approval of the Minister, continue in force for a period longer than one month from the making thereof.

(6) A notice issued under subsection (2) shall not continue in force for a period longer than fourteen days from the date of issue.

(7) Any person who uses or permits the use of a vehicle in contravention of a restriction or prohibition imposed by an Order under subsection (1), commits an offence and is liable on summary conviction for a first offence to a fine of three thousand dollars or to imprisonment for three months.

(8) Any person who unlawfully and without just cause or excuse defaces, or removes from the location where it has been placed, any notice issued by the Commissioner under subsection (2), commits an offence and is liable on summary conviction to a fine of three thousand dollars or to imprisonment for three months.

Parking of
vehicles and one-
way roads

210. (1) The Minister may by Order -

- (a) prohibit or regulate the parking of vehicles on any road or highway; or
- (b) prohibit the driving of any vehicle on any specified road or highway otherwise than in a specified direction.

(2) An Order made under this section may prescribe, in respect of any contravention thereof, a penalty not exceeding a fine of three thousand dollars or imprisonment for three months on summary conviction and any such Order may revoke any Regulations in force in respect of any of the matters specified in subsection (1).

(3) Where any provision in an Order made under this section conflicts with any Order made to meet the exigencies of a special occasion, or notice issued under section 209, the operation of such provision shall be suspended during the continuance in force of such last mentioned Order or notice, as the case may be.

Powers of
constable where
vehicle parked in
contravention of

211. (1) Where a vehicle is parked in contravention of any provision of this Act or Order made under this Act, or is left on a road in such a manner that it is likely to cause any obstruction to traffic or persons lawfully using any such road, any constable may -

Act or left on road

- (a) require the driver or other person in control or in charge thereof to remove it or cause it to be removed, and any person who fails to comply with any such requirement, commits an offence and is liable on summary conviction to a fine of fifteen hundred dollars; or
- (b) if the driver or other person in control or in charge of such vehicle cannot be found, remove such vehicle or arrange for it to be removed from the place in which it is parked to a place of safe custody either by towing or driving the vehicle or in such other manner as the constable may think necessary.

(2) Where a constable removes or provides for the safe custody of any motor vehicle or arranges for any person to remove such vehicle or provide for the removal of the vehicle under subsection (1) then, except upon proof of failure to exercise reasonable care, the constable or the other person shall not be liable in any action or demand for any damages arising from the loss or damage to the vehicle in the course of its removal or otherwise.

Charges payable for release of vehicle or sale of vehicle in custody

212. (1) Where a vehicle is removed to a place of safe custody pursuant to section 211, the vehicle shall not be released to the owner thereof unless there is paid to the Commissioner of Police a sum for –

- (a) the removal of the vehicle; and
- (b) each day or part thereof for which the vehicle is kept in custody,

Eleventh Schedule

as specified in the Eleventh Schedule.

(2) The Minister may by Order subject to negative resolution of Parliament, vary from time to time the sums specified in the Eleventh Schedule.

(3) Notwithstanding subsection (1), where any vehicle is left in a place of safe custody for any period exceeding thirty days, a constable not below the rank of Superintendent may direct that the vehicle be sold by public auction and any moneys arising from the sale shall be applied in the following order of priority:

- (a) in defraying the expenses of sale, if any;
- (b) in settlement of any sum payable by the owner under subsection (1); and
- (c) to the credit of the registered owner of the vehicle.

(4) At least fourteen days' notice shall be given in a daily newspaper of any sale by public auction of a vehicle under this section.

(5) Where a vehicle is sold under this section, the constable who authorised the sale of the vehicle shall issue to the purchaser a certificate, in the form prescribed

by Regulations, to that effect and the certificate shall be sufficient authority for the Authority to register the vehicle in the name of the person who purchased the vehicle and any right, title or interest of the former registered owner in the vehicle shall be extinguished upon the issue of the certificate.

(6) Any monies received by the Commissioner of Police under subsection (1) shall be used in defraying any expenses incident on the removal or custody of the vehicle and the balance, if any, shall be paid to the Comptroller of Accounts.

Restriction on persons being carried on bicycles

213. (1) No person shall, other than himself, carry any other person on a road or highway on a bicycle not propelled by mechanical power unless the bicycle is constructed for the carriage of more than one person.

(2) Where a person is carried on a bicycle in contravention of this section, each of the persons carried on the bicycle commits an offence and is liable on first conviction to a fine of two thousand dollars and on any subsequent conviction to a fine of four thousand dollars.

(3) In this section, references to a person carried on a bicycle shall include reference to a person riding a bicycle.

Restriction on cyclist riding abreast or holding on to other moving vehicle

214. (1) No person on a motor cycle, or on a bicycle not propelled by mechanical power, shall, on a road or highway, ride abreast of another person on a motor cycle, or on a bicycle not propelled by mechanical power, except with the permission of the Commissioner of Police; but a person shall not be convicted under this section in respect of the overtaking of two persons so riding and in the absence of other traffic on the road at the point of overtaking.

(2) A person shall not, while riding a motor cycle or a bicycle not propelled by mechanical power, on a road or highway -

(a) hold on to any other moving vehicle; or

(b) ride such motor cycle or bicycle without at least one hand being on the handlebars of such motorcycle or bicycle.

(3) More than one person, in addition to the driver, shall not be carried on any two-wheeled motor cycle, nor shall any such one person 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.

(4) A person who contravenes this section commits an offence and is liable on first conviction to a fine of five hundred dollars and on any subsequent conviction to a fine of one thousand dollars.

Requirement to report an event or accident

215. (1) Where, owing to the presence of a vehicle on a road or highway, an accident occurs whereby injury or damage is caused to any person, animal or property, the driver of such vehicle shall immediately stop, -

- (a) if any person has been injured in the accident, the driver shall render such person aid, and if the person wishes to be taken to hospital or to a doctor, or is unconscious, convey or cause to be conveyed the injured person without delay to the nearest hospital or to a doctor;
- (b) if requested by the injured person or by the owner of the damaged property or some person on such owner's behalf, the driver shall give his name and address and particulars of his driver's licence and the name and address of the owner of the vehicle; and
- (c) unless a report is made by the driver at the time and place of the accident to a member of the Police Service, the person riding in, driving or in charge of the vehicle shall proceed with all proper dispatch to the nearest Police Station or constable in uniform and shall report the accident, and shall give his name and address and the name and address of the owner of the vehicle and the names of any persons in the vehicle at the time of the accident.

(2) Any person who contravenes this section commits an offence and is liable on summary conviction to a fine of five thousand dollars.

Using vehicle without prescribed registration

216. (1) Except as is otherwise provided in this Act, if -

- (a) any vehicle is –
 - (i) used on any road or highway for a purpose that the vehicle is not registered to be used for;
 - (ii) altered in a manner which may conflict with the purpose or use for which it is registered, without permission from the Authority, or is in contravention of any provision of this Act; or
- (b) any commercial vehicle, public service vehicle, rented car or trailer is used on a road or highway being loaded so as to exceed the maximum gross weight or the number of passengers, respectively, permitted by the registration,

the owner or the driver or other person in charge of the vehicle, as the case may be, commits an offence and is liable on summary conviction to a fine of eight thousand dollars.

(2) Where the driver of a vehicle is charged with an offence under subsection (1), the Magistrate may order that a summons be issued against any person alleged by the driver to be the owner of the vehicle, and such alleged owner shall be 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 considers fit.

(3) Where a vehicle is used for a purpose for which it is not registered under this Act, it shall be a defence on the part of the owner to prove that the contravention was without his knowledge and that he had taken all reasonable steps to avoid the contravention.

Authority may permit goods vehicle to be used for the conveyance of persons

217. (1) Notwithstanding section 216, the Authority may, on payment of the fee prescribed in the Fifth Schedule, grant permission to enable a commercial vehicle, agricultural trailer or trailer to be used for –

- (a) the conveyance, either generally or on particular journeys of such number and classes of passengers, without hire or reward;
- (b) the conveyance of such number of persons employed for the purpose of loading or unloading the goods, merchandise or other loads carried on the commercial vehicle, agricultural trailer or trailer; or
- (c) commercial promotions, carnival celebrations, parades, and other social event or other activity or reason,

as the Authority thinks fit, subject to such conditions as the Authority may impose.

(2) Where permission is granted under subsection (1), the Authority shall issue to the applicant a permit in the prescribed form which shall specify the conditions by which the commercial vehicle, agricultural trailer or trailer shall be used.

(3) A permit issued pursuant to subsection (2) for the conveyance of –

- (a) passengers shall not be valid for a period exceeding six months from the date of issue of the permit; or
- (b) persons employed to load and unload goods, merchandise or other loads shall not be valid for a period longer than the unexpired portion of the calendar year in which the permit was issued.

(4) The Authority may cancel or suspend any permit issued under this section if, in the opinion of the Authority, any condition of the permit has been breached.

(5) Where a permit issued under this section is lost, stolen, mutilated, destroyed or rendered illegible, the Authority may, where it thinks fit and after an application is made in that regard and upon the payment of the fee specified in the Fifth Schedule, issue to the applicant a substitute or duplicate permit.

Police, Prison and Fire Service vehicles exempt from the payment of fees

218. Notwithstanding sections 216 and 217, the Police Service, Prison Service or Fire Service may convey their personnel and in the case of the Prison Service and Police Service, any person in their custody, in vehicles belonging to those services and registered as commercial vehicles under this Act, without paying the prescribed fee.

Penalty for assaulting or obstructing a constable or a Motor Vehicles Enforcement Officer

219. A person who assaults, obstructs or resists a constable or a Motor Vehicles Enforcement Officer in the execution of his duty, or aids or incites any other person to assault, obstruct or resist a constable or a Motor Vehicles Enforcement Officer in the execution of his duty, commits an offence and is liable on summary conviction to a fine of five thousand dollars and to imprisonment for nine months.

PART XVII

ALCOHOL AND DRUG RELATED OFFENCES

Interpretation of certain words used in sections 221 to 229

220. (1) In sections 221 to 229, except so far as the context otherwise requires -

“authorized analyst” means a person designated under section 227(5) as such by the Minister to whom responsibility for health is assigned;

“breath analysis” means the quantitative measuring of the proportion of alcohol in a person’s breath, carried out by means of a device prescribed for the purpose by the Minister under section 224(18);

“breath test” means a test for the purpose of obtaining an indication of the proportion of alcohol in the person’s breath carried out by means of a device approved for the purpose of such a test by the Minister under section 224(18);

“drug” includes any intoxicant other than alcohol which when consumed or used by a person, deprives that person, temporarily or permanently, of any of his normal, mental or physical faculties;

“drug analysis” means a procedure by which a specimen of blood or urine is obtained and used for the purpose of obtaining, by means of a laboratory test, an indication whether the person from whom the blood or urine sample was taken has a drug in his body;

“fail” in relation to providing a specimen includes refuse;

“hospital” means an institution which provides medical or surgical treatment for in-patients or out-patients and includes a laboratory accredited under the Standards Act and recognized by the Minister to whom responsibility for health is assigned, as a place where laboratory tests are carried out;

“laboratory test” means the analysis of a specimen provided for the purpose;

“preliminary drug test” means a procedure by which a specimen of sweat or saliva is obtained and used for the purpose of obtaining, by means of a device of a type approved by the Minister under section 224(18), an indication whether the person to whom the test is administered has a drug in his body;

“the prescribed limit” means in respect of -

- (a) breath alcohol concentration, thirty-five microgrammes of alcohol in one hundred millilitres of breath or such other proportion as may be prescribed; and
- (b) blood alcohol concentration, eighty milligrammes of alcohol in one hundred millilitres of blood, or such other proportion as may be prescribed.

(2) References in section 223 to providing a specimen of breath shall be construed as references to providing a specimen thereof in sufficient quantity to enable a breath test to be carried out.

Driving when
under the
influence of
drink or drug

221. (1) A person who, when driving or attempting to drive or when in charge of a motor vehicle on any road, highway or other public place, is under the influence of drink or a drug, to such an extent as to be incapable of having proper control of the vehicle, is liable on first conviction to a fine of **twelve thousand** dollars and to imprisonment for three years and on any subsequent conviction to a fine of **twenty-two thousand, five hundred** dollars and to imprisonment for five years.

(2) A person convicted of -

- (a) two consecutive offences under this section shall, unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order a longer period of disqualification, be disqualified for a period of three years from the date of the conviction from holding or obtaining a drivers licence; and
- (b) a third conviction for a like offence, shall be permanently disqualified from holding or obtaining a driver's licence.

(3) A constable may arrest without a warrant any person found committing an offence under this section.

Driving or being in charge of a vehicle while blood alcohol levels exceed prescribed limit

222. (1) A person shall not drive or attempt to drive, or be in charge of a vehicle on any road, highway or other public place if he has consumed alcohol in such a quantity that the proportion thereof in his breath or blood exceeds the prescribed limit.

(2) Any person who contravenes subsection (1) commits an offence and is liable -

- (a) in the case of a first conviction, to a fine of **twelve thousand** dollars or to imprisonment for three years; and
- (b) in the case of a second or subsequent conviction, to a fine of **twenty-two thousand, five hundred** dollars or to imprisonment for five years.

(3) A person convicted of -

- (a) two consecutive offences under this section shall, unless the Court for special reasons thinks fit to order otherwise and without prejudice to the power of the Court to order longer period of disqualification, be disqualified for a period of three years from the date of the conviction from holding or obtaining a driver's licence; and
- (b) a third conviction for a like offence, shall be permanently disqualified from holding or obtaining a driver's licence.

(4) A person shall not be convicted under this section for being in charge of a vehicle under subsection (1) if he proves that at the material time, the circumstances were such that there was no likelihood of his driving the vehicle while there was alcohol in his breath or blood in a proportion exceeding the prescribed limit.

(5) A constable may arrest without a warrant, any person found committing an offence under this section.

Breath tests or preliminary drug tests

223. (1) Where a constable has reasonable cause to suspect that a person -

- (a) has been driving, attempting to drive or in charge of a vehicle on any road, highway or other public place -
 - (i) with alcohol in his breath or blood exceeding the prescribed limit and that the person still has alcohol in his breath or blood; or
 - (ii) with a drug in his body and that person still has a drug in his body; or
- (b) has been driving, attempting to drive or in charge of a vehicle on a road, highway or other public place and has committed an offence under this Act whilst the vehicle was in motion,

the constable may, subject to subsection (5), require the person to provide a specimen of breath for a breath test or submit himself to a preliminary drug test -

- (i) at or near the place where the requirement was made; or
- (ii) if the constable thinks fit, at a police station specified by the constable being a police station within reasonable proximity.

(2) A test under subsection (1) shall not be required unless the test is conducted as soon as is reasonably practicable after the person was suspected of committing the offence.

(3) Where an accident occurs involving a vehicle on any road, highway or other public place, a constable may, subject to subsection (4), on arriving at the place of the accident, require any person whom he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident, to -

- (a) provide a specimen of breath for a breath test; or
- (b) submit himself to a preliminary drug test,

either at, or near the place where the accident occurred or, if the constable thinks fit, at a police station specified by him being a police station within reasonable proximity to that place.

(4) Where a person referred to under subsection (3) (a) is at a hospital as a patient, that person may be required by the constable to give a specimen of breath for a breath test or submit himself to a preliminary drug test at the hospital but no such requirement may be made unless the medical practitioner in charge of his case -

- (a) is given prior notice of the proposal to make the requirement; and

(b) does not object to the proposal to make the requirement on the ground that it would be prejudicial to the proper care or treatment of the patient.

(5) Where a person, without reasonable excuse, fails to provide a specimen of breath or fails to submit to a preliminary drug test under subsection (1), (3) or (4) that person commits an offence and is liable on summary conviction to a fine of **twelve thousand** dollars and imprisonment for three years.

(6) A constable may arrest without warrant any person who –

(a) as a consequence of a breath test, is found to have a proportion of alcohol in his breath exceeding the prescribed limit; or

(b) as a consequence of a preliminary drug test is found to have a drug in his body,

but no such arrest may be made while the person is at a hospital as a patient.

(7) Where a person is required by a constable to -

(a) provide a specimen of breath for a breath test under subsection (1), (3) or (4); or

(b) submit himself to a preliminary drug test under subsection (1) or (3),

and the person fails to comply as required and the constable has reasonable cause to suspect that the person has alcohol in his breath or blood that is above the prescribed limit or has any drug in his body, the constable may, without prejudice to sections 221(3) and 222(5), arrest the person without a warrant but no such arrest may be made if the person is at a hospital as a patient.

(8) A person arrested under subsection (7), section 221(3) or 222(5) shall –

(a) provide a specimen of breath for a breath test; or

(b) submit himself to a preliminary drug test,

at the police station if required to do so by a constable.

(9) Where a person, without reasonable excuse, fails to –

(a) provide a specimen of breath under subsection (8)(a); or

(b) submit himself to a preliminary drug test under subsection (8)(b),

that person commits an offence and is liable on summary conviction to a fine of eight thousand dollars and imprisonment for three years.

Breath or drug analysis

224.(1) Subject to subsections (2) and (3), where -

- (a) any person required by a constable under section 223 to provide a specimen of breath for a breath test or to submit himself to a preliminary drug test and fails to do so; or
- (b) in consequence of a breath test or a preliminary drug test conducted under section 223, it is indicated that there may be present in that person's breath, a concentration of alcohol in excess of the prescribed limit or that person has a drug in his body,

the constable may require that person to submit, in accordance with the directions of the constable, to a -

- (i) breath analysis, where, in the case of subsection (1)(a), the person refused to provide a specimen of breath for a breath test;
- (ii) breath analysis, where, in the case of subsection (1)(b), the breath test indicates a concentration of alcohol in excess of the prescribed limit;
- (iii) drug analysis, where, in the case of subsection (1)(a), the person refused to submit to a preliminary drug test; or
- (iv) drug analysis, where, in the case of subsection (1)(b) the preliminary drug test indicates that the person has a drug in his body,

and on any such requirement, warn him that a failure to so submit may render him liable to prosecution.

(2) A breath analysis or drug analysis required under subsection (1) shall be carried out by a constable, authorized in that behalf by the Minister to whom responsibility for national security has been assigned -

- (a) at or near the place where the requirement is made if facilities to obtain the specimens to be taken are available and in the case of a breath analysis it is practicable to conduct the analysis there; or
- (b) at a police station, as the constable may direct.

(3) For the purpose of the breath analysis -

- (a) a person shall provide two separate specimens of breath for analysis;
- (b) such specimens must be provided in accordance with the directions of the constable referred to in subsection (2);
- (c) there must be an interval of not less than two minutes and not more than ten minutes between the provision of specimens; and
- (d) the reading from the specimen that indicates the lower concentration of alcohol in the person's breath shall be taken to be the result of the breath analysis.

(4) A constable shall not require any person to -

- (a) undergo a breath test;
- (b) submit to a breath analysis; or
- (c) provide a sample of blood for a drug analysis -
 - (i) if the person has been admitted to hospital for medical treatment and the medical practitioner in immediate charge of his treatment has not been notified of the intention to make the requisition, or objects on the ground that compliance therewith would be prejudicial to the proper care or treatment of that person;
 - (ii) if it appears to the constable that it would, by reason of injuries sustained by the person, be dangerous to that person's medical condition; or
 - (iii) at that person's usual place of abode.

(5) Notwithstanding subsection (4), a person may be required to submit to a breath test at that person's usual place of abode -

- (a) if the constable has reasonable cause to believe that-
 - (i) the person was involved in an accident on a road or other public place within the preceding two hours resulting in death or serious injury; and
 - (ii) at the time when the accident occurred, the person had an alcohol level in his breath exceeding the prescribed limit; and
- (b) if it was not feasible for a constable to require the person to submit to a breath test at the scene of the accident.

(6) Any person who upon being required under subsection (1) to submit to a breath analysis or a drug analysis fails to do so in accordance with the directions of the constable commits an offence and is liable -

(a) in the case of a first conviction, to a fine of **twelve thousand** dollars or to imprisonment for three years; or

(b) in the case of a second or subsequent conviction, to a fine of **twenty-two thousand, five hundred** dollars or to imprisonment for five years.

(7) Subject to subsections (8) and (9), where an accident occurs involving a vehicle on any road, highway or public place and the person who was driving or attempting to drive the vehicle is unconscious, a constable may, on arriving at the place of the accident and having reasonable cause to believe that the person was driving or attempting to drive the vehicle –

(a) while his blood alcohol level exceeded the prescribed limit; or

(b) with a drug in his body,

cause a sample of blood to be taken from the person for laboratory testing to determine whether the blood alcohol level of the person exceeded the prescribed limit or that the person had a drug in his body.

(8) Where a sample of blood is required from a person under subsection (7), the sample shall only be taken -

(a) at a hospital; and

(b) by a medical practitioner.

(9) Where a sample of blood is taken from a person under this section, the medical practitioner who took the sample shall provide written certification indicating that the sample was taken by him.

(10) A sample of blood taken from a person under subsection (7) shall not be subjected to any laboratory test unless the person –

(a) from whom the sample was drawn has fully regained consciousness; and

(b) has given written consent for the sample to be subjected to laboratory testing.

(11) A person who refuses to consent for his blood sample to be subjected to laboratory testing under subsection (10), commits an offence and is liable on summary conviction to a fine of **twelve thousand** dollars and imprisonment for three years.

(12) It shall be a defence to a prosecution for an offence under subsection (5)(a) if the accused satisfies the Court that he was unable on medical grounds at the

time he was required to do so, to undergo a breath test or to submit to a breath analysis, as the case may be.

(13) Within one hour after a person has submitted to a breath analysis, the constable operating the breath analyzing instrument shall deliver to that person, a statement in writing signed by that constable specifying-

- (a) the concentration of alcohol determined by the analysis to be present in that person's breath and expressed in microgrammes of alcohol in one hundred millilitres of breath; and
- (b) the time of day and the date on which the breath analysis was completed.

(14) In proceedings for an offence under sections 221, 222, 223 or this section -

- (a) evidence may be given of –
 - (i) the concentration of alcohol present in the breath of the accused as determined by the breath analyzing instrument operated by the constable authorized in that behalf under subsection (2); and
 - (ii) drug found in the body of a person by a drug analysis of the sample of blood or urine given by the accused; and
- (b) the concentration of alcohol so determined shall be deemed to be the concentration of alcohol in the breath of the accused at the time of the occurrence of the event mentioned in section 223(1)(a) unless the accused proves that the concentration of alcohol in his breath at the time did not exceed the prescribed limit.

(15) In proceedings for an offence under this section, a certificate purporting to be signed by a constable certifying that -

- (a) he is authorized by the Minister to whom responsibility for national security has been assigned to operate breath analyzing instruments or a sweat or saliva analysing instrument for the purpose of obtaining a preliminary drug test;
- (b) a person named therein submitted to a breath analysis;
- (c) the apparatus used by him to make the breath analysis was a breath analyzing instrument approved by the Minister;

- (d) the instrument used by him to conduct a preliminary drug test is an instrument approved by the Minister for that purpose;
- (e) the breath analysis was made on the date and completed at the time stated in the certificate;
- (f) a concentration of alcohol determined by the breath analyzing instrument and expressed in microgrammes of alcohol in one hundred millilitres of breath was present in the breath of that person on the date and at the time stated in the certificate; and
- (g) a statement in writing required by subsection (8) was delivered in accordance with that subsection,

shall be *prima facie* evidence of the particulars certified in and by the certificate.

(16) In proceedings for an offence under this section, a certificate purporting to be signed by the Minister responsible for national security that the constable named therein is authorized to operate a breath analyzing instrument or an instrument for conducting a preliminary drug test, shall be *prima facie* evidence of the particulars certified in and by the certificate.

(17) In any proceedings for an offence under this section, evidence of the condition of a –

- (a) breath analyzing instrument; or
- (b) an instrument used for conducting preliminary drug test,

or the manner in which it was operated shall not be required unless evidence that the instrument was not in proper condition or was not properly operated has been adduced.

(18) The Minister may, by Order, approve the device to be used for the -

- (a) quantitative measuring of the proportion of alcohol in a person's breath; and
- (b) conducting a preliminary drug test for the purpose of determining if a person has a drug in his body.

Laboratory test

225. (1) Subject to subsections (2) and (3), in the course of an investigation as to whether a person has committed an offence under section 222, a constable may require a person under investigation to provide a specimen of blood for a laboratory test if the person is unable, by reason of his physical condition, to provide a specimen of breath for a breath test.

(2) A person shall not be required to provide a specimen of blood for a laboratory test under subsection (1) if he is at a hospital as a patient and the medical practitioner in immediate charge of his case is not first notified of the proposal to

make the requirement, or objects to the provision of a specimen on the ground that the requirement to provide such specimen could be prejudicial to the proper care or treatment of that person.

(3) A constable shall not require a person to submit a specimen of blood for a blood analysis once a breath analysis has been carried out in respect of that person and the result is available.

(4) Nothing in subsections (1) to (3) shall affect the provisions of section 227.

(5) For the purposes of this section and sections 222, 226 and 227, where any person is required to provide a specimen of blood, such specimen shall be taken only -

- (a) with the consent of that person;
- (b) at a hospital; and
- (c) by a medical practitioner or qualified laboratory technician.

(6) The Minister to whom responsibility for health is assigned shall, by Order, designate laboratories for the purpose of giving effect to this section.

Refusing to provide a sample of blood

226. (1) Any person who is under investigation in relation to an offence under section 222 and who refuses to provide a sample of blood for a laboratory test when required to do so under section 225(1) commits an offence and is liable -

- (a) in the case of a first conviction, to a fine of **twelve thousand** dollars or to imprisonment for three years; or
- (b) in the case of a second or subsequent conviction, to a fine of **twenty-two thousand, five hundred dollars** or to imprisonment for five years.

(2) A person shall not be treated as failing to provide a specimen of blood if he is unable to do so for the reasons set out in section 225(2).

Ancillary provisions as to evidence in proceedings for an offence under this Part

227. (1) For the purposes of any proceedings for an offence under this Part, a certificate signed by an authorized analyst, certifying the proportion of alcohol or drug found in a specimen identified by the certificate shall, subject to subsection (3), be evidence of the matters so certified.

(2) For the purposes of any proceedings for an offence under this Part, a certificate purporting to be signed by the medical practitioner that he took a specimen of blood from a person shall, subject to subsection (3), be evidence of the matters so certified.

(3) Subsections (1) and (2) shall not apply to a certificate tendered on behalf of the prosecution -

- (a) unless a copy has been served personally on the accused or on his counsel or by prepaid registered post not less than seven days before the hearing or trial; or
- (b) if the accused, not less than seven days before the hearing or trial, or within such further time as the court may in the circumstances of the case allow, has served notice on the prosecution requiring the attendance at the hearing or trial of the person by whom the certificate was signed.

(4) Where, in proceedings for an offence under section 224 the accused, at the time a specimen of blood was taken from or provided by him in accordance with this Act, requested that he be supplied with a specimen, evidence of the proportion of alcohol found in the specimen shall not be admissible on behalf of the prosecution unless -

- (a) the specimen is either one of two taken or provided on the same occasion or is part of a single specimen which was divided into two parts at the time it was taken or provided; and
- (b) the other specimen or part was supplied to the accused.

(5) The Minister to whom responsibility for health is assigned may designate qualified persons to conduct laboratory tests in accordance with this Act, to determine the concentration of alcohol in a person's blood.

(6) Where a person is -

- (a) suspected of committing an offence under section 221 or 223 and in the case of -

- (i) a preliminary drug test, a sample of saliva is obtained for testing, the sample shall also be submitted; and

- (ii) a drug analysis, a sample of blood is obtained for laboratory testing, the sample shall also be submitted; or

- (b) convicted of an offence under this Part, the court may order that person provide a non-intimate sample,

for a forensic DNA analysis in accordance with the requirements of the Administration of Justice (Deoxyribonucleic Acid) Act.

Alcohol
rehabilitation
programme

228. (1) A person who is convicted of an offence under section 221 or 222 -

- (a) may be ordered by the Court to participate in an alcohol or drug rehabilitation programme before his licence is reinstated;
and

(b) shall, if the Court makes an order under paragraph (a) in relation him, provide the Authority with evidence of participation in the alcohol rehabilitation programme and of satisfactory rehabilitation before consideration is given to his application for reinstatement of a licence.

(2) Evidence of satisfactory rehabilitation required under sub-section (1)(b) may be provided by the body approved by the Minister to whom responsibility for Health is assigned, that conducted, directed or promoted the alcohol rehabilitation programme attended by the convicted person.

Alcohol
restrictions on
driving
supervisor,
newly licenced
driver and
drivers generally

229. (1) A driving supervisor shall not supervise a newly licenced driver in driving or operating a motor vehicle if the blood alcohol levels of the driving supervisor exceeds the prescribed limit as required under section 223.

(2) A newly licenced driver while driving or operating a vehicle shall have a zero blood alcohol level.

(3) A person shall not drive or operate a motor vehicle while having in the cabin area of the vehicle an opened bottle, container or vessel with any alcoholic beverage.

(4) A person shall not drive or operate a public service vehicle if his –

- (a) breath alcohol concentration exceeds zero microgrammes of alcohol in one hundred millilitres of breath; or**
- (b) blood alcohol concentration exceeds zero milligrammes of alcohol in one hundred millilitres of blood,**

or such other proportion as may be prescribed.

(5) Subsection (3) shall not apply to a hired vehicle that is chartered for a specific social activity or event.

(6) A person who contravenes this section is liable on summary conviction to a fine of five thousand dollars and imprisonment for six months.

PART XVIII

FIXED PENALTY OFFENCES

Interpretation of
certain words

230. For the purposes of this Part, except so far as the context otherwise requires –

used in sections
231 to 239

“Clerk” and “Court” have the meanings respectively, assigned to those expressions by section 2 of the Summary Courts Act;

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“fixed penalty” means the penalty prescribed by regulations as having a fixed penalty for any contravention under this Act or regulations made thereunder;

“fixed penalty offence” means any offence under this Act or any written law that carries a fixed penalty;

“proceedings” means proceedings by complaint before a Magistrate.

Constable may
give or affix
notice

231. (1) Where a constable or a Motor Vehicles Enforcement Officer has reason to believe that an offence has been or is being committed, he may give to the driver a notice charging him with the commission of the offence, and requiring him either to pay a fixed penalty within the time specified in the notice or to appear before the Court specified in the notice on the day and at the hour stated therein to answer the said offence charged.

(2) Subject to this section, where a constable or a Motor Vehicles Enforcement Officer finds a vehicle on any occasion and has reason to believe that an offence is being or has been committed in respect of that vehicle, he may affix a notice to any part of the vehicle where the notice may be easily seen.

(3) A notice affixed pursuant to subsection (2) shall, for the purposes of this Act, be deemed to have been served upon the person liable for the offence, and notwithstanding any law to the contrary, the owner of the vehicle shall, for the purposes of the proceedings instituted by the notice, be presumed to be the person liable for the offence.

(4) A notice affixed pursuant to subsection (2) shall charge the person liable or presumed to be liable for the commission of the offence, and shall require him to either pay the fixed penalty within the time specified in the notice, or to appear at the Court specified in the notice on the day and at the hour stated therein to answer the offence charged.

(5) Where a constable or a Motor Vehicles Enforcement Officer intends to proceed under subsection (1) or (2), the notice shall be given or affixed on the occasion where he had reason to believe that the offence was committed and the constable or a Motor Vehicles Enforcement Officer shall forthwith send by registered mail a copy of the notice to the owner of the vehicle.

(6) The constable or a Motor Vehicles Enforcement Officer shall send to the Clerk, in the district in which the offence is alleged to have been committed, a duplicate of the notice.

(7) The notice given or affixed, and sent, under this section shall be deemed to be a complaint for the purposes of section 33 of the Summary Courts Act.

(8) 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 the fixed penalty, deemed to be a summons issued in accordance with section 43 and served in accordance with section 43, of the Summary Courts Act.

(9) 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.

(10) Where in an appeal referred to in subsection (9), the Court decides in favour of the appellant, the amount representing the fixed penalty paid by the appellant shall be refunded to him.

Contents of
notice

232. A notice given or affixed under section 231 shall be signed by the constable or a Motor Vehicles Enforcement Officer and shall specify -

- (a) the date, time and place of the giving or affixing of the notice;
- (b) the section of the written law creating the offence alleged, and such particulars of the offence as are required for proceedings under the Summary Courts Act;
- (c) the time within which the fixed penalty may be paid in accordance with section 233;
- (d) the amount of the fixed penalty;
- (e) the Clerk to whom, and the address at which the fixed penalty may be paid or remitted; and
- (f) the address of the Court at which the person is required to appear in the event of his failure to pay the fixed penalty within the specified time, and the date and time of the appearance.

Penalties to be paid in accordance with notice

233. (1) Where a notice has been given under section 230, the driver or owner of the vehicle, as the case may be, may 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 **or to the Clerk in any other district.**

(3) The time within which the fixed penalty is payable shall be thirty days from the date of the notice.

(4) Where a person pays a fixed penalty in accordance with a notice, that person shall not be liable to be convicted for the offence in respect of which the notice was given but shall be liable to be awarded penalty points in accordance with section 60.

(5) The payment of a fixed penalty under this Act shall be dealt with in the same manner as the payment of a fine imposed under the Summary Courts Act.

Amount of fixed penalty

234. The fixed penalty for an offence shall be the amount specified by regulations made under this Act for that purpose.

Proceedings to be instituted by notice

235. Proceedings in respect of an offence deemed to be instituted by a notice under section 231 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 233(3); and

(b) in respect of a that notice, the Clerk has been furnished by the constable or the Authority with such information on the owner of the vehicle as would have been furnished to the Clerk had the notice been issued under section 231(1).

Certificate of Clerk sufficient proof

236. In any proceedings, a certificate that payment of a fixed penalty was or was not made to the Clerk by a date specified in the certificate shall, if the certificate purports to be signed by the Clerk, be sufficient evidence of the facts stated, unless the contrary is proved.

Where fixed penalty not paid

237. Where the fixed penalty is not paid within the time specified in the notice, proceedings in respect of the offence specified in the notice shall proceed in the same manner prescribed in the Summary Courts Act.

Notice not to be removed

238. (1) A notice affixed to a vehicle under section 231(2) shall not be removed or interfered with except by or under the authority of the driver of the vehicle or the person liable for the offence in question.

(2) A person who contravenes this section commits an offence and is liable on summary conviction to a fine of three thousand dollars.

Minister may amend Schedules

239.(1) The Minister may from time to time by regulations -

- (a) add to or remove any fixed penalty offence and prescribe in respect of that offence a penalty not exceeding five thousand dollars; and
- (b) alter the fixed penalty for any offence so that the penalty as altered does not exceed five thousand dollars.

(2) In subsection (1)(a), “offence” means an offence against any written law relating to the use of vehicles on a road or highway and punishable on summary conviction.

PART XIX

LEGAL PROCEEDINGS

Power to convict for reckless or dangerous driving on trial for manslaughter

240. Where on the trial of a person who is indicted for manslaughter in connection with the driving of a vehicle by him, it shall be lawful for the jury, if they are satisfied that he has committed an offence under section 195, to find him guilty of that offence, whether or not the requirements of section 198 have been satisfied as respects that offence.

Power to proceed with charge for careless driving on hearing of charges under sections 221 or 223

241. (1) Where a person is charged summarily before a Magistrate with an offence under section 221 or section 223 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, direct or allow a charge for an offence under section 198 to be preferred forthwith against the defendant and may thereupon proceed with that charge.

(2) The defendant under subsection (1) or his Attorney-at-law shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the Magistrate shall, if he considers that the defendant is prejudiced in his defence by reason of the new charge being preferred, adjourn the hearing.

Court may order disqualification from holding driver's licence

242. (1) The Court before which a person is convicted of any offence in connection with the driving of a vehicle may, in addition to any other penalty provided for such offence, order that the offender be disqualified for a stated period or permanently, from holding or obtaining a driver's licence either generally or limited to the driving of a vehicle of any particular class and where the offender holds a driver's licence, the Court shall require him to produce the driver's licence and on the making of an order of disqualification he shall forfeit the driver's licence and return it to the Authority.

(2) A person who is disqualified under this Act from holding or obtaining a driver's licence may, after the expiration of six months from the date of the disqualification, apply to the Court by which he was disqualified to remove the disqualification and the Court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the disqualification, the nature of the offence and any other circumstances of the case either by order, remove the disqualification as from the date specified in the order or refuse the application.

(3) Where an application is refused under this section a further application shall not be entertained within six months of the date of the refusal.

(4) The court shall provide to the Authority particulars of a conviction or disqualification or of the removal of a disqualification under this Act.

(5) The costs of any application referred to in this section may be borne in whole or in part by the applicant, as the Court may order.

Right of appeal

243. A person who by virtue of an order of a Court under section 244 is disqualified from holding or obtaining a driver's licence may appeal against the order in the same manner as against a conviction, and the Court may, if it thinks fit, pending the appeal, suspend the operation of the order.

Production of offender's Record of Conviction

244. Where a person who holds a driver's licence is convicted of an offence in connection with driving a motor vehicle, the Court may, in order to impose an appropriate penalty, require the Authority to produce for its inspection the offender's Record of Conviction and the Authority where so required, shall furnish the Court with the offender's Record of Conviction or with a certified copy thereof and such other records relevant to the offender in the custody of the Authority as the Court may determine.

Custody of driver's licence while suspended or cancelled

245. (1) A Court which suspends or cancels a driver's licence, or declares a person disqualified from obtaining a driver's licence shall forthwith send to the Authority the driver's licence that is suspended or cancelled.

(2) At the expiration of the period of suspension, the Authority shall return the licence to the owner on demand.

(3) Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the Authority shall forthwith after the receipt of the driver's licence, endorse on the licence in the usual manner the class or description of vehicle which the holder of the licence is not thereby authorised to drive, and the licence shall then be returned to the holder.

(4) At the expiration of the period of disqualification of a licence, the holder shall again forward the licence to the Authority, who shall thereupon indicate on the licence that the restriction imposed during the period of disqualification has been removed.

Suspended
driver's licence
to be of no effect

246. A driver's licence suspended by a Court shall, during the period of suspension, be of no effect, and a person whose licence is suspended, or who is declared by the Court to be disqualified from obtaining a licence shall, during the period of such suspension or disqualification, be disqualified from obtaining a driver's licence.

Temporary
suspension of
driver's licence
pending
determination of
charges

247. Where a person is charged with manslaughter arising out of the use of any vehicle or with contravening the provisions of section 221 or section 195 the Authority may, in the interest of public safety, order the suspension of the driver's licence of the person so charged pending the determination of the charge.

Fraudulent
application for
driver's licence

248. Where a person who is disqualified from holding or obtaining a driver's licence under this Part applies for or obtains a driver's licence while he is so disqualified or while he is so disqualified, drives a vehicle or the disqualification is limited to the driving of a vehicle of a particular class or description and is found driving a vehicle of that class or description on a road or has been refused a driver's licence applies for or obtains a driver's licence without disclosing such refusal, he commits an offence and is liable on summary conviction to a fine of two thousand dollars or to imprisonment for six months.

PART XX

APPEALS COMMITTEE

Establishment of Appeals Committee

249. (1) The Minister shall establish a committee to be known as “the Appeals Committee” whose responsibility shall be to –

- (a) hear and determine all appeals from the decisions of the Authority, in the exercise of its functions and duties under this Act; and
- (b) review any decision of the Authority to refuse to grant any permit, licence or certificate under this Act.

(2) An appeal under subsection (1) shall be made to the Appeals Committee by the person aggrieved by the decision.

Composition of the Appeals Committee

250. (1) The Minister shall appoint the following persons as members of the Appeals Committee:

- (a) an Attorney-at-law of at least seven years’ standing; and
- (b) four persons, each with knowledge and experience in matters relating to at least one of the following:
 - (i) land transportation;
 - (ii) medicine;
 - (iii) automotive engineering; or
 - (iv) industrial relations management.

(2) The Minister shall, from among the members, appoint the Chairman and Deputy Chairman of the Appeals Committee.

(3) The members of the Appeals Committee shall be paid out of monies allocated by the Parliament such remuneration, whether by way of honorarium, salary or fees, and such allowances as may be determined by the Minister.

Restrictions on composition of the Committee

251. A person shall not be qualified to be a member of the Appeals Committee who is -

- (a) a member of the Senate;
- (b) a member of the House of Representatives;
- (c) a member of the Tobago House of Assembly;
- (d) a member of a local authority;
- (e) a bankrupt; or

- (f) a person who has at any time been convicted of a criminal offence punishable by a term of imprisonment exceeding three years.

Term of office of
Chairman,
Deputy
Chairman and
other members
of the Committee

252. (1) A member of the Appeals Committee shall, subject to this section, hold office for a period not exceeding three years from the date of appointment as a member.

(2) A member of the Appeals Committee shall be eligible for reappointment for not more than two consecutive terms.

(3) A member of the Appeals Committee appointed to fill a vacancy shall hold office for the unexpired term of his predecessor.

(4) A member of the Appeals Committee other than the Chairman may at any time, resign his office by instrument in writing, addressed to the Minister and transmitted through the Chairman of the Appeals Committee, and from the date of the receipt by the Minister of the instrument, the member shall cease to be a member of the Appeals Committee.

(5) The Chairman of the Appeals Committee may at any time resign his office by instrument in writing, addressed to the Minister, and such resignation shall take effect as from the date on which the Minister receives that instrument.

Appointment of
members of the
Committee to be
notified in the
Gazette

253. The Authority shall publish in the *Gazette* the names of all members of the Appeals Committee as first constituted, including the Chairman and Deputy Chairman and every change in the membership of the Appeals Committee and the termination of any such appointment.

Secretary to the
Committee

254. (1) The Appeals Committee shall appoint a suitably qualified person to serve as Secretary to the Appeals Committee.

(2) The Secretary shall assist the Appeals Committee in all respects and in such manner as the Appeals Committee may from time to time require in the discharge of its functions.

Powers of the
Committee

255. (1) The Appeals Committee, in making a determination of an appeal against a decision of the Authority -

(a) shall take into account the operations of the holder of the licence, permit or certificate and how its decision will affect such operations and either -

(i) dismiss the appeal; or

- (ii) allow the appeal and direct the Authority with or without conditions to grant or reinstate a licence, permit or certificate; or
- (b) may affirm or reverse the decision but shall not have power to vary that decision except where the decision was to—
 - (i) cancel, suspend or revoke a licence, permit or certificate, the Appeals Committee may direct the Authority to impose certain conditions, where applicable; or
 - (ii) impose or vary any conditions or restrictions, the Appeals Committee may direct the Authority to impose different conditions or restrictions, or to vary them in a different way.

(2) Where the Appeals Committee gives a direction to the Authority under subsection (1)(a)(ii) it shall be for the Authority to decide what conditions or restrictions should be imposed or how the conditions should be varied or, as the case may be, what direction should be given or how a direction should be varied and the Authority shall by notice in writing to the holder of the licence, permit or certificate concerned impose the restrictions, give the direction or make the variation.

(3) Where the Appeals Committee reverses a decision of the Authority to refuse an application for a licence, permit or certificate, the Appeals Committee shall direct the Authority to grant it.

(4) Notice of the decisions of the Appeals Committee together with a statement of the reasons for its decision, shall be served on the appellant, the Authority and where the holder of the licence, permit or certificate is not an appellant, on that holder and unless the Appeals Committee otherwise directs, the decision shall come into operation when the notice is served on the appellant, the Authority or the holder of the licence, certificate or permit, as the case may be.

Effect of the decision of the Authority during appeal

256. Where an appeal of a decision of the Authority is pending, any order made, decision or direction given on the matter by the Authority shall remain in force until a decision is made on the appeal unless on an *inter partes* application or an *ex parte* application, where notice has been given to the Authority that the Appeals Committee is of the view that exceptional circumstances exist that warrant the grant of a stay of any further action by the Authority.

Costs and expenses

257. The Appeals Committee may give such directions as it thinks fit for the payment of costs or expenses by any party to the appeal.

Appeal Committee to regulate its own procedure

258. (1) Subject to this section, the Appeals Committee may regulate -

- (a) its own procedure; and
- (b) the procedure for conducting appeals.

(2) The Appeals Committee shall hear applications *in camera* and may permit -

- (a) an applicant or his representative; and
 - (b) a representative of the Authority,
- to appear before the Appeals Committee.

(3) Sittings of the Appeals Committee shall be held as often as may be necessary for the performance of its functions and at such place, time and day as the Appeals Committee may determine.

(4) A quorum for a sitting of the Appeals Committee shall be a majority of the members of the Committee.

(5) At a sitting of the Appeals Committee -

- (a) the Chairman shall preside;
- (b) if the Chairman is not present, the Deputy Chairman shall preside;
or
- (c) if neither the Chairman nor the Deputy Chairman is present, the members present may appoint a member to preside at that meeting.

(6) Any question before the Appeals Committee shall be determined by the majority of the members of the Appeals Committee present and voting and in the case of an equality of votes, the person presiding may exercise a casting vote.

PART XXI

GENERAL

Refusing to give
name or address
or giving false
name or address

259. (1) Where a constable or a Motor Vehicles Enforcement Officer alleges that a person has committed an offence under this Act, and the person refuses to give his name and address or gives a false name or address to the constable or the Motor Vehicles Enforcement Officer as the case may be, the person commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(2) The owner of a vehicle who is required to give any information which it is within his power to give and which may lead to the identification and apprehension of the driver of the vehicle, and who fails to do so within four days of his being notified of such request, commits of an offence and is liable on summary conviction to a fine of five thousand dollars.

(3) Except where a person gives his name and address or produces his driver's licence for examination, a constable or a Motor Vehicles Enforcement

Officer may arrest without warrant a person who, in the opinion of the constable, is found committing an offence under this Act.

Giving false information

260. A person who makes any statement which he knows to be false, or misleading in connection with -

- (a) an application for registration of a vehicle which is capable of being towed for the purpose of carriage of load;
- (b) a driver's licence;
- (c) any change or correction in a Vehicle Registration Certificate; or
- (d) the provision of any information lawfully demanded or required under this Act,

commits an offence and is liable on summary conviction to a fine of five thousand dollars and imprisonment for nine months.

Power to require a vehicle registered according to MGW to be weighed

261. (1) A driver or other person in charge of a vehicle registered according to its maximum gross weight shall, on demand by a constable or a Motor Vehicle Enforcement Officer satisfy the constable or the Motor Vehicle Enforcement Officer as the case may be that the load which is being carried on the vehicle does not exceed the maximum limit for which the vehicle is registered.

(2) Where a constable or a Motor Vehicles Enforcement Officer has reason to believe that the load being carried on a vehicle exceeds the maximum gross weight for which the vehicle is registered, the constable or the Motor Vehicles Enforcement Officer as the case may be, may require the driver or other person in charge of the vehicle to drive the vehicle to such place as the constable or Motor Vehicle Enforcement Officer may direct for the purpose of weighing such load.

(3) Any person who –

- (a) fails to comply with a request under subsection (1); or
- (b) carries load on a vehicle that exceeds the maximum gross weight for which the vehicle is registered,

commits an offence and is liable on summary conviction to a fine of five thousand dollars.

(4) Notwithstanding subsection (3), where a person fails to comply with a request under subsection (2), a constable or Motor Vehicle Enforcement Officer may arrest the person without a warrant.

(5) A vehicle under subsection (2) may be detained at the expense and risk of the owner and taken to a place for safe keeping, until such request is complied with, and any excess load found on weighing shall first be removed before the vehicle is permitted to proceed on its journey.

(6) The Authority or any person authorised by the Authority may, before registering a vehicle, including any renewal of registration in respect of the vehicle, require the vehicle to be weighed by and at the expense of the owner in the presence of a person authorised by the Authority.

Prohibition on use of radio or electronic device

262. (1) A person shall not play or operate a radio or other electronic device in a loud manner in any vehicle in a manner that is likely to disturb or cause a nuisance to persons in the vicinity.

(2) Notwithstanding subsection (1), the Authority may where it sees fit, grant written permission to a person to play a radio or electronic device in a loud manner for any social event, commercial promotion or other activity or reason.

(3) A person who is desirous of obtaining written permission to play a radio or electronic device in a loud manner shall apply to the Authority in the prescribed form and pay the fee specified in the Fifth Schedule in the prescribed form and pay the fee specified in the Fifth Schedule.

(4) A permit granted under subsection (2) shall be valid for no more than three months.

Penalties

263. (1) A person who commits an offence under this Act for which no penalty is prescribed shall, on summary conviction, be liable to a fine of five thousand dollars and to imprisonment for nine months.

(2) Any person who contravenes Regulations made under this Act shall, unless otherwise specifically provided, be liable to a fine of three thousand dollars or imprisonment for six months.

(3) Unless otherwise expressly provided, all offences under this Act may be prosecuted and all penalties incurred may be imposed or recovered in the manner provided by the Summary Courts Act.

Offences by minors

264. Notwithstanding any written law to the contrary, where an offence under this Act is committed by a person who is under the age of seventeen, that person shall be liable to the same penalties as if he was seventeen at the time of the commission of the offence and such penalty shall, where it results in disqualification from holding a driver's licence, commence from the day the person attains the age of seventeen.

PART XXII

MISCELLANEOUS

Recovery of damage to road, bridge, traffic lights, traffic signs, etc.

265. (1) Where by reason of an offence under this Act, any damage is caused to any road, bridge, traffic lights, traffic signs, road barrier or other infrastructure the Authority responsible for the repair of the road or bridge may cause such damage to be made good, and may, either before or after the damage is made good, recover the estimated or actual cost of the damage from the owner or from the insurance company where applicable of the vehicle by the use of which the offence was committed.

(2) A certificate under the hand of the relevant officer in the Ministry with responsibility for works, or any person authorised by him in that behalf, of the amount of the cost of making good the damage shall, without proof of signature, be *prima facie* evidence of the amount payable by the owner of the vehicle.

Certificate as to damage to be admissible as evidence

266. If in any proceedings under this Act any question arises as to whether a vehicle does or does not comply with any provision of this Act, the certificate of any person appointed by the Authority as a Motor Vehicles Enforcement Officer, that he has examined the vehicle and, as to the result of his examination, shall be admissible in evidence and shall be sufficient *prima facie* evidence of any fact or opinion stated therein relating to the matter in question, and the Court shall not permit the officer to be called for cross-examination on the certificate, unless contrary evidence is given which appears to the Court to be credible, or unless for any reason the Court considers cross-examination to be necessary in the interests of justice.

Fees to be paid to Authority

267. All fees and duties specified in the Fifth Schedule shall be payable to the Authority in respect of the several matters to which they are applicable.

Requirement for details of conviction to be forwarded to the Authority

268. The Clerk of the Peace of any District or the Registrar of the High Court shall, on the conviction of any person under this Act, furnish such information to the Authority.

Liability at Common Law

269. Nothing in this Act shall affect any liability of the driver or owner of a motor vehicle by virtue of any Act or at Common Law.

Regulations

270. (1) The Minister may make Regulations subject to negative resolution of Parliament generally for giving effect to the provisions of this Act in respect of all or any of the following matters:

- (a) anything which by this Act may or is to be prescribed;
- (b) the forms to be used under this Act;

- (c) the construction, fittings, dimensions and design of any motor vehicle;
- (d) the character and nature of horns or other instruments capable of giving audible and sufficient warning of motor and other vehicles and regulating their use;
- (e) the number, position and kind of lights and reflectors to be carried on motor and other vehicles and the times during which they are to be exhibited;
- (f) the duties and powers of Motor Vehicles Enforcement Officers with regard to the inspection of motor and other vehicles;
- (g) the inspection of motor and other vehicles and the times, places and manner of such inspection;
- (h) the form of identification marks to be fixed on motor vehicles and trailers in respect of registration and licensing and the sizes and colour of the letters and the manner of displaying such marks;
- (i) the classification of roads and the prohibition or restriction of the use of any classified roads by vehicles of any specified class or description;
- (j) the precedence of vehicles and pedestrians respectively, at and in the vicinity of crossings;
- (k) the issue of licences to drivers of hiring cars by the Authority and the conditions to be observed by the holders of such licences;
- (l) the badges and uniforms to be worn by drivers and conductors of public service vehicles and the conduct of drivers, conductors and passengers;
- (m) passenger fares and tolls in respect of public service vehicles;
- (n) the maximum number of hours a person may be employed to drive a public service vehicle continuously within a period of twenty-four hours;

- (o) 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 vehicles or any class of vehicles on any road and the conditions under which they may be used;
- (p) health, safety or environmental matters with respect to the registration of motor vehicles or trailers including the prescribed vehicle emissions, use of unleaded fuels, and vehicle specifications for motor vehicles or classes of motor vehicles for the purpose of registration;
- (q) fixed penalty offences for contravention of any provision of this Act or regulations made thereunder and prescribe a maximum penalty of five thousand dollars for such offences;
- (r) passenger transport;
- (s) the form and content of photographic images obtained through the use of the red-light camera system for evidentiary purposes including information that may or must be shown or superimposed on the photographic image and prescribing a system of codes, symbols or abbreviations that may be used to convey the information; and
- (t) the service of fixed penalty notices issued in proceedings based on evidence obtained through the use of red-light camera systems.

(2) For the purposes of subsection (q), “fixed penalty offences” means an offence against any written law relating to the use of vehicles on a road or highway and punishable on summary conviction.

(3) The Minister may, in making Regulations under subsection (1), limit the applicability of all or any of those Regulations to any specified area.

(4) Regulations made under subsection (1) may provide for the imposition of a fine and imprisonment of up to a maximum of five thousand dollars and nine months respectively.

(5) Regulations made under this section may contain such incidental or supplementary provisions as appear to the Minister to be expedient for the purposes of the Regulations and, without prejudice to the generality of the foregoing and notwithstanding anything in the former Act, the Maxi-Taxi Act and the Motor Vehicles and Road Traffic (Enforcement and Administration) Act may make different provisions with respect to different descriptions of vehicles specified in the Regulations.

(6) Notwithstanding the generality of subsection (1), the Minister may make Regulations -

(a) prescribing -

- (i) standards and requirements for premises carrying out Fleet Management Facilities and vehicle inspection centres;
- (ii) fees required under the Act to be prescribed;
- (iii) forms required under the Act to be prescribed;
- (iv) the requirements and standards for vehicles under the Act; and
- (v) the form of any notice required under this Act;

(b) regulating the use of roads;

(c) prescribing the operations of -

- (i) Fleet Management Facilities and vehicle inspection centres;
- (ii) Vehicle traders;
- (iii) Vehicle Rental Agencies;
- (iv) Hired Vehicles;
- (v) Private School Buses;
- (vi) Maxi-Taxi Operators; and
- (vii) Driving Schools;

(d) prescribing all that is required by this Act to be prescribed in relation to maxi-taxis and more specifically Regulations -

- (i) governing the criteria by which a permit to own and operate a maxi-taxi shall be issued;
- (ii) specifying route areas;
- (iii) governing the operation of maxi-taxis on route areas;
- (iv) governing the allocation of maxi-taxis to specific route areas;
- (v) restricting the number of maxi-taxis to be allocated to a successful applicant; and
- (vi) pertaining to the colour in which a maxi-taxi may be painted.

Provisions of Act to prevail

271. Where the provisions of this Act or of any Regulations made thereunder are in conflict with the provisions of any other written law relating to the control of vehicles and road traffic, the provisions of this Act and the Regulations made thereunder shall prevail.

Repeal and savings

272. (1) The following Acts are repealed:

Chap. 48:50

(a) the Motor Vehicles and Road Traffic Act;

Chap. 48:52

(b) the Motor Vehicles and Road Traffic (Enforcement and Administration) Act; and

Chap. 48:53

(c) the Maxi-Taxi Act.

(2) Notwithstanding subsection (1), any Order, regulation, notice or other subsidiary legislation made pursuant to the Acts specified in that subsection, shall, if in force at the commencement of this Act, continue in force until replaced by any Order, regulation, notice or other subsidiary legislation made under this Act.

FIRST SCHEDULE

[Section 25(2)]

PRECEPT FORM

REPUBLIC OF TRINIDAD AND TOBAGO

MOTOR VEHICLES AND ROAD TRAFFIC ACT

To

of..... I

,, Registrar do, under and by virtue of the power vested in me by the Motor Vehicles and Road Traffic Act hereby issue to you this Precept authorizing you to perform the duties of a Motor Vehicles Enforcement Officer.

.....

Registrar

SECOND SCHEDULE

PUBLIC OFFICES UNDER THE LICENSING AUTHORITY

TECHNICAL:

Transport Commissioner
Assistant Transport Commissioner
Project Manager
Systems Analyst I
Programmer I
Automotive Licence Officer II
Automotive Licence Officer I
Motor Vehicle Inspector II
Motor Vehicle Inspector I
Photographer I
Driver License Examiner

Motor Vehicle Supervisor II
Motor Vehicle Supervisor I
Traffic Safety Officer
Motor Vehicle Officer II
Motor Vehicle Officer I

ADMINISTRATIVE/ACCOUNTING/CLERICAL/SECRETARIAL/MANIPULATIVE

Clerk Stenographer II
Computer Operator I
Accountant I
Administrative Officer II
Administrative Assistant
Cashier II
Clerk IV
Clerk III
Clerk II
Clerk I
Clerk I Laminator
Clerk Typist II
Clerk Typist I
Clerk Stenographer III

Clerk Stenographer I/II
Watchman
Cleaner II
Cleaner I
Messenger I
SRP
Estate Constable
Motor Vehicle Attendant
Motor Vehicle Driver
Chauffeur

THIRD SCHEDULE

[Section 32(2)]

Oath of Affirmation of Office

I,..... do swear/solemnly declare and affirm, that I will without fear, favour, affection or ill-will, well and truly perform my duties in the office of [Chairman/ Member of the Board / officer or employee] of the Authority, in the exercise of the powers vested in me under the Motor Vehicles and Road Traffic Act, and that I will not directly or indirectly reveal any information to any unauthorised person or otherwise than in the course of duty. So help me God.

Sworn/Declared before me this day of, 20.....

FOURTH SCHEDULE

[Sections 7 and 48]

CLASSES OF DRIVER'S LICENCE TO BE ISSUED BY THE AUTHORITY

| <i>Type of licence</i> | <i>Conditions of licence</i> |
|------------------------|--|
| Class 1 | The driver is authorised to operate a commercial vehicle or combination of vehicle and trailer registered for maximum gross weight in excess of 15,000 kilograms. |
| Class 2 | The driver is authorised to operate a private school bus in excess of twenty-five passengers or an omnibus registered for a maximum gross weight in excess of 15,000 kilograms but does not include an articulated bus. |
| Class 3 | The driver is authorised to operate a commercial vehicle or combination of vehicle and trailer registered for a maximum gross weight in excess of 5,000 kilograms but not exceeding 15,000 kilograms or a maxi taxi with a tare weight exceeding 2,270 kilograms. |
| Class 4 | The driver is authorised to operate - (a) a hiring car, chartered vehicle or ambulance; (b) a private school bus with a seating capacity not exceeding twenty-five passengers or an omnibus with maximum gross weight not exceeding 15,000 kilograms; or (c) a maxi-taxi with a tare weight of 2,270 kilograms or less. |
| Class 5 | The driver is authorised to operate a private motor vehicle or a combination of a private motor vehicle and trailer registered for a maximum gross weight not exceeding 5,000 kilograms. |

Class 6 The driver is authorised to operate a motorcycle or motor driven cycle.

Class 7 The driver is authorised to drive an agricultural tractor, an industrial tractor and a wheel tractor.

FIFTH SCHEDULE

[Sections 49, 50,52,53,54, 55,56,
57,67,72,75,77,78,83,88,89,93,
94,97,99,106,109,118,121,122,
126,133,136,138,145,148,150,
154,155,157,168,169,178,181,
185,186,187,190,217,267]

FEES AND DUTIES

| | |
|--|------------|
| (1) Issue or renewal of Driver's Licence - | |
| (a) five-year licence | \$500.00 |
| (b) two-year licence | \$60.00 |
| (c) persons who have attained the age of sixty-five years may renew their driver's licence without charge. | Nil |
| (2) Late renewal of Driver's Licence – | |
| (a) six months or less | \$350.00 |
| (b) more than six months but less than three years | \$875.00 |
| (c) more than three years but less than five years..... | \$1,750.00 |
| (3) Knowledge test | \$175.00 |
| (4) Learner driver's licence | \$35.00 |
| (5) Driving test..... | \$175.00 |
| (6) Any duplicate, copy or replacement of a licence, permit or certificate – | |
| (a) on first issue | \$70.00 |
| (b) on second and subsequent issues..... | \$300.00 |
| (7) Temporary Permits..... | \$150.00 |
| (8) In-Transit Permits..... | \$50.00 |
| (9) Issue or renewal of Persons with Disability Parking Permit | \$100.00 |
| (10) Issue or renewal of Hired Driver's Permit | \$40.00 |
| (11) Passenger Conveyance Permits- | |
| (a) per month or any part thereof..... | \$90.00 |

| | |
|---|------------|
| (b) for every six months | \$500.00 |
| (12) Removal of suspension on Permits | \$500.00 |
| (13) Maxi-Taxi Owner Permit..... | \$100.00 |
| (14) Maxi-Taxi Operator Permit | \$100.00 |
| (15) Private School Bus Ownership Permit | \$100.00 |
| (16) Carnival Permit | \$1,000.00 |
| (17) Commercial Promotion Permit..... | \$1,000.00 |
| (18) Special Permits (social events and other activity or reason) | \$300.00 |
| (19) Registration of vehicle | \$100.00 |
| (20) Vehicle Certificate of Registration..... | \$200.00 |
| (21) Issue and replacement of Motor Vehicle Licence Plates..... | \$300.00 |
| (22) Re-classification of registration of vehicle | \$100.00 |
| (23) Issue or renewal of Validation Certificate..... | \$100.00 |
| (24) Transfer of Ownership: | |
| (a) Used motor vehicles (other than motor cycles) over ten years old..... | \$100.00 |
| (b) Used motor vehicles (other than motor cycles) over seven years old but not more than ten years old | \$900.00 |
| (c) Used motor vehicles (other than motor cycles) over five years old but not more than seven years old..... | \$2,000.00 |
| (d) Used motor vehicles (other than motor cycles) over two years old but not more than five years old..... | \$3,000.00 |
| (e) Used motor vehicles (other than motor cycles) two years old and under.... | \$4,000.00 |
| (f) Used motor cycles not exceeding 250 cc..... | \$100.00 |
| (g) Used motor cycles exceeding 250 cc..... | \$200.00 |

| | |
|--|------------|
| (25) Issue or renewal of Vehicle Trader Registration Certificate..... | \$5000.00 |
| (26) Issue of Vehicle Trader Registration Plates | \$5000.00 |
| (27) Issue or renewal of Vehicle Rental Agency Registration Certificate | \$5,000.00 |
| (28) Issue or renewal of Fleet Management Facility Registration Certificate... | \$2500.00 |
| (29) Issue or renewal of Vehicle Inspection Centre Registration Certificate... | \$2500.00 |
| (30) Issue or renewal of Driving School Registration Certificate..... | \$5000.00 |
| (31) Driving Instructor's Permit..... | \$300.00 |
| (32) Removal of Suspension on Certificates..... | \$1000.00 |
| (33) Music Permit..... | \$1000.00 |

SIXTH SCHEDULE

[Sections 68(1), 69 and 70]

Parties to International Convention

| | |
|--------------------|-------------------------|
| Albania | Ecuador |
| Algeria | Egypt |
| Anguilla | Federal Republic of |
| Antigua/Barbuda | Germany |
| Argentina | Fiji |
| Australia | Finland |
| Austria | France |
| Bangladesh | Ghana |
| Barbados | Greece |
| Belgium | Grenada |
| Belize | Guatemala |
| Benin | Guyana |
| Botswana | Haiti |
| Brazil | Holy See |
| Bulgaria | Hungary |
| Canada | Iceland |
| Central African | India |
| Republic | Ireland |
| Chile | Israel |
| Congo | Italy |
| Cuba | Ivory Coast |
| Cyprus | Jamaica |
| *Czechoslovakia | Japan |
| Democratic | Jordan |
| Kampuchea | Lao People's Democratic |
| Denmark | Republic |
| Dominica | Lebanon |
| Dominican Republic | Lesotho |
| Luxembourg | San Marino |
| Madagascar | Senegal |
| Malawi | Sierra Leone |
| Malaysia | Singapore |
| Mali | Spain |
| Malta | Sri Lanka |
| Monaco | St. Kitts/Nevis |
| Morocco | St. Lucia |
| Netherlands | St. Vincent and the |
| New Zealand | Grenadines |
| Niger | Sweden |
| Nigeria | Switzerland |
| Norway | Syrian Arab Republic |
| Papua New Guinea | Thailand |
| Paraguay | Togo |
| | Tunisia |

| | |
|----------------------|----------------------------|
| People's Republic of | Turkey |
| China | Uganda |
| Peru | *Union of Soviet Socialist |
| Philippines | Republics |
| Poland | United Kingdom |
| Portugal | United States of America |
| Republic of Korea | Venezuela |
| Romania | †Yugoslavia |
| Rwanda | Zaire |

** The Union of Soviet Socialist Republics is now divided between Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.*

† Yugoslavia is now divided between Bosnia-Herzegovina, Croatia, Macedonia, Slovenia and FR Yugoslavia.

SEVENTH SCHEDULE

[Sections 75 and 81]

CLASSIFICATION OF VEHICLES AND VEHICLES TAX

Tax payable on registration of certain vehicles

1. There shall be charged, levied and collected in respect of every vehicle of a class or description specified in the first column of **Parts I and Part IA** of Appendix A a tax (in this Act referred to as “vehicle tax”) calculated on such basis as is specified in the second column of **the respective Part** of Appendix A in relation to a vehicle of that class or description.

Payment of vehicles tax

2. (1) Where vehicle tax is required to be paid on a vehicle, it shall be paid in the case of an imported vehicle, by the importer of the vehicle and in the case of a locally assembled vehicle, by the assembler of the vehicle.

(2) Where a person who is required by this section to pay vehicle tax fails to do so, he commits an offence and is liable on conviction to a fine of one thousand dollars and to a further fine of one hundred dollars for each day that the vehicle tax remains unpaid after conviction.

Rebate of vehicles tax

3. (1) Subject to this paragraph and to paragraphs 4 to 6, where vehicles tax has been paid on the sale of a private motor vehicle, a hiring car or a rented vehicle (hereinafter referred to as a “motor vehicle”) assembled in Trinidad and Tobago a rebate of tax shall be made to the manufacturer.

(2) For the purposes of subparagraph (1), vehicles tax shall be deemed to have been paid where the purchaser of the motor vehicle was exempt from the payment of the tax or any part thereof or where the tax or any part thereof has been remitted.

(3) Subject to paragraph 7, the rebate of tax in respect of any such motor vehicle shall be computed in accordance with Appendix B according to the local value added in the assembly of the motor vehicle.

(4) Nothing in this paragraph shall apply in any case where the motor vehicle is sold for export.

(5) In this paragraph and in paragraphs 5 and 6, “manufacturer” means a person who carries on in Trinidad and Tobago the business of assembling motor vehicles.

Local value added

4. (1) In this paragraph, and in paragraphs 3, 5 and 6 and in Appendix B and Appendix C, the local value added is the aggregate amount of the expenses specified in Appendix C, incurred during the immediately preceding year in the assembly of motor vehicle similar to the motor vehicle in respect of which the claim for rebate of tax is made apportioned over the number of motor vehicles assembled during that year and expressed as a percentage of the showroom price of such motor vehicle.

(2) Notwithstanding subparagraph (1) in any case where the Minister so directs, the Board of Inland Revenue may reduce the aggregate amount of the expenses incurred in the assembly of any such motor vehicle by an amount representing the excess over the level of profits that the Minister considers appropriate to be taken into account in determining the local value added of any such motor vehicles.

(3) In any case where there is no immediately preceding financial year or the immediately preceding financial year is less than twelve months, the aggregate amount of expenses incurred in the assembly of similar motor vehicles in the current financial year shall be estimated in the claim for the rebate of tax and subject to subparagraph (4) be applied in determining the local value added.

(4) In any case where the aggregate amount of the expenses incurred in the assembly of similar motor vehicles is estimated under subparagraph (3), the Board of Inland Revenue shall as soon as it considers it convenient, determine the twelve-month period to be taken as the immediately preceding financial year for the purpose of calculating the local value added with respect to any such motor vehicles for the first financial year.

(5) In this section, “financial year” means the period of twelve months during which the business of a person is made up.

Claim for rebate

5. (1) The rebate of tax provided for in paragraph 3 shall be made monthly in arrear to a manufacturer upon a claim therefor.

(2) Every claim for rebate of tax in respect of any motor car shall contain the following information:

- (a) the make, chassis number, registration number, engine number (measured in cubic centimetres) and the showroom price of the motor car sold in the current financial year with respect to which the claim is made;
- (b) the make, chassis number, registration number, engine number (measured in cubic centimetres) and the showroom price of

similar motor cars sold during the immediately preceding financial year;

- (c) the local value added showing additional particulars required for the calculation thereof, or the estimated local value added; and
- (d) the amount of motor vehicles tax paid in respect of the motor car, the date of payment and the name and address of the office into which payment of the motor vehicles tax has been paid.

Examination of books of account

6. The Board of Inland Revenue or any officer acting under its authority may examine the books of account of a manufacturer for the purpose of determining the local value added in the assembly of the motor vehicle in respect of which the claim for rebate of tax is made.
7. (1) **Notwithstanding the requirements under this Schedule –**
(a) **a new electric vehicle, with an engine size not exceeding 179 kilowatts; or**
(b) **a used electric vehicle, with an engine size not exceeding 179 kilowatts, and which is not older than four years from the year of manufacture,**
which is imported for private or commercial use on or after 1st January, 2015 and before 1st January, 2020, shall be free from motor vehicles tax.
(2) **For the purposes of this paragraph, “electric vehicle” means a vehicle that is propelled by an electric motor powered by a rechargeable battery pack.**
8. (1) **Notwithstanding the requirements under this Schedule –**
(a) **a new hybrid vehicle, with an engine size not exceeding 1799 cc; or**
(b) **a used hybrid vehicle, with an engine size not exceeding 1799 cc, and which is not older than four years from the year of manufacture,**
which is imported for private or commercial use on or after 1st January, 2015 and before 1st January, 2020, shall be free from motor vehicles tax.
(2) **For the purposes of this paragraph, “hybrid vehicle” means a vehicle that is capable of being propelled by a combination of an**

internal combustion engine and an on-board rechargeable energy system.

APPENDIX A

Paragraph 1.

In this Appendix -

- (a) engine size references expressed in cm³ means the total volume of the cylinders measured in cubic centimetres;
- (b) “showroom price” means such sum as in the opinion of the (Board of Inland Revenue) is the ordinary retail selling price of the vehicle without having regard to any discounts, commissions, monetary deductions, or other allowances given or made by the seller thereof.

PART I

PARTICULARS OF TAX

| Class of Description of Motor Vehicles | Motor Vehicle Tax |
|--|-------------------|
| | \$ |
| 1. PRIVATE MOTOR CARS OR RENTED CARS, STATION WAGONS OR ESTATE WAGONS: | |
| (a) Engine size exceeding 1599 cc but not exceeding 1799 cc | 4.00 per cc |
| (b) Engine size exceeding 1799 cc but not exceeding 1999 cc | 8.00 per cc |
| (c) Engine size exceeding 1999 cc but not exceeding 2499 cc | 21.00 per cc |
| (d) Engine size exceeding 2499 cc but not exceeding 2999 cc | 25.00 per cc |
| (e) Engine size exceeding 2999 cc but not exceeding 3499 cc | 30.00 per cc |
| (f) Engine size exceeding 3499 cc | 45.00 per cc |

| Class of Description of Motor Vehicles | Motor Vehicle Tax |
|--|-------------------|
| 2. MOTOR CYCLES | \$ |
| 3. HIRED VEHICLES, HIRING CARS OR CHARTERED VEHICLES: | |
| (a) Engine size not exceeding 999 cc | 0.75 per cc |
| (b) Engine size exceeding 1499 cc but not exceeding 1799 cc | 1.50 per cc |
| (c) Engine size exceeding 1499 cc but not exceeding 1799 cc | 3.00 per cc |
| (d) Engine size exceeding 1799 cc but not exceeding 1999 cc | 6.00 per cc |
| (e) Engine size exceeding 1999 cc but not exceeding 2499 cc | 15.75 per cc |
| (f) Engine size exceeding 2499 cc but not exceeding 2999 cc | 18.75 per cc |
| (g) Engine size exceeding 2999 cc but not exceeding 3499 cc | 22.50 per cc |
| (h) Engine size exceeding 3499 cc | 33.75 per cc |
| 3. MAXI-TAXIS OR PRIVATE SCHOOL BUSES: | |
| (a) Engine size not exceeding 2499 cc | 6.00 per cc |
| (b) Engine size exceeding 2499 cc | 8.00 per cc |
| 4. COMMERCIAL VEHICLES: | 2.50 per cc |
| 5. TRACTORS: | |

- (a) Agricultural tractors 1.00 per cc
- (b) Industrial tractors 1.00 per cc
- 6. Completely built-up foreign used motor vehicles imported by persons other than returning nationals, seventy-five per cent of the tax specified in subparagraph (1), (2), (3) or (4).

Note For the purposes of this Part of this Schedule, a station wagon or estate vehicle is not a commercial vehicle.

Part IA

PARTICULARS OF TAX FOR ELECTRIC VEHICLES

| <i>Class of Description of Vehicles</i> | <i>Vehicle Tax</i> \$ |
|---|---------------------------|
| (1) Private cars or rented cars, station wagons or estate wagons: | |
| (a) Engine size not exceeding 159 kilowatts | 5.00 per kilowatt |
| (b) Engine size exceeding 159 kilowatts but not exceeding 179 kilowatts | 8.00 per kilowatt |
| (c) Engine size exceeding 179 kilowatts but not exceeding 199 kilowatts | 15.00 per kilowatt |
| (d) Engine size exceeding 199 kilowatts but not exceeding 249 kilowatts | 25.00 per kilowatt |
| (e) Engine size exceeding 249 kilowatts but not exceeding 299 kilowatts | 30.00 per kilowatt |

| | |
|--|--------------------|
| (f) Engine size exceeding 299 kilowatts but not exceeding 349 kilowatts | 35.00 per kilowatt |
| (g) Engine size exceeding 349 kilowatts | 50.00 per kilowatt |
| (2) Taxis: | |
| (a) Engine size not exceeding 159 kilowatts | 1.50 per kilowatt |
| (b) Engine size exceeding 159 kilowatts but not exceeding 179 kilowatts | 3.00 per kilowatt |
| (c) Engine size exceeding 179 kilowatts but not exceeding 199 kilowatts | 6.00 per kilowatt |
| (d) Engine size exceeding 199 kilowatts but not exceeding 249 kilowatts | 15.75 per kilowatt |
| ... | |
| (e) Engine size exceeding 249 kilowatts but not exceeding 299 kilowatts | 18.75 per kilowatt |
| (f) Engine size exceeding 299 kilowatts but not exceeding 349 kilowatts | 22.50 per kilowatt |
| (g) Engine size exceeding 349 kilowatts | 33.75 per kilowatt |
| (3) Maxi-Taxis: | |
| (a) Engine size not exceeding 249 kilowatts | 6.00 per kilowatt |
| (b) Engine size exceeding 249 kilowatts | 8.00 per kilowatt |
| (4) Goods Vehicles | 2.50 per kilowatt |
| (5) Tractors: | |
| (a) Agricultural tractors | 1.00 per kilowatt |
| ... | |
| (b) Industrial tractors | 1.00 per kilowatt |
| | |

| | |
|--|----------------------------|
| (6) Private School Bus: | |
| (a) Engine size not exceeding 249 kilowatts | 6.00 per kilowatt |
| (b) Engine size exceeding 249 kilowatts | 8.00 per kilowatt |
| (7) Omni Bus: | |
| (a) Engine size not exceeding 249 kilowatts | 6.00 per kilowatt |
| (b) Engine size exceeding 249 kilowatts | 8.00 per kilowatt”. |

PART II
RELIEF FOR CITIZENS RETURNING FROM ABROAD

1. (a) A returning national of Trinidad and Tobago who returns to Trinidad and Tobago to reside permanently after residing abroad for a continuous period of not less than five years shall, where he imports a motor vehicle of a class or description set out at item 1(1) in Part I of this Appendix, be entitled to relief from motor vehicles tax as follows:
 - (i) where he is the registered owner of the vehicle for more than six months but not more than one year, 25 per cent of the tax payable;
 - (ii) where he is the registered owner of the vehicle for more than one year but not more than two years, 50 per cent of the tax payable;
 - (iii) where he is the registered owner of the vehicle for more than two years, 90 per cent of the tax payable,

except that where there is a transfer of ownership of the motor vehicle within two years of the date of its importation into Trinidad and Tobago, there shall become immediately due and payable by the transferor, motor vehicles tax in an amount equal to the amount of relief granted.
- (b) A person seeking relief from motor vehicles tax shall satisfy the Board of Inland Revenue
 - (i) that he is the registered owner of the motor vehicle in respect of which he is required to pay motor vehicles tax;
 - (ii) that he acquired the motor vehicle while abroad and was the owner of that vehicle for the entire period on which his claim for relief from motor vehicles tax is based.

APPENDIX B

RATE OF REBATE OF MOTOR VEHICLES TAX

Paragraph 2

(1) Where the local value added is 35 per cent or more but does not exceed 45 per cent the rebate shall be -

- (a) in the case of motor cars with an engine rating of under 1,500 cm³, 15 per cent of the motor vehicles tax;
- (b) in the case of motor cars with an engine rating of 1,500 cm³ and over but under 1,800 cm³, 10 per cent of the motor vehicles tax;
- (c) in the case of motor cars with an engine rating of 1,800 cm³ and over but under 2,500 cm³, 5 per cent of the motor vehicles tax.

(2) Where the local value added exceeds 45 per cent the rebate shall be—

- (a) in the case of motor cars with an engine rating of under 1,500 cm³, 20 per cent of the motor vehicles tax;
- (b) in the case of motor cars with an engine rating of 1,500 cm³ and over but under 1,800 cm³, 15 per cent of the motor vehicles tax;
- (c) in the case of motor cars with an engine rating of 1,800 cm³ and over but under 2,500 cm³, 10 per cent of the motor vehicles tax.

APPENDIX C

EXPENSES FOR DETERMINING LOCAL VALUE ADDED

Paragraph 3

(1) The expenses to be computed in determining the local value added are as follows:

- (a) wages and other earnings of wage labour paid, excluding overtime earnings, and wages and other earnings of wage labour paid to non-nationals;
- (b) salaries and other earnings of salaried staff and management fees paid, not including salaries and other earnings of salaried staff and management fees paid to non-nationals and to non-resident principals of resident companies;
- (c) any interest paid, not being interest paid to non-nationals and to non-resident principals of resident companies;
- (d) normal depreciation on physical assets, other than imported assets, as shown in the books of account;
- (e) payments for patents, royalties, licences and similar charges, not including payments for patents, royalties, licences and similar charges made to non-nationals and to non-resident principals of resident companies;
- (f) rent paid, not including rent paid to non-nationals and to non-resident principals of resident companies;
- (g) the cost of raw materials (including components and fuel power) other than imported raw materials, used in productions;

- (h) other overhead expenses apportionable to production, not including similar expenses incurred to non-nationals and to non-resident principals of resident companies; and
- (i) plant profit, not including profits distributed or remitted directly or indirectly to non-nationals and to non-resident principals of resident companies.

(2) In this Appendix -

“Caribbean Common Market”, “Common Market Origin” and “Member State” have the same meanings respectively as in the Customs Act, Chap. 78:01.

“imported” means imported from outside the Caribbean Common Market or imported from the Caribbean Common Market but not qualifying for treatment as goods of Common Market Origin;

“non-national” means a person who is not a citizen of a Member State and includes a person whose connection with such a State does not entitle him to be regarded as belonging to, or being a native or resident of the State for the purposes of the laws relating to immigration for the time being in force;

“non-resident principal” means a person (including a company) who is not resident in a Member State;

“resident company” means a company incorporated in a Member State and not controlled directly or indirectly by a person (including a company), who is not resident in a Member State.

EIGHT SCHEDULE

[Section 100(1)]

PARTICULARS OF VEHICLES TRANSFER TAX

| | \$ | ¢ |
|---|---------|---|
| (a) Used vehicles (other than motor cycles) over ten years old ... | 100.00 | |
| (b) Used vehicles (other than motor cycles) over seven years old, but not more than ten years old | 1350.00 | |

| | |
|--|---------|
| (c) Used vehicles (other than motor cycles) over five years old but not more than seven years | 3000.00 |
| (d) Used vehicles (other than motor cycles) over two years old but not more than five years old | 4500.00 |
| (e) Used vehicles (other than motor cycles) two years old and under ... | 6000.00 |
| (f) Used motor cycles not exceeding 250 cc | 100.00 |
| (g) Used motor cycles exceeding 250 cc ... | 200.00 |

NINTH SCHEDULE

[Section 202]

SPEED LIMIT

| Class or Description of Vehicle | Maximum Speed kilometres per hour | |
|--|--------------------------------------|------------------------------|
| | Outside a Built-up Area | Within a Built-up Area |
| (a) Tractor (except a commercial vehicle or private motor vehicle with or without trailer) | 35 | 20 |
| (b) Motor omnibus | 65 | 50 |
| (c) Vehicles constructed to carry more than ten passengers ... | 65 | 50 |
| (d) Commercial vehicle the licensed M.G.W. of which exceeds 2540 kilograms with trailer ... | 65 | 50 |
| (e) Commercial vehicle the licensed M.G.W. of which does not exceed 2540 kilograms with trailer | 65 | 50 |

| | | |
|---|----|----|
| (f) Private motor vehicle with trailer | 65 | 50 |
| (g) Any other vehicle | 80 | 50 |

TENTH SCHEDULE

[Section 208(1)]

SCOPE OF EXPERIMENTAL TRAFFIC REGULATIONS

THAT MAY BE MADE BY THE COMMISSIONER OF POLICE

1. For prescribing the routes to be followed by all classes of traffic, or by any particular class or classes of traffic or vehicles, from one specified point to another, either generally or between any specified times.
2. For prescribing streets which are not to be used for traffic by vehicles, or by vehicles of any specified class or classes, either generally or at specified times.
3. For regulating the relative position in the roadway of traffic of differing speeds or types.
4. For prescribing the places where vehicle or vehicles of any particular class or description may not turn so as to face in the opposite direction to that in which they were proceeding, or where they may only so turn under conditions prescribed by the Regulations.
5. For prescribing the conditions subject to which, and the times at which, articles may be loaded on to or unloaded from vehicles of any particular class or description, on streets.

6. For prescribing the conditions subject to which, and the times at which, vehicles of any particular class or description, delivering or collecting goods or merchandise, or delivering goods or merchandise of any particular class or classes, may stand in streets, or in streets of any class or description, or in specified streets.

7. For prescribing rules as to precedence to be observed as between vehicles proceeding in the same direction, in opposite directions, or when crossing.

8. For prescribing places in streets where vehicles, or vehicles of any particular class or description may, or may not, wait either generally or at particular times.

9. For prescribing cab ranks and ranks and stopping places of omnibuses and public conveyances.

ELEVENTH SCHEDULE

[Section 212]

PARTICULARS OF THE SUMS REQUIRED TO BE PAID TO THE COMMISSIONER OF POLICE FOR ILLEGAL PARKING

| Particulars | \$ |
|---------------------------|--------|
| Removal Charge | 300.00 |
| Custody of Vehicle | 200.00 |

Passed in the House of Representatives this 20th day of March, 2015.

Clerk of the House

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the House of Representatives and at the final vote thereon in the House has been supported by the votes of not less than three-fifths of all members of the House that is to say by the votes of 26 members of the House.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of 2015

Clerk of the Senate

IT IS HEREBY CERTIFIED that this Act is one the Bill for which has been passed in the Senate and at the final vote thereon in the Senate has been supported by the votes of not less than three-fifths of all members of the Senate that is to say by the votes of members of the Senate.

Clerk of the Senate

I confirm the above.

President of the Senate