

**THE MOTOR VEHICLES AND ROAD TRAFFIC
(AMENDMENT) 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 is to amend the Motor Vehicles and Road Traffic Act, Chap. 48:50 and thereby authorize the use of speed detection devices by police officers and Special Reserve Officers for the purposes of measuring the speed at which a person is driving a motor vehicle and to provide for the admissibility of evidence in connection with the use of such devices.

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ARRANGEMENT OF CLAUSES

Clause

1. Short title
2. Interpretation
3. Section 62 amended
4. Section 62A inserted
5. Section 66 amended

A BILL

An Act to amend the Motor Vehicles and Road Traffic Act,
Chap 48:50

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

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

2. In this Act, “the Act” means the Motor Vehicles and Road Traffic Act. Interpretation
Chap. 48:50

3. Section 62 of the Act is amended- Section 62
amended

(a) by repealing subsection (6) and substituting the following subsections:

“(6) A constable may use a speed measuring device for the purposes of measuring the speed at which a person is driving a motor vehicle.

(6A) The Minister shall, by Order, approve the speed measuring devices which may be used for the purposes of subsection (6).

(6B) 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.

(6C) A constable shall, after complying with subsection (6B), record in a log book for that purpose, an entry stating that he has complied with subsection (6B).

(6D) 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.

(6E) Where a motor vehicle is stopped pursuant to subsection (6D), a constable shall

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- (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);
- (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) 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
 - (iii) is signed by the constable who operated the device.

(6F) In proceedings for an offence under subsection (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 (6A);
- (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 (6B),

is admissible and is *prima facie* evidence of the particulars certified in and by the certificate.

(6G) In proceedings for an offence under subsection (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.

(6H) In proceedings for an offence under subsection (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.

(6I) In proceedings for an offence under subsection (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.

(6J) In proceedings for an offence under subsection (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, not less than seven days before the date of the first hearing, been served on the accused.”; and

- (b) in subsection (8), by inserting –

(i) after the words “this section”, the words “and section 62A”; and

(ii) in the appropriate alphabetical order, the following definitions:

“constable” means –

Chap. 15:01

(a) a police officer as defined in section 3 of the Police Service Act; or

Chap. 15:03

(b) a member of the Special Reserve Police established under the Special Reserve Police Act.

“speed measuring device” means a device designed to measure the speed at which a person is driving a motor vehicle.”.

Section 62A
inserted

4. The Act is amended by inserting after section 62, the following section:

“Prohibition on devices designed to detect speed measuring devices

62A.(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.”.

Section 66
amended

5. Section 66 of the Act is amended by inserting after the words “four thousand dollars” the words “and imprisonment for twelve months”.

Passed in the House of Representative this day of , 2014.

Clerk of the House

I confirm the above.

Speaker

Passed in the Senate this day of , 2014.

Clerk of the Senate

I confirm the above.

President of the Senate